



CITY OF STANTON
STANTON CITY HALL, 7800 KATELLA AVENUE, STANTON, CA

PLANNING COMMISSION REGULAR MEETING

WEDNESDAY, MAY 6, 2020, 6:30 P.M.

AGENDA

SAFETY ALERT – NOTICE REGARDING COVID-19

The President, Governor, and the City of Stanton have declared a State of Emergency as a result of the threat of COVID-19 (aka the "Coronavirus"). The Governor also issued Executive Order N-25-20 that directs Californians to follow public health directives including cancelling all large gatherings. Governor Newsom also issued Executive Order N-29-20 which lifts the strict adherence to the Brown Act regarding teleconferencing requirements and allows local legislative bodies to hold their meetings without complying with the normal requirements of in-person public participation. Pursuant to the provisions of the Governor's Executive Orders N-25-20 and N-29-20 the May 6, 2020, Regular Planning Commission Meeting will be held telephonically.

The health and well-being of our residents is the top priority for the City of Stanton and you are urged to take all appropriate health safety precautions. To that end, out of an abundance of caution the City of Stanton is eliminating in-person public participation. Members of the public wishing to access the meeting will be able to do so telephonically.

In order to join the meeting via telephone please follow the steps below:

1. Dial the following phone number +1 (669) 900-9128 US (San Jose).
2. Dial in the following **Meeting ID: (834 9126 6852#)** to be connected to the meeting.

ANY MEMBER OF THE PUBLIC WISHING TO PROVIDE PUBLIC COMMENT ON PUBLIC HEARING ITEMS 7A AND 7B ON THE AGENDA MAY DO SO AS FOLLOWS:

- E-mail a request to speak to CommunityDevelopment@ci.stanton.ca.us no later than 5:00 p.m. before the meeting (*Wednesday, May 6, 2020*) and, at the time of the requested public hearing item, the Clerk will place a phone call to the commenter and allow them to speak to the Commission via speaker phone during the live meeting. Please indicate the Agenda Item you wish to address and provide your name and phone number in your e-mail.
- E-Mail Comments: Your e-mailed comments will be compiled and provided to the Commission. Staff will not read e-mail comments out loud during the meeting but the official record will include all e-mail comments received by 5:00 p.m. before the meeting (*Wednesday, May 6, 2020*).

ANY MEMBER OF THE PUBLIC WISHING TO PROVIDE PUBLIC COMMENT FOR ALL OTHER ITEMS ON THE AGENDA MAY DO SO AS FOLLOWS:

E-Mail your comments to CommunityDevelopment@ci.stanton.ca.us no later than 5:00 p.m. before the meeting (*Wednesday, May 6, 2020*). Please identify the Agenda item you wish to address in your comments. Your comments will be read into the record.

The Stanton Planning Commission and staff thank you for your continued patience and cooperation during these unprecedented times. Should you have any questions related to participation in the Planning Commission Meeting, please contact the Community Development Department at (714) 943-1959.

In compliance with the American Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Community Development Department at (714) 379-9222. Notification by noon on the Monday prior to the Commission meeting will enable the City to make the reasonable arrangements to assure accessibility to this meeting.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Chair Frazier
Vice Chair Grand
Commissioner Marques
Commissioner Moua
Commissioner Ash

4. **SPECIAL PRESENTATION**

None.

5. **APPROVAL OF MINUTES**

The Planning Commission approve minutes of Regular Meetings:

- Pg. 5 • November 6, 2019
- Pg. 11 • November 20, 2019
- Pg. 16 • February 5, 2020
- Pg. 22 • March 4, 2020

6. **PUBLIC COMMENTS**

At this time members of the public may address the Planning Commission regarding any items within the subject matter jurisdiction of the Planning Commission, for a maximum of three (3) minutes, provided that **NO** action may be taken on non-agenda items.

- Members of the public wishing to address the Planning Commission during Public Comments or on a particular item may do so by submitting their comments via e-mail to CommunityDevelopment@ci.stanton.ca.us with the subject line "PUBLIC COMMENT ITEM #" (insert the item number relevant to your comment) or "PUBLIC COMMENT NON-AGENDA ITEM". Comments received by 5:00 p.m. before the meeting (Wednesday, May 6 2020) will be compiled, provided to the Planning Commission and will be read into the record.

7. PUBLIC HEARINGS

ANY MEMBER OF THE PUBLIC WISHING TO PROVIDE PUBLIC COMMENT ON PUBLIC HEARING ITEMS 7A AND 7B ON THE AGENDA MAY DO SO AS FOLLOWS:

- E-mail a request to speak to CommunityDevelopment@ci.stanton.ca.us no later than 5:00 p.m. before the meeting (*Wednesday, May 6, 2020*) and, at the time of the requested public hearing item, the Clerk will place a phone call to the commenter and allow them to speak to the Commission via speaker phone during the live meeting. Please indicate the Agenda Item you wish to address and provide your name and phone number in your e-mail.
- E-Mail Comments: Your e-mailed comments will be compiled and provided to the Commission. Staff will not read e-mail comments out loud during the meeting but the official record will include all e-mail comments received by 5:00 p.m. before the meeting (*Wednesday, May 6, 2020*).

Pg. 30 **7A. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF STANTON CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AC220-01 AN ORDINANCE TO AMEND REGULATIONS AND ZONING STANDARDS RELATING TO COMMERCIAL CANNABIS BUSINESSES CHAPTER 5.77 (COMMERCIAL CANNABIS BUSINESSES) AND TITLE 20 (ZONING) OF THE STANTON MUNICIPAL CODE AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA.**

RECOMMENDED ACTION

That the Planning Commission:

- Conduct a public hearing; and
- Adopt Resolution No. 2503 Entitled:
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF STANTON CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AZC20-01 AN ORDINANCE TO AMEND REGULATIONS AND ZONING STANDARDS RELATING TO COMMERCIAL CANNABIS BUSINESSES AMENDING CHAPTER 5.77 (COMMERCIAL CANNABIS BUSINESSES) AND TITLE 20 (ZONING) OF THE STANTON MUNICIPAL CODE AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA.

- Pg. 56 **7B. PUBLIC HEARING TO CONSIDER MINOR CONDITIONAL USE PERMIT (MUP20-01) AND SITE PLAN AND DESIGN REVIEW (SPDR-799) TO DEMOLISH AN EXISTING CONVENIENCE STORE AND CONSTRUCT A NEW 2,200 SQUARE-FOOT CONVENIENCE STORE LOCATED AT 8221 GARDEN GROVE BOULEVARD, IN THE COMMERCIAL GENERAL (CG) ZONE.**

RECOMMENDED ACTION

That the Planning Commission:

- Conduct a public hearing; and
- Adopt Resolution No. 2508 approving Minor Conditional Use Permit (MUP20-01) and Site Plan and Design Review (SPDR-799) and find that the project is categorically exempt per California Environmental Quality Act, Public Resource Code Section 15302, Class 2 (Replacement or Reconstruction).

8. NEW BUSINESS

None.

9. OLD BUSINESS

None.

10. PLANNING COMMISSION COMMENTS

At this time Commissioners may report on items not specifically described in the agenda which are of interest to the Commission 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.

11. PLANNER'S REPORT

12. 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 30th day of April, 2020.



Amy Stonich, AICP
City Planner

DRAFT
MINUTES OF THE PLANNING COMMISSION OF THE CITY OF STANTON
REGULAR MEETING
WEDNESDAY, NOVEMBER 6, 2019

1. CALL TO ORDER

The members of the Planning Commission of the City of Stanton met in regular session in the City Council Chambers at 6:30 p.m., Chairperson Ash presiding.

2. PLEDGE OF ALLEGIANCE

Led by Commissioner Moua.

3. ROLL CALL

Present: Chairperson Ash, Commissioner Moua, Commissioner Grand.

Absent: Vice Chairman Frazier, Commissioner Marques.

Excused: None.

Also Present: Contract City Planner Amy Stonich and Senior Planner Rose Rivera

4. SPECIAL PRESENTATION

None.

5. APPROVAL OF MINUTES

The Planning Commission approved minutes for the Regular Meeting of April 3, 2019.

Motion/Second: Moua/Ash

Motion passed unanimously by the following vote:

AYES: Moua, Ash, Grand

NOES: None

ABSTAIN: None

ABSENT: Frazier, Marques

6. PUBLIC COMMENTS

None.

7. PUBLIC HEARINGS

7A. PUBLIC HEARING TO CONSIDER PRECISE PLAN DEVELOPMENT PPD-797, TENTATIVE TRACT MAP TM19-02 AND PLANNED DEVELOPMENT PERMIT PDP19-01 TO SUBDIVIDE A 17,500 SQUARE FOOT SITE FOR THE CONSTRUCTION OF SIX TOWNHOME UNITS, A PRIVATE DRIVEWAY, AND COMMON OPEN SPACE FOR THE PROPERTY LOCATED AT 7320 KATELLA AVENUE, IN THE HIGH DENSITY RESIDENTIAL (RH) ZONE.

Senior Planner Rose Rivera presented the project. She noted that the 17,500 square foot parcel currently houses a single-family residence and the Applicant is proposing to demolish the residence in order to develop two buildings consisting of six townhomes requiring an application for a tentative parcel map, a precise plan of development, and a planned development permit.

Senior Planner Rivera stated that the property is in the high-density residential zone and carries a General Plan designation of high-density residential. Surrounding zoning and uses include a mobile home park to the north in the medium density residential zone, a condominium subdivision to the west and south in the high-density residential zone, and a Motel 6 to the east in the commercial neighborhood zone.

She provided a picture of the subject site and also of the surrounding uses.

Senior Planner Rivera outlined the proposed site plan and indicated the project site would have access to Katella Avenue from the common drive aisle which would provide access to all six units. She noted that the Zoning Code requires that each two-bedroom home provide three parking spaces, and one guest parking space is required for every three dwelling units.

Due to this requirement, the Applicant is proposing a two-car garage with one additional parking space adjacent to each garage per unit. She noted the required two guest parking spaces are located adjacent to the open space area at the rear of the development.

Senior Planner Rivera noted that sufficient common and private open space is provided for each unit, the Zoning Code requires a minimum of 250 square feet of private open space for each residence which the applicant is providing for through a private yard and a balcony for each unit. The Zoning Code also requires 5% of the total site to be usable active and passive open space. In this case, 875 square feet is required for the proposed development and the applicant is providing 933 square feet of common open space.

Senior Planner Rivera also outlined the proposed floor plan and noted that the six units consist of three stories. The first floor consists of a main entry, bathroom, loft, garage and private yard whereas the second-floor consists of a living room, dining room, powder room, laundry space, and kitchen. Finally, the third-floor contains a master bedroom and master bathroom, a second bedroom, bathroom, and a den.

Senior Planner Rivera provided a snapshot of the elevations and stated that the proposed units feature modern architecture with an earth tone palette and elevations are enhanced with wall offsets, significant vertical and horizontal articulation and special architectural elements and materials. She stated each unit would provide a private outdoor fenced

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yard/patio and two balconies on the third-floor level; she stated that the balconies face inward to the development. She also outlined the height limitations and details of the two buildings.

Senior Planner Rivera noted for the Commission that as part of the proposal, the Applicant is requesting a Planned Development Permit which would allow for greater flexibility from the Zoning Code in order to provide a high-quality development. She confirmed that the project meets the Planned Development Permit requirements by providing high quality architecture and enhanced landscape and open space elements. The Applicant is requesting to allow for modified setbacks and separation distance between the two buildings. The modifications requested are a 12 foot sideyard setback where the code requires a 15 foot setback and a separation distance between buildings of 25 feet instead of the 30 feet.

Senior Planner Rivera stated that City staff has reviewed the proposed project and has determined that based on environmental assessment, the project has been determined to be categorically exempt for an infill development.

As such, Senior Planner Rivera indicated the recommended action was that the Commission conduct a public hearing, declare that the effects of the proposed project are categorically exempt from the requirements to prepare additional environmental documentation per California Environmental Quality Act (CEQA) Guidelines, Section 15332, Class 32 (In-fill Development Projects), that the Commission adopt Resolution No. 2498 approving Precise Plan of Development PPD-797, adopt Resolution No. 2499 approving Tentative Map TM19-02, and adopt Resolution No. 2500 approving Planned Development Permit PDP19-01. She noted the Applicant is in attendance to answer any questions.

Chair Ash asked regarding the parking report which outlined the requirements. She confirmed whether there would be six off-street parking spaces provided.

Senior Planner Rivera clarified there would be a total of twenty off-street parking spaces provided.

Chair Ash opened the floor a public hearing on the project.

A neighboring resident [NAME AND ADDRESS WERE UNINTELLIGIBLE] spoke in opposition of the project due to on-street parking concerns and impacts of construction.

The Developer spoke during public comment. [PORTIONS OF HIS COMMENTS WERE UNINTELLIGIBLE]. He spoke of the history of the site and the existing condition of the property, and the impact the project would have on the site.

Commissioner Grand asked regarding the time frame of the project.

The Developer spoke about the entitlement process and the length of time that takes. Then a few months for the actual architectural plan design and acquiring permits. He also spoke about the tenants who are currently occupying the property and how they have been working and communicating with them.

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Commissioner Moua asked about the proposed wall height and the noise during construction.

The Developer answered the wall height is six feet throughout and noted they would comply with every requirement.

Chair Ash commented that what the developer can and cannot do is very explicit and that the Stanton Municipal Code is very specific about requirements to minimize the negative impacts of construction to the surrounding properties.

Chair Ash closed the public hearing.

Commissioner Grand asked to see the site plan again and asked some questions regarding parking.

Senior Planner Rivera noted that might have been an earlier rendition of the site plan.

Chair Ash described the way in which the Commission considers new projects and makes decisions based on staff's recommendations and regulations of the Stanton Municipal Code.

Commissioner Grand also asked regarding the construction and timing requirements.

Senior Planner Rivera clarified that the standards condition is that no construction can begin before 8 a.m.

Motion/Second: Grand/Moua

Motion passed by the following vote:

AYES:	Moua, Ash, Grand
NOES:	None
ABSTAIN:	None
ABSENT:	Frazier, Marques.

ACTION TAKEN:

The Planning Commission conducted a public hearing; found that the effects of the proposed project are Categorically Exempt from the requirements to prepare additional environmental documentation per California Environmental Quality Act (CEQA) Guidelines, Section 15332, Class 32 (In-fill Development Projects); adopted Resolution No. 2498 approving Precise Plan of Development PPD-797; adopted Resolution No. 2499 approving Tentative Map TM19-02; and adopted Resolution No. 2500 approving Planned Development Permit PDP19-01.

Chair Ash announced the 10-day period during which the Planning Commission's decision on this matter may be appealed to the City Council via written appeal submitted to the City Clerk's Office.

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- 7B. PUBLIC HEARING TO CONSIDER PRECISE PLAN DEVELOPMENT PPD-796, TENTATIVE PARCEL MAP TM19-01 AND VARIANCE V19-01 TO SUBDIVIDE A 0.51 ACRE SITE FOR THE DEVELOPMENT OF A HOUSING SUBDIVISION CONSISTING OF THE CONSTRUCTION OF FOUR CONDOMINIUM UNITS, A PRIVATE DRIVEWAY, COMMON OPEN SPACE AND A VARIANCE FOR THE REDUCTION OF THE MINIMUM PRIVATE DRIVEWAY LENGTH FOR THE PROPERTY LOCATED AT 7162 KERMORE LANE IN THE MEDIUM DENSITY RESIDENTIAL (RM) ZONE**

Chair Ash would need to recuse herself for this item due to her proximity to the project and there weren't enough members of the Commission to reach quorum.

A motion was made to continue Agenda Item No. 7B to the next Planning Commission meeting on November 20, 2019.

Motion/Second: Grand/Moua

Motion passed unanimously by the following vote:

AYES:	Moua, Ash, Grand
NOES:	None
ABSTAIN:	None
ABSENT:	Frazier, Marques

8. NEW BUSINESS

None.

9. OLD BUSINESS

None.

10. PLANNING COMMISSION COMMENTS

None.

11. PLANNER'S REPORT

City Planner Amy Stonich noted that Kelly Hart had put tours together in the past and invited the Planning Commission to join Staff for a walking tour for the Active Transportation Plan, which will be open to the public.

Chair Ash welcomed City Planner Amy Stonich to the department.

12. **ADJOURNMENT**

Commission adjourned at 7:20 p.m.

Amy Stonich, AICP
Contract City Planner

DRAFT
MINUTES OF THE PLANNING COMMISSION OF THE CITY OF STANTON
REGULAR MEETING
WEDNESDAY, NOVEMBER 20, 2019

1. CALL TO ORDER

The members of the Planning Commission of the City of Stanton met in regular session in the City Council Chambers at 6:34 p.m., Vice Chairman Frazier presiding.

2. PLEDGE OF ALLEGIANCE

Led by Commissioner Moua.

3. ROLL CALL

Present: Vice Chairman Frazier, Commissioner Marques, Commissioner Moua, Commissioner Grand.

Absent: Chairperson Ash.

Excused: None.

Also Present: Contract City Planner Amy Stonich and Senior Planner Rose Rivera

4. SPECIAL PRESENTATION

None.

5. APPROVAL OF MINUTES

None.

6. PUBLIC COMMENTS

None.

7. PUBLIC HEARING

7A. CONTINUED PUBLIC HEARING TO CONSIDER PRECISE PLAN DEVELOPMENT PPD-796, TENTATIVE PARCEL MAP TM19-01 AND VARIANCE V19-01 TO SUBDIVIDE A 0.51 ACRE SITE FOR THE DEVELOPMENT OF A HOUSING SUBDIVISION CONSISTING OF THE CONSTRUCTION OF FOUR CONDOMINIUM UNITS, A PRIVATE DRIVEWAY, COMMON OPEN SPACE AND A VARIANCE FOR THE REDUCTION OF THE MINIMUM PRIVATE DRIVEWAY LENGTH FOR THE PROPERTY LOCATED AT 7162 KERMORE LANE IN THE MEDIUM DENSITY RESIDENTIAL (RM) ZONE.

City Planner Amy Stonich introduced the item and invited Senior Planner Rose Rivera to
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**THESE MINUTES ARE ISSUED FOR INFORMATION ONLY AND ARE SUBJECT TO
AMENDMENT AND APPROVAL AT NEXT MEETING**

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further present the item. Senior Planner Rivera introduced stated the Applicant is proposing to construct a residential subdivision on an existing .51-acre site that previously housed a dilapidated single-family dwelling but has recently been demolished due to code enforcement issues. She noted the proposed project would consist of the construction of four new residential townhome units and associated site improvements and an application for a precise plan of development, a tentative parcel map and a variance are proposed.

Senior Planner Rivera stated the project site is located on the south side of Kermore Lane between Knott Avenue and Lowden Street. She stated the site is in the (RM) Medium Density Residential Zone and carries a General Plan designation of Medium Density Residential. Surrounding zoning includes the Medium Density Residential Zone to the east, west and north, and Single-Family Residential to the south.

Senior Planner Rivera depicted images of the surrounding properties and noted to the north and south of the site, there are single-family residences. The Harmony subdivision is to the east and west.

Senior Planner Rivera showed the Commission the proposed site plan and noted the project site would have access to Kermore Lane from one common driveway along the eastern property line. She noted the Stanton Municipal Code requires that driveways serving ten or less dwelling units be a minimum of twenty-five feet in width for two-way traffic when adjacent to garages in order to accommodate vehicle maneuvering. In order to meet this requirement, the Applicant is requesting a variance to allow for a ten-inch reduction in the private driveway length due to the narrowness of the lot. This reduction would not create a hindrance as it would still maintain the minimum dimension standards required to safely perform vehicle maneuvers.

Senior Planner Rivera discussed that in regards to parking, the Stanton Municipal Code requires a three to four (3-4) bedroom dwelling to provide four parking spaces. In addition, one guest parking space is required for every three dwelling units. She noted the Applicant would meet this parking requirement by providing a two-car garage in addition to two parking spaces on the driveway of each unit. The required two guest parking spaces are also provided for the project.

Senior Planner Rivera continued that both private and common open space areas are provided for each unit. She noted the Zoning Code requires five percent of the total site to be usable open space therefore, 1,103 square feet of open space is required for the proposed development. She explained that the Applicant has provided 1,171 square foot private park between units three and four and would include extensive landscaping. She indicated private open space would also be provided for each unit ranging from 567 to 1,312 square feet.

Senior Planner Rivera also demonstrated the floor plan and noted the proposed project includes three floor plan options with similar layouts. She outlined the various layouts of each floor plan option.

Senior Planner Rivera displayed a snapshot of the proposed elevations and noted the elevations feature earth tone stucco and tile roofing. She stated the homes would provide

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architectural enhancements such as shutters. Staff has worked with the Applicant to ensure that the proposed development provided an enhanced appearance and neighborhood atmosphere along Kermore Lane. To accomplish this, Lot 1 has been oriented towards Kermore Lane, and has been enhanced with the front entry porch that also faces towards Kermore Lane.

Senior Planner Rivera confirmed City staff has reviewed the proposed project and has determined that based on environmental assessment, the project has been determined to be categorically exempt for an infill development.

Senior Planner Rivera stated the recommended action was that the Commission conduct a public hearing, declare that the project is categorically exempt per the California Environmental Quality Act (CEQA), under Section 15332, Class 32 (In-Fill Development Projects); adopt Resolution Number 2495 approving Precise Plan of Development PPD-796; adopt Resolution Number 2496 approving Tentative Parcel Map TM19-01; and adopt Resolution Number 2497 approving Variance V19-01.

Senior Planner Rivera concluded her presentation and stated that the Applicant is present to answer and questions.

Commissioner Marques confirmed the variance numbers for the project were assigned correctly.

Commissioner Grand had questions regarding the driveway and whether it is twenty-five feet in width and whether the Fire Department approved that width.

Senior Planner Rivera stated that the Orange County Fire Authority (OCFA) reviewed the project and provided their comments. OCFA provided their particular conditions of approval, and the Applicant would be required to submit the plans to OCFA for approval prior to construction.

Commissioner Marques stated a correction needed to be noted regarding the variance requested for the width of the driveway, not the length.

Senior Planner Rivera discussed the width and length of the driveway. She explained a variance is requested for the private driveways.

Commissioner Moua asked regarding the capacity of the sewer system and if it will be able to support all the additional dwellings.

Senior Planner Rivera stated the City Engineer reviewed the plans and the adequacy for the sewer. She stated the City Engineer has provided conditions of approval for the project.

Vice Chairman Frazier inquired regarding guest parking spaces and ADA compliance.

Senior Planner Rivera responded that if the Applicant needs to provide ADA compliant parking spaces, the building plan checker would note that during the building plan check process.

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Vice Chairman Frazier opened the floor a public hearing on the project.

Ms. Kimberly Miller, resident at 7171 Kermore Avenue, expressed her concerns whether the new home-buyers are aware there are two dog boarding kennels across the street from the development. She asked they be made aware.

Commissioner Grand stated she read in the report that it will be disclosed.

Senior Planner Rivera affirmed it is a condition of approval that the CC&R's disclose that information.

Vice Chairman Frazier closed the public hearing.

Commissioner Grand asked regarding the requirements for approval pertaining to solar-ready residences and charging stations.

City Planner Stonich clarified that this is a building code requirement in beginning in 2020.

Vice Chairman Frazier explained that since these are private residences, if they were to install charging stations they would have to be within the garage, not accessible to the public.

Motion/Second: Marques/Grand

Motion passed by the following vote:

AYES:	Moua, Grand, Frazier, Marques.
NOES:	None
ABSTAIN:	None
ABSENT:	Ash

ACTION TAKEN:

The Planning Commission conducted a public hearing; declared that the project is categorically exempt per the California Environmental Quality Act (CEQA), under Section 15332, Class 32 (In-Fill Development Projects); adopted Resolution No. 2495 approving Precise Plan of Development PPD-796; adopted Resolution No. 2496 approving Tentative Parcel Map TM19-01; and adopted Resolution No. 2497 approving Variance V19-01.

Vice Chairman Frazier announced the 10-day period during which the Planning Commission's decision on this matter may be appealed to the City Council via written appeal submitted to the City Clerk's Office.

8. NEW BUSINESS

None.

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9. OLD BUSINESS

None.

10. PLANNING COMMISSION COMMENTS

Commissioner Grand asked whether there would be a meeting in December.

City Planner Stonich responded there are no items on the schedule.

Commissioner Grand reminded everyone of the upcoming Tree Lighting Ceremony on December 5, 2019.

Commissioner Moua wished everyone a Happy Thanksgiving.

Commissioner Marques wished everyone Happy Holidays and welcomed Ms. Stonich to the City and commended Ms. Rivera for stepping in to the lead.

Vice Chairman Frazier thanked everyone for being present.

11. PLANNER'S REPORT

None.

12. ADJOURNMENT

Commission adjourned at 7:06 p.m.

Amy Stonich, AICP
Contract City Planner

DRAFT
MINUTES OF THE PLANNING COMMISSION OF THE CITY OF STANTON
REGULAR MEETING
WEDNESDAY, FEBRUARY 5, 2020

1. CALL TO ORDER

The members of the Planning Commission of the City of Stanton met in regular session in the City Council Chambers at 6:31 p.m., Chairperson Frazier presiding.

2. PLEDGE OF ALLEGIANCE

Led by Vice Chair Grand.

3. ROLL CALL

Present: Chair Frazier, Vice Chair Grand, Commissioner Moua, Commissioner Ash

Absent: Commissioner Marques

Excused: None

Also Present: Contract City Planner Amy Stonich and Senior Planner Rose Rivera

4. SPECIAL PRESENTATION

None.

5. APPROVAL OF MINUTES

The Planning Commission approved minutes for the Regular Meeting of May 15, 2019.

Motion/Second: Moua/Frazier

Motion passed by the following vote:

AYES: Frazier, Moua, Grand

NOES: None

ABSTAIN: Ash

ABSENT: Marques

The Planning Commission approved minutes for the Regular Meeting of June 5, 2019.

Motion/Second: Ash/Moua

Motion passed by the following vote:

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AYES: Frazier, Moua, Grand, Ash
NOES: None
ABSTAIN: None
ABSENT: Marques

6. PUBLIC COMMENTS

None.

7. PUBLIC HEARINGS

7A. PUBLIC HEARING TO CONSIDER LAND USE DETERMINATION LUD19-02 AND CONDITIONAL USE PERMIT C19-08 TO ALLOW THE OPERATION OF A VIRTUAL REALITY EXPERIENCE FACILITY FOR THE PROPERTY LOCATED AT 12799-12819 BEACH BOULEVARD IN THE CG (COMMERCIAL GENERAL) ZONE WITH A SOUTH GATEWAY MIXED USE (SGMX) OVERLAY.

Contract City Planner Amy Stonich introduced the item and invited Senior Planner Rose Rivera to further present the project.

Senior Planner Rivera noted the proposed business, Utopia Studios, is a virtual reality experience facility consisting of seventeen player stations within a 5,439 square foot suite.

Senior Planner Rivera noted the proposed hours of operation are 11:00 a.m. to 10:00 p.m. Monday through Thursday and 11:00 a.m. to 12:00 a.m. Friday through Sunday. Staff has included condition number seven in the resolution which would allow flexibility for hours of operation which are compatible with the adjacent market hall. The proposed hours are also consistent with the adjacent drive-through fast food restaurants which are permitted to operate their drive-throughs 24-hours a day.

Senior Planner Rivera provided a picture of the subject property and the site plan. She stated the business operator is proposing to consolidate three tenant spaces within the Shops-3 portion of the 22 & Beach Shopping Center, which would be located adjacent to the previously approved market hall and the Brookfield townhome development which are currently under construction.

Senior Planner Rivera discussed that the proposed virtual reality experience would feature an open floor plan consisting of seventeen player stations, some of which are multi-player games which hold up to four players and others for individual players. She noted each station contains one state-of-the-art virtual reality gaming system equipped with virtual reality goggles, which customers will pay an hourly fee to play. The applicant is also proposing to host occasional gaming tournaments where contestants would pay a fee to enter for an opportunity to win prizes.

Senior Planner Rivera provided the Planning Commission a few examples of photos of the possible VR technology provided in Utopia Studios.

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Senior Planner Rivera explained that a virtual reality experience facility is not a listed use in the Stanton Municipal Code (SMC), but the SMC allows for interpretation of a similar use. The use would be subject to a conditional use permit subject to Planning Commission approval. According to Planner Rivera, the proposed use is similar to the characteristics of “commercial recreational facilities” which is defined in the SMC as “establishments that provide amusement and entertainment services for a fee.” The SMC also lists examples of commercial recreational facilities including internet cafes, laser tag, and other entertainment-oriented facilities for indoor participation where a fee is charged for use. She stated the proposed use is located in a shopping center which was approved by the Planning Commission on March 28, 2018. As part of the original application, a parking analysis was conducted for the proposed project and was determined to have ample parking to support the entire shopping center.

Accordingly, Senior Planner Rivera stated the recommended action is that the Planning Commission conduct a public hearing, declare that the proposed Land Use Determination and Conditional Use Permit are consistent with the approved Mitigated Negative Declaration for the original project, adopt Resolution No. 2518 approving Land Use Determination LUD19-02; and adopt Resolution No. 2514 approving Conditional Use Permit C19-08.

Commissioner Ash noted this is a virtual reality facility proposed for outside of the Rodeo 39 Market.

Senior Planner Rivera responded in the affirmative and noted the arcade inside the market is more traditional.

Chair Frazier asked whether they would be serving food or drink.

Senior Planner Rivera responded that the applicant would not be serving food or drink.

Chair Frazier opened the floor for a public hearing.

Amanda Contreras, the owner of Utopia Studios, noted she also owns other similar establishments in other cities.

Commissioner Ash noted she is concerned about two virtual reality establishments being located within a few hundred feet of each other.

Ms. Contreras stated she believes the arcade does not have virtual reality.

Tom Carpenter, applicant, spoke about the various spaces at the Rodeo 39 Market and clarified the spaces are different.

Commissioner Moua asked whether the establishment would be busy.

Ms. Contreras spoke about her history starting escape rooms. She spoke about her escape room basis and her virtual reality business model. She explained how the space would be rented out to corporations, or birthday parties and schools.

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Commissioner Moua asked about the implications on parking.

Planner Rivera stated a parking analysis was done and the parking analysis reflected there was sufficient parking.

Vice Chair Grand asked whether this location would also include an escape room.

Ms. Contreras spoke about how selective she is with escape rooms. She used the floorplan slide to show how the layout would operate. She stated they were considering implementing two virtual escape rooms.

Vice Chair Grand asked about the alarm system regarding occupancy.

Ms. Contreras stated she is not sure what that requirement is about but that it has not been requested by the fire department yet. She spoke about her occupancy in the space.

Mr. Carpenter elaborated on the occupancy requirements.

Vice Chair Grand stated she understood what the requirement meant.

Commissioner Ash asked how the tournaments work and during what times.

Ms. Contreras stated people would attend during the week to practice and during the tournaments patrons would attend at their selected time and would not wait in line.

Mr. Carpenter also commented on the way the space would be used.

Laura Riney spoke about concerns with the impact on parking.

City Planner Stonich stated this issue would be considered at the February 11, 2020 City Council meeting. She stressed there is more than enough parking based on the Stanton Municipal Code.

Ms. Riney continued to speak about her concerns with parking and its impact on the residential area and street parking.

Commissioner Ash stated this would be taken to Council and these concerns could be raised then.

Ms. Riney stated she would express her concerns to the City Council on Tuesday.

Chairperson Frazier explained the Planning Commissions job was to review the application regarding meeting the parking requirements. He stated impact on parking would be minimal as opposed to other establishments like restaurants. He noted parking should be addressed to the Council.

Chair Frazier closed the public hearing.

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Commissioner Ash stated she is excited about the establishment and the new group of people it will attract.

Commissioner Moua stated the establishment will attract young people to the City.

Vice Chair Grand stated the project is exciting and fun.

Motion/Second: Ash/Grand

Motion passed unanimously by the following vote:

AYES:	Frazier, Moua, Ash, Grand
NOES:	None
ABSTAIN:	None
ABSENT:	Marques

ACTION TAKEN:

The Planning Commission conducted a public hearing; declared that the proposed Land Use Determination and Conditional Use Permit are consistent with the approved Mitigated Negative Declaration (SCH#2017101007) for the original project; adopted Resolution No. 2518 approving Land Use Determination LUD19-02; and adopted Resolution No. 2514 approving Conditional Use Permit C19-08.

8. NEW BUSINESS

None.

9. OLD BUSINESS

None.

10. PLANNING COMMISSION COMMENTS

Commissioner Ash asked about an email she received for the Form 700. She asked whether it should be delivered to the City Clerk.

Chair Frazier asked her to talk to Patricia so it could be done online.

Commissioner Ash wished all the couples a Happy Valentine's Day.

11. PLANNER'S REPORT

City Planner Amy Stonich noted there is nothing on the agenda for the February 19th meeting.

12. **ADJOURNMENT**

Commission adjourned at 7:09 p.m.

Amy Stonich, AICP
Contract City Planner

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MINUTES OF THE PLANNING COMMISSION OF THE CITY OF STANTON
REGULAR MEETING
WEDNESDAY, MARCH 4, 2020

1. CALL TO ORDER

The members of the Planning Commission of the City of Stanton met in regular session in the City Council Chambers at 6:32 p.m., Chair Frazier presiding.

2. PLEDGE OF ALLEGIANCE

Led by Chair Frazier.

3. ROLL CALL

Present: Chair Frazier, Vice Chair Grand, Commissioner Moua, Commissioner Ash, Commissioner Marques.

Absent: None.

Excused: None.

Also Present: Contract City Planner Amy Stonich

4. SPECIAL PRESENTATION

None.

5. APPROVAL OF MINUTES

The Planning Commission approved minutes for the Regular Meeting of August 7, 2019.

Motion/Second: Marques/Grand

Motion passed by the following vote:

AYES: Moua, Grand, Ash, Marques

NOES: None

ABSTAIN: Frazier

ABSENT: None

The Planning Commission approved minutes for the Regular Meeting of September 4, 2019.

Motion/Second: Ash/Marques

Motion passed by the following vote:

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AYES: Moua, Grand, Ash, Marques
NOES: None
ABSTAIN: Frazier
ABSENT: None

The Planning Commission approved minutes for the Regular Meeting of October 16, 2019.

Motion/Second: Grand/Moua

Motion passed by the following vote:

AYES: Frazier, Moua, Grand, Ash, Marques
NOES: None
ABSTAIN: None
ABSENT: None

6. PUBLIC COMMENTS

None.

7. PUBLIC HEARINGS

7A. PUBLIC HEARING TO CONSIDER PRECISE PLAN OF DEVELOPMENT (PPD)-803, TENTATIVE TRACT MAP (TM)19-04, PLANNED DEVELOPMENT PERMIT (PDP)19-03 AND DEVELOPMENT AGREEMENT (DA)19-02 TO SUBDIVIDE A 2.35 ACRE SITE FOR THE CONSTRUCTION OF 40 DETACHED CONDOMINIUM UNITS AND ASSOCIATED IMPROVEMENTS FOR THE PROPERTY LOCATED AT 10871 WESTERN AVENUE, IN THE HIGH DENSITY RESIDENTIAL (RH) ZONE.

City Planner Amy Stonich presented the project. She provided a background for the project and noted the 2.35-acre parcel currently houses the Lighthouse Community Church but the applicant is proposing to demolish the structures in order to develop 40 detached condominiums. She stated that in order to accomplish this project, an application for a tentative map, a precise plan of development, planned development permit and a development agreement are requested.

City Planner Stonich outlined the zoning and general plan of the location and noted the property is in the High-Density Residential Zone and carries a General Plan designation of High-Density Residential. She stated surrounding zoning includes the Single-Family Residential with a Low-Density General Plan designation zone to the north. She noted the High-Density residential zone and General Plan designation to the south and east, and the Medium-Density Residential Zone and General Plan designation to the west.

City Planner Stonich provided a photograph of the subject site and other photographs of surrounding properties.

She also provided the site plan and noted the project site would have access to Western Avenue from the twenty-four-foot wide common drive aisle which provides access to open

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parking spaces along the drive aisle. She stated the drive aisle also connects to four single driveways which serve as access points to the garages for each unit.

City Planner Stonich provided the floor plans depicting the total square footage of each floor plan and floor layouts. She also provided a snapshot of the proposed elevations featuring a modern architecture with an earth tone palette. She stated that elevations are enhanced with wall offsets, significant vertical and horizontal articulation and special architectural elements and materials and that each unit will be provided with a private outdoor fenced yard/patio. She confirmed the units are under the thirty-five-foot maximum height limitation.

City Planner Stonich noted the applicant is requesting a Planned Development Permit allowing for greater flexibility from the Zoning Code in order to provide a high-quality development. She noted the intent of the Planned Development Permit is to encourage a high-quality development which incorporates enhanced amenities but still meets the goals and intent of the General Plan. She noted the project meets the Planned Development Permit requirements by providing high quality architecture and enhanced landscape and open space elements.

She stated the applicant is requesting to allow for modifications to certain development standards which include south side yard and rear setbacks, required drive aisle width, required distance between habitable structures, parking and private open space.

She also noted the project conforms to the front setback and the side setback requirements on the northern side but the rear and south setback lines are proposed at five to nine feet less than the required setback to allow additional flexibility in the design. She noted the units are proposed to range from six feet to twenty-eight feet apart from one another. City Planner Stonich stated the main drive aisle is proposed to be a twenty-four-foot width rather than the required twenty-five-foot width per the Stanton Municipal Code. She noted the drive aisle maintains the minimum drive width as specified by Orange County Fire Authority and would also be improved with decorative stamped concrete to enhance the entry point to the development.

With regards to parking, City Planner Stonich noted the Stanton Municipal Code requires a total of 165 spaces but would provide 122 off-street parking spaces, which would equate to 3.05 parking spaces provided per unit. She noted this is a deficiency of forty-three spaces as required by code. She stated a parking analysis conducted utilized the industry parking standard, the Institute of Transportation Engineers (ITE) parking rate, and the parking rate for neighboring cities to justify the proposed parking shortage on site. The ITE rate, determined that fifty-two parking spaces were required which is far less than the City's requirement. The analysis also indicated that the neighboring cities' rates would result in parking requirements of 100 to 122, which is less than or the same as the project proposal. She summarized that the proposal would provide sufficient parking to accommodate the units.

Regarding open space, she noted the Stanton Municipal Code requires 250-square feet of private open space per unit. She noted the applicant is proposing a range from 145 - 265 square feet in size for each unit making some of the units deficient on private open space. The applicant justified that, with the close proximity to Stanton Central Park which is located

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approximately a quarter mile north of the property, residents would be able to utilize the park which offers a greater range of amenities, including interactive water play area, tennis courts, playgrounds, a skate park, and sports fields. Additionally, she noted the project exceeds the minimum requirement of common open space area that is required by the Stanton Municipal Code.

City Planner Stonich provided the open space plan for the development and noted the applicant is proposing 7,434 square feet of common open space area- eight percent, which exceeds the minimum five percent that is established in the Stanton Municipal Code. Additionally, the applicant is proposing a small open space area in the northwest portion of the site which would provide for a barbecue and picnic table amenity for the residents.

City Planner Stonich also outlined the Planned Development Permit enhancement measures. She noted the applicant is proposing a Tentative Tract Map and a development agreement given that the California Subdivision Map Act requires a Tentative Tract Map for a condominium subdivision. As proposed, she noted the design of the map conforms to the guidelines and standards of the Stanton General Plan and Municipal Code. City Planner Stonich noted that in regards to the development agreement, the City Council authorized staff to enter into negotiations for a Development Agreement for this project. She stated the Development Agreement vests the applicant with the authority to develop the project in accordance with the existing land use laws, regulations, and ordinances. In other words, if the land use laws, regulations, and ordinances change during the life of the Development Agreement, the applicant would still be able to develop the project according the Agreement. She stated that in exchange, the developer has agreed to provide substantial improvements to the infill site.

Finally, in terms of the California Environmental Quality Act, City Planner Stonich noted City staff has reviewed the proposed project and has determined that based on environmental assessment, the project has been determined to be categorically exempt for an infill development.

Accordingly, City Planner Stonich stated the recommended action is that the Planning Commission conduct a public hearing, find that the effects of the proposed project are categorically exempt from the requirements to prepare additional environmental documentation per California Environmental Quality Act (CEQA) Guidelines, Section 15332, Class 32 (In-fill development projects), adopt Resolution Number 2521 recommending the City Council approve Precise Plan of Development (PPD) 803 Tentative Tract Map 19-04, Planned Development Permit (PDP) 19-03; and adopt Resolution Number 2522 recommending the City Council approve Development Agreement DA 19-02.

Commissioner Marques noted the property is actually on the west side of Western Avenue, not the east side.

Melissa Saldana, resident at 7388 Syracuse Avenue, spoke about her concerns with parking for the development. She spoke of the current issues with parking in the area and concerns for the safety of residents.

Billie Sullivan, resident at 7412 Syracuse Avenue, spoke about her concerns with lack of

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fencing and the visibility to other residences that are lower than the development. She also noted a concern with the sewer lines and the potential for leaks and the implications to the homes who are lower. She noted concerns with traffic control and the safety on Western Avenue. Finally, she noted her concern with the length of construction and how the ongoing construction would affect the value of her home.

Stella Shih, resident at 7445 Skyline Drive, she noted her patio abuts the proposed development on the south side. She noted not meeting setback requirements on the south side will have implications other than privacy, such as quality of air and visibility. She opined that making an exception to setback requirements would set a bad precedent. She also noted her concerns with the lack of parking and that the national industry standard parking that was cited does not apply to California that has high density and the need of vehicles for public transportation. Finally, she noted her concern with changing the open space requirements in the development and setting that precedent.

Mark Sumrall, resident at 7461 Skyline Drive, shared his discomfort with having a three-story development being constructed right behind his backyard and how this will negatively impact his right to privacy. He also voiced concerns with parking and traffic control on Western Avenue.

Andy Williams, resident at 7462 Skyline Drive, noted this project demonstrates profit versus privacy. He asked why the City is allowing variances regarding the fence line. He asked the Commission to protect the citizens of Stanton and to think about the citizens over the money involved in the project.

Faye Yee, resident at 7445 Skyline Drive, spoke about the proposed frosted glass. [PORTIONS OF MS. YEE'S COMMENTS WERE UNINTELLIGIBLE]. She also voiced concerns with traffic control on Western, and the amount of accidents.

Jerry Ristrom addressed some of the citizen's concerns. He noted the traffic study involved an analysis of the various issues raised. He spoke about the height of the buildings and addressed the privacy concerns. He noted the sides of the units do not have windows. [PORTIONS OF THE COMMENTS WERE UNINTELLIGIBLE]. He also addressed the concerns with open space requirements and opined there is enough open space.

Steve Ruffner from KB Home also addressed the Commission. He noted he lives at 4412 Ocean Valley Lane in San Diego. Mr. Ruffner noted his company specializes in building homes for the middle class and pointed out they are one of the "greenest" builders for which they received a planet award. He addressed some of the parking concerns but pointed out they have experience with these sorts of parking issues they have addressed in other cities.

Commissioner Ash asked the applicant whether the project will be solar and the way in which the condos face. She also addressed the parking requirements and whether they meet those required by Stanton.

The applicant noted the project will include solar and will be short of meeting the parking requirements of Stanton.

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Commissioner Marques addressed the applicant and noted his proposal is unacceptable because it is in a High-Density Residential area. He stressed the high number of accidents that have occurred in that space and opined that adding forty more units would be reckless. Commissioner Marques also noted his concerns with the lack of required parking. He asked whether the developer has considered reducing the number of units to thirty-five or to making the units three-bedrooms and not four. Finally, he voiced his concerns with the single drive aisle proposed to carry two-way traffic in and out on twenty-four feet with open space parking.

The applicant noted the project meets the fire code. He addressed Commissioner Marques' concerns regarding personal space and the number of units. He noted the personal space can be increased. He also stated families would like four bedrooms instead of three, as they have learned in surveys. [PORTIONS OF HIS COMMENTS WERE UNINTELLIGIBLE].

Commissioner Moua noted concerns with congestion of the area and the lack of parking in the area.

Vice Chair Grand noted her concerns with the frosted glass and the number of units on the property. She stated she does like there is no wall-sharing between the units and the project's name is the lighthouse community in homage to the church. She noted she also likes the fenced-in backyards or patios. She asked where the doggy station, picnic tables and barbecues will be placed.

The applicant noted those amenities would be in the northeast corner of the map.

Chair Frazier noted he lives nearby. He noted concerns with the width of the driveway and individuals choosing to park along the block wall. He also noted concerns with privacy and traffic control on Western Avenue. He described the drive to Cerritos, particularly when the school buses stop. Chair Frazier also noted parking is deficient as well as setbacks and using the park across the street. He did not ask the applicant any questions but rather opined the project does not work.

Commissioner Ash asked staff regarding the requirement from Orange County Fire Authority that the large fire truck have access to the building, and whether that wasn't a requirement here.

City Planner Stonich showed how the truck can access the development.

Commissioner Ash also noted her concerns with traffic control and asked whether the traffic lights can be adjusted.

City Planner Stonich stated Planning Works could look into the issue further.

Commissioner Moua noted drivers would need to make a left-hand turn on Western, which would back up traffic.

City Planner Stonich stated there was a church there before with a turn and a peak time which would accommodate a high volume of traffic.

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Vice Chair Grand noted concerns with access to the fire truck.

Chair Frazier asked regarding the location of a fire hydrant towards the middle of the units.

Commissioner Ash stated that she liked the residents who spoke against the project were prepared and spoke about the various issues raised. She stressed the Commissioners are concerned for the citizens but need a valid justification to not approve the project. She noted the Commission is obligated to keep the Stanton Municipal Code in mind and that she does not like being compared to other cities. She stressed she likes having higher standards than others.

Chair Frazier spoke regarding the consideration being given to deficiencies in the project.

Commissioner Marques stated he has considered the deficiencies and does not agree with the requests to grant a variance to the City's requirements. He noted his concerns with the single fire truck in Stanton.

Commissioner Moua noted he is also concerned with congestion.

Vice Chair Grand stated she is also concerned with all the noted deficiencies.

City Planner Stonich noted the options for the Commission are to approve, deny or continue the hearing. She clarified the project can be approved with minor changes and if the project was denied, the applicant would be ineligible to re-apply for one year. She explained the project could be continued to a date uncertain with proper notice.

Commissioner Frazier asked for a motion to continue this hearing for a date uncertain.

A motion to continue hearing on this project for a date uncertain and allow the developer to make a diligent effort to comply with the City's codes and standards.

Motion/Second: Marques/Ash

Motion passed unanimously by the following vote:

AYES:	Frazier, Moua, Ash, Grand, Marques
NOES:	None
ABSTAIN:	None
ABSENT:	None

8. NEW BUSINESS

8A. A GENERAL PLAN CONSISTENCY FINDING FOR ACQUISITION OF PROPERTY LOCATED AT 11870 BEACH BOULEVARD (APN: 131-241-21)

City Planner Stonich noted she is happy to answer questions regarding the proposal to acquire the property.

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Commissioner Marques asked if the exact location is known.

City Planner Stonich stated the Tahiti Motel is to the North. She stated in the future, the property would be used to fulfill low income housing requirements and/or businesses. The Commission agreed the acquisition would be positive.

City Planner Stonich noted the City reached out to the two nearby motels regarding purchasing those properties as well.

9. OLD BUSINESS

None.

10. PLANNING COMMISSION COMMENTS

Commissioner Ash thanked Chair Frazier for keeping the meeting flowing.

Chair Frazier thanked staff for their work on this hearing.

11. PLANNER'S REPORT

City Planner Amy Stonich reported on the Public Transportation Event at Stanton Central Park on April 11, 2020. She also noted the Commission would move to action minutes for the future.

12. ADJOURNMENT

Commission adjourned at 8:14 p.m.

Amy Stonich, AICP
Contract City Planner



**CITY OF STANTON
REPORT TO THE
PLANNING COMMISSION**

TO: Chair and Members of the Planning Commission

DATE: May 6, 2020

SUBJECT: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF STANTON CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT ACZ20-01 AN ORDINANCE TO AMEND REGULATIONS AND ZONING STANDARDS RELATING TO COMMERCIAL CANNABIS BUSINESSES CHAPTER 5.77 (COMMERCIAL CANNABIS BUSINESSES) AND TITLE 20 (ZONING) OF THE STANTON MUNICIPAL CODE AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

RECOMMENDED ACTION

That the Planning Commission:

1. Adopt Resolution No. 2503 Entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF STANTON CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AZC20-01 AN ORDINANCE TO AMEND REGULATIONS AND ZONING STANDARDS RELATING TO COMMERCIAL CANNABIS BUSINESSES AMENDING CHAPTER 5.77 (COMMERCIAL CANNABIS BUSINESSES) AND TITLE 20 (ZONING) OF THE STANTON MUNICIPAL CODE AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

EXECUTIVE SUMMARY

Zone Change AZC20-01 is a proposed Ordinance (Ordinance No. 1100) to amend Chapter 5.77 *Commercial Cannabis Businesses* and Title 20 (Zoning), section 20.220.020.A *Allowed Land Uses*, Table 2-7 to permit and regulate Commercial Cannabis Business uses. The Planning Commission's action serves as a recommendation to the City Council.

AGENDA ITEM 7A

BACKGROUND AND ANALYSIS

On November 5, 2019, the City Council adopted Ordinance No. 1091 adding Chapter 5.76 to Title 5 of the Stanton Municipal Code Establishing a tax on cannabis businesses operating within the City of Stanton (Attachment C). The purpose of the Ordinance was to adopt a tax, for revenue purposes, upon cannabis businesses pursuant to Sections 37101 and 37100.5 of the California Government Code.

SUMMARY

Following the adoption of the tax ordinance (Ord. No. 1091), a Cannabis Ad Hoc Committee (“Cannabis Committee”) was formed to consider implementation practices. The purpose of this ordinance is to implement regulation for permitting and regulating commercial cannabis businesses. The ordinance will set forth:

1. Definitions of the types of commercial cannabis businesses permitted
2. Permit requirements
3. Application procedures
4. Operating requirements
5. Zoning/land use

The only portion of the ordinance that is before the Planning Commission for consideration is the “Zoning/land use” section. Attachment B, sets forth the zoning for commercial cannabis businesses.

ANALYSIS

In alignment with the State’s cannabis regulations, the Cannabis Committee has recommended the following commercial cannabis uses:

- Retailer - Storefront Sales
- Retailer - Delivery (where the physical location of the business is located in Stanton)
- Distributor and Distributor - Transport Only
- Testing Laboratory
- Cultivation
- Manufacturing

Applicants proposing to establish any of these uses must obtain a Commercial Cannabis Business Permit. Applicants for a Commercial Cannabis Business Permit must first go through an extensive background and application review process. Approved Applicants who complete the background and applicant review and rank among the top four for each permit type (as listed above) are allowed to proceed through the process.

These Applicants must secure a physical location and obtain zoning approval. The Cannabis Committee identified the Industrial General (IG) Zone as the zone in which

these commercial cannabis businesses would be permitted. As set forth in Exhibit B of Draft Ordinance No. 1100, each of the cannabis uses, with the exception of testing laboratory, are subject to distance requirements. These distance requirements will be set forth in subsection 5.77.0170.E as follows:

Distance Requirements. *A premises permitted under this division may not be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the permit is issued, or within a 400-foot radius of a property zoned residential.*

Definitions have also been included. These definitions are consistent with State licensing.

Once an Applicant secures an approved location, they can obtain a business license and building permits. Then they must secure their state cannabis permit and can then be issued a City Commercial Cannabis Business Permit. Following the issuance of the permit, the approved Commercial Cannabis Business may proceed with operations. Renewals are done annually through the same process with a renewal fee.

If the ordinance is adopted by City Council, staff would implement the procedures to include sharing an information packet for instructions on how businesses may apply; an application form; and an applicant review criteria supplement. These documents will assist potential applicants through the adopted review process.

The attached resolution (Attachment A) and the draft zoning ordinance (Attachment B) include changes to the Stanton Municipal Code Title 20.

ENVIRONMENTAL REVIEW

Under California Public Resources Code section 21080.17, the California Environmental Quality Act ("CEQA") does not apply in that the action is not a project and is exempt from CEQA under Section 15378(a)(1) for the enactment and amendment of zoning ordinances that will not result in direct or indirect physical change in the environment. Therefore, the proposed ordinance is statutorily exempt from CEQA.

PUBLIC NOTICING

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

Prepared by,



Amy Stonich, AICP
City Planner

ATTACHMENTS

- A. PC Resolution No. 2503
- B. Exhibit B of Ordinance No. 1100 – Cannabis Zoning
- C. Adopted Ordinance No. 1091

RESOLUTION NO. 2503

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF STANTON CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ACZ20-01 AN ORDINANCE TO ADD REGULATIONS AND ZONING STANDARDS RELATING TO COMMERCIAL CANNABIS BUSINESSES CHAPTER 5.77 (COMMERCIAL CANNABIS BUSINESSES) AND AMEND TITLE 20 (ZONING) OF THE STANTON MUNICIPAL CODE AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

THE PLANNING COMMISSION DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, on November 5, 2019, the City Council adopted Ordinance No. 1091 adding Chapter 5.77 to Title 5 of the Stanton Municipal Code establishing a tax on cannabis businesses operating within the City of Stanton voted in support of a cannabis tax ordinance; and

WHEREAS, the City desires to add Chapter 5.77 *Commercial Cannabis Businesses* and amend Title 20 (Zoning), section 20.220.020.A *Allowed Land Uses*, Table 2-7 to permit and regulate Commercial Cannabis Business uses; and

WHEREAS, staff and the City Attorney prepared the proposed ordinance, including the proposed language and terminology, and any additional information and documents deemed necessary for the Planning Commission to take action; and

WHEREAS, the ordinance is statutorily exempt under California Public Resources Code section 21080.17, the California Environmental Quality Act ("CEQA") does not apply in that the action is not a project and is exempt from CEQA under Section 15378(a)(1) for the enactment and amendment of zoning ordinances that will not result in direct or indirect physical change in the environment; and

WHEREAS, on April 2, 2020, the City gave public notice of a Planning Commission public hearing to be held to consider Zoning Code Amendment AZC20-01 by posting the public notice at three public places including Stanton City Hall, the Post Office, and the Stanton Community Services Center, and made the public notice available through the agenda posting process; and

WHEREAS, on April 15, 2020, the Planning Commission held a duly-noticed public hearing and continued the item until May 6, 2020; and

WHEREAS, on May 6, 2020, the Planning Commission held a continued public hearing and considered the staff report, recommendations by staff, and public testimony concerning the proposed ordinance.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF STANTON DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

SECTION 1: Under California Public Resources Code section 21080.17, the California Environmental Quality Act ("CEQA") does not apply in that the action is not a project and is exempt from CEQA under Section 15378(a)(1) for the enactment and amendment of zoning ordinances that will not result in direct or indirect physical change in the environment. Therefore, the proposed ordinance is statutorily exempt from CEQA.

SECTION 2: Based on the entire record before the Planning Commission and all written and oral evidence presented, the Planning Commission hereby finds that the proposed ordinance is consistent with the City's adopted General Plan as the purpose of the proposed ordinance is to implement Commercial Cannabis Businesses as enacted by a majority of voters in the City of Stanton. The proposed ordinance does not otherwise conflict with any of the General Plan's goals or policies.

SECTION 3: The Planning Commission hereby recommends that the City Council adopt the attached proposed Ordinance No. 1091, Exhibit B entitled: AN ORDINANCE TO ADD REGULATIONS AND ZONING STANDARDS RELATING TO COMMERCIAL CANNABIS BUSINESSES CHAPTER 5.77 (COMMERCIAL CANNABIS BUSINESSES) AND AMEND TITLE 20 (ZONING) OF THE STANTON MUNICIPAL CODE AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA.

SECTION 4: The proposed ordinance is on file and has been available for public review for at least ten days prior to the date of this Resolution, in the Community Development Department, at Stanton City Hall, 7800 Katella Avenue, Stanton, California.

ADOPTED, SIGNED AND APPROVED by the Planning Commission of the City of Stanton at a regular meeting held on May 6, 2020 by the following vote, to wit:

AYES: **COMMISSIONERS:** _____

NOES: **COMMISSIONERS:** _____

ABSENT: **COMMISSIONERS:** _____

ABSTAIN: **COMMISSIONERS:** _____

Thomas Frazier, Chair
Stanton Planning Commission

Amy Stonich, AICP
Planning Commission Secretary

Ordinance No. 1100
Exhibit B

A. Stanton Municipal Code Title 20 Section 20.220.020.A Allowed land uses Table 2-7 is amended as follows:

Table 2-7 Allowed Uses and Permit Requirements Industrial Zones (cont'd)	BP	IG	Specific Use Regulations
<u>Cannabis Uses</u>			
<u>Cultivation</u>		<u>P(4,5)</u>	<u>MC 5.77</u>
<u>Distributor</u>		<u>P(4,5)</u>	<u>MC 5.77</u>
<u>Distributor – Transport Only</u>		<u>P(4,5)</u>	<u>MC 5.77</u>
<u>Manufacturing</u>		<u>P(4,5)</u>	<u>MC 5.77</u>
<u>Retailer – Non-Storefront (Delivery)</u>		<u>P(4,5)</u>	<u>MC 5.77</u>
<u>Retailer (Storefront Sales)</u>		<u>P(4,5)</u>	<u>MC 5.77</u>
<u>Testing Laboratory</u>		<u>P(4)</u>	<u>MC 5.77</u>

(4) Subject to approval of a Commercial Cannabis Business Permit per Chapter 5.77

(5) Subject to distance requirements as set forth in subsection 5.77.0170.E.

B. Stanton Municipal Code Title 20 Section 20.700.150 Definitions is hereby added as follows:

20.700.150 Commercial Cannabis Businesses

Commercial cannabis activity: Includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products as provided for this Chapter.

Cultivation: Means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

Distributor (Type 11): Purchases, sells, arranges for testing, conducts quality assurance review of packaging and labeling, and transports cannabis goods between licensees.

Distributor – Transport Only (Type 13): Transports cannabis goods between licensees. May not transport cannabis goods to a licensed retailer and may not engage in any other distributor activities.

Manufacturing or manufacturing operation: Means all aspects of the extraction and/or infusion processes, including processing, preparing, holding, storing, packaging, or labeling of cannabis products. Manufacturing also includes any processing, preparing, holding, or storing of

Ordinance No. 1100

Exhibit B

components and ingredients.

Retailer – Non-Storefront (Delivery) (Type 9): Sells and delivers cannabis or cannabis products to consumers. A Retailer Non-Storefront must have a licensed premises but is not open to the public. It conducts sales exclusively by delivery.

Retailer (Storefront Sales) (Type 10): Sells and delivers cannabis and cannabis products to consumers. A Retailer must have a licensed premises which may be open to the public to sell cannabis and cannabis products to consumers. Sales may also be conducted by delivery.

Testing Laboratory (Type 8): A laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products.

ORDINANCE NO. 1091

AN ORDINANCE OF THE PEOPLE OF THE CITY OF STANTON, CALIFORNIA, ADDING CHAPTER 5.74 TO TITLE 5 OF THE STANTON MUNICIPAL CODE ESTABLISHING A TAX ON CANNABIS BUSINESSES OPERATING WITHIN THE CITY OF STANTON

NOW THEREFORE, THE PEOPLE OF THE CITY OF STANTON DO ORDAIN AS FOLLOWS:

SECTION 1. Subject to the approval of a majority of the voters of the City of Stanton at the Special Municipal Election so designated by the City Council in a separate resolution placing the proposal on the ballot for such election, Chapter 5.74 is hereby added to Title 5 of the Stanton Municipal Code to read as follows:

"Chapter 5.74. CANNABIS BUSINESS TAX

- 5.74.010 Title.
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ORDINANCE NO. 1091

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5.74.310 Amendment or repeal.

5.74.010 Title.

This ordinance shall be known as the Cannabis Business Tax Ordinance.

5.74.020 Authority and Purpose.

The purpose of this Ordinance is to adopt a tax, for revenue purposes, pursuant to Sections 37101 and 37100.5 of the California Government Code, upon cannabis businesses that engage in business in the City. The Cannabis Business Tax is levied based upon business gross receipts except for commercial cannabis or industrial hemp cultivation which shall be taxed on square footage. It is not a sales and use tax, a tax upon income, or a tax upon real property.

The Cannabis Business Tax is a general tax enacted solely for general, governmental purposes of the City and not for specific purposes. All of the proceeds from the tax imposed by this section shall be placed in the City's general fund and be available for any lawful municipal purpose.

5.74.030 Intent.

The intent of this Ordinance is to levy a tax on all cannabis or industrial hemp businesses that operate in the City, regardless of whether such business would have been legal at the time this section was adopted. Nothing in this section shall be interpreted to authorize or permit any business activity that would not otherwise be legal or permissible under laws applicable to the activity at the time the activity is undertaken.

5.74.040 Definitions.

The following words and phrases shall have the meanings set forth below when used in this section:

A. "Business" shall include all activities engaged in or caused to be engaged in within the City, including any commercial or industrial enterprise, trade, profession, occupation, vocation, calling, or livelihood, whether or not carried on for gain or profit, but shall not include the services rendered by an employee to his or her employer.

B. "Calendar year" means January 1 through December 31, of the same year.

C. "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified,

obtained from cannabis. "Cannabis" shall not include "industrial hemp," unless otherwise specified.

D. "Cannabis product" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. "Cannabis product" also means cannabis products as defined by Section 11018.1 of the California Health and Safety Code and is not limited to medicinal cannabis products.

E. "Canopy" means all areas occupied by any portion of a cannabis or industrial hemp plant whether contiguous or noncontiguous on any one site. When plants occupy multiple horizontal planes (as when plants are placed on shelving above other plants) each plane shall be counted as a separate canopy area.

F. "Cannabis business" means any business activity involving cannabis or industrial hemp, including but not limited to cultivating, transporting, distributing, manufacturing, compounding, converting, processing, preparing, storing, packaging, delivering, testing, dispensing, retailing and wholesaling of cannabis, cannabis products, industrial hemp, industrial hemp products or of ancillary products and accessories, whether or not carried on for gain or profit.

G. "Cannabis business tax" or "business tax," means the tax due pursuant to this chapter for engaging in a cannabis business in the City.

H. "Commercial cannabis cultivation" means cultivation of cannabis or industrial hemp undertaken in the course of conducting a cannabis business.

I. "Commercial cannabis permit" means a permit issued by the City to a person to authorize that person to operate a cannabis business or engage in business as a cannabis business within the City.

J. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis or industrial hemp and includes, but is not limited to, the operation of a nursery.

K. "Employee" means each and every person engaged in the operation or conduct of any business, whether as owner, member of the owner's family, partner, associate, agent, manager or solicitor, and each and every other person employed or working in such business for a wage, salary, commission, barter or any other form of compensation.

L. "Engaged in business as a cannabis business" means the commencing, conducting, operating, managing or carrying on of a cannabis business, whether done as owner, or by means of an officer, agent, manager, employee, or otherwise, whether operating from a fixed location in the City or coming into the City from an outside

location to engage in such activities. A person shall be deemed engaged in business within the City if:

1. Such person or person's employee maintains a fixed place of business within the City for the benefit or partial benefit of such person;
2. Such person or person's employee owns or leases real property within the City for business purposes;
3. Such person or person's employee regularly maintains a stock of tangible personal property in the City for sale in the ordinary course of business;
4. Such person or person's employee regularly conducts solicitation of business within the City; or
5. Such person or person's employee performs work or renders services in the City.

The foregoing specified activities shall not be a limitation on the meaning of "engaged in business."

M. "Evidence of doing business" means evidence such as, without limitation, use of signs, circulars, cards or any other advertising media, including the use of internet or telephone solicitation, or representation to a government agency or to the public that such person is engaged in a cannabis business in the City.

N. "Gross Receipts," except as otherwise specifically provided, means, whether designated a sales price, royalty, rent, slotting fee, commission, dividend, or other designation, the total amount (including all receipts, cash, credits, services and property of any kind or nature) received or payable for sales of goods, wares or merchandise, or for the performance of any act or service of any nature for which a charge is made or credit allowed (whether such service, act or employment is done as part of or in connection with the sale of goods, wares, merchandise or not), without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, interest paid or payable, losses or any other expense whatsoever. However, the following shall be excluded from Gross Receipts:

1. Cash discounts where allowed and taken on sales;
2. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;
3. Such part of the sale price of any property returned by purchasers to the seller as refunded by the seller by way of cash or credit allowances or return of refundable deposits previously included in gross receipts;

4. Receipts derived from the occasional sale of used, obsolete or surplus trade fixtures, machinery or other equipment used by the taxpayer in the regular course of the taxpayer's business;

5. Cash value of sales, trades or transactions between departments or units of the same business located in the City of Stanton or if authorized by the Tax Administrator in writing in accordance with section 5.74.140 (B);

6. Whenever there are included within the gross receipts amounts which reflect sales for which credit is extended and such amount proved uncollectible in a subsequent year, those amounts may be excluded from the gross receipts in the year they prove to be uncollectible; provided, however, if the whole or portion of such amounts excluded as uncollectible are subsequently collected they shall be included in the amount of gross receipts for the period when they are recovered;

7. Receipts of refundable deposits, except that such deposits when forfeited and taken into income of the business shall not be excluded when in excess of one dollar;

8. Amounts collected for others where the business is acting as an agent or trustee and to the extent that such amounts are paid to those for whom collected. These agents or trustees must provide the City's Administrative Services Department with the names and the addresses of the others and the amounts paid to them. This exclusion shall not apply to any fees, percentages, or other payments retained by the agent or trustees.

9. Retail sales of t-shirts, sweaters, hats, stickers, key chains, bags, books, posters, rolling papers, cannabis accessories such as pipes, pipe screens, vape pen batteries (without cannabis or industrial hemp) or other personal tangible property which the Tax Administrator has excluded in writing by issuing an administrative ruling per Section 5.74.140 shall not be subject to the cannabis business tax under this section. However, any business activities not subject to this section as a result of an administrative ruling shall be subject to the appropriate business tax provisions of Title 5, Chapter 5.04 or any other Title or Chapter of this code as determined by the Tax Administrator.

O. "Industrial hemp" means a crop that is limited to types of the plant *Cannabis sativa* L. having no more than three-tenths of 1 percent tetrahydrocannabinol (THC) contained in the dried flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom.

P. "Industrial hemp products" "Industrial hemp products" means any raw hemp that has undergone a process whereby the raw agricultural product has been

transformed into a concentrate, an edible product, or a topical product. "Hemp product" also means hemp products as defined by Section 11018.5 of the California Health and Safety Code.

Q. "Lighting" means a source of light that is primarily used for promoting the biological process of plant growth. Lighting does not include sources of light that primarily exist for the safety or convenience of staff or visitors to the facility, such as emergency lighting, walkway lighting, or light admitted via small skylights, windows or ventilation openings.

R. "Medicinal cannabis" or "medicinal cannabis product" means cannabis or a cannabis product, intended to be sold or sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code, for a medicinal cannabis patient in California who possesses a physician's recommendation, or a cannabis card issued pursuant to Health and Safety Code Section 11362.71.

S. "Nursery" means a facility or part of a facility that is used only for producing clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis or industrial hemp industrial hemp.

T. "Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, whether organized as a nonprofit or for-profit entity, and includes the plural as well as the singular number.

U. "Processing" means a cultivation site that conducts only trimming, drying, curing, grading, packaging, or labeling of cannabis, industrial hemp and nonmanufactured cannabis products.

V. "Sale" "Sell" and "to sell" means and includes any sale, exchange, or barter. It shall also mean any transaction whereby, for any consideration, title to cannabis, cannabis products, industrial hemp and/or industrial hemp products are transferred from one person to another and includes the delivery of cannabis, cannabis products, industrial hemp and/or industrial hemp products pursuant to an order placed for the purchase of the same, but does not include the return of cannabis, cannabis products, industrial hemp and/or industrial hemp products to the licensee from whom the cannabis, cannabis product, industrial hemp and/or industrial hemp product was purchased.

W. "State" means the State of California.

X. "State license," "license," or "registration" means a state license issued pursuant to California Business & Professions Code Section 26050, and all other applicable state laws, required for operating a cannabis business.

Y. "Tax Administrator" means the City Manager of the City of Stanton or his or her designee.

Z. "Testing Laboratory" means a cannabis business that (i) offers or performs tests of cannabis, cannabis products, industrial hemp and/or industrial hemp products (ii) offers no service other than such tests, (iii) sells no products, excepting only testing supplies and materials, (iv) is accredited by an accrediting body that is independent from all other persons involved in the cannabis industry in the state and (v) is registered with the Bureau of Cannabis Control or other state agency.

5.74.050 Tax Imposed.

A. Beginning January 1, 2020, there is imposed upon each person who is engaged in business as a cannabis business a cannabis business tax. Such tax is payable regardless of whether the business has been issued a business license or commercial cannabis permit to operate lawfully in the City or is operating unlawfully. The City's acceptance of a cannabis business tax payment from a cannabis business operating illegally shall not constitute the City's approval or consent to such illegal operations.

B. The City Council may, by resolution or ordinance, increase or decrease the rate of the cannabis business tax, including the initial rate of cannabis business tax. The City Council may, by resolution or ordinance, increase or decrease the rate of the medicinal cannabis business tax, including the initial rate of the medicinal business tax, independent of other cannabis business tax activities. In addition, the City Council may, by resolution or ordinance, increase or decrease the rate of the cannabis business tax on hemp or hemp products, including the initial rate of the tax on hemp or hemp products independent of other cannabis activities. Notwithstanding the foregoing, in no event shall the City Council repeal this tax, or set any adjusted rate that exceeds the maximum rates calculated pursuant to this section.

C. The maximum rate of the cannabis business tax shall be calculated as follows:

1. For every person engaged in commercial cannabis cultivation, including cultivation of industrial hemp, in the City:
 - a. Through January 1, 2023, the annual maximum rate shall be:
 - i. Twelve dollars (\$12.00) per square foot of canopy space in a facility that uses exclusively artificial lighting.
 - ii. Twelve dollars (\$12.00) per square foot of canopy space in a facility that uses a combination of natural and supplemental artificial lighting.

iii. Twelve dollars (\$12.00) per square foot of canopy space in a facility that uses no artificial lighting.

iv. Twelve dollars (\$12.00) per square foot of canopy space for any nursery.

b. On January 1, 2023 and on each January 1 thereafter, the maximum annual tax rates specified in subsection a, above, shall increase by the percentage increase in the Consumer Price Index ("CPI") for all urban consumers in the Los Angeles-Long Beach-Anaheim area as published by the United States Government Bureau of Labor Statistics. However, no CPI adjustment resulting in a decrease of any tax imposed by this subsection shall be made.

2. For every person engaged in the operation of a testing laboratory for cannabis, cannabis products, industrial hemp and/or industrial hemp products s/he/it shall be subject to the maximum tax rate not to exceed two and one-half percent (2.5%) of gross receipts.

3. For every person engaged in retail sales of cannabis, cannabis products, industrial hemp, and/or industrial hemp products, including as a retailer (dispensary) or non-storefront retailer (retail delivery business), or microbusiness, s/he/it shall be subject to the maximum tax rate not to exceed six percent (6%) of gross receipts.

4. For every person engaged in distribution of cannabis, cannabis products, industrial hemp and/or industrial hemp products, s/he/it shall be subject to the maximum tax rate not to exceed three percent (3%) of gross receipts.

5. For every person engaged in manufacturing or processing of cannabis, cannabis products, industrial hemp and/or industrial hemp products, or any other type of cannabis business not described in Section 5.74.50 (C) (1), (2), (3), or (4) s/he/it shall be subject to the maximum tax rate not to exceed four percent (4%) of gross receipts.

D. Persons subject to the cannabis business tax shall register with the City and pay the registration fee pursuant to Section 5.74.60. They shall also be required to obtain a business license pursuant to Chapter 5.04 of this code; provided, however, that cannabis business activities subject to the cannabis business tax shall be excluded from determining the amount of any business license tax payable under Chapter 5.04.

5.74.060 Registration, reporting and remittance of tax.

A. Registration of Cannabis Business. All cannabis businesses shall be required to annually register as follows:

1. All persons engaging in business as a cannabis business, whether an existing, newly established or acquired business shall register with the Tax Administrator within thirty (30) days of commencing operation and shall annually renew such registration within 31 days of subsequent calendar year thereafter. In registering, such persons shall furnish to the Tax Administrator a sworn statement, upon a form provided by the Tax Administrator, setting forth the following information:

- i. The name of the business
- ii. The names and addresses of each owner
- iii. The exact nature or kind of business;
- iv. The place where such business is to be carried on; and
- v. Any additional information which the Tax Administrator may require.

B. An annual registration fee of one hundred ten dollars (\$110.00) shall be presented with the sworn statement submitted under this section. This fee shall not be considered a tax and may be adjusted by resolution of the City Council.

C. The cannabis business tax imposed by this section shall be paid, in arrears, on a monthly basis. Each person owing a cannabis business tax each calendar month shall, no later than the last day of the month following the close of the calendar month, file with the Tax Administrator a statement ("tax statement") of the tax owed for that calendar month and the basis for calculating that tax. The Tax Administrator may require that the tax statement be submitted on a form prescribed by the Tax Administrator. The tax for each calendar month shall be due and payable on that same date that the tax statement for the calendar month is due.

D. Upon cessation of a cannabis business, tax statements and payments shall be immediately due for all calendar months up to the calendar month during which cessation occurred.

E. The Tax Administrator may, at his or her discretion, establish alternative reporting and payment periods for any taxpayer as the Tax Administrator deems necessary to ensure effective collection of the cannabis business tax. The Tax Administrator may also require that a deposit, to be applied against the taxes for a calendar month, be made by a taxpayer at the beginning of that calendar month. In no event shall the deposit required by the Tax Administrator exceed the tax amount he or she projects will be owed by the taxpayer for the calendar month. The Tax Administrator may require that a taxpayer make payments via a cashier's check, money order, wire transfer, or similar instrument.

5.74.070 Payments and communications – timely remittance.

Whenever any payment, statement, report, request or other communication is due, it must be received by the Tax Administrator on or before the final due date. A postmark will not be accepted as timely remittance. If the due date would fall on a Friday, Saturday, Sunday, or a holiday observed by the City, the due date shall be the next regular business day on which the City is open to the public.

5.74.080 Payment - when taxes deemed delinquent.

Unless otherwise specifically provided under other provisions of this section, the taxes required to be paid pursuant to this section shall be deemed delinquent if not received by the Tax Administrator on or before the due date as specified in Sections 5.74.60 and 5.74.70.

5.74.090 Notice not required by the City.

The City may as a courtesy send a tax notice to the cannabis business which owes the City a cannabis business tax. However, the Tax Administrator is not required to send a delinquency or other notice or bill to any person subject to the provisions of this section. Failure to send such notice or bill shall not affect the validity of any tax or penalty due under the provisions of this section.

5.74.100 Penalties and interest.

A. Any person who fails or refuses to pay any cannabis business tax required to be paid pursuant to this section on or before the due date shall pay penalties and interest as follows:

1. A penalty equal to ten percent (10%) of the amount of the tax, in addition to the amount of the tax, plus interest on the unpaid tax calculated from the due date of the tax at the rate of one percent (1.0%) per month.
2. If the tax remains unpaid for a period exceeding one calendar month beyond the due date, an additional penalty equal to twenty-five percent (25%) of the amount of the tax, plus interest at the rate of one percent (1.0%) per month on the unpaid tax and on the unpaid penalties.
3. Interest shall be applied at the rate of one percent (1.0%) per month on the first day of the month for the full month and will continue to accrue monthly on the tax and penalty until the balance is paid in full.

B. Whenever a check or electronic payment is submitted in payment of a cannabis business tax and the payment is subsequently returned unpaid by the bank for any reason, the taxpayer will be liable for the tax amount due plus any fees, penalties

and interest as provided for in this section, and any other amount allowed under state law.

5.74.110 Refunds and credits.

A. No refund shall be made of any tax collected pursuant to this section, except as provided in Section 5.74.120.

B. No refund of any tax collected pursuant to this section shall be made because of the discontinuation, dissolution, or other termination of a business.

5.74.120 Refunds and procedures.

A. Whenever the amount of any cannabis business tax, penalty or interest has been overpaid, paid more than once, or has been erroneously collected or received by the City under this section, it may be refunded to the claimant who paid the tax provided that a written claim for refund is filed with the Tax Administrator within one (1) year of the date the tax was originally due or paid, whichever came first.

B. The Tax Administrator, his or her designee or any other City officer charged with the administration of this section shall have the right to examine and audit all the books and business records of the claimant in order to determine the eligibility of the claimant to the claimed refund. No claim for refund shall be allowed if the claimant refuses to allow such examination of claimant's books and business records after request by the Tax Administrator to do so.

C. In the event that the cannabis business tax was erroneously paid in an amount in excess of the tax due, and the error is attributable to the City, the City shall refund the amount of tax erroneously paid; provided that (i) a claim for refund has been timely filed with the Tax Administrator; and (ii) the refund cannot exceed, under any circumstance, the amount of tax overpaid during the twelve months preceding the last month for which the claim states the tax was overpaid.

5.74.130 Personal Cultivation Not Taxed.

The provisions of this section shall not apply to personal cannabis cultivation or personal use of cannabis, to the extent those activities are authorized in the "Medicinal and Adult Use Cannabis Regulation and Safety Act," as may be amended. This section shall not apply to personal use of cannabis that is specifically exempted from state licensing requirements, that meets the definition of personal use or equivalent terminology under state law, and provided that the individual receives no compensation whatsoever related to that personal cultivation or use.

5.74.140 Administration of the tax.

A. It shall be the duty of the Tax Administrator to collect the taxes, penalties, fees, and perform the duties required by this section.

B. For purposes of administration and enforcement of this section generally, the Tax Administrator may from time to time promulgate such administrative interpretations, rules, and procedures consistent with the purpose, intent, and express terms of this section as he or she deems necessary to implement or clarify such provisions or aid in enforcement.

C. The Tax Administrator may take such administrative actions as needed to administer the cannabis business tax, including but not limited to:

1. Provide to all cannabis business taxpayers forms for the reporting of the tax;
2. Provide information to any taxpayer concerning the provisions of this section;
3. Receive and record all taxes remitted to the City as provided in this section;
4. Maintain records of taxpayer reports and taxes collected pursuant to this section;
5. Assess penalties and interest to taxpayers pursuant to this section;
6. Determine amounts owed under and enforce collection pursuant to this section.

5.74.150 Appeal procedure.

Any taxpayer aggrieved by any decision of the Tax Administrator with respect to the amount of tax, interest, penalties and fees, if any, due under this section may appeal to the City Council by filing a notice of appeal with the City Clerk within thirty (30) calendar days of the serving or mailing of the Tax Administrator's determination of the amount due. The City Clerk, or his or her designee, shall fix a time and place for hearing such appeal, and the City Clerk, or his or her designee, shall give notice in writing to such operator at the last known place of address. The finding of the City Council shall be final and conclusive and shall be served upon the appellant in the manner prescribed by this section 5.74.150 for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of the notice.

5.74.160 Enforcement - action to collect.

Any taxes, penalties and/or fees required to be paid under the provisions of this section shall be deemed a debt owed to the City. Any person owing money to the City under the provisions of this section shall be liable in an action brought in the name of the City for the recovery of such debt. The provisions of this section shall not be deemed a limitation upon the right of the City to bring any other action including criminal, civil and equitable actions, based upon the failure to pay the tax, penalties and/or fees imposed by this section or the failure to comply with any of the provisions of this section.

5.74.170 Apportionment.

If a business subject to the tax is operating both within and outside the City, it is the intent of the City to apply the cannabis business tax so that the measure of the tax fairly reflects the proportion of the taxed activity actually carried on in the City. To the extent federal or state law requires that any tax due from any taxpayer be apportioned, the taxpayer may indicate said apportionment on his or her tax return. The Tax Administrator may promulgate administrative procedures for apportionment as he or she finds useful or necessary.

5.74.180 Constitutionality and legality.

This tax is intended to be applied in a manner consistent with the United States and California Constitutions and state law. None of the tax provided for by this section shall be applied in a manner that causes an undue burden upon interstate commerce, a violation of the equal protection or due process clauses of the Constitutions of the United States or the State of California or a violation of any other provision of the California Constitution or state law. If a person believes that the tax, as applied to him or her, is impermissible under applicable law, he or she may request that the Tax Administrator release him or her from the obligation to pay the impermissible portion of the tax.

5.74.190 Audit and examination of premises and records.

A. For the purpose of ascertaining the amount of cannabis business tax owed or verifying any representations made by any taxpayer to the City in support of his or her tax calculation, the Tax Administrator shall have the power to inspect any location where commercial cannabis cultivation occurs and to audit and examine all books and records (including, but not limited to bookkeeping records, state and federal income tax returns, and other records relating to the gross receipts of the business) of persons engaged in cannabis businesses. In conducting such investigation, the tax administrator shall have the power to inspect any equipment, such as computers or point of sale machines, that may contain such records.

B. It shall be the duty of every person liable for the collection and payment to the City of any tax imposed by this section to keep and preserve, for a period of at least three (3) years, all records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the City, which records the Tax Administrator or his/her designee shall have the right to inspect at all reasonable times.

5.74.200 Other licenses, permits, taxes, fees or charges.

A. Nothing contained in this section shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any commercial cannabis permit or City license required by, under or by virtue of any provision of any other

Chapter of this code or any other ordinance or resolution of the City, nor be deemed to repeal, amend, be in lieu of, replace or in any way affect any tax, fee or other charge imposed, assessed or required under any other Chapter of this code or any other ordinance or resolution of the City. Any references made or contained in any other Chapter of this code to any licenses, license taxes, fees, or charges, or to any schedule of license fees, shall be deemed to refer to the licenses, license taxes, fees or charges, or schedule of license fees, provided for in other Chapters of this code.

B. The Tax Administrator may revoke or refuse to renew the license required by Chapter 5.74 of this code for any business that is delinquent in the payment of any tax due pursuant to this section or that fails to make a deposit required by the Tax Administrator pursuant to Section 5.74.60.

A commercial cannabis permit issued under the Stanton Municipal Code may be revoked, suspended or not renewed in the event that the business holding that permit has failed to (i) make a deposit required by the Tax Administrator pursuant to Section 5.74.60 or (ii) timely pay all taxes, interest and penalties owed by that business under this section.

5.74.210 Payment of tax does not authorize unlawful business.

A. The payment of a cannabis business tax required by this section, and its acceptance by the City, shall not entitle any person to carry on any cannabis business unless the person has complied with all of the requirements of this code and all other applicable state laws.

B. No tax paid under the provisions of this section shall be construed as authorizing the conduct or continuance of any illegal or unlawful business, or any business in violation of any local or state law.

5.74.220 Deficiency determinations.

If the Tax Administrator is not satisfied that any statement filed as required under the provisions of this section is correct, or that the amount of tax is correctly computed, he or she may compute and determine the amount to be paid and make a deficiency determination upon the basis of the facts contained in the statement or upon the basis of any information in his or her possession or that may come into his or her possession within three (3) years of the date the tax was originally due and payable. One or more deficiency determinations of the amount of tax due for a period or periods may be made. When a person discontinues engaging in a cannabis business, a deficiency determination may be made at any time within three (3) years thereafter as to any liability arising from engaging in such cannabis business whether or not a deficiency determination is issued prior to the date the tax would otherwise be due. Whenever a deficiency determination is made, a notice shall be given to the person concerned in the same manner as notices of assessment are given under Section 5.74.240.

5.74.230**Failure to report—nonpayment, fraud.**

A. Under any of the following circumstances, the Tax Administrator may make and give notice of an assessment of the amount of tax owed by a person under this section at any time:

1. If the person has not filed a complete statement required under the provisions of this section;
2. If the person has not paid the tax due under the provisions of this section;
3. If the person has not, after demand by the Tax Administrator, filed a corrected statement, or furnished to the Tax Administrator adequate substantiation of the information contained in a statement already filed, or paid any additional amount of tax due under the provisions of this section; or
4. If the Tax Administrator determines that the nonpayment of any cannabis business tax due under this section is due to fraud, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to penalties and interest otherwise payable under this section and any other penalties allowed by law.

B. The notice of assessment shall separately set forth the amount of any tax known by the Tax Administrator to be due or estimated by the Tax Administrator, after consideration of all information within the Tax Administrator's knowledge concerning the business and activities of the person assessed, to be due under each applicable provision of this section and shall include the amount of any penalties or interest accrued on each amount to the date of the notice of assessment.

5.74.240**Tax assessment - notice requirements.**

The notice of assessment shall be served upon the person either by personal delivery, by overnight delivery by a nationally-recognized courier service, or by a deposit of the notice in the United States mail, postage prepaid thereon, addressed to the person at the address of the location of the business or to such other address as he or she shall register with the Tax Administrator for the purpose of receiving notices provided under this section; or, should the person have no address registered with the Tax Administrator for such purpose, then to such person's last known address. For the purpose of Section 5.74.240, a service by overnight delivery shall be deemed to have occurred one (1) calendar day following deposit with a courier and service by mail shall be deemed to have occurred three (3) days following deposit in the United States mail.

5.74.250**Tax assessment - hearing, application and determination.**

Within thirty (30) calendar days after the date of service of the notice of assessment the person may apply in writing to the Tax Administrator for a hearing on the assessment. If application for a hearing before the City is not made within the time herein prescribed, the tax assessed by the Tax Administrator shall become final and conclusive. Within thirty (30) calendar days of the receipt of any such application for hearing, the Tax Administrator shall cause the matter to be set for hearing before him or her no later than thirty (30) calendar days after the receipt of the application, unless a later date is agreed to by the Tax Administrator and the person requesting the hearing. Notice of such hearing shall be given by the Tax Administrator to the person requesting such hearing not later than five (5) calendar days prior to such hearing. At such hearing said applicant may appear and offer evidence why the assessment as made by the Tax Administrator should not be confirmed and fixed as the tax due. After such hearing the Tax Administrator shall determine and reassess (if necessary) the proper tax to be charged and shall give written notice to the person in the manner prescribed in Section 5.74.240 for giving notice of assessment.

5.74.260**Relief from taxes -disaster relief.**

A. If a cannabis business is unable to comply with any tax requirement imposed under this section due to a disaster, the business may notify the Tax Administrator of its inability to comply and request relief from the tax requirement. For purposes of this section, "disaster" means fire, flood, storm, tidal wave, earthquake, or similar public calamity, whether or not resulting from natural causes.

B. The cannabis business shall provide any information required by the Tax Administrator including, without limitation, why relief is requested, the time period for which the relief is requested, and the reason relief is needed for the specific amount of time. The cannabis business agrees to grant the Tax Administrator or his/her designee access to the location where the cannabis business has been impacted due to a disaster.

C. The Tax Administrator, in his/her sole discretion, may provide relief from the cannabis business tax requirement for businesses whose operations have been impacted by a disaster if such tax relief does not exceed fifteen thousand (\$15,000) dollars. Such temporary relief may be granted for a reasonable amount of time, in the Tax Administrator's sole discretion, and the amount and duration of relief should be based upon how long it would reasonably take for the cannabis business to recover from the disaster. the Tax Administrator may require that the cannabis business follow certain conditions to receive temporary relief from the cannabis business tax requirement.

5.74.270 Conviction for violation - taxes not waived.

The conviction and punishment of any person for failure to pay the required tax shall not excuse or exempt such person from any civil action for the tax debt unpaid at the time of such conviction. No civil action shall prevent a criminal prosecution for any violation of the provisions of this section or of any state law requiring the payment of all taxes.

5.74.280 Violation deemed misdemeanor.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

5.74.290 Severability.

If any provision of this section, or its application to any person or circumstance, is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this section or the application of this section to any other person or circumstance and, to that end, the provisions hereof are severable.

5.74.300 Remedies cumulative.

All remedies and penalties prescribed by this section or which are available under any other provision of this code and any other provision of law or equity are cumulative. The use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this section.

5.74.310 Amendment or modification.

SECTION 1. Except as set forth in this section 5.74.310, this section may be amended or modified but not repealed by the City Council without a vote of the people. However, as required by Article XIII C of the California Constitution, voter approval is required for any amendment that would expand, extend, or increase the rate of any tax levied pursuant to this section. The people of the City of Stanton affirm that the following actions shall not constitute an increase of the rate of a tax:

A. The restoration or adjustment of the rate of the tax to a rate that is no higher than that allowed by this chapter, in those circumstances where, among others, the City Council has previously acted to reduce the rate of the tax or is incrementally implementing an increase authorized by this chapter;

B. An action that interprets or clarifies (i) the methodology of applying or calculating the tax or (ii) any definition applicable to the tax, so long as the interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the provisions of this Chapter 5.74; or

C. The collection of the tax imposed by this section even if the City had, for some period of time, failed to collect the tax.

SECTION 2. Pursuant to Article XIII B of the California Constitution, the appropriation limit for the City of Stanton will be increased by the maximum projected aggregate collection authorized by the levy of this general tax, as indicated in Section 1, in each of the years covered by this Ordinance plus the amount, if any, by which the appropriation limit is decreased by law as a result of the levy of the general tax set forth in this Ordinance.

SECTION 3. If any portion of this Ordinance is declared invalid by a court of law or other legal body with applicable authority, the invalidity shall not affect or prohibit the force and effect of any other provision or application of the Ordinance that is not deemed invalid. The voters of the City hereby declare that they would have circulated for qualification and/or voted for the adoption of this Section, and each portion thereof, regardless of the fact that any portion of the initiative may be subsequently deemed invalid.

SECTION 4. Pursuant to California Constitution Article XIII C §(2)(b) and California Elections Code §9217, this Ordinance shall take effect only if approved by a majority of the eligible voters of the City of Stanton voting at the Special Municipal Election to be held on November 5, 2019, and shall take effect ten (10) days after the City Council has certified the results of the Special Municipal Election by resolution.

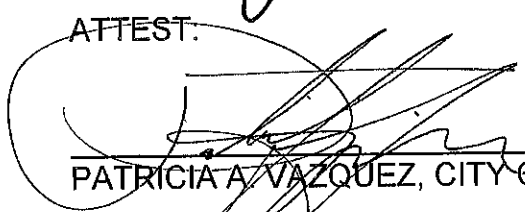
SECTION 5. The Mayor is hereby authorized to attest to the adoption of this Ordinance by the People voting thereon on November 5, 2019, by signing where indicated below.

I hereby certify that the foregoing Ordinance No. 1091 was **PASSED, APPROVED AND ADOPTED** by the people of the City of Stanton on the 5th day of November, 2019.



DAVID J. SHAWVER, MAYOR

ATTEST.



PATRICIA A. VAZQUEZ, CITY CLERK

APPROVED AS TO FORM:



MATTHEW E. RICHARDSON, CITY ATTORNEY



CITY OF STANTON REPORT TO THE PLANNING COMMISSION

TO: Chair and Members of the Planning Commission

DATE: May 6, 2020

SUBJECT: PUBLIC HEARING TO CONSIDER MINOR CONDITIONAL USE PERMIT (MUP20-01) AND SITE PLAN AND DESIGN REVIEW (SPDR-799) TO DEMOLISH AN EXISTING CONVENIENCE STORE AND CONSTRUCT A NEW 2,200 SQUARE-FOOT CONVENIENCE STORE LOCATED AT 8221 GARDEN GROVE BOULEVARD, IN THE COMMERCIAL GENERAL (CG) ZONE.

RECOMMENDED ACTION

That the Planning Commission:

- Conduct a public hearing; and
- Adopt Resolution No. 2508 approving Minor Conditional Use Permit (MUP20-01) and Site Plan and Design Review (SPDR-799) and find that the project is categorically exempt per California Environmental Quality Act, Public Resource Code Section 15302, Class 2 (Replacement or Reconstruction).

BACKGROUND

The applicant, Fred Cohen representing CJC Design Inc, is proposing to demolish an existing convenience store and construct a new 2,200 square foot convenience store at an existing service station located at 8221 Garden Grove Boulevard. The Applicant has requested the following entitlements:

- Site Plan and Design Review (SPDR-799) - 20.430.030 of the Stanton Municipal Code (SMC) requires a Site Plan and Design Review Permit for the construction of any new nonresidential development; and
- Minor Conditional Use Permit (MUP20-01) - 20.320.040 of the SMC requires a Minor Conditional Use Permit for the reduction of up to 15 percent in the required number of parking spaces. SMC section 20.500.030 states that multiple applications for the same project shall be processed concurrently, and shall be reviewed, and approved or denied by the highest review authority.

ANALYSIS/JUSTIFICATION

Project Location - The project site is located on the corner of Fern Street and Garden Grove Boulevard. The subject site is a 0.33 acre parcel with an existing 1,500 square-foot convenience store building and service station with six fuel pumps. The property is zoned as Commercial General (CG) and has a General Plan Designation of Commercial General (CG), which allows for service station and convenience store use.

Surrounding zoning and uses are as follows:

Direction	Zoning	Existing Land Use
North	Commercial Neighborhood (CN)	Retail Commercial Businesses
South	City of Garden Grove	Automotive Repair
East	City of Garden Grove	Retail Commercial Businesses
West	Commercial General (CG)	Retail Commercial Businesses

Project Description - The Applicant is proposing to demolish an existing 1,500 square-foot convenience store and construct a new 2,200 square-foot convenience store at the existing service station. All existing fueling systems, canopy and dispensers will remain. In order to accommodate the increase in store square footage, the Applicant has requested a Minor Conditional Use Permit for a parking reduction of 15 percent.

Proposed Operations - The proposed convenience store will operate 24 hours a day, seven days a week, consistent with the current operating hours. All convenience store operations will be inside the convenience store building and service station fuel sales can be paid inside with the cashier or at the fuel pump. The convenience store will have three employees during daytime operation and will have two employees during the nighttime shift. The delivery of inventory will be conducted during the same nighttime off-peak hours. The convenience store currently has an existing Conditional Use Permit (C71-7) that allows an auxiliary drive-in cash-and-carry use, which includes the sale of alcoholic beverages for both beer and wine (Exhibit 1: Resolution No. 152).

Site Design/Circulation - The site can be accessed from two driveway entrances, Garden Grove Boulevard and Fern Avenue, both compliant with the 25-foot driveway requirement. The Applicant proposes removal of an abandoned driveway entry at the intersection of Fern Street and Garden Grove Boulevard and replacing it with a sidewalk compliant with City standards. The proposed new convenience store includes one entrance at the front of the building. The site has an existing trash enclosure that will remain.

The setbacks and coverage of the new structure are in compliance with SMC section 20.220.030. Commercial buildings may be constructed at a zero lot line rear setback when adjacent to non-residential zones and a front and street-side setback of five feet. The proposed convenience store building is proposed to be constructed on a zero rear

yard setback and a five-foot side yard setback. The building is setback 61 feet from Fern Street and 120 feet from Garden Grove Boulevard.

The location and size of the proposed convenience store building is at approximately the same location and orientation of the existing convenience store. However, the new building will be 700 feet larger. The building height limit is permitted up to 45 feet in the Commercial General zone. The proposed height of the building is 20 feet 6 inches which is below the maximum.

The proposed convenience store building is proposed to be constructed with a main entry façade and metal awning at the south-facing main entrance to the building. Horizontal metal siding is proposed at insets flanking the entry and at the east elevation used to enhance the overall appearance. The rear-facing north elevation is proposed to have a split face block wall finish. Staff is recommending that this elevation be stucco coated to match the other three elevations. A condition of approval has been included requiring this revision through the plan check review. Store signage is proposed on the east and south elevations and a condition of approval has been included which requires the applicant to obtain sign permits.

Parking - The project is subject to the parking requirements for a service station with a convenience store.

Use	Parking ratio	Parking spaces required	Parking spaces provided
Service station	1 per gas pump + one for employee	13 spaces	12 spaces
Convenience store	1 per 200 feet gross floor area	11 spaces	9 spaces
	Total	24 spaces	21 spaces

The total parking required for the entire site is 24 parking spaces. Twelve parking spaces would be provided at the gas pumps and the remaining 12 spaces from on-site parking spaces.

The Applicant has requested a Minor Conditional Use Permit (MUP) for approval of a reduction in parking spaces required by 15 percent. A 15 percent reduction in parking would decrease the total required spaces from 24 to 20 spaces. Staff has reviewed the submitted documentation and has determined that the project meets the criteria and findings can be made to justify the reduction.

ENVIRONMENTAL IMPACT

Staff recommends that the Planning Commission find that the effects of the proposed project are Categorically Exempt from the requirements to prepare additional environmental documentation per California Environmental Quality Act (CEQA) Guidelines, Section 15302, Class 2 (Replacement or Reconstruction). Class 2 consists

of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to: (a) replacement or reconstruction of existing schools and hospitals to provide earthquake resistant structures which do not increase capacity more than 50 percent, (b) replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity, (c) replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity, (d) conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding.

Pursuant to Article 19 Section 15302 (b) of the California Environmental Quality Act (CEQA), the proposed project would replace an existing commercial structure with a new structure that is substantially the same size and staff finds that there are no unusual circumstances in regards to having a significant effect on the environment. Therefore, the proposed project is categorically exempt from the provisions of CEQA.

PUBLIC NOTIFICATION

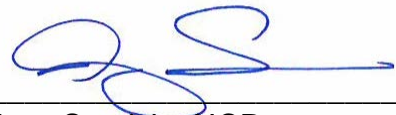
Notice of Public Hearing was mailed to all property owners within a five hundred-foot radius of the subject property and made public through the agenda-posting process.

Prepared by,



Izzak Mireles
Planning Specialist

Approved by,



Amy Stonich, AICP
City Planner

ATTACHMENTS

- A. Resolution No. 2508
- B. Vicinity Map
- C. Applicant Narrative & Minor Conditional Use Permit Findings
- D. Project Plans
- E. Exhibit 1: Resolution No. 152

RESOLUTION NO. 2508

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF STANTON CALIFORNIA, APPROVING MINOR CONDITIONAL USE PERMIT MUP20-01 AND SITE DEVELOPMENT AND DESIGN REVIEW SPDP-799 TO ALLOW THE DEMOLITION OF AN EXISTING CONVENIENCE STORE AND CONSTRUCTION AND OPERATION OF A NEW CONVENIENCE STORE LOCATED AT 8221 GARDEN GROVE BOULEVARD IN THE COMMERCIAL GENERAL (CG) ZONE AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PER CALIFORNIA ENVIRONMENTAL QUALITY ACT, PUBLIC RESOURCE CODE SECTION 15302, CLASS 2 (REPLACEMENT OR RECONSTRUCTION).

WHEREAS, on March 9, 2020, Fred Cohen representing CJC Design Inc., (“Applicant”) filed applications for a Site Plan and Design Review (SPDR-799) and Minor Conditional Use Permit (MUP20-01) for the demolition of an existing convenience store and construction and operation of a new 2,200 square-foot convenience store located at 8221 Garden Grove Boulevard which includes a 15 percent reduction in the number of required parking spaces;

WHEREAS, the subject property is zoned Commercial General (CG) and the General Plan Land Use designation is Commercial General which allows service station and convenience store uses;

WHEREAS, Section 20.320.040 of the Stanton Municipal Code (SMC) requires a Site Plan and Design Review permit for the construction of any new nonresidential development;

WHEREAS, Section 20.320.040 of the SMC requires a Minor Conditional Use Permit for the reduction of up to 15 percent in the required number of parking spaces and SMC section 20.500.030 states that multiple applications for the same project shall be processed concurrently, and shall be reviewed, and approved or denied by the highest review authority;

WHEREAS, Conditional Use Permit (C71-7) was approved by the Planning Commission on October 27, 1971 that allows for an auxiliary drive-in cash-and-carry use, which includes the sale of alcoholic beverages located at 8221 Garden Grove Boulevard;

WHEREAS, on May 6, 2020, the Planning Commission of the City of Stanton conducted a duly noticed public hearing concerning the request to approve Site Plan and Design Review (SPDR-799) to demolish and construct a new 2,200 square-foot convenience store and Minor Conditional Use Permit (MUP20-01) to allow for a parking reduction of 15 percent at 8221 Garden Grove Boulevard in the Commercial General (CG) zone;

WHEREAS, the Project is categorically exempt pursuant to the California Environmental Quality Act (CEQA), Section 15302, Class 2 (Replacement or Reconstruction);

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

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF STANTON DOES HEREBY FINDS AND DETERMINES THAT:

SECTION 1: All of the facts, findings and conclusions set forth in this resolution are true and correct.

SECTION 2: The Project is within that class of projects (i.e., Class 2 - Replacement and Reconstruction) which consists of the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. These replacement or reconstruction include (a) replacement or reconstruction of existing schools and hospitals to provide earthquake resistant structures which do not increase capacity more than 50 percent, (b) replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity, (c) replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity, (d) conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding. The Planning Commission finds and determines that the proposed project is a replacement of a commercial structure of substantially the same size, purpose, and capacity, and will not cause a significant effect on the environment and is, therefore, categorically exempt from the provisions of CEQA.

SECTION 3: That in accordance with the requirements as set forth in Section 20.530.050 of the Stanton Municipal Code for Site Plan and Design Review application:

1. The project is allowed within the subject zone.

The project includes a 2,200 square-foot convenience store within the CG zone. Section 20.215.20 of the SMC states that a convenience store is allowed as a secondary use to a service station in the CG zone, subject to approval of a site plan and design review. The applicant is also requesting approval of a Minor Conditional Use Permit (MUP) to modify the parking requirement by 15 percent. A MUP can be approved by the Director, however, SMC section 20.500.030 states that multiple applications for the same project shall be processed concurrently, and shall be reviewed, and approved or denied by the highest review authority. Therefore, the project is permitted through the entitlement process.

2. The project is designed so that:

- A. The project will not be detrimental to the public health, safety, or general welfare, and not detrimental to adjacent property;

The use is permitted in the CG zone subject to approval of site plan and design review. The use is essentially the same as the existing use and the project has been designed for architectural compatibility with neighboring commercial uses. Conditions of approval have been included to ensure that during the construction phase, appropriate measures are taken to minimize the impacts of the construction activities. Therefore, the project will not be detrimental to the health, safety and general welfare or detrimental to adjacent properties.

- B. Architectural design and functional plan of the structures and related improvements are of high aesthetic quality and compatible with adjacent developments;

The project is designed with the entry facade at the center of the building along with a metal awning, enhancing the front elevation where the entrance to the building is located. These architectural features provide an updated modern style replacing the existing and outdated convenience store. The site also has new landscaping located at the entrance to the building. Therefore, the project is consistent and compatible with adjacent developments.

- C. Structures and related improvements are suitable for the use of the property and provide adequate consideration of the existing and contemplated uses of land and orderly development in the general area of the subject site;

The new convenience store building replaces an existing convenience store and is compatible with the surrounding and future use of the site. Therefore, the project is designed with adequate consideration of the existing and contemplated land and development.

- D. The project's site plan and design is consistent with the City's Design Standards and Guidelines, if any.

The City does not currently have any adopted design guidelines. However, the project has been designed with enhanced elevations from the east and south elevations. These architectural features provide an updated modern style replacing the existing and outdated convenience store.

3. Designed to address the following criteria, as applicable:

- A. Compliant with the Zoning Code, Municipal Code Title 16 (Buildings and Construction), and all other applicable City regulations and policies;

The project complies with all site development standards with the exception of parking. A reduction of 15 percent is allowed subject to a Minor Conditional Use Permit with findings. The project has met the findings as justified herein. Therefore, the project is in compliance with the municipal code and all other city regulations and policies.

B. Efficient site layout and design;

The location and size of the proposed convenience store building is at approximately the same location and orientation of the existing convenience store, although the new building will be 700 feet larger. The project layout utilizes the site to its fullest extent while meeting site development standards.

C. Adequate yards, spaces, walls, and fences, parking, loading, and landscaping that fit within neighboring properties and developments;

The development provides adequate landscaping for the commercial zone. The project is subject to the parking requirements set forth in the SMC section 20.320.030 for a service station with a convenience store. The service station requires one space per pump and the convenience store requires one space per 200 square feet of gross convenience store area. The 2,200 square-foot convenience store requires 11 parking spaces. The service station requires 12 parking spaces per pump plus one space is required for an employee. Staff determined that the gas pumps would act as parking spaces, due to the nature of having to park one's vehicle when pumping gas. Thus, the total parking required for the entire site is 24 parking spaces. Twelve parking spaces are provided at the gas pumps and the remaining 12 spaces are located at the perimeter of the site.

A 15 percent reduction in parking would decrease the total required spaces from 24 to 20 spaces. The plans and corresponding documentation show 21 parking spaces, 12 parking spaces provided from the gas pumps and the remaining nine (9) spaces provided on-site. All parking spaces have met the minimum parking dimensions set forth in the SMC.

D. Relationship to streets and highways that are adequate in width and pavement type to carry the quality and kind of traffic generated by the development;

The use remains the same as the existing use. Therefore, the development will have no adverse effect or significant impact on the traffic or level of service along Fern Street or Garden Grove Boulevard.

E. Compatible and appropriate scale to neighboring properties and developments;

The use remains the same as the existing use. The project would be compatible with existing commercial general uses in the area and replace the outdated convenience store. The height of the development will not exceed the allowed 45 feet in height in

the CG zone. The development will have enhanced elevations at the entrance of the building that will create a more pleasant experience for customers.

F. Efficient and safe public access (both pedestrian and vehicular) and parking;

The project site will have access from Garden Grove Boulevard and Fern Street, both driveway entrances meet the 25-foot width requirement. One driveway at Fern Street will be removed and a new sidewalk consistent with City Standards will be installed. The submitted plans and corresponding documentation show 21 parking spaces, 12 parking spaces provided from the gas pumps and the remaining nine (9) spaces coming from on-site parking. Therefore, the project will have adequate parking due to the nature of the activity of pumping gas. All parking spaces have met the minimum parking dimensions set forth in the SMC.

G. Appropriate and harmonious arrangement and relationship of proposed structures and signs to one another and to other development in the vicinity, based on good standards of design;

The location and size of the proposed building is approximately at the same location of the existing convenience store with a slight modification for enlargement. The new building is approximately 70 feet by 32 feet. The convenience store will be constructed with a main entry façade and metal awning at the south-facing main entrance to the building. Horizontal metal siding is proposed at insets flanking the entry and at the east elevation used to enhance the overall appearance. The north elevation is proposed to have a split face block wall finish. Store signage is proposed to be on the east and south elevations.

H. Appropriate relationship to land use and development of adjacent properties, including topographic and other physical characteristics of the land;

The convenience store use is consistent with the existing commercial uses. Further, the east and south elevations are enhanced with horizontal metal siding and the front entrance to the building has a metal awning. Therefore, the project would not have a substantial adverse effect on the visual character of the area.

I. Proper site utilization and establishment of a physical and architectural relationship to existing and proposed structures on the site;

The project utilizes and establishes physical and architectural features through the utilization of modern style. The development utilizes high quality finishes and materials throughout including a metal awning at the entrance, horizontal metal sidings, split face block wall finish, and large windows.

J. Compatible architectural style with the character of the surrounding area, both to avoid repetition of identical design where not desired, and to ensure compatibility in design where desired;

The design features of the development are architecturally compatible with the surrounding commercial areas. The project would utilize stucco as the main facade material and include split face block wall finish at the rear of the property.

- K. Harmonious relationship with existing and proposed developments and the avoidance of both excessive variety and monotonous repetition;

The project provides architectural features to avoid design repetition, including the use of an awning and horizontal metal materials. Therefore, the project is compatible in color, material and composition of the exterior elevations to neighboring visible structures.

- L. Compatible in color, material, and composition of the exterior elevations to neighboring visible structures;

The convenience store features modern architecture with enhanced elevations.

- M. Appropriate exterior lighting that provides for public safety and is not of a nature that will constitute a hazard or nuisance to adjacent properties;

The development will incorporate exterior lighting that will be appropriate in scale and will provide for public safety. All exterior lighting will be kept at a reasonable level of intensity and directed away from adjacent properties and public streets to minimize glare.

- N. Compatible in scale and aesthetic treatment of proposed structures with public areas;

The development is compatible in scale to the surrounding commercial uses and creates a more walk-able space with the appropriate changes being made to the sidewalk.

- O. Appropriate open space and use of water-efficient landscaping; and

The open space requirement does not apply to this development. All existing and landscaping would meet the adopted Water Efficiency Ordinance Guidelines as required by the Stanton Municipal Code.

- P. Consistent with the General Plan and any applicable Specific Plan;

The development is consistent with the City's General Plan, specifically Goal LU-1.1: Create an economic and fiscal balance of residential, commercial and industrial uses. Strategy LU-1.1.1: Encourage land uses which maximize economic development and enhance the quality of life. The project would create a new building that would attract new customers to the business and surrounding areas.

SECTION 4: That in accordance with the requirements set forth in Section 20.550.060 of the Stanton Municipal Code for a Minor Conditional Use Permit:

An application for a Minor Conditional Use Permit may be approved subject to conditions, or disapproved by the review authority. The review authority may approve a Minor Conditional Use Permit only if it first makes all of the following findings:

1. The proposed use is consistent with the General Plan and any applicable specific plan;

The development is consistent with the City's General Plan, specifically: Goal LU-1.1: Create an economic and fiscal balance of residential, commercial and industrial uses. Strategy LU-1.1.1: Encourage land uses which maximize economic development and enhance the quality of life. The project would create a new building that would attract new customers to the business and surrounding areas.

2. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Code and the Municipal Code;

The use is allowed within the applicable zone and complies with all other applicable provisions of the municipal code. The subject property is located in the CG zone which allows a service station with a convenience store. A reduction of up to 15 percent in parking is allowed through the approval of a MUP. A 15 percent reduction in parking would decrease the total required spaces from 24 to 20 spaces. The project meets the criteria set for in SMC section 20.550 for a MUP in that 21 parking spaces (12 parking spaces provided from the gas pumps and the remaining nine (9) spaces coming from on-site parking) are provided on-site. All parking spaces are designed to meet minimum parking dimensions. As such, the project is allowed within the zone and is in compliance with all provisions of the SMC.

3. 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 design features of the development are architecturally compatible with the surrounding commercial areas. The project is designed with the entry facade at the center of the building along with a metal awning, enhancing the front elevation where the entrance to the building is located. These architectural features provide an updated modern style replacing the existing and outdated convenience store. The site also has new landscaping located at the entrance to the building. Therefore, the project is consistent and compatible with adjacent developments.

4. The site is physically suitable in terms of;

- A. Its design, location, shape, size, and operating characteristics of the proposed use;

The location and size of the building is approximately at the same location of the existing convenience store with a slight modification for the enlargement. The new

building is approximately 70 feet by 32 feet. The building would be constructed with a main facade and metal awning enhancing the front elevation where the entrance to the building is located. Horizontal metal siding is proposed at insets flanking the entry and at the east elevation used to enhance the overall appearance. The north elevation has been conditioned to have stucco finish to match the building. Store signage is to be on the east and south elevations subject to obtaining a sign permit.

B. The provision of public and emergency vehicles (e.g., fire and medical) access;

The site has three drive-way entrances, providing adequate access to public and emergency vehicles.

C. Public protection services (e.g., fire protection, police protection, etc.);

The use remains the same with a convenience store and service station. The project will be adequately serviced by the Orange County Fire Authority and the County Sheriff's Department. Conditions have been included to satisfy the Orange County Fire Authority. The project was reviewed by the Orange County Sheriff's Department and no concerns were noted.

D. The provision of utilities (e.g., potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.); and

The project will utilize existing utilities at the site. The building will be connected to an existing sewer line and potable water system. The solid waste collection is provided by an existing trash enclosure on the northeast corner of the site. The site is relatively flat with a two percent slope throughout. The grading and storm water drainage will remain existing and intact with no changes.

E. 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 serviced by two existing main driveways on Garden Grove Boulevard. The existing driveways are adequate and meet the City's standards set forth in the SMC.

5. 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; and

The convenience store is operating under an existing Conditional Use Permit (C73-12) that allows an auxiliary drive-in cash-and-carry use, which allows for the sale of alcoholic beverages. The use permit also allows for the 24 hour operation of the convenience store. To ensure safety to all patrons and neighboring businesses, the Applicant will have a substantial amount of windows on the front of the building which

allows for better visibility. Security cameras will also be installed at the four corners of the building.

6. The applicant agrees in writing to comply with any and all of the conditions imposed by the review authority in the approval of the Minor Conditional Use Permit.

A condition of approval has been included requiring the applicant to sign an agreement to conditions.

SECTION 5: That based upon the above findings, the Planning Commission approves Site Plan and Design Review (SPDR-799) and Minor Conditional Use Permit (MUP20-01) to allow for the demolition of an existing convenience store and construction and operation of a new 2,200 square-foot convenience store located at 8221 Garden Grove Boulevard subject to the following Conditions of Approval:

A. That all conditions of the Planning Division be met, including the following:

1. The project will be constructed, developed, used, operated and permanently maintained in accordance with the terms of the application, plans, drawing, and conditions imposed in this Agreement.
2. 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 project, such requirements shall be made a condition of approval.
3. Development of the property in the manner herein approved shall commence within six (6) months and shall become null and void, unless a time extension is granted by the Community Development Director.
4. The Applicant(s)/Owner(s) shall acknowledge the Conditions of Approval and shall record them in the Office of the County Recorder. Proof of recordation shall be provided to the Planning Division prior to Final Building Permit.
5. All proposed signs including exempt signs (Section 20.325.050) must be approved prior to installation and shall be in compliance with the Stanton Municipal Code (Chapter 20.235).
6. The parking lot shall be maintained free of potholes and breaks in the asphalt.
7. All parking shall be permanently maintained and restriped when necessary. All entrances, exits and aisle shall be clearly indicated and such other devices provided as may be necessary to ensure safe movement of vehicles.
8. All roof mounted equipment and/or vents shall be screened from the view to the satisfaction of the Community Development Director.
9. Graffiti on the property shall be removed at the property owner's expense within 24 hours.
10. The north wall must be revised to be stucco coated to match the south and east elevations.

11. Any exterior lighting shall be kept at a reasonable level of intensity and directed away from adjacent properties and public streets to minimize glare.
12. 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 investigation/inspections, which result in a finding of violation of any applicable laws and/or conditions of approval.
13. A City of Stanton business license shall be permanently maintained on a continuous basis by the subject business.
14. Any changes to the plans which occur through the Building plan check must be previously approved by authorized Planning Staff. Any approval by the Building Division does not constitute approval by the Planning Division.
15. All conditions of approval set forth in Conditional Use Permit (C73-12) remain in full effect (Exhibit 1).

Termination: Upon approval, the permit shall become null and void 180 days after such time the approved use at the approved location ceases to be operated as noted by lapse of City business license, lapse of State Board of Equalization permit, or date noted by city official with proper site verification of abandonment or discontinuance. This permit shall be deemed immediately terminated should the approved location be occupied by a use not in accord with this approval.

B. That all requirements of the Building Division be met, including 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 2019 Title 24 Energy Code.
3. All plans shall be designed in conformance with the 2019 California Building Code, 2019 California Plumbing Code, 2019 California Mechanical Code, the 2019 California Electrical, the 2019 Green Building Standards, 2019 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 2019 edition of the California Electrical Codes.
5. Provide approval by the Orange County Fire Authority.
6. The conditions of approval will be required to be copied on the approved set of plans prior to issuance of building permits. All the conditions must be completed prior to final approval and issuance of the Certificate of Occupancy.

7. Applicant will be required to have all the contractors and sub-contractors recycle construction materials to the maximum extent possible. All recyclable construction materials are to be taken to an approved Transfer Station.
8. Applicant will be required to submit a Waste Management Plan (WMP) for the demolition and new construction phases of the project. All recyclable construction materials are to be taken to an approved Transfer Station.
9. A stamped soils investigation report shall be submitted with the plans for plans check. Report shall include soil bearing capacity, seismic study, in compliance with the Seismic Hazard Mapping Act of the State of California, grading, paving, sulfate test and other pertinent information under good engineering practice.
10. Address Accessibility requirements in accordance with California Building Code Chapter 11 B.
11. 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.
12. Prior to issuance of building permits, plans shall comply with mandatory California Green Code requirements including but not limited to, recycling by occupants, solar ready for building, electric vehicle (EV) charging for new construction, bicycle parking and commissioning reports.
13. Prior to issuance of building permits, plans shall include mandatory requirements in accordance with Building Code Chapter 11B.
14. At submittal for plan check, the applicant shall provide South Coast Air Quality Management District checklist to determine whether construction or business operations will require an air quality permit for this project.
15. Prior to issuance of building permits, plans shall comply with mandatory California Green Code requirements including but not limited to, recycling by occupants, solar ready for building, electric vehicle (EV) charging for new construction, bicycle parking and commissioning reports.
16. Prior to issuance of building permits, plans shall include mandatory requirements for and electric ready vehicle charging station.
17. Prior to issuance of building permits, plans shall include mandatory requirements for solar ready buildings.
18. Prior to issuance of building permits, plans need to show compliance with the 2019 California Building Code (CBC), 2019 California Fire Code (CFC), NFPA standards, and local amendments.

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

1. Applicant shall submit Improvement Plans prepared by a Registered Civil Engineering for public works (off-site) improvements. Plan check fees shall be paid in advance.

2. City public works encroachment permit shall be taken out for all work in the public right-of-way prior to start of work. All work shall be done in accordance with Orange County RDMD or APWA and City standards and to the satisfaction of the City Inspector and completed before issuance of Certificate of Occupancy.
3. All existing off-site improvements (sidewalk, curb & gutter, driveways, and street paving) at the development site which are in a damaged condition or demolished due to the proposed work shall be reconstructed to the satisfaction of the City Engineer. When reconstructing full width sidewalk, curb & gutter, and driveways shall be fully improved. Structural sections of the street pavement shall be reconstructed per the requirements of an approved pavement rehabilitation report prepared by a Registered Civil Engineer.
4. No construction materials or construction equipment shall be stored on public streets.

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

1. Prior to approval of a precise grading permit and/or building permit, a fire master plan with a water availability form shall be signed by a local water purveyor (service code PR145).

ADOPTED, SIGNED AND APPROVED by the Planning Commission of the City of Stanton at a regular meeting held on May 6, 2020 by the following vote, to wit:

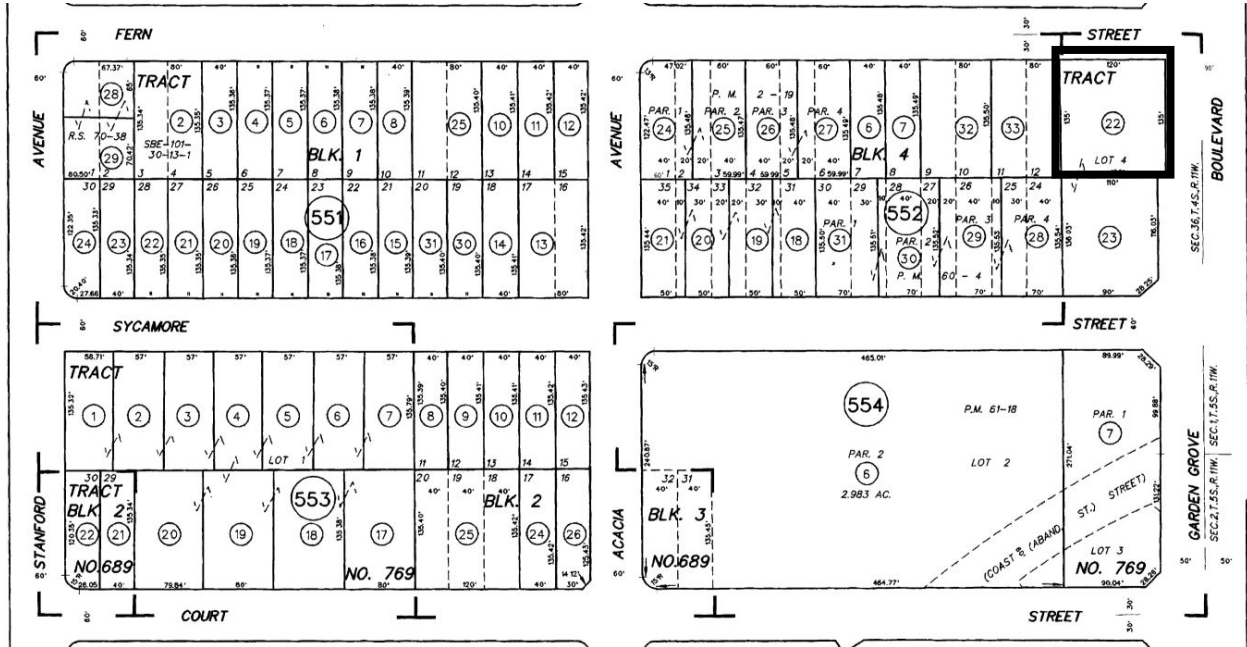
AYES:	COMMISSIONERS:	_____
NOES:	COMMISSIONERS:	_____
ABSENT:	COMMISSIONERS:	_____
ABSTAIN:	COMMISSIONERS:	_____

 Thomas Frazier, Chair
 Stanton Planning Commission

 Amy Stonich, AICP
 Planning Commission Secretary

8221 Garden Grove Boulevard

Project Area





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Operational Statement

Date: August 28, 2019 (Rev 3/4/20)

Project Address: Imperial Stations
8221 Garden Grove Blvd.
Stanton, CA.

1. Project Description:

Demolition of existing convenience store and construction of new 2,200sf convenience store at existing gas station. All existing fueling system, canopy and dispensers to remain.

2. Operational time Limits:

The gas station and convenience store will be operating 24hrs/day, 7 days/week and 365 days/year. All convenience store operations will be indoor and gas station fuel sales will be outdoors with cashier inside the convenience store.

3. Number of employees:

The convenience store number of employees are three during the daytime hours and two during the graveyard shift. No employees will be living on-site.

4. Service & Delivery Vehicles:

The delivery to the site is anticipated to be conducted during the none-busy hours. Typical service delivery for convenience store product is anticipated daily.

5. Access to the site:

Existing access to the site is provided primarily by two driveways on Garden Grove Boulevard and one secondary driveway on Fern Avenue

6. Number of parking spaces

The project is subject to the parking requirements of a service station with a convenience store. The convenience store would require one space per 200sf of gross convenience store area. The proposed 2,200sf convenience store would require 11 parking spaces. The service station would require one space per pump thus, the total parking required for the entire site would be 23 parking spaces.

The Stanton municipal code section 20.320.040 allows a reduction of up to 15%

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MAR 09 2020

COMMUNITY DEVELOPMENT

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Yorba Linda, CA 92887
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ATTACHMENT C



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in the required number of parking spaces to be allowed through the approval of a Minor Use Permit (MUP) in compliance with Chapter 20.550. This will allow the total number of parking spaces to 20 spaces total. 12 parking spaces are provided from the gas pumps and the remaining 9 spaces are provided as standard 9x19' parking spaces. Total of 21 parking spaces provided as 20 required.

A Minor Use Permit application is submitted for purpose of parking reduction due to the proposed parking requirements is consistent with other uses of similar intensity established elsewhere in the parking regulations and does not represent a grant of special privilege inconsistent with the intent of the parking regulations to provide adequate and consistent levels of parking for similar uses throughout the city

7. Goods to be sold on-site

Typical convenience store product such as coffee, prepackaged and prepared pastries, candies, soft drinks, beer, wine, etc.. In addition, 7-Eleven convenience store offers hot dogs, pizza and other sandwiches which are prepared at the facility and sold in a food wrap package.

8. Equipment to be used

Gas station equipment such as dispensers and underground fuel storage tanks which are monitored continuously are existing to remain

9. Supplies and material used and storage

Typical Convenience store products are stored inside building and fuel will be stored inside existing underground storage tanks.

10. Unsightly appearance

Noise: Typical ambient noise

Glare: None. All lighting will be shielded and pointed downwards

Dust: None

Odor: None

11. Solid or liquid waste

No known liquid waste is known besides the bathroom and typical kitchen sinks which will be disposed into public sewer.

Approximately 4CY of solid waste (trash) will be collected inside trash enclosure which will be hauled away by affiliated trash company

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12. Proposed Buildings

New single store convenience store and restaurant building will be constructed. Existing fueling canopy and fueling dispensers to remain

13. Landscaping and Fencing

Approximately 10% of the property is landscaped. No fencing is proposed.

Site Design

The new building will be located at the same location as the existing building to be demolished to maintain the smooth traffic flow throughout the facility.

Architecture

The Convenience store building architecture is designed to complement adjacent businesses. We anticipate the architecture of the building will be a tremendous compliment to this property.

The architecture of the building encompasses main tower at center of the building which articulates the main entrance to the building.

In conclusion, the applicant believes this site not only provides the convenience of a one-stop service station to the residents and visitors, but also the architecture and design of the site will attract all individuals to take pleasure in their visit to this station.

If you need any additional information, please do not hesitate to give me a call.

Sincerely,

CJC Design, Inc.

Fred Cohen
Principal

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Minor use permit finding and Parking reduction justification

Date: March 9, 2020

Project Address: Imperial Stations
8221 Garden Grove Blvd.
Stanton, CA.

The project is subject to the parking requirements of a service station with a convenience store. The convenience store would require one space per 200sf of gross convenience store area.

The proposed 2,200sf convenience store would require 11 parking spaces. The service station would require one space per pump thus; the total parking required for the entire site would be 24 parking spaces. The Stanton municipal code section 20.320.040 allows a reduction of up to 15% in the required number of parking spaces to be allowed through the approval of a Minor Use Permit (MUP) in compliance with Chapter 20.550. This will allow the total number of parking spaces to 20 spaces total. 12 parking spaces are provided from the gas pumps and the remaining 9 spaces are provided as standard 9x19' parking spaces. Total of 21 parking spaces provided as 20 parking spaces required.

A Minor Use Permit application is submitted for purpose of parking reduction due to the proposed parking requirements is consistent with other uses of similar intensity established elsewhere in the parking regulations and does not represent a grant of special privilege inconsistent with the intent of the parking regulations to provide adequate and consistent levels of parking for similar uses throughout the city

REQUIRED FINDINGS

- SMC 20.550-1
The operation gasoline sale is the main use of the facility as the convenience store is the secondary use to provide one stop service to consumers. Typically the consumers utilize the gasoline pumps as parking

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for the convenience store. While a vehicle is being filled up at the pump the consumers manage the time waiting at the pump to purchase typical products sold at convenience store. Any customer not utilizing gasoline pump parking while at the convenience store utilize the standard parking spaces provided for approximately three to five minutes at their visit.

- SMC 20.550 – 2
The convenience store and the gasoline station are integrated together as one whole business and complement each other as two uses within one facility. This reduction will not adversely affect any other businesses as adequate parking spaces are provided within the facility or.
- SMC 20.550 – 3
The twenty one (21) parking spaces provided on site meets the requirement for the proposal as described above and does not grant special privilege inconsistent with the intent of the parking regulations as established per Stanton Municipal Code (SMC)
- SMC 20.550.60 B1
The proposed project is located in General Commercial (CG) zoning. The removal of the existing convenience store and construction of the new convenience store is in conformance with the zoning guidelines.
- SMC 20.550.60B2
Gas station and convenience store is allowed within the General Commercial (CG) zoning and the proposed convenience store meets current applicable zone and complies with all applicable provisions of the zoning code and the municipal code.
- SMC 20.550.60B3
The proposed convenience store is compatible with the existing activity of the current operation of the existing convenience store. Although the size of the new convenience store is in comparison larger than the existing convenience store however, the majority due to current building and health department requirement, a considerable portion of the interior is required to be dedicated to storage area. The location and size of the proposed building is approximately at the same location of the existing convenience store with slight modification for the enlargement. This

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proposal is compatible with the existing use of the facility and future land uses within General Commercial zones in the vicinity which encompasses commercial use in direct surrounding of the site.

- SMC 20.550.60B4
 - a) The site is currently operating as a gas station with convenience store. The construction of the new larger convenience store is in compliance with the existing and will not change the operating characteristics of the site. The site is located in general commercial zoning and the 2200sf, single story convenience store is suitable for the site in terms of the design and location.
 - b) Adequate space is provided for public and emergency vehicle (i.e. fire and medical access) to the site. The site is accessible by two driveways along Garden Grove Boulevard and secondary driveway on Fern Street. 25' of clear space is provided on the east and north side of the fueling canopy which not only allow general vehicles but also allows larger emergency vehicles such as fire trucks to access the site and maneuver through the site without any obscurity.
 - c) As mentioned on section "b" adequate space is provided for fire protection and access by fire vehicles. In addition, the proposed building will provide substantial amount of window on the front of the building which not only allows the police department to have a better visual into the building from outside but also allows the convenience store employees to have better visual of the site from inside to minimize loitering at the site. Also numbers of security cameras will be installed on at least 4 corners of the building to provide a better screening of the entire site. The Camera security system will be provided with advanced DVR system to record all activities within the site and can be provided to law enforcement if needed.
 - d) The proposal will utilize existing utilities at the site. The proposed building will be connected to existing sewer and potable water system. The solid waste collection is provided by existing trash enclosure on the north east corner of the site. The site is relatively flat with 2% slope throughout. The grading and storm water drainage will remain existing and intact with no change.
 - e) The site is serviced by two existing main driveways on Garden Grove Boulevard and a secondary driveway on Fern street. The existing driveways have min. width of thirty feet at throat which is adequate for the operation of the existing gas station and proposed convenience store

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- SMC 20.550.60B5
Small convenience store and gas station will provide services and convenience of one stop shop to consumers. The proposed project will not adversely affect health and interest of any property or persons. As mentioned previously, the site is currently operational as gas station and convenience store and the proposed project not only aesthetically pleasing but also will be up to most current governing codes to meet health and safety of public.
- SMC 20.550.60B6
The site will comply with any and all of the conditions imposed and agreed upon by the review authority in the approval of Minor Use permit

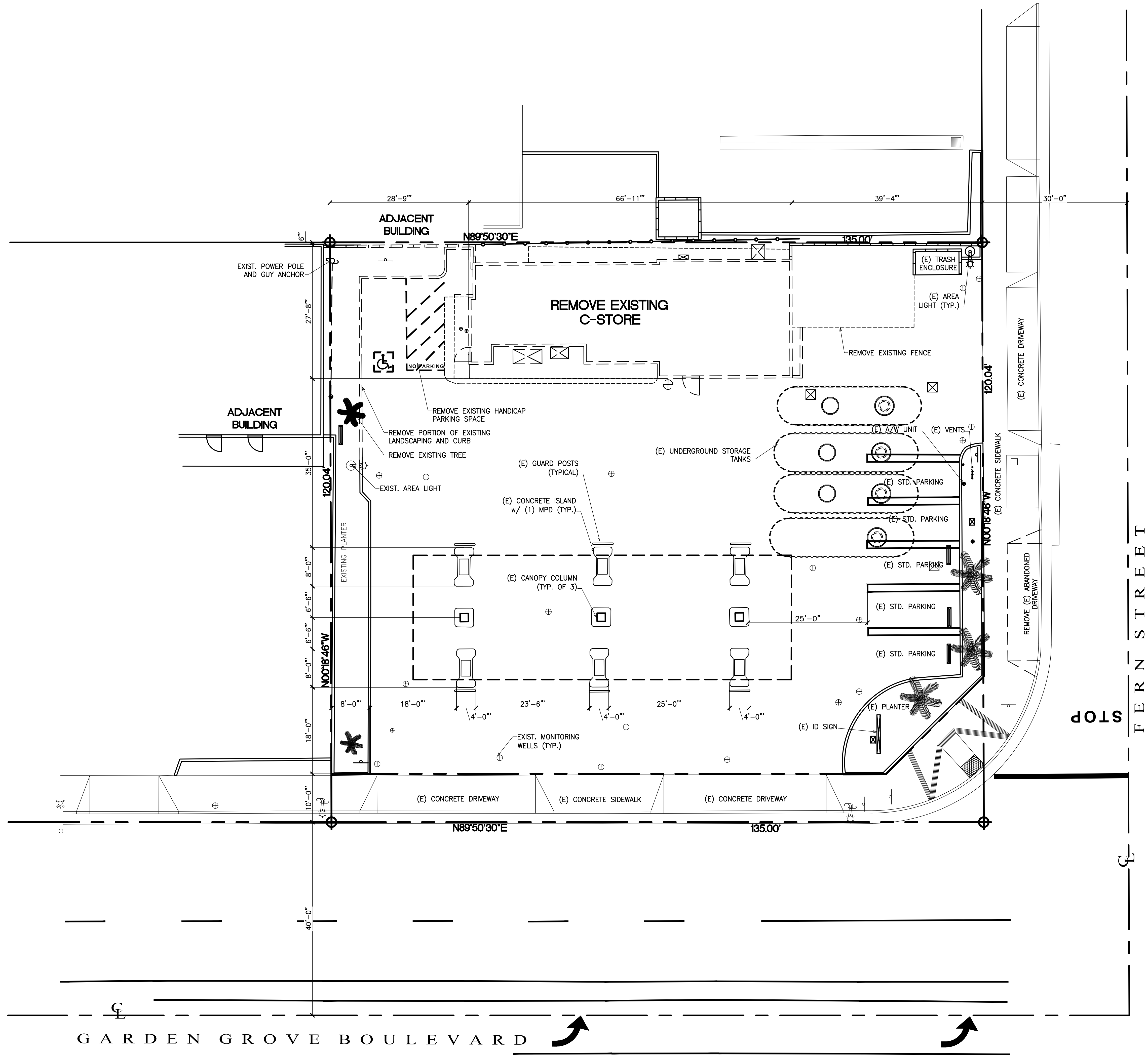
If you need any additional information, please do not hesitate to give me a call.

Sincerely,

CJC Design, Inc.

Fred Cohen
Principal

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NORTH ARROW / GRAPHIC SCALE

VICINITY MAP

Underground Service Alert

Call: TOLL FREE
1-800
227-2600
TWO WORKING DAYS BEFORE YOU DIG

PROJECT:
IMPERIAL STATIONS INC #1
8221 GARDEN GROVE BLVD.
STANTON, CA. 92844

EXIST/DEMO PLOT PLAN

REVISIONS

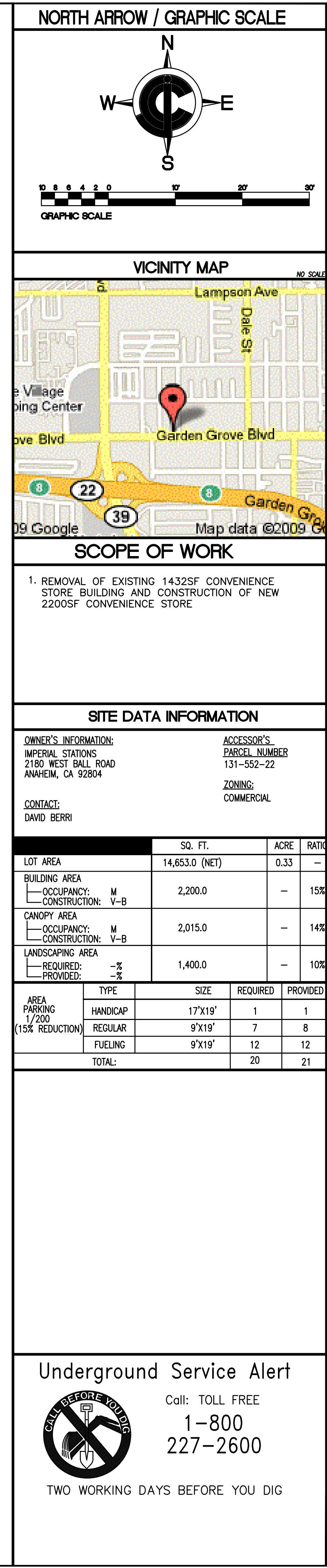
NO.	DATE	DESCRIPTION

CJC Design, Inc.
Design Planning Permitting
11801 Pierce Street, Suite 246, Riverside, CA 92505
Tel: (714) 920-9843
Fax: (714) 917-0250
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PROJECT:
IMPERIAL STATIONS INC #1
8221 GARDEN GROVE BLVD.
STANTON, CA. 92844

EXIST/DEMO PLOT PLAN

C1.0





REVISIONS	
NO.	DATE:
DESCRIPTION:	



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Design Planning Permitting

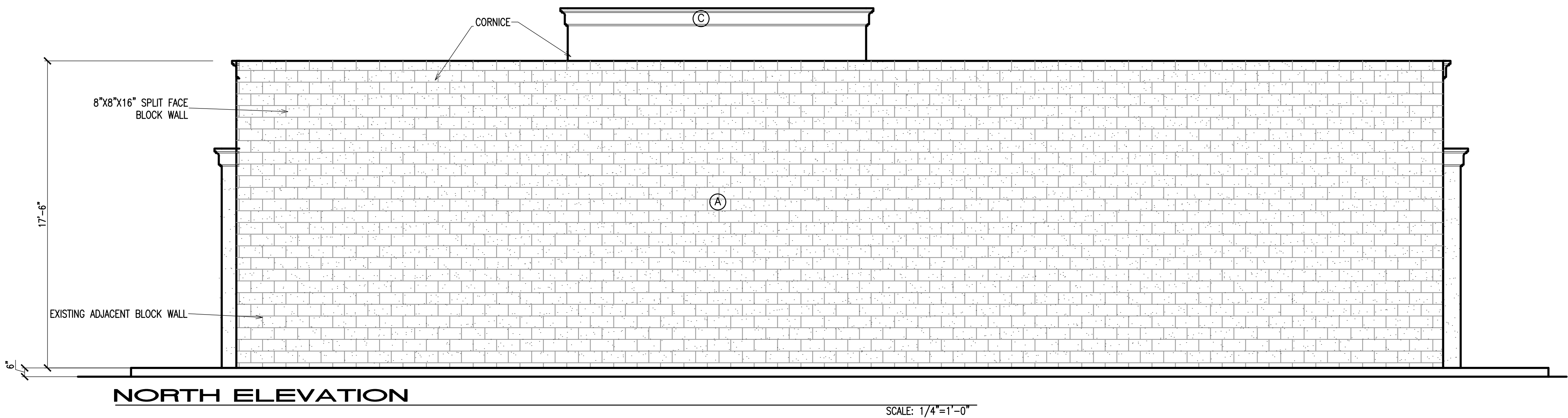
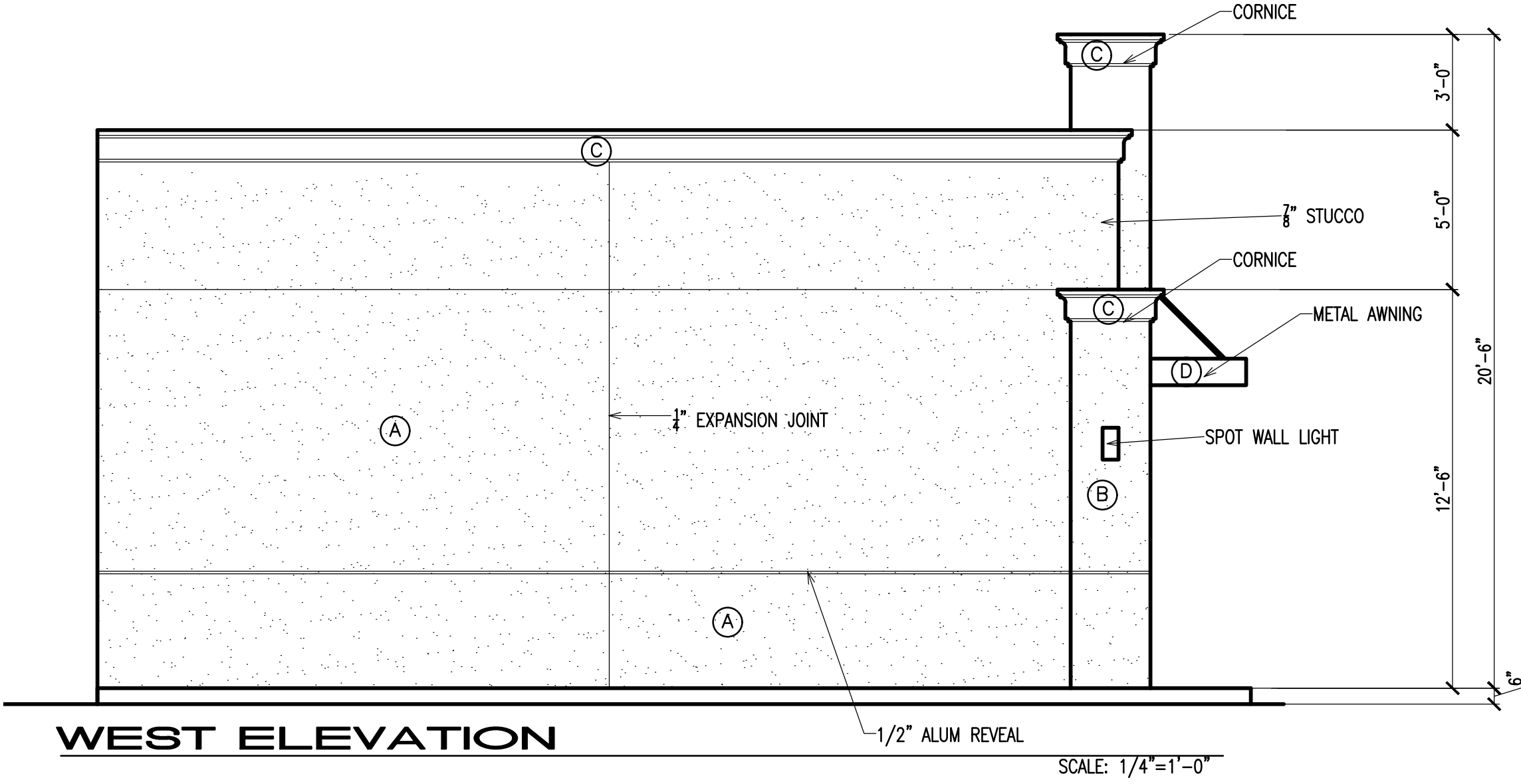
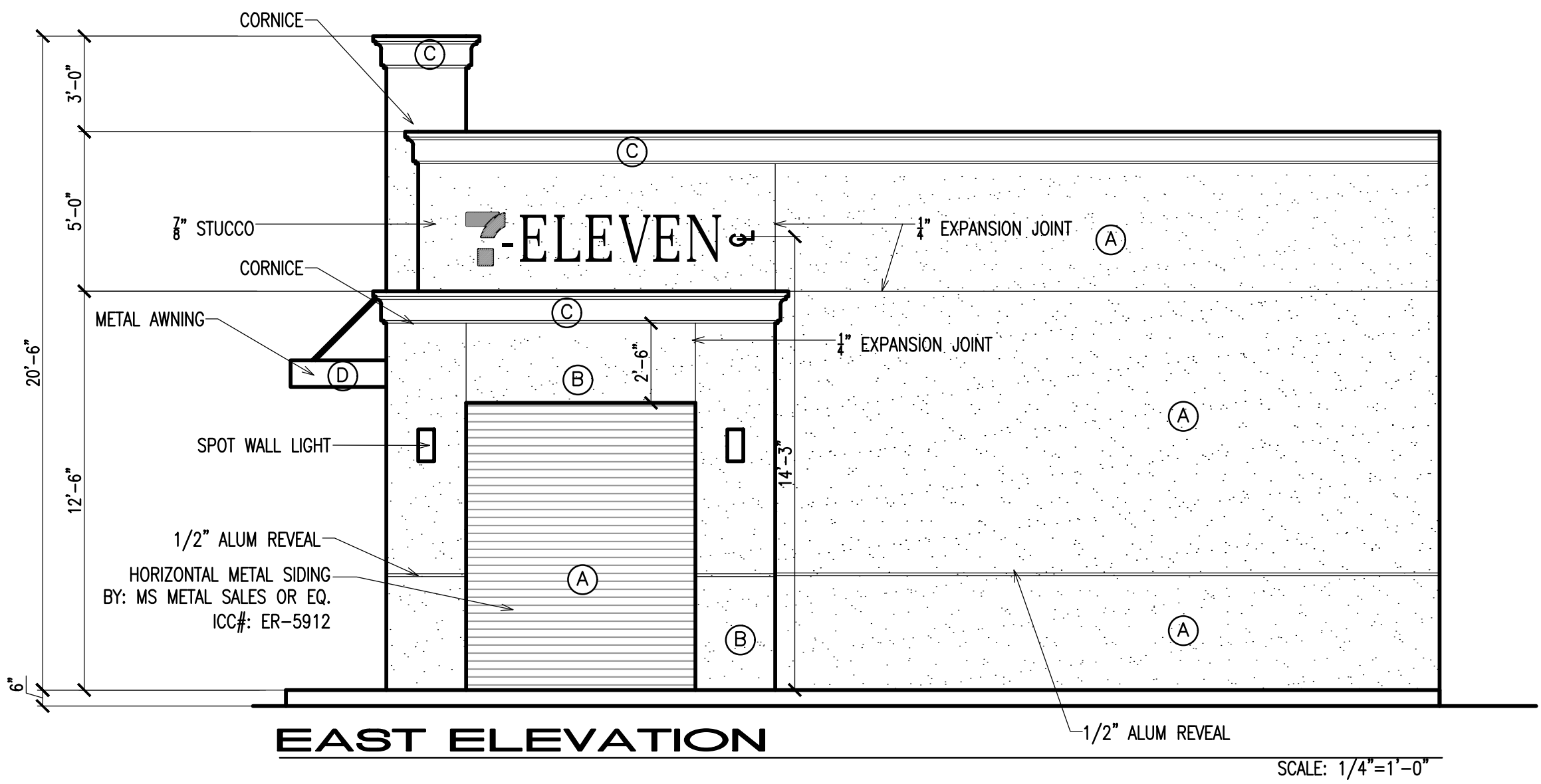
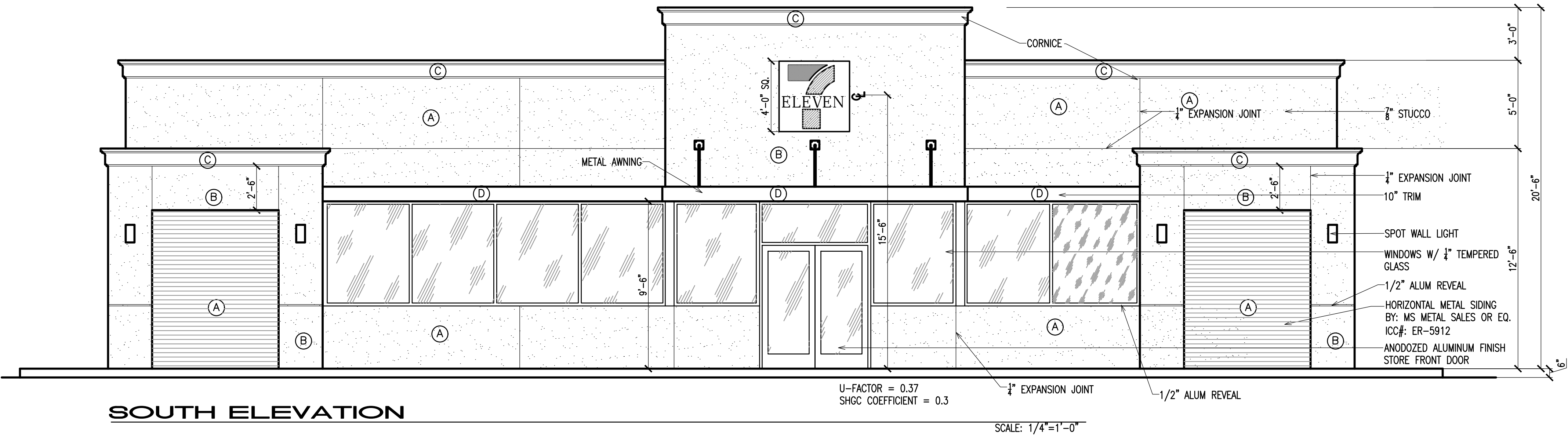
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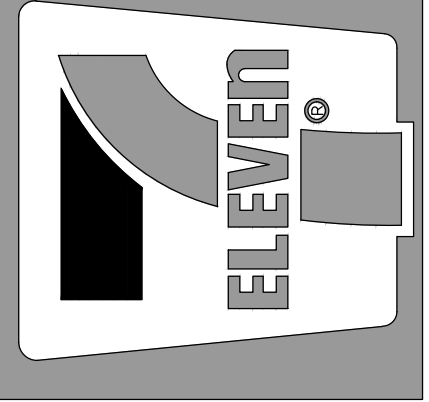
PROJECT: IMPERIAL STATIONS INC #1 8221 GARDEN GROVE BLVD. STANTON, CA. 92844	PROPOSED PLOT PLAN
DATE ISSUED: 08/07/17	
SCALE: 1"=10'-0"	
DRAWN BY: F. COHEN	CHECKED BY: F. COHEN
PROJECT NUMBER: 17082	
STORE NUMBER: ISI#1	
SHEET: C.11	

- COLOR**
- A. BEHR SILVER SHADOW #N510-1
 - B. BEHR PENCIL SKETCH #N500-4
 - C. BEHR 100MPH #P170-7
 - D. BEHR CARBON #520-7



REVISIONS	
NO.	DESCRIPTION

CJC Design, Inc.
Design Planning Permitting
11801 Pierce Street, Suite 246, Riverside, CA 92505
Tel: (714) 929-9633 Fax: (714) 917-0250
www.cjcdcorp.com



PROJECT:
IMPERIAL STATIONS INC #1
8221 GARDEN GROVE BLVD.
STANTON, CA. 92844

PROPOSED BUILDING ELEVATION

DATE ISSUED:	08/07/17
SCALE:	
DRAWN BY:	F. COHEN
CHECKED BY:	F. COHEN
PROJECT NUMBER:	17082
STORE NUMBER:	ISI#1

SHEET:
A.21



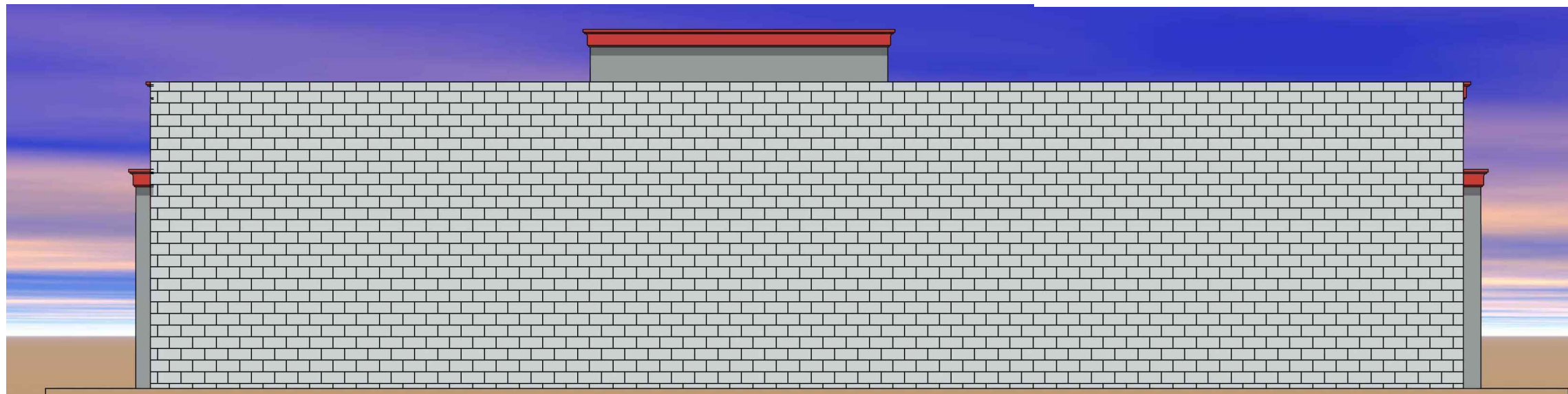
SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION



NORTH ELEVATION

RESOLUTION NO 152

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF STANTON
APPROVING CONDITIONAL USE PERMIT NO. C-71-7

The Planning Commission of the City of Stanton does resolve as follows:

SECTION 1. The Planning Commission does hereby find and determine that an application was duly filed by William R. Gilson for Douglas Oil Company, holder of a Master Lease on property described as follows:

8221 Garden Grove Boulevard; being All that certain land situated in the Garden Grove Sanitary District, City of Stanton, described as follows:

The easterly 135 feet of Lot 4, Tract No. 769, as shown on a Map recorded in Book 32, Page 4, of Miscellaneous Maps, records of Orange County, California.....Also being Assessor's Parcel No. 131-552-22.

requesting a Conditional Use Permit permitting them to operate an auxiliary drive-in cash-and-carry use in conjunction with the service station to be operated wholly within the existing building; and that a public hearing was set for October 13, 1971 and continued on October 27, 1971, at 7:30 p.m. in the Stanton City Council Chambers, 7800 Katella Avenue, Stanton, and a notice of the date, time, place and purpose of aforesaid hearing was duly given; that a hearing was duly held at aforementioned times and place.

SECTION 2. The Planning Commission further finds and determines that facts exist as required in Chapter 20.80.060 of the STANTON MUNICIPAL CODE, justifying the granting of a Conditional Use Permit providing there is full compliance with the staff recommended conditions.

SECTION 3. Based on the aforementioned findings the Commission hereby grants with respect to the property described in Section 1, above, a Conditional Use Permit subject to the following conditions:

1. This approval shall apply only to the accessory use for a drop-off/pick up dry cleaning and laundry. Any change to another "drive-in business" shall require submittal of a new Conditional Use Permit application.
2. This approval shall remain in effect only so long as the gasoline sales is conducted as a self-service operation.
3. No cleaning of garments shall be conducted on premise. The use shall remain a transfer point between the retail customer and the actual cleaning operation.
4. Garden Grove Boulevard shall be fully dedicated to its ultimate right-of-way.
5. Any remaining necessary off-site public improvements shall be installed on Garden Grove Boulevard and Fern Street to the satisfaction of the City Engineer. A bond amount of 10% of the cost of said off-site improvements shall be maintained with the City for a one (1) year maintenance period after installation.
6. A Title Insurance policy shall be furnished to the City.
7. Three (3) parking spaces shall be supplied on-site and provided with striping and wheel bumpers,

8. A trash storage corral shall be supplied on site and enclosed within a decorative five foot high wall, gate, and/or building wall.
9. All A-frame, moveable, and paper signs as well as plastic streamers or banners shall be removed. Signs stored behind the building shall be removed. All signs shall be permanent in nature and no more than 24 sq. ft. of sign area shall be devoted to the accessory dry cleaners use.
10. Both businesses on the premise shall be licensed separately.
11. All applicable provisions of the Stanton Municipal Code shall be complied with.

SECTION 4. The permit hereby allowed is conditional upon the privileges being utilized within six (6) months after the effective date thereof, and if they are not utilized or construction work is not begun within said time and carried on diligently in accordance with conditions imposed by the Commission, this authorization shall become void, and any privilege, permit or variance granted hereby shall be deemed to have elapsed.

SECTION 5. This action shall become final and effective ten (10) days after the date of the adoption of this Resolution unless during that time a written appeal is taken to the Stanton City Council.


SECTION 6. The Secretary shall certify to the adoption of this Resolution and shall transmit certified copies to the applicant and the Stanton City Clerk.

ADOPTED AND APPROVED this 27th day of October, 1971.


M. EGGLESTON, Chairman
Stanton City Planning Commission

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Stanton at a regular meeting thereof held on the 27th day of October, 1971, by the following vote:

AYES: Commissioners Romagnino, Aspinall, Eggleston, Jones, Mendez
NOES: None
ABSENT: None


Betty J. Blankenship, Secretary
Stanton City Planning Commission

cc: City Clerk
Wm. R. Gilson, 530 W. 6th St., Los Angeles, Calif.