



CITY OF STANTON
STANTON CITY HALL, 7800 KATELLA AVENUE, STANTON, CA
PLANNING COMMISSION REGULAR MEETING
WEDNESDAY, NOVEMBER 18, 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 November 18, 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 temporarily cancelling 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: 867 9693 6077#** to be connected to the meeting.

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

- E-mail a request to speak to CommunityDevelopment@ci.stanton.ca.us with the subject line “REQUEST TO SPEAK - ITEM #” (*insert the item number relevant to your comment*) no later than 5:00 p.m. before the meeting (*Wednesday, November 18, 2020*) and, at the time of the requested public hearing item, the host 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, provided to the Commission and made available to the public before the start of the meeting. 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, November 18, 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 with the subject line “PUBLIC COMMENT ITEM #” (*insert the item number relevant to your comment*) no later than 5:00 p.m. before the meeting (*Wednesday, November 18, 2020*). Please identify the Agenda Item you wish to address in your comments. Staff will not read e-mailed comments at the meeting. However, the official record will include all e-mailed comments received until the close of the meeting.

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) 890-4243.

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 Ash
Vacant

4. SPECIAL PRESENTATION

None.

5. APPROVAL OF MINUTES

The Planning Commission approve minutes of Regular Meetings:

- June 17, 2020 (Chair Frazier Abstain)
- July 15, 2020
- August 19, 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, November 18, 2020) will be compiled, provided to the Planning Commission, and made available to the public before the start of the meeting. Staff will not read e-mailed comments at the meeting. However, the official record will include all e-mailed comments received until the close of the meeting.

7. PUBLIC HEARINGS

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

- E-mail a request to speak to CommunityDevelopment@ci.stanton.ca.us with the subject line "REQUEST TO SPEAK - ITEM #" (insert the item number relevant to your comment) no later than 5:00 p.m. before the meeting (Wednesday, November 18, 2020) and, at the time of the requested public hearing item, the host 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, provided to the Commission and made available to the public before the start of the meeting. 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, November 18, 2020).

7A. PUBLIC HEARING TO CONSIDER ORDINANCE NO. 1107 AMENDING STANTON MUNICIPAL CODE TITLE 5, BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.16, MESSAGE ESTABLISHMENTS, AND AMENDING TITLE 20, CHAPTERS 20.215, 20.230 AND 20.400 TO UPDATE THE CITY'S MESSAGE REGULATIONS.

RECOMMENDED ACTION

That the Planning Commission:

- Conduct a public hearing;
- Find the proposed project is has been determined to be exempt under Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and
- Adopt Resolution No. 2532 recommending the City Council adopt Ordinance No. 1107 amending Stanton Municipal Code Title 5, Business Licenses and Regulations, Chapter 5.16, Massage Establishments, and amending Stanton Municipal Code Title 20, Chapters 20.215, 20.230 and 20.400 to update the City's massage regulations.

8. NEW BUSINESS

None.

9. OLD BUSINESS

None.

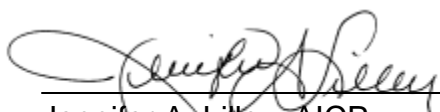
10. PLANNING COMMISSION COMMENTS

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 12th day of November 2020.



Jennifer A. Lilley, AICP
Community & Economic Development Director

DRAFT
MINUTES OF THE PLANNING COMMISSION OF THE CITY OF STANTON
REGULAR MEETING
WEDNESDAY, JUNE 17, 2020

1. CALL TO ORDER

The regular meeting of the Planning Commission of the City of Stanton was called to order at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE

Led by Amy Stonich.

3. ROLL CALL

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

Absent: None

Excused: Chair Frazier

4. SPECIAL PRESENTATION

Presentation by Mr. John Condon, Trabuco Consulting related to Crime Prevention Through Environmental Design (CPTED).

Vice Chair Grand asked if the CPTED analysis is now part of the planning process.

Contract Planner Stonich explained that CPTED reviews will be included on a case by case basis.

Commissioner Marques asked if CPTED has the ability to protect properties from situations such as theft.

Mr. Condon stated CPTED provides recommendations and review.

5. APPROVAL OF MINUTES

None.

6. PUBLIC COMMENTS

None.

7. PUBLIC HEARINGS

None.

8. **NEW BUSINESS**

None.

9. **OLD BUSINESS**

None.

10. **PLANNING COMMISSION COMMENTS**

10A. **PLANNING COMMISSION INITIATED ITEM – PRESENTATION BY RUBEN COLMENARES, FIRE PREVENTION ANALYST, REGARDING ORANGE COUNTY FIRE AUTHORITY’S PLAN CHECK REVIEW PROCESS**

Deputy Fire Marshal Kerbrat provided an overview of the services that the Orange County Fire Authority (OCFA) provides. Deputy Fire Marshal Kerbrat reported on the process to implement risk reduction which includes investigation, plan review, education and enforcement.

Commissioner Ash stated by the time the project is presented to the Planning Commission, it has been reviewed thoroughly by the OCFA and that OCFA is bound by both State and Local regulations during their review.

Fire Prevention Analyst Ruben Colmenares replied to Commissioner Ash and confirmed her statement and further stated that, that was the OCFA’s goal.

Commissioner Marques expressed his concerns regarding proposals brought before the Planning Commission and applicant’s statements that they have met all of OCFA’s requirements/recommendations (such as fire access / egress / spaces / adequate fire hydrants). However, the recommendations and requirements that were not outlined in the presentation is that based on a conceptual design proposal, the OCFA only issues a set of recommendations (such as 25 feet access / must have hammerhead for turning radius). Commissioner Marques further expressed his concerns with design concepts that show buildings being built six feet apart and not per the City’s current zoning code which requires that buildings have a 10-foot setback. Commissioner Marques questioned whether the OCFA is reviewing such setbacks and if the OCFA prepares specific set of recommendations to each developer so that the applicant is aware of what to expect and incorporate in their project.

Fire Prevention Analyst Ruben Colmenares responded to Commissioner Marques and explained that the OCFA takes all various factors into consideration when reviewing submittals and preparing their report and recommendations.

Commissioner Marques requested that Fire Prevention Analyst Ruben Colmenares confirm if the OCFA provides an applicant with a written response containing the OCFA’s official requirements.

Fire Prevention Analyst Ruben Colmenares reported that a detailed review is conducted.

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**THESE MINUTES ARE ISSUED FOR INFORMATION ONLY AND ARE SUBJECT TO
AMENDMENT AND APPROVAL AT NEXT MEETING**

DRAFT

Deputy Fire Marshal Kerbrat assured the Planning Commission that all processes are in place to assure that a project meets all safety requirements.

10B. PLANNING COMMISSION INITIATED ITEM – DISCUSSION REGARDING ORANGE COUNTY MOSQUITO AND VECTOR CONTROL POLICIES AND PROCEDURES IN RESPONSE TO THE COVID-19 PANDEMIC

Contract Planner Stonich presented the memorandum prepared in response to Commissioner Moua's request.

Commissioner Moua commented about the Zika Virus.

11. PLANNER'S REPORT

Contract Planner Amy Stonich reported on her departure from the City of Stanton.

Commissioner Marques thanked Contract Planner Stonich for her time.

12. ADJOURNMENT

Commission adjourned at 8:10 p.m.

Jennifer A. Lilley, AICP
Community & Economic Development Director

DRAFT
MINUTES OF THE PLANNING COMMISSION OF THE CITY OF STANTON
REGULAR MEETING
WEDNESDAY, JULY 15, 2020

1. CALL TO ORDER

The regular meeting of the Planning Commission of the City of Stanton was called to order at 6:37 p.m.

2. PLEDGE OF ALLEGIANCE

Led by Commissioner Marques.

3. ROLL CALL

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

Absent: None

Excused: None

4. SPECIAL PRESENTATION

Chair Frazier introduced the new Community & Economic Development Director, Ms. Jennifer A. Lilley.

5. APPROVAL OF MINUTES

None.

6. PUBLIC COMMENTS

None.

7. PUBLIC HEARINGS

7A. PUBLIC HEARING TO CONSIDER SITE PLAN AND DESIGN REVIEW SPDR-805, TENTATIVE TRACT MAP TM 20-02 AND PLANNED DEVELOPMENT PERMIT PDP 20-02 TO ALLOW FOR THE DEVELOPMENT OF SIX (6) CONDOMINIUMS LOCATED AT 7922 CERRITOS AVENUE IN THE MEDIUM DENSITY RESIDENTIAL (RM) ZONE.

Vice Chair Grand recused herself from discussion of this item due to the proximity of her residence to the proposed project.

Assistant Planner Izzak Mireles presented the item.

DRAFT

Chair Frazier asked how many cars currently use the temporary parking lot.

Mr. Mireles stated city staff would research that information.

Chair Frazier asked what is considered “moderate income.”

Mr. Mireles stated “moderate income” is based on the County’s average median income of \$83,000 - \$90,000. He noted a covenant will provide that these homes will have to remain affordable for fifty-five years.

Chair Frazier opened the public hearing.

Troy Hendrickson, Vice President of Land Acquisition for Habitat for Humanity of Orange County, introduced himself.

Commissioner Marques noted that without the density bonus, the planned development permit request would not meet the current Stanton Zoning Code.

Chair Frazier confirmed whether the density bonuses are mandated by the State.

Ms. Lilley noted that in this case, the applicant is utilizing incentives provided by the State for projects providing affordable housing.

Commissioner Moua expressed his concern with parking and the way it will affect the neighborhoods.

Chair Frazier asked City Attorney Kaylee Otto, whether the parking issue is not an issue of a variance but rather is a concession dictated by the State.

Ms. Otto confirmed the parking space allowance is mandated by the State.

Commissioner Ash asked for clarification on the use of contractors.

Mr. Hendrickson explained they are a licensed contractor.

Vice Chair Grand asked regarding the turnaround area for the fire truck.

Mr. Hendrickson explained it has been reviewed by the Orange County Fire Authority.

Chair Frazier closed the public hearing.

Commissioner Ash noted she is happy Habitat for Humanity picked Stanton but noted her frustration with the inability of the Commission to uphold the Code. She asked Ms. Lilley about the feasibility of parking elsewhere and what the City will propose.

Ms. Lilley stated some communities consider shared parking agreements, parking districts and other tools to address parking concerns.

DRAFT

Motion/Second: Ash/Marques

Motion passed (4-0) by the following vote:

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

8. NEW BUSINESS

None.

9. OLD BUSINESS

None.

10. PLANNING COMMISSION COMMENTS

Commissioner Ash asked whether in-person meetings would continue or whether the Commission would continue meeting telephonically.

Ms. Lilley noted that at this time there is no new direction.

Chair Frazier noted how pleased he is that Ms. Lilley is working with the City. He commended Mr. Mireles on his presentation.

11. PLANNER'S REPORT

None.

12. ADJOURNMENT

Commission adjourned at 7:19 p.m.

Jennifer A. Lilley, AICP
Community & Economic Development Director

DRAFT
MINUTES OF THE PLANNING COMMISSION OF THE CITY OF STANTON
REGULAR MEETING
WEDNESDAY, AUGUST 19, 2020

1. CALL TO ORDER

The regular meeting of the Planning Commission of the City of Stanton was called to order at 6:39 p.m.

2. PLEDGE OF ALLEGIANCE

Led by Chair Frazier.

3. ROLL CALL

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

Absent: None

Excused: None

4. SPECIAL PRESENTATION

The recognition of former Senior Planner, Ms. Rose Rivera was continued to a future meeting.

5. APPROVAL OF MINUTES

None.

6. PUBLIC COMMENTS

None.

7. PUBLIC HEARINGS

7A. PUBLIC HEARING TO CONSIDER CONDITIONAL USE PERMIT C19-06 TO ALLOW FOR A HEAVY INTENSITY MANUFACTURING AND WAREHOUSING FACILITY LOCATED AT 8350 CERRITOS AVENUE IN THE IG (INDUSTRIAL GENERAL) ZONE.

Planning Technician Jennifer Ash presented the item.

Chair Frazier opened the public hearing.

Mr. Mireles noted no public comments for or against the project were received.

DRAFT

Commissioner Ash asked staff regarding exiting off the property with big trucks.

Ms. Ash explained the business utilizes small trucks only.

Chair Frazier asked whether smaller vehicles could maneuver in and out with roll-up doors on the south elevation of the building.

Mr. Nguyen, the business owner stated there are two roll-up doors.

Commissioner Marques asked how Mr. Nguyen would oversee parking to not interfere with neighboring businesses.

Mr. Nguyen stated his two businesses are not retail and have in total about twenty-two parking spaces for employees.

Commissioner Marques then noted some concerns with the lack of fire sprinklers, fire alarms, and lighting. He stated he is asking that no Certificate of Occupancy be issued until the site meets Fire Code requirements.

Mr. Nguyen stated he is in the process of obtaining the necessary permits to be able to move to the final plan when he can install the fire sprinklers and bring in the main line.

Commissioner Marques noted a conflict with Planning Condition No. 5 and Planning Condition No. 8 regarding storage racks and impediment to storing hazardous material on the exterior of the building.

Ms. Lilley stated the condition states no outdoor storage allowed but through review of OCFA and other agencies, they could submit for an enclosure that would be outside the building.

Chair Frazier asked whether the fire sprinkler system will only be a liquid water system and whether this issue would be subject to deferred submittal.

Ms. Lilley stated that the condition that requires the applicant to meet all local requirements would require the fire sprinklers to be reviewed by OCFA and OCFA would be signing off on that approval. The Building Official would not allow them to have occupancy of the building until they are in compliance.

Chair Frazier noted many of the products mix with water and asked how contaminated water is disposed of.

Mr. Nguyen noted that would go into the mixing tank and drained into a clarifier.

Chair Frazier closed the public hearing.

Motion/Second: Grand/Ash

Motion passed (4-0) by the following roll-call vote:

DRAFT

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

7B. PUBLIC HEARING TO CONSIDER SITE PLAN AND DESIGN REVIEW SPDR-802 TO ALLOW THE CONSTRUCTION OF TWO (2) SINGLE-FAMILY DETACHED DWELLING UNITS INCLUDING A SHARED COMMON DRIVEWAY WITH THE PROPERTY LOCATED AT 10672 LEXINGTON STREET AND TENTATIVE PARCEL MAP TM 19-03 TO SUBDIVIDE A LEGAL PARCEL (0.22 ACRES) FOR CONDOMINIUM PURPOSES, FOR THE PROPERTY LOCATED AT 10572 LEXINGTON STREET IN THE RM (MEDIUM DENSITY RESIDENTIAL) ZONE.

Planning Technician Ash presented the item.

Chair Frazier opened the public hearing.

Ms. Hargent, the Civil Engineer from EGL Associates, located in Arcadia, introduced herself.

Mr. Mireles noted no public comments for or against the project were received.

Chair Frazier closed the public hearing.

Motion/Second: Ash/Marques

Motion passed (4-0) by the following roll-call vote:

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

7C. PUBLIC HEARING TO CONSIDER ZONING CODE AMENDMENT ZCA 20-01, DEVELOPMENT AGREEMENT DA 20-03, PLANNED DEVELOPMENT PERMIT PDP 20-04, AND SITE PLAN AND DESIGN REVIEW SPDR-807 FOR A NEW 321-UNIT MULTI-FAMILY APARTMENT COMMUNITY FOR PROPERTIES LOCATED AT 12331-12435 BEACH BOULEVARD LOCATED IN THE COMMERCIAL GENERAL (CG) AND SOUTH GATEWAY MIXED-USE (SGMX) OVERLAY ZONE.

Community & Economic Development Director Jennifer Lilley presented the project.

Chair Frazier asked whether the numbers are correct on the traffic study because the left-hand turn across Beach Boulevard was at 75% and the right-hand turn was at 30%.

Mr. Mireles stated the applicant and architect were present.

Chris Segesman with the Bonanni Development Team introduced himself.

DRAFT

Vice Chair Grand asked whether the dog park is enclosed.

Mr. Segesman confirmed the dog park is enclosed and will contain a dog washing station.

Vice Chair Grand asked what is the move-in area.

Mr. Segesman noted the move-in area is for residents to be able to use a moving truck and an elevator without blocking traffic.

Commissioner Ash asked about lighting in the parking garage which could interfere with the residences.

Mr. Segesman stated the parking structure would have dim lights and the lighting is mandated by OCFA.

Chair Frazier asked whether the parking structure would have the emergency blue phone for safety reasons.

Mr. Segesman confirmed they will be installed.

Mr. Segesman also confirmed ADA parking will be provided on all levels of parking.

Director Lilley stated three letters were submitted in opposition related to height of the building and traffic impacts of the project and one letter was received in favor of the project.

Mr. Mireles confirmed no one was on the line to support or oppose the project.

Chair Frazier closed the public hearing.

Motion/Second: Ash/Grand

Motion passed (4-0) by the following roll-call vote:

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

8. NEW BUSINESS

None.

9. OLD BUSINESS

None.

10. **PLANNING COMMISSION COMMENTS**

Commissioner Ash noted she would like more education on letters from YIMBY. She also requested more information on traffic studies. Finally, she thanked staff for their work.

11. **DIRECTOR'S REPORT**

Ms. Lilley thanked everyone for their patience and noted a study session would be put together to discuss these items.

12. **ADJOURNMENT**

Commission adjourned at 8:10 p.m.

Jennifer A. Lilley, AICP
Community & Economic Development Director



CITY OF STANTON

REPORT TO THE PLANNING COMMISSION

TO: Chair and Members of the Planning Commission

DATE: November 18, 2020

SUBJECT: PUBLIC HEARING TO CONSIDER ORDINANCE NO. 1107 AMENDING STANTON MUNICIPAL CODE TITLE 5, BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.16, MASSAGE ESTABLISHMENTS, AND AMENDING TITLE 20, CHAPTERS 20.215, 20.230 AND 20.400 TO UPDATE THE CITY'S MASSAGE REGULATIONS.

RECOMMENDED ACTION

That the Planning Commission:

- Conduct a public hearing;
- Find the proposed project is has been determined to be exempt under Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA, and
- Adopt Resolution No. 2532 recommending the City Council adopt Ordinance No. 1107 amending Stanton Municipal Code Title 5, Business Licenses and Regulations Chapter 5.16, Massage Establishments, and amending Stanton Municipal Code Title 20, Chapters 20.215, 20.230 and 20.400 to update the City's massage regulations.

BACKGROUND

As a result of a periodic review of the Stanton Municipal Code, the opportunity to strengthen the current code or bring portions of the code up to current standards was identified. During the moratorium period the impacts of massage establishments were studied in detail and a series of recommendations were made to improve the code in

advance of the moratorium ending at the end of the 2020 calendar year. The revisions bring the code to current standards and include a few key components.

Establishments operating as Day Spas will now be included in the code and subject to inspection and increased regulation. There will be no negative impact to Day Spas acting in accordance with all regulations. Additionally, distancing requirements will be implemented to that stipulate that a new establishment may not be located within 500 feet of an existing establishment. This element is key to preventing a large number of establishments creating clusters and facilitating activity not in compliance with established guidelines. Including the distancing requirement to the Stanton Municipal Code will assist in maintaining a reasonable number of establishments and facilitate effective monitoring by City staff.

ANALYSIS/JUSTIFICATION

Adjustments to the City's Municipal Code are made periodically to maintain a current set of guidelines that are used to address the changing conditions seen in the community. Although these changes are relatively minor, each will impact the city in a positive manner and provide staff the tools needed to effectively efforts the rules and regulations of the city.

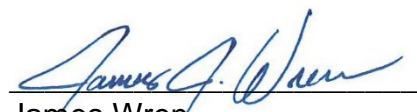
ENVIRONMENTAL IMPACT

The project is exempt from additional environmental review under the commonsense exemption under the California Environmental Quality Act (CEQA) Guidelines, Section 15061(b)(3) where CEQA applies only to projects which have the potential for causing a significant effect on the environment. The request does not include any changes or expansions in development or use at the existing properties. There are no proposed physical changes to the subject sites, or foreseeable indirect physical change to the environment.

PUBLIC NOTIFICATION

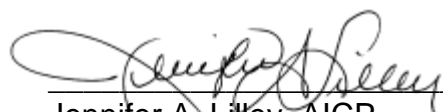
Notice of Public Hearing was made public through the agenda-posting process.

Prepared by,



James Wren
Public Safety Services Director

Reviewed and Concurred by,



Jennifer A. Lilley, AICP
Community and Economic
Development Director

ATTACHMENTS

- A. PC Resolution No. 2532 – Amending Stanton Municipal Code Title 5 and Title 20

RESOLUTION NO. 2532

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF STANTON RECOMMENDING THE CITY COUNCIL ADOPT ORDINANCE NO. 1107, AMENDING STANTON MUNICIPAL CODE TITLE 5, BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.16, MASSAGE ESTABLISHMENTS, AND AMENDING TITLE 20, CHAPTERS 20.215, 20.230, AND 20.400 TO UPDATE THE CITY'S MASSAGE REGULATIONS

THE PLANNING COMMISSION DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, the purpose of this amendment is to update Stanton's Municipal Code related to the City's regulation of massage establishments to comply with State law and to further ensure public safety;

WHEREAS, Municipal Code Title 5, Business Licenses and Regulations, Chapter 5.16, Massage Establishments, regulates the licensing and operation of massage establishments in the City, including day spas, as well as the licensing and practice of individual massage therapists;

WHEREAS, the California Massage Therapy Act (Cal. Bus. & Prof. Code § 4600 et seq.) regulates the practice of massage therapy in the State;

WHEREAS, AB 1147 amended the California Massage Therapy Act and the California Government Code to provide that local governments may regulate licensing and operation of massage establishments (Cal. Bus. & Prof. Code § 4612; Cal. Gov. Code § 51034);

WHEREAS, amending Municipal Code Chapter 5.16, among other things, removes, where appropriate for compliance with AB 1147, regulation of the licensing and practice of massage therapists;

WHEREAS, there is evidence in Stanton and other jurisdictions that massage establishments serve as fronts for prostitution or human sex trafficking, the potential for criminal and unsafe activity at massage establishments is particularly concerning given that some massage establishments in the City are located within proximity to places where families congregate, such as restaurants and shopping areas;

WHEREAS, law enforcement action in other jurisdictions to investigate and identify such criminal activity at massage establishments have, in many cases, exposed criminal activity occurring in the middle of the night and outside normal business hours;

WHEREAS, the impacts of an illegal massage operation remain on site even after cessation of the operation; impacts include decreased consumer confidence in the legal operation of future massage establishments at the site, decreased consumer confidence in the neighboring businesses, and confusion among customers regarding the connection between the closed illegal operation and a new legal operation;

ATTACHMENT A

WHEREAS, the amendment to Municipal Code Chapter 5.16 adds standards for massage establishment that will increase security and transparency;

WHEREAS, the amendment of Municipal Code Chapters 20.215, 20.230, and 20.400, among other things, removes the requirement that massage establishments must obtain a Conditional Use Permit to operate within the City;

WHEREAS, on November 18, 2020 the Planning Commission conducted and concluded a duly noticed public hearing concerning the Zoning Code amendments contained herein as required by law and received testimony from City staff and all interested parties regarding the proposed amendments and recommended that the City Council adopt the amendments; and

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

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

SECTION 1: The Planning Commission hereby finds that the fact, findings and conclusions set forth above are true and correct.

SECTION 2: The proposed Amendment to the Stanton Municipal Code Title 5, Business Licenses and Regulations, Chapter 5.16, Massage Establishments, and Amendment to Title 20, Chapters 20.215, 20.230 and 20.400 to update the City's Massage Regulations is consistent with the goals, policies and general land uses and programs specified in the General Plan, specifically: Goal CHS 4.3 to "provide and maintain a high level of police protection services necessary to adequately serve the community and provide a sense of safety to residents"; and Strategy LU 1.1.2, "ensure adjacent land uses are compatible with one another." Regulating massage establishments is meant to minimize nuisance conditions, municipal code violations, illicit activities, and decrease law enforcement calls related to those nuisances.

SECTION 3: The proposed Amendment to Municipal Code Title 5 and Chapter 5.16 of the Zoning Code will not be detrimental to the public interest, health, safety, convenience, or welfare of the City. Rather, the proposed Amendment is recommended to reduce the nuisance issues and decrease the burden on the City and public safety services related to massage establishment operations.

SECTION 4: The proposed Amendment to Municipal Code Title 5 and Chapter 5.16 of the Zoning Code, is internally consistent with other applicable provisions of the Zoning Code. This Amendment adds regulations to relevant portions of Title 5 and the Zoning Code, as detailed in proposed Ordinance No. 1107. Further, this Amendment is being processed in accordance with SMC Chapter 20.610.

SECTION 5: Based upon the environmental review of the project referenced in this Amendment, the Planning Commission finds this Amendment is not subject to the

Resolution No. 2532
November 18, 2020
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California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 6: The documents and materials associated with this Resolution that constitute the record of proceedings on which these findings are based are located at Stanton City Hall, 7800 Katella Ave., Stanton, California 90680. The Community and Economic Development Director is the custodian of the record of proceedings.

SECTION 7: Based on the foregoing, the Planning Commission hereby recommends that the City Council adopt Ordinance No. 1107 (set forth in Attachment "A", accompanying this Resolution).

SECTION 8: The Planning Commission Secretary shall certify to the adoption of this Resolution and cause a copy to be transmitted to the City Clerk.

ADOPTED, SIGNED AND APPROVED by the Planning Commission of the City of Stanton at a regular meeting held on November 18, 2020 by the following vote, to wit:

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

Debi Grand, Vice Chair
Stanton Planning Commission

Jennifer A. Lilley, AICP
Planning Commission Secretary

ORDINANCE NO. 1107

**AN ORDINANCE OF THE CITY COUNCIL OF STANTON,
CALIFORNIA AMENDING STANTON MUNICIPAL CODE
TITLE 5, BUSINESS LICENSES AND REGULATIONS,
CHAPTER 5.16, MASSAGE ESTABLISHMENTS, AND
AMENDING TITLE 20, CHAPTERS 20.215, 20.230, AND
20.400 TO UPDATE THE CITY'S MASSAGE
REGULATIONS**

WHEREAS, the purpose of this Ordinance is to amend the Stanton Municipal Code to update the City's regulation of massage establishments to comply with State law and to further ensure public safety;

WHEREAS, Municipal Code Title 5, Business Licenses and Regulations, Chapter 5.16, Massage Establishments, regulates the licensing and operation of massage establishments in the City, including day spas, as well as the licensing and practice of individual massage therapists;

WHEREAS, the California Massage Therapy Act (Cal. Bus. & Prof. Code § 4600 et seq.) regulates the practice of massage therapy in the state;

WHEREAS, AB 1147 amended the California Massage Therapy Act and the California Government Code to provide that local governments may regulate licensing and operation of massage establishments, while, generally, only the state may regulate licensing and practice massage therapists (Cal. Bus. & Prof. Code § 4612; Cal. Gov. Code § 51034);

WHEREAS, the City Council intends to amend Municipal Code Chapter 5.16 to, among other things, remove, where appropriate for compliance with AB 1147, regulations of the licensing and practice of massage therapists;

WHEREAS, there is evidence in Stanton and other jurisdictions that massage establishments serve as fronts for prostitution or human sex trafficking, the potential for criminal and unsafe activity at massage establishments is particularly concerning given that some massage establishments in the City are located within proximity to places where families congregate, such as restaurants and shopping areas;

WHEREAS, law enforcement action in other jurisdictions to investigate and identify such criminal activity at massage establishments have, in many cases, exposed criminal activity to occur in the middle of the night and outside normal business hours;

WHEREAS, the impacts of an illegal massage operation remain on site even after cessation of the operation; impacts include decreased consumer confidence in the legal operation of future massage establishments at the site, decreased consumer confidence in the neighboring businesses, and confusion among customers regarding any connection between the closed illegal operation and a new legal operation;

WHEREAS, the City Council intends to amend Municipal Code Chapter 5.16 to add standards for massage establishment that will increase security and transparency;

WHEREAS, the City Council also intends to amend portions of Municipal Code Chapters 20.215, 20.230, and 20.400 to, among other things, remove the requirement that massage establishments must obtain a Conditional Use Permit to operate within the City;

WHEREAS, on November 18, 2020 the Planning Commission conducted and concluded a duly noticed public hearing concerning the Zoning Code amendments contained herein as required by law and received testimony from City staff and all interested parties regarding the proposed amendments and recommended that the City Council adopt the amendments;

WHEREAS, on December 8, 2020, the City Council conducted and concluded a duly noticed public hearing concerning the Municipal Code amendments contained herein as required by law and received testimony from City staff and all interested parties regarding the proposed amendments;

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

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

SECTION 1. Incorporation of Recitals. The recitals above are each incorporated by reference and adopted as findings by the City Council.

SECTION 2. Amendment to SMC Chapter 5.16. The City Council of the City of hereby amends Stanton Code Title 5, Business Licenses and Regulations, Chapter 5.16, Massage Establishments, in its entirety and restates it to read as follows:

“Chapter 5.16 MASSAGE ESTABLISHMENTS

5.16.010 Definitions.

For the purposes of carrying out the intent of this chapter, unless the content clearly indicates to the contrary, the following words, phrases, and terms shall have the following meanings:

Applicant. Any person applying to obtain a license to operate a massage establishment, including each and every owner of the proposed establishment.

California Massage Therapy Council. The non-profit organization formed pursuant to Business and Professions Code Chapter 10.5, commencing with Section 4600, as amended. The organization may be referred to hereinafter as “CAMTC.”

City. The city of Stanton.

Compensation. A payment, loan, advance, donation, contribution, or gift of money, or anything of value.

Disqualifying conduct. Conduct by any person who establishes, maintains, administers, oversees, manages, operates, or works at the subject massage establishment including any of the following:

1 Within five years of the date of filing of the application in question or any time after the filing of the application or any time after the issuance of a license, commission or conviction in a court of competent jurisdiction of:

- a. Any crime specified in Government Code Section 51030 et seq., or
- b. Any misdemeanor or felony offense which relates directly to the operation of a massage establishment, whether as a massage establishment owner, operator, massage technician, or employee thereof; or

2 Within five years of the date of the filing of the application in question or any time after the filing of the application or any time after the issuance of a license, revocation of any massage establishment, operator, massage practitioner, technician, therapist, trainee, or similar license issued by the state, or any county or city; or

3 Within five years of the date of the filing of the application in question or any time after the filing of the application and/or any time after the issuance of a license, commission or been conviction in a court of competent jurisdiction of:

- a. Any violation of California Penal Code Sections 266(h), 315, 316, and 318 or Section 647(b) or 653.23, or
- b. Conspiracy or attempt to commit any such offense, or
- c. Any offense in a jurisdiction outside the state which is the equivalent of any of the aforesaid offenses, or
- d. Has been found guilty of or pleaded nolo contendere to any lesser-included offense of the above, or
- e. Any crime specified in Government Code Section 51030 et seq.; or

4 Is required to register under the provisions of California Penal Code Section 290; or

5 Has been subjected to a permanent injunction against the conducting or maintaining of a nuisance pursuant to California Penal Code Sections 11225 through 11235; or

6 Touching the specified anatomical areas of oneself or of another person while providing massage services or while within view of a customer or patron of the massage establishment, or engaging in specified sexual acts with oneself or another person while providing massage services or while within view of a customer or patron of the massage establishment; or

7 Exposing specified anatomical areas of oneself or of another person to view while providing massage services or while within view of a customer or patron of the massage establishment.

Director. The Director of Public Safety and/or those officers, employees, and agents of the city, directed by the Director of Public Safety to carry out all or portions of this chapter.

Employee. Any person who renders any service to the massage establishment, with or without compensation.

Licensee. A person that holds a valid license from the City of Stanton to operate a massage establishment license.

Manager. An individual who manages or who is otherwise primarily responsible for the operation of the massage establishment, and shall include each and every person responsible for establishing personnel policy, hiring personnel, ensuring that the establishment complies with the requirements of this code and of other laws, and of establishing and administering any and all policies established by the owner for the operation of the establishment.

Massage. The scientific manipulation of the soft tissues, including but not limited to any method of treating any of the external parts of the body for remedial, health or hygienic purposes by means, including but not limited to, rubbing, stroking, pressuring, acupressuring, kneading, tapping, pounding, vibrating or stimulating with the hands, feet, elbows or any other part of the body, with or without the aid of any instrument or device and with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment, or other similar preparations commonly used in this practice, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor.

Massage establishment. A fixed location where massage services are performed for compensation.

Massage establishment license. A one-year license issued by the city to a massage establishment, including day spas, to conduct massage from a location within the City.

Massage technician. Any massage practitioner or massage therapist who administers to another person, for any form of compensation, a massage or other similar procedure.

Owner. Any person who has an ownership interest in a massage establishment, including officers, directors, members, partners, principals, and each shareholder or interest holder holding more than 5% of the stock.

Person. Any individual, sole proprietorship, firm, partnership, corporation, association or any combination of individuals of whatever form or character.

Specified anatomical areas. Means and includes any of the following human anatomical areas: genitals, pubic area, buttocks, anus or female breasts below a point immediately above the top of the areolae.

Specified sexual activities. Means and includes any of the following:

1 The fondling or other erotic touching of any bare human genitals, pubic area, buttocks, anus or female breast;

2 Human sex acts, actual or simulated, including intercourse, oral copulation or sodomy;

3 Human masturbation, actual or simulated;

4 The actual or simulated infliction of pain by one human upon another or by an individual upon him or herself, for the purpose of the sexual gratification or release of either individual, as a result of flagellation, beating, striking or touching of an erogenous zone, including without limitation, the thigh, genitals, buttock, pubic area, or, if such person is a female, a breast;

5 Sex acts, actual or simulated, between a human being and an animal, including, but not limited to, intercourse, oral copulation, or sodomy; or

6 Excretory or urinary functions as part of, or in connection with, any of the activities set forth in subsections (1) through (5) of this definition.

5.16.020 Massage Establishment License Required.

A. **License Required.** Any massage establishment seeking to operate within the City must first apply for and be issued a massage establishment license to operate within the City. It is unlawful for any person to engage in, conduct, or carry on any massage establishment or massage within the City of Stanton without a massage establishment license from the City.

B. **Exemptions.** The provisions of this Chapter do not apply to the following:

1. Treatment administered in good faith in the course of practice of any healing art or profession by any person licensed to practice any such art or profession under the Business and Professions Code of the state of California, or any other law of this state, including physicians, surgeons, chiropractors, osteopaths, podiatrists and physical therapists;

2. Nurses registered under the laws of the state of California, while performing activities encompassed by such professional licenses;

3. Barbers, estheticians, and beauticians who are duly licensed under the laws of the state of California while engaging in practices within the scope of their licenses;

4. Hospitals, nursing homes, sanatoriums, or other health facilities duly licensed by the state of California;

5. Coaches and trainers in accredited high schools, junior colleges and colleges or universities acting within the scope of their employment;

6. Trainers of amateur, semi-professional or professional athletes or athletic teams so long as such persons do not practice massage therapy as their primary occupation at any location where they provide such services in the city; or

7. Any profession over which the state has assumed exclusive jurisdiction as a matter of statewide concern and which gives the services or treatments included in the term "massage," as herein defined, as incidents to such business, calling or profession.

5.16.030 Authority to Administer and Enforce Chapter.

A. The Director has the authority to administer and enforce this Chapter. The Director may adopt supplemental regulations or policies to implement and interpret this Chapter.

B. The Director shall approve or disapprove an application for a massage establishment license.

5.16.040 Service Requirements.

Except as otherwise provided, any notice required to be served on an applicant or licensee under this Chapter must be completed by either personal delivery or first-class mail. Service by mail is deemed complete at the time of deposit in the mail. Any notice issued to an applicant or licensee may be sent to the mailing address as listed on the application submitted to the City. Failure of any applicant or licensee to receive a properly addressed notice by mail does not invalidate any action, decision, determination, or proceeding under this Chapter.

5.16.050 Application Procedure.

A. **Application Required.** Any person seeking to obtain a license to operate a massage establishment must submit a complete written application, signed under penalty of perjury, to the City using a form adopted by the City for that purpose. An application for a massage establishment license shall be filed and processed in compliance with this Chapter.

B. **Application Fee.** At the time of filing, each applicant must pay a nonrefundable application fee established by resolution of the City Council to defray the costs incurred by the City in the application process. The application and fee required under this section shall be in addition to any other license, permit, or fee required by any other section or chapter of this Code.

C. **Application Insufficient to Operate.** Submission of an application for an license does not authorize the operation of a massage establishment unless and until such license has been properly granted by the City.

D. **Application Contents.** The Director may adopt procedures governing applications for massage establishment licenses, including requiring certain information and documentation. The City will not deem an application complete until all information and documents required under this Chapter and any regulation or resolution adopted under this Chapter has been provided to the City. At minimum, any applicant requesting a license pursuant to this section must submit the following information and documentation:

1. The present or proposed address for the massage establishment.
2. The form of ownership of the business (e.g., sole proprietorship, partnership, corporation, etc.).
3. If the applicant is not a natural person, its operative governing documents and any fictitious business statement. If the applicant is not a natural person,
4. The exact name, including any fictitious name, if applicable, under which the business is to be operated.
5. Every owner must furnish the following information:
 - a. The full name, date of birth, current residential address, business address, and telephone numbers,
 - b. California driver's license number or California identification number and social security number or resident alien number, if any,
 - c. Any other names or aliases, including nicknames, used within five years of the date of filing the application,
 - d. Each residence and business address for the five years immediately prior to the date of filing the application, and the inclusive dates of each such address,
 - e. Written proof that the applicant is over the age of eighteen years,
 - f. The applicant's height, weight and color of eyes,

g. Two portrait photographs at least two inches by two inches and shall have been taken within sixty days prior to filing the application,

h. The massage or similar business license or permit history of the applicant, whether such person, in previously operating in this or another city or state under license or permit, has had such license or permit revoked or suspended and the reason therefor; and the business activity or occupation subsequent to such action of suspension or revocation,

i. The name and address of any massage business or other establishment currently owned or operated by the applicant wherein the business of massage is conducted,

j. Any conviction, forfeiture of bond, or plea of nolo contendere upon any criminal violation or city ordinance violation (except minor traffic violations), within a five-year period, and, if so, the place and court in which such conviction, plea or forfeiture was heard, the specific charge, and the sentence imposed as a result thereof,

k. Whether the applicant has ever been convicted of any crime specified in Section 51032 of the Government Code and, if so, the circumstances thereof and the sentence therefor, and

l. The applicant shall be required to furnish fingerprints for the purpose of establishing identification and verify through a background check the information provided in the application is true and correct. Any required fingerprinting fee will be the responsibility of the applicant.

6. A description of the services to be provided.

7. A description of any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant.

8. A complete list of the names, including any pseudonym, alias(es), alternate name(s), or nickname(s), and residential addresses of all massage technicians, employees, independent contractors and attendants in the business; the name and residential address of the operator, manager or other person principally in charge of the operation of the business; and the names and residential addresses of all principals of the business.

9. The name and address of the record owner and lessor of the real property upon or in which the massage establishment is to be conducted, and a copy of the lease or rental agreement.

10. The name(s) of person(s) having the management or supervision of the applicant's massage establishment.

11. Written authorization for the city, its agents and employees, to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the license.

12. A sketch or diagram showing the complete interior configuration of the business, including without limitation the location of the restrooms, massage rooms, customer areas, employee only designated areas, and any facility requirements as identified in Section 5.16.110. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale, with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

13. A signed statement that the licensee accepts responsibility for the conduct of all employees, massage technicians, and independent contractors working on the premises of the massage establishment and that failure to comply with the provisions of this Chapter may result in the revocation of the city-issued license.

14. If the applicant is a natural person, that person shall sign the application under penalty of perjury. If the applicant is other than a natural person, a partner, officer, director, major shareholder or major interest holder of the legal entity shall sign the application under penalty of perjury.

15. The name and address of any owner of the real property where the proposed massage establishment is to be located, including unit or suite number, if applicable. If the applicant does not own the lot or parcel on which the massage business will operate, the owner shall consent to the filing of the application by signing and dating the application.

16. Whether or not the proposed massage establishment is within 500 feet of any other massage establishment in existence at the time of the application.

17. Electronic fingerprint images (e.g., Live Scan) and related information required by the Sheriff's Department for the purpose of obtaining information as to the existence and content of a record of State or Federal convictions and arrests to be considered as set forth in this chapter. No person may be issued a license unless the owners have first cleared the background check.

18. Such other identification and information as may be necessary to verify the truth of the matters hereinabove specified as required to be set forth in the application.

19. Any additional application and material requirements specified in the city handout for the massage establishment license application.

5.16.060 Application Review and Decision.

A. **Application Review.** Upon receipt of a complete and signed written application, each application for a massage establishment license must be reviewed to ensure that the application is consistent with the requirements of this Chapter.

B. **On-Site Inspection.** An application for a massage establishment license may require the review authority to perform an on-site inspection of the subject premises before confirming that the request complies with all the applicable criteria set forth in this chapter, Section 5.16.110, and any other related code or policies.

C. **Findings for License Issuance.** The Director may approve a massage establishment license only if he or she finds that the applicant fulfills the requirements as set forth in this Chapter.

D. **Grounds for Denial.** After the completion of the City's application review, the Director must deny the issuance a massage establishment license if any of the following findings are made:

1. The requirements of this Chapter have not been satisfied, including if the applicant failed to submit a complete application, failed to submit any supplemental information or documentation upon request, or failed to pay the requisite application fee.

2. The applicant or any owner has had any massage, business, or professional license or permit denied, suspended, or revoked by any agency, board, city, county, territory, or state.

3. The applicant has made a false, misleading, or fraudulent statement or omission of fact to the City in the application, or in the permit application process.

4. The applicant or any owner has been convicted of an offense specified in Section 51032 (Massage) of the Government Code or has engaged in disqualifying conduct.

5. The massage establishment does not employ or use only state certified massage practitioners and therapists whose certifications are valid, and/or the owners of the state certificates are not the same persons to whom CAMTC issued valid and current identification cards.

6. The massage establishment as proposed by the applicant would not comply with all applicable laws, including, but not limited to, health, zoning, fire and safety requirements and standards.

7. The applicant is a natural person under 18 years of age.

8. The location of the proposed massage establishment, in whole or in part, has been the site of any of the following within the two (2) year period prior to the submittal of the application:

a. Disqualifying conduct; or

b. A revocation pursuant to this chapter of a massage establishment license.

9. The proposed massage establishment is within 500 feet of another massage establishment in existence at the time of the application.

E. **Decision.** If the Director determines that an applicant does not fulfill the requirements as set forth in this Chapter, the Director must deny the application. The Director may issue the license with conditions. The Director must serve the applicant with a written decision stating whether the application is approved, conditionally approved, or denied within 60 calendar days of the filing of the completed application. The foregoing sixty-day deadline is precatory only; failure to meet this deadline does not affect the power of the Director to act on the application. The notice must state the reasons for the denial, the right of the applicant to appeal the decision, and that Director's decision may be appealed in compliance with Section 5.16.100 (Appeals).

F. **Right to Appeal.** An applicant may appeal the Director's decision denying an application for a massage establishment license in accordance with the procedures set forth in this Chapter. The Director's decision is final if no written appeal is timely submitted to and received by the City.

G. **Limit on Reapplication.** If the Director denies the application, a new application may not be submitted by the applicant or any associated owner or manager for a massage establishment license at the subject location or any other location in the City for a period of one year.

5.16.070 License Restrictions and Regulations.

A. **Employees.** It is the responsibility of the licensee to ensure that each person who performs massage on the premises holds a CAMTC license issued by the state of California. The licensee shall notify the city, in writing, of the name and address of each person employed at the licensed establishment within five working days of employment. The requirements of this section are in addition to the other provisions of this chapter and zoning code and nothing contained herein shall relieve the licensee of the responsibility of ascertaining, prior to employment, whether said person has an active, unrevoked massage technician's license from CAMTC.

B. **Name of Business.** No licensee licensed under this chapter may operate under any name or conduct the business under any designation not specified in the license.

C. **Licenses Not Assignable.** No massage establishment license may be sold, transferred or assigned by the licensee, or by operation of law, to any other person or persons. Any such sale, transfer or assignment, or attempted sale, transfer or assignment, shall be deemed to constitute a voluntary surrender of such license and such license shall thereafter be deemed terminated and void, provided and excepting, however, that if the licensee is a partnership and one or more of the partners should withdraw, one or more of the remaining partners may acquire, by purchase or otherwise, the interest of the partner or partners who withdrew without effecting a surrender or

termination of such license and in each case the licensee shall thereafter be deemed to be the surviving partner(s).

D. **Vested Rights.** No license granted herein shall confer any vested right to any person or business for more than the license period. All massage operators, managers and technicians subject to this chapter shall comply with the provisions of this chapter as they may be amended hereafter. Issuance of a massage establishment license does not create a land use entitlement.

E. **Sale or Transfer of License.** Upon the sale or transfer of any interest in a massage establishment or any entity owning such massage establishment, the license issued pursuant to this chapter shall be null and void unless the sale or transaction is to an applicant shown on the application for the license pursuant to which the establishment was operated. A new application under this chapter shall be made by any person desiring to own or operate such massage establishment.

5.16.080 Massage Establishment License Expiration and Renewal.

A. **License Term of Validity.** A massage establishment license is valid upon issuance and continues in effect for one year from date of issue. It expires automatically one year following the date of its issuance, unless suspended, revoked, or renewed in accordance with this Chapter.

B. **Renewal Application Deadline.** The licensee requesting renewal of its massage establishment license must file an application for renewal with the Director at least 60 calendar days before the expiration of the license. Failure to timely submit a renewal application before the expiration date of the license will result in the automatic expiration of the license on the expiration date. Any licensee allowing his or her license to lapse or expire may submit a new application and pay the corresponding initial application fees.

C. **Renewal Application Requirements.** A licensee may apply for renewal of a license by submitting a written application, under penalty of perjury, to the Director, who must investigate. The renewal application must provide all information required under Section 5.16.050 and shall also state that the licensee is currently operating under a massage establishment license, the location of the massage establishment, and the scheduled date for expiration of the license for which the licensee is seeking renewal. A licensee submitting a renewal application is required to update the information contained in the original license application and provide any new or additional information as may be reasonably required by the Director in order to determine whether the license should be renewed. The Director may adopt renewal application forms and procedures for this purpose. The applicant must pay a fee in an amount to be set by the City Council to defray the costs of processing the renewal license application.

D. **Decision on Renewal Application.** The Director must review the application for renewal and approve or deny the application, not later than the date of expiration of the license. The Director must renew a permit if he or she confirms the

licensee has been and remains in current compliance with all conditions of the license, with all provisions of this Chapter, and with all State and local laws applicable to massage establishments.

5.16.090 Grounds for Suspension, Revocation, and Nonrenewal of License.

A. The Director may suspend, revoke, or refuse to renew any license issued under this Chapter in any of the following circumstances:

1. The Director makes any finding necessary to deny a license under Section 5.16.060 of this Chapter.

2. The licensee failed to comply with the provisions of this Chapter or any regulations adopted pursuant to this Chapter, any term or condition imposed on the permit, California Business and Professions Code Section 4600 et seq., or any law of the State regulating massage establishments or massage technicians.

3. The licensee employs or uses one or more non-CAMTC certified massage practitioners or massage therapists to perform massage services.

4. The licensee has engaged in disqualifying conduct.

B. **Decision Appealable.** The licensee may appeal the Director's decision denying a renewal application, or suspending, or revoking a license, in accordance with the procedures set forth in this Chapter.

C. **Notice.** The Director must serve the licensee with a written notice of nonrenewal, suspension, or revocation. The notice must state the reasons for the action, the effective date of the decision, the right of the applicant to appeal the decision, and that the Director's decision will be final if no written appeal is timely submitted to and received by the City, pursuant to Section 5.16.100 of this Chapter. Suspension or revocation is effective 10 calendar days following the date of service of the notice. If an appeal is timely and properly filed in accordance with this Chapter, then the effective date of the notice is stayed.

D. **Surrender of License.** A licensee must immediately surrender his or her license to the Director upon said revocation or suspension becoming final.

E. **Limit on Reapplication After Revocation.** If the Director revokes a license, a new application may not be submitted by the licensee or any owner or manager for a license at the subject location or any other location in the City for a period of one year.

5.16.100 Appeals.

Any appeal right provided for in this Chapter must be conducted as set forth in this section.

A. Submission of Appeal

1. An applicant or licensee may appeal the decision of the Director suspending, revoking, or denying a massage establishment license to a hearing officer by filing with the City Clerk a written notice of appeal within 15 calendar days from the date of service of the notice.

2. The notice of appeal must be in writing and signed by the person making the appeal, or his or her legal representative, and must contain the following:

- a. The name, address, telephone number of the appellant;
- b. A true and correct copy of the notice of the decision or action issued by the Director that the appellant is appealing;
- c. A specific statement of the reasons and grounds for making the appeal in sufficient detail to enable the hearing officer to understand the nature of the controversy, the basis of the appeal, and the relief requested; and
- d. All documents or other evidence pertinent to the appeal that the appellant requests the hearing officer to consider at the hearing.

3. At the time of filing the appellant must pay the designated appeal fee, which may be established by resolution of the City Council.

4. In the event a written notice of appeal is timely filed, the suspension, revocation, denial, or nonrenewal is not effective until a final order has been rendered and issued by the hearing officer. If no timely, proper appeal is filed in the event of a decision of denial, the license expires at the conclusion of the term of the license. If no timely, proper appeal is filed in the event of a suspension or revocation, the suspension or revocation is effective upon the expiration of the period for filing a written notice of appeal.

5. Failure of the applicant or licensee to file a timely and proper appeal, or the requisite fee, is a waiver of the right to appeal the decision of the Director and a failure to exhaust all administrative remedies. In this event, the Director's decision is final and binding.

B. Hearing Procedure

1. Administrative hearing officers must be selected in a manner that avoids the potential for pecuniary or other bias.

2. Upon receipt of the written appeal, the City Clerk shall set the matter for a hearing before a hearing officer. The hearing officer will preside over the appeal, hear the matter de novo, and conduct the hearing pursuant to the procedures set forth in this Chapter. The City bears the burden of proof to establish the grounds for the suspension, revocation, denial, or nonrenewal by a preponderance of the evidence. The

issuance of the Director's notice of decision constitutes prima facie evidence of grounds for the suspension, revocation, denial, or nonrenewal.

3. The appeal must be held within a reasonable time after date of filing, but in no event later than 30 calendar days from that date. The City must notify the appellant of the date, time, and location of the hearing at least 10 calendar days before the date of the hearing.

4. At the hearing, the appellant may present witnesses and evidence relevant to the decision appealed, be represented by counsel, and confront and cross-examine witnesses. Appeal hearings are informal, and the formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing. However, rules of privilege are applicable to the extent they are permitted by law; and irrelevant, collateral, and repetitious evidence may be excluded. The hearing officer may establish additional procedures not in conflict with the provisions of this section.

C. Hearing Officer's Decision

1. No later than 15 calendar days following conclusion of the appeal hearing, and after considering all of the testimony and evidence submitted at the hearing, the hearing officer will determine if any ground exists for the suspension, revocation, denial, or nonrenewal of the massage establishment license.

2. If the hearing officer determines that no grounds for the suspension, revocation, denial, or nonrenewal exist, the Director's notice of decision shall be deemed cancelled.

3. If the hearing officer determines that one or more of the reasons or grounds enumerated in the Director's notice of decision exists, the hearing officer must issue a written decision containing a finding and description of each reason or ground to uphold the Director's decision, and any other finding that is relevant or necessary to the subject matter of the appeal.

4. The decision of the hearing officer is final. The written decision must contain the following statement: "The decision of the hearing officer is final. Judicial review of this decision is subject to the time limits set forth in California Code of Civil Procedure section 1094.6."

5.16.110 Massage Regulations.

All massage establishments and massage technicians in the City must operate in conformance with the following regulations.

A. **CAMTC License Requirement.** It is unlawful for any person to perform, practice, or administer a massage within the City without first obtaining a certificate issued by the California Massage Therapy Council pursuant to Business and Professions Code Section 4600 et seq. (or successor provision or provisions). No licensee shall employ any person as a massage technician in that capacity who does not have a current and valid

certificate issued by CAMTC pursuant to Business and Professions Code Section 4600 et seq. (or successor provision or provisions), or whose certificate is not in good standing.

B. Management of Massage Establishments. A licensee must always have the premises supervised when open for business by the operator or a designated manager. A person designated as the responsible managing officer shall be on the premises at all times of operation and must be registered with the Director by the owner to receive all complaints and citations. The appointment of a managing officer in charge must be in writing with the managing officer in charge acknowledging this appointment.

C. Employee Register. The massage establishment must maintain a register of all people employed as a massage technician by the establishment. The register shall be maintained on the premises for a minimum period of two (2) years after massage technicians cease their employment. The register must be updated when a massage technician is added or discontinues services at the establishment. Notification shall be provided to the City within 10 calendar days of the date an employee, massage technician, or independent contractor is added or discontinues service at the establishment. The register shall also be made available for inspection by representatives of the City at any time during the establishment's business hours. The register must include the following information:

1. The proper name of each massage technician, including his or her first, middle, and last names.
2. Any nicknames, pseudonyms, or aliases used by each massage technician.
3. Each massage technician's current residence address and relevant phone numbers
4. The age, date of birth, gender, height, weight, color of hair and eyes of each massage technician.
5. All information contained in a massage technician's massage certificate, including certificate number, date of issuance, and expiration date.
6. The date of hire and, if applicable, termination.

D. Facility Requirements. All massage establishments must comply with the following facilities requirements and any other conditions specified by the City.

1. A recognizable and readable sign shall be posted at the main entrance identifying the establishment as a massage establishment; provided that all such signs shall comply with the sign requirements of the City. The massage establishment permit and the massage certificate for each massage technician shall be displayed in an open and conspicuous place readily visible, such as in the lobby of the massage establishment.

2. If shower facilities are provided, an enclosed changing area, directly adjacent to the shower shall be provided. The changing area shall be designed to allow the patron utilizing the shower facility to exit the shower, and enter the changing area, without being exposed or visible to any other area of the massage establishment. A private changing area shall be provided for each shower facility provided. The minimum dimension of the changing area shall be 25 square feet and meet ADA standards.

3. A minimum of one separate washbasin shall be provided in each massage establishment for the use of employees of any such establishment. Said basin shall provide soap or detergent and hot and cold running water at all times and shall be located within or as close as practicable to the area devoted to the performing of massage services. In addition, there shall be provided at each washbasin sanitary towels placed in permanently installed dispensers.

4. The storefront windows of the massage establishment shall be transparent to provide clear visibility into the unit, and the windows shall not be obscured by curtains, blinds, or other temporary devices during operating hours; however, if the storefront windows are for a room where massage will occur this requirement shall not apply.

5. Table showers.

a. If an establishment is proposing the use of table showers in the facility, the entire massage room where the table shower is located shall be designed and built as a shower facility.

b. The floor and walls shall be designed and built to be waterproof per California Building Code requirements.

6. The room shall drain properly per the California Building Code.

E. Operational Requirements. All massage establishments must comply with the following operating requirements and any other conditions specified by the City.

1. It is unlawful and prohibited for any owner, operator, responsible managing employee, manager, licensee, employee or independent contractor expose any of his or her specified anatomical areas to another person at the massage establishment.

2. In no circumstance may any specified sexual activities take place at any time at the massage establishment; nor may any massage technician or employee make intentional physical contact with the specified anatomical areas of any client, patron, customer, or guest.

3. No person may live inside the massage establishment at any time. There shall be no beds located in areas not designated specifically as massage rooms. Locker facilities shall be provided for all employees and independent contractors. All

personal items of the employees or independent contractors shall be kept in the lockers while at the establishment.

4. No massage establishment shall operate as a school of massage or use the facilities as that of a school of massage.

5. No massage establishment employing a massage technician shall be equipped with tinted or one-way glass in any room or office.

6. There shall be no display, storage, or use of any instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities, including, but not limited to, vibrators, dildos, or condoms, or any goods or items which are replicas of, or which simulate, specified anatomical areas, or pornographic magazines, videos, or other material.

7. Each service offered, the price thereof, and the minimum length of time such service shall be performed shall be posted in a conspicuous public location in each massage business or establishment. All letters and numbers shall be capitals not less than one inch in height. No services shall be performed, and no sums shall be charged for services other than those posted. This posting requirement shall not apply to exempt physicians and/or surgeons who employ or retain non-exempt persons to perform massage therapy as part of licensed medical activities. All arrangements for services to be performed shall be made in a room that is not used for massage therapy.

8. Alcoholic beverages may not be sold, served, furnished, kept, consumed, imbibed, or possessed on the premises without a Conditional Use Permit approved in compliance with Chapter 20.550 (Use Permits - Minor and Conditional) and any applicable California Department of Alcoholic Beverage Control licenses.

9. Hours of operation shall be limited to the hours of nine a.m. to ten p.m. daily. The hours of operation shall be clearly displayed within a common area of the facility or may be displayed as a form of window signage in compliance with Chapter 20.325 (Sign Standards).

10. The owner or operator of each massage establishment shall display the massage establishment license issued to the establishment and the CAMTC license issued to each massage technician employed in the establishment in an accessible and conspicuous place on the premises. CAMTC certified massage practitioners shall have his or her original state certification at his or her place of business and his or her identification card in his or her possession while providing massage services.

11. No massage services shall be provided to a patron that results in intentional contact, or occasional repetitive contact, with specified anatomical areas.

12. No person shall give, or assist in giving, any massage or other body treatment to any other person under the age of 18 years, unless the parent or guardian of the minor person has consented thereto in writing.

13. Only the licensee, manager(s), employee(s), and certified massage therapists shall be allowed in the employee-only areas, as designated per Section 5.16.050(D)(12).

F. Sanitation requirements. All massage establishments must comply with the following sanitation requirements and any other conditions specified by the City.

1. Adequate equipment for disinfecting and sterilizing instruments used in performing the acts of massage shall be provided for any instruments used in performing any massage.

2. Hot and cold running water shall be provided at all times.

3. All walls, ceiling, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities for the establishment must be in good repair and maintained in a clean and sanitary condition. Wet and dry rooms, steam and vapor rooms or cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and table showers shall be cleaned after each use.

4. Clean and sanitary towels and linens shall be provided for each patron of the establishment or each patron receiving massage services. No common use of towels or linens shall be permitted.

5. Minimum ventilation and lighting shall be provided in accordance with the California Building Code.

G. Attire requirements. All employees, including massage technicians, must at all times while on the business premises, wear clean clothing that is not transparent, see-through, or that substantially exposes undergarments, breasts, buttocks or genitals.

H. Locational requirements. Massage establishments are prohibited from operating in the same location where illegal activity previously occurred, as determined by the Director in his or her sole discretion.

I. Massage establishments are prohibited from operating within 500 feet of another massage establishment.

5.16.120 Fees.

The City Council may establish by resolution, and from time to time may amend, the fees for the administration of this Chapter, including but not limited to, original application, renewal application, and inspection fees. Fees required by this Chapter are in addition to any other fees that may be required under any other section, provision, or chapter of this Code. No person may commence or continue any massage establishment in the City without timely paying in full all fees and charges required for the operation of a massage establishment. The amount of any fee, cost or charge imposed pursuant to this Chapter is a debt to the City of Stanton that may be recovered by any means authorized by law.

5.16.130 Licensee Responsibility.

It is the responsibility of a licensee to ensure that a massage establishment complies with all applicable State and local laws, and any regulations promulgated thereunder, at all times. In construing and enforcing this Chapter and any regulations promulgated under this Chapter, the act, omission, or failure of an agent, officer, representative, independent contractor, or other person acting for or employed by a licensee, within the scope of his or her employment or office, shall in every case be deemed the act, omission, or failure of the licensee.

5.16.140 Inspection and Enforcement.

- A. **Violations Unlawful.** It is unlawful and declared a public nuisance for any person to operate, conduct, or maintain a massage establishment contrary to the provisions of this Chapter.
- B. **Right of Entry.** Personnel of the City's Community Development Department and Administrative Services and Finance Department, as well as the Sheriff's Department, have the right to enter the location of all interior and exterior portions of any massage establishment, and all rooms, buildings, structures, and portions thereof, during regular business hours, for the purpose of making reasonable unscheduled inspections to verify and enforce compliance with this Chapter and to ensure that the that the business is safe, clean, sanitary, and in good repair.
- C. **Interference with Inspection.** It is unlawful for any person having responsibility over the operation of a massage establishment to impede, obstruct, interfere with, or otherwise not to allow, the City to conduct an inspection and, review or copy records, recordings or other documents required to be maintained by a massage establishment under this Chapter or under State law. Failure to cooperate with or refuse an inspection is subject to suspension, revocation, or nonrenewal of a license. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a massage establishment under this Chapter.
- D. **Criminal Penalties.** Any person who violates any provision of this Chapter is guilty of a misdemeanor punishable by a fine of up to \$1,000, or by imprisonment in the County jail not exceeding six months, or by both; except the City Attorney, in his or her discretion, may prosecute a violation of this Chapter as an infraction subject to the penalties in Chapter 1.10 of this Code.
- E. **Administrative Citations.** Administrative citations may be issued for violations of the provisions of this Chapter, as set forth in Chapter 1.12 of this Code; provided, however, that each violation is punishable by a fine of \$1,000.
- F. **Civil or Equitable Enforcement.** The City Attorney may bring a civil or equitable action to seek the abatement of any violation of this Chapter.

- G. **Aiding, Abetting, and Omissions.** Whenever in this Chapter any act or omission is made unlawful, it shall include causing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.
- H. **Ongoing Violations.** Each and every day a violation is maintained, caused, aided, abetted, concealed, suffered, or permitted is a separate offense.
- I. **Remedies Cumulative.** The remedies, procedures, and penalties provided by this Chapter are cumulative to each other and to any other available under City, State, or federal law.”

SECTION 3. Amendment to SMC section 20.400.190. The City Council of the City of hereby rescinds SMC section 20.400.190, which shall be marked “Reserved.”

SECTION 4. Amendment to SMC section 20.215.020. The reference to “Massage Establishments” in Section 20.215.020, Table 2-5 of the Stanton Municipal Code is hereby amended to read as follows:

Land Use	CN	CG	Specific Use Regulations
<i>Service Uses – General</i>			
Massage Establishments	—	CUP P	MC Ch. 5.16; 20.400.190

SECTION 5. Amendment to SMC section 20.230.040. The reference to “Massage Establishments” in Section 20.230.040, Table 2-11 of the Stanton Municipal Code is hereby amended to read as follows:

Land Use	GLMC	NGMX (3)	SGMX	Specific Use Regulations
<i>Service Uses – General</i>				
Massage Establishments	CUP (4) P	CUP (4) P	CUP (4) P	MC Ch. 5.16; 20.400.190

Notes:

~~(4) A Conditional Use Permit shall be required if all persons engaging in the practice of massage therapy at the establishment do not have a valid MTO (Massage Therapy Organization) Certificate or the State law regulating massage establishments terminates under its sunset review provision (Business and Professions Code Section 4600 et seq.).~~

SECTION 6. Effect of Restatement. All restated, unamended provisions of the Stanton Municipal Code that are repeated herein are repeated only to aid decision makers and the public in understanding the effect of the proposed changes. Restatement of existing provisions does not constitute a new enactment.

SECTION 7. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be 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 Ordinance or the application of this Ordinance to any other person or circumstance, and, to that end, the provisions hereof are severable. The City Council of the City of Stanton declares that it would have adopted all the provisions of this Ordinance that remain valid if any provisions of this ordinance are declared invalid.

SECTION 8. CEQA. The City Council determines that the adoption of this Ordinance is exempt from environmental review under the California Environmental Quality Act ("CEQA") pursuant to the following provisions of the CEQA Guidelines, 14 California Code of Regulations, Chapter 3: the Ordinance is exempt under CEQA Guidelines Section 15378(b)(5) in that it is not a "project" under CEQA, and is an organization or administrative activity of the City that will not result in direct or indirect physical changes in the environment.

SECTION 9. Adoption, Certification, and Publication. The City Clerk of the City of Stanton shall certify the passage and adoption of this Ordinance and shall cause the same, or a summary thereof, to be published and/or posted in the manner required by law. This Ordinance shall take effect 30 days after its adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Stanton, California, at a regular meeting of the City Council held on the ____ day of _____, 2020.

CITY OF STANTON:

Mayor David J. Shawver

ATTEST:

Patricia A. Vazquez
City Clerk

APPROVED AS TO FORM:

HongDao Nguyen
City Attorney

STATE OF CALIFORNIA)

COUNTY OF ORANGE) ss.

CITY OF STANTON)

I, **Patricia Vazquez**, City Clerk of the City of Stanton, California, hereby certify that Ordinance No. _____ having been regularly introduced at the meeting of _____, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the _____ day of _____, _____, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Stanton, California, this _____ day of _____, _____.

CITY CLERK of the City of
Stanton, California