



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

**PLANNING COMMISSION REGULAR MEETING**

**WEDNESDAY, NOVEMBER 20, 2024 - 6:30 P.M.**

**AGENDA**

---

*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) 890-4293. Notification 48 hours prior to the Commission meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.*

**1. CALL TO ORDER STANTON PLANNING COMMISSION REGULAR MEETING**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

Chair Adams, Vice Chair Frazier, Commissioner Ash, Commissioner Tran

**4. PUBLIC COMMENTS**

This is the time for members of the public to address the Planning Commission on any non-agendized matters within the subject matter jurisdiction of the Planning Commission.

- Each speaker will have a maximum of three (3) minutes,
- The Commission cannot discuss or take action on these items.
- All speakers must fill out a REQUEST TO SPEAK card and submit it to the Secretary of the Commission.
- The Chair will call speakers to the microphone. Please state your name, slowly and clearly, for the record.
- When three (3) minutes has expired, please return to your seat as you will not be permitted to have additional time for comments.

**5. PUBLIC HEARING**

**5A. A PUBLIC HEARING FOR CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 9.52 (PUBLIC LODGING) REGARDING PUBLIC LODGING FACILITY STANDARDS AND AMENDING PERMITTED LAND USES IN CHAPTERS 20.215 (COMMERCIAL ZONES) AND 20.230 (MIXED-USE OVERLAY ZONES) REGARDING HOTELS, MOTELS, AND LODGING AS A USE**

## **RECOMMENDED ACTION**

That the Planning Commission:

- Conduct a public hearing;
- Find that the proposed project is Categorical Exempt per California Environmental Quality Act (CEQA) under Section 15061 (b)(3) which applies to projects that will not have a significant impact on the environment; and,
- Adopt Resolution No. 2571 (Attachment 1) recommending that the City Council approve the attached Ordinance (Attachment 1.a) amending Chapter 9.52 (Public Lodgings) and Chapter 20.215 (Commercial Zones), Chapter 20.30 (Mixed-Use Overlay Zones) of the Stanton Municipal Code to enhance operational standards of public lodging facilities, establish public lodging facility inspection program, and require conditional use permits for public lodging facilities within certain zoning districts within the City.

## **6. NEW BUSINESS**

None.

## **7. OLD BUSINESS**

None.

## **8. SPECIAL PRESENTATIONS**

None.

## **9. 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.*

## **10. DIRECTOR'S REPORT**

None.

## **11. 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 Family Resource Center and City Hall, not less than 72 hours prior to the meeting. Dated this 14<sup>th</sup> day of November 2024.

  
\_\_\_\_\_  
Crystal Landavazo  
Community & Economic Development Director



## REPORT TO THE PLANNING COMMISSION

---

**TO:** Chairperson and Members of the Planning Commission

**DATE:** November 20, 2024

**SUBJECT:** CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 9.52 (PUBLIC LODGING) REGARDING PUBLIC LODGING FACILITY STANDARDS AND AMENDING PERMITTED LAND USES IN CHAPTERS 20.215 (COMMERCIAL ZONES) AND 20.230 (MIXED-USE OVERLAY ZONES) REGARDING HOTELS, MOTELS, AND LODGING AS A USE

### **RECOMMENDED ACTION**

That the Planning Commission:

1. Open and conduct a public hearing;
2. Find that that the proposed actions are exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) of the CEQA Guidelines because the actions have no potential for resulting in a direct or reasonably foreseeable indirect physical change in the environment and 15060(c)(3) because the activities are not a project as defined in Section 15378 of the CEQA Guidelines. Alternatively, find that the action is categorically exempt pursuant to Section 15301 of the State CEQA Guidelines as it involves restrictions on public lodging facilities within existing private structures with negligible or no expansion of existing or former use and under Section 15061(b)(3) as there is no possibility that the action might have a significant effect on the environment;
3. Adopt Resolution No. 2571 (Attachment 1) recommending that the City Council approve the attached Ordinance (Attachment 1.a) amending Chapter 9.52 (Public Lodgings) and Chapter 20.215 (Commercial Zones), Chapter 20.30 (Mixed-Use Overlay Zones) of the Stanton Municipal Code to enhance operational standards of public lodging facilities, establish public lodging facility inspection program, and require conditional use permits for public lodging facilities within certain zoning districts within the City.

## **SUMMARY**

The City of Stanton (“City”) has observed that several public lodging facilities have become hubs for criminal activity. Each year, law enforcement responds to a wide range of incidents at these locations, including prostitution, narcotics violations, theft, weapons possession, gang activity, and assaults. These responses cost the City hundreds of thousands of dollars annually in law enforcement, code enforcement, and public safety efforts. To address these concerns, the City Council adopted an interim urgency ordinance temporarily prohibiting the establishment or expansion of public lodging businesses in December 2023, which was extended in January and October 2024. This moratorium provided the City with time to study the ongoing impacts of these establishments and to craft new regulations to address the challenges they pose.

During the moratorium period, staff drafted proposed revisions to the Municipal Code (Attachment 1a) to, among other things, require a Conditional Use Permit (CUP) to establish public lodging facilities in certain zoning districts and strengthen the regulatory portions that govern public lodging.

## **BACKGROUND**

Under the California Constitution and pursuant to its police powers, the City is charged with protecting the health, safety, and welfare of its citizens. A large part of that responsibility is addressing crime and striving for a high quality of life for Stanton residents.

Given the inordinate amount of resources that go into combatting crimes at motels, the City Council adopted Urgency Ordinance No. 1136 at its December 12, 2023, meeting. The Urgency Ordinance instituted a 45-day moratorium to provide staff with time to research, study, and prepare recommendations for the Council’s consideration on how to better regulate public lodging uses within the City (the “Moratorium”). “Public lodging facilities” encompasses hotels, motels, lodging houses, boardinghouses, bed and breakfast inns, trailer courts, and similar public lodging facilities within the City. During the Moratorium period, no new public lodging, lodging facility or lodging business, use or operation was able to establish within the City, and existing ones were prohibited from expanding.

At its January 9, 2024, meeting, the City Council adopted Urgency Ordinance No. 1137 to extend the Moratorium for an additional 10 months and 15 days to provide staff with additional time to research, study, and prepare recommendations for the Council’s consideration. The Moratorium was extended an additional six months by the Council on October 22, 2024.

## **ANALYSIS/JUSTIFICATION**

The proposed Ordinance will modify sections of both Title 9 and Title 20 of the Stanton Municipal Code. The Planning Commission has the authority to review and vote on amendments within Title 20 of the Municipal Code because it regulates land use within the City. Title 9 regulates Peace Safety and Morals, which is under the jurisdiction of the City Council, not the Planning Commission. However, all proposed amendments are presented in this report for the Planning Commission’s reference because of its recent

experience with nuisance activity at a motel. The following report provides an overview of all proposed regulations that will be presented to the City Council.

A. *Zoning Code Amendments*

The proposed Ordinance amends Table 2-5 (Allowed Land Uses and Permit Requirements Commercial Zones) of Section 20.215.020 to revise the “Lodging – Hotel or Motel” use designation. Specifically, lodging facilities fronting on Beach Boulevard or Katella Avenue in the Commercial General zone, under the current regulations were permitted by right, but as part of the proposed amendments, will now require a conditional use permit be issued by the City to provide the City with greater oversight of such facilities. Additionally, Table 2-11 (Allowed Land Uses and Permit Requirements Mixed-Use Overlay Zones) of Section 20.30.040 is amended to expressly clarify that motels are prohibited as a use within any Mixed-Use Overlay Zone.

B. *Regulatory Code Amendments*

The proposed Ordinance also provides a comprehensive update to the current Stanton Municipal Code chapter (9.52) that regulates the operational, security, and sanitary standards of public lodging facilities. Chapter 9.52 was last revised in 2014. The proposed ordinance introduces new regulations and strengthens existing provisions to better address these issues and enhance public safety. A detailed summary of the key changes is provided below:

Guest Registration Requirements

Key changes include more detailed guest recordkeeping requirements, now requiring operators to verify and maintain documentation of the guest’s permanent address and valid picture identification before use of the guestroom, regardless of any guest’s payment status.

Maintenance Standards and Sanitation Requirements

New additions are proposed to the existing maintenance standards. Now, every public lodging facility must ensure no substandard conditions exist at or on the public lodging facility’s premises. Notable maintenance standards now include maintaining all windows, landscaping, waste storage areas, and other public common spaces and recreation areas at the facility to ensure guest safety.

Security Measures

To enhance existing the existing security measures in Section 9.52.150, the Ordinance expands security camera coverage to include all entry points, parking areas, and common areas for guest safety. The video retention requirements are also expanded from 30 days to 60 days to ensure adequate footage is available for review in case of incidents or investigations. Security lighting must now also cover adjacent public sidewalks during hours of darkness to enhance visibility while minimizing disturbance to neighbors.

Operational Requirements

The Ordinance introduces new operational requirements for public lodging facilities including the continuous removal of graffiti within 48 hours. It also explicitly prohibits public lodging facilities from facilitating or allowing use of the facility for prostitution, illegal

drug activity, or violent crimes. A new requirement mandates that operators designate a representative with full authority to act on their behalf for all compliance matters under this Chapter to ensure the City and guests have a clear point of contact for prompt communication. The operator or their representative must also be accessible 24/7 with their contact information clearly posted within the public lodging facility.

#### Guest Standards

New guest standards prohibit individuals from loitering or remaining on public lodging facility property in violation of the operator's request. These new standards make it unlawful to refuse to leave when asked by the operator, their agent, or a peace officer, unless the individual is otherwise authorized to remain on the premises or is engaged in lawful activities. The Ordinance also recognizes potential guest liability for noncompliance with applicable provisions of this Chapter.

#### Guest Parking Permits

The Ordinance requires all vehicles in a public lodging facility's parking lot to display a valid parking permit issued by the facility, which may only be provided to operators, guests, employees, or contractors. Public lodging facilities are responsible for monitoring parking areas with certain exceptions for emergency and official vehicles.

#### Human Trafficking Prevention Measures

The Ordinance prohibits minors from staying in public lodging facilities unless accompanied by a parent or legal guardian who must remain present for the duration of the minor's stay. Additionally, public lodging facilities are required to post human trafficking notices in visible areas to provide information on how to seek help. These measures are designed to combat human trafficking by ensuring greater oversight of minors and raising awareness for both guests and employees.

#### Public Lodging Facility Inspection Program (Certificates of Compliance)

The Ordinance introduces an inspection program designed to enhance oversight and accountability for operators of public lodging facilities. One year from the Ordinance's effective date, all operators would need to obtain a certificate of compliance from the City to legally operate. New lodging facilities proposed after the Ordinance takes effect would have to pass an inspection prior to beginning operations, while existing facilities would undergo inspection within one year of this Ordinance's enactment to receive a certificate of compliance.

#### Enforcement

The Ordinance establishes strict liability for both operators and property owners of public lodging facilities for any violations of Chapter 9.52, regardless of any agreements with third parties, to enhance accountability of all public lodging facilities. The Ordinance also clarifies various enforcement mechanisms, including criminal penalties, civil penalties, and administrative citations, while allowing the City to abate violations or nuisances through legal action.

## Findings

Based on the evidence for the Ordinance and all other applicable information presented, staff finds that the proposed Ordinance is appropriate for the following reasons:

1. Consistency with City's General Plan: By introducing enhanced operational controls and conditional use permit requirements, the Ordinance helps ensure that public lodging facilities contribute to overall community safety consistent with Community Health & Safety Element ("CHS") of the General Plan. More specifically, the Ordinance supports efforts to enhance public safety through effective oversight and management in furtherance of Goal CHS-4.3 of the City's General Plan. The Ordinance is also consistent with Action CHS-4.3.1(c), as it encourages the City to evaluate and potentially enhance law enforcement services by addressing challenges commonly associated with public lodging facilities, such as security and operational concerns. Furthermore, the Ordinance supports Goal CHS-4.4, which promotes safe communities, by discouraging criminal activity.
2. Adoption of Ordinance Will Not be Detrimental to the Public Interest, Health, Safety, Convenience, or Welfare: By updating the regulatory and operational standards for public lodging facilities, the Ordinance promotes more effective oversight and ensures that these facilities operate in a manner that aligns with the City's commitment to maintaining a high quality of life for its residents and visitors. The Ordinance further enhances operational requirements and land use controls to ensure that lodging facilities are appropriately regulated to advance the public health, safety, and welfare of the community.
3. Consistency with Zoning Code: The proposed Ordinance is consistent with the City's Zoning Code, as it strengthens existing regulations for public lodging facilities in line with the Code's broader goals of ensuring responsible land use. By updating existing operational, sanitary, and security standards for public lodging facilities and introducing conditional use permit requirements in certain zoning districts, the Ordinance provides a more tailored approach to regulating such facilities to ensure they operate in a manner that is compatible with surrounding land uses and community objectives.

## ENVIRONMENTAL ANALYSIS

Staff recommends finding that this Ordinance is not subject to the California Environmental Quality Act ("Public Resources Code section 21000 et seq.") ("CEQA") because it does not qualify as a "project" under CEQA. The State CEQA Guidelines provide that "[a]n activity is not subject to CEQA if ... the activity is not a project as defined in Section 15378." (State CEQA Guidelines, § 15060(c).) Here, the Ordinance does not qualify as a "project" as defined in State CEQA Guidelines section 15378 for at least two different reasons: First, Section 15378 defines a project as an activity that "has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (State CEQA Guidelines, § 15378(a).) The Ordinance updates existing operational standards for public lodging facilities and requires a conditional use permit to operate public lodging facilities within certain zoning districts. Such actions will not result in a direct or reasonably foreseeable

indirect physical change in the environment. Accordingly, the Ordinance is not a “project” subject to CEQA. (State CEQA Guidelines, § 15060(c)(2).) Second, Section 15378 explicitly excludes from its definition of “project” the following: “organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.” (State CEQA Guidelines, §§ 15378(b)(5); 15060(c)(3).) The Ordinance constitutes an organizational or administrative activity that will not result in a physical change in the environment, and it therefore is not subject to CEQA.

Even if the Ordinance is considered a “project” subject to CEQA, it is categorically exempt pursuant to State CEQA Guidelines Section 15301 because it involves updating existing regulations over public lodging facilities within existing private structures with negligible or no expansion of existing or former use. In addition, the proposed Ordinance is exempt from CEQA pursuant to the “common sense” exemption under CEQA Guidelines section 15061(b)(3) because there is no possibility that the Ordinance might have a significant effect on the environment. The Ordinance merely updates the existing regulatory standards of public lodging facilities and requires a conditional use permit to operate such a facility within certain zoning districts.

Lastly, none of the exceptions to the use of categorical exemptions identified in State CEQA Guidelines section 15300.2 apply: there is no potential for cumulative impacts; there are no unusual circumstances that would have a significant impact on the environment due to the adoption of the amendments; the Ordinance would not negatively impact scenic resources within a duly designated scenic highway; there is no record of hazardous waste and the Ordinance has no potential to impact historic resources.

Staff recommends that the Planning Commission adopt Resolution No. 2571, which, among other things, recommends that the City Council direct staff to file a Notice of Exemption for this Ordinance with the County Clerk and the State Clearinghouse in accordance with State CEQA Guidelines.

**PUBLIC NOTIFICATION**

Public notice was made through the regular agenda process.

Prepared by:

 per C.L.  
Crystal Landavazo  
Community and Economic Development Director

**ATTACHMENTS**

- 1. Draft Resolution No. 2571
  - a. Exhibit A - Ordinance No. 1154



**RESOLUTION NO. 2571**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF STANTON RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING AND RESTATING CHAPTER 9.52 OF THE STANTON MUNICIPAL CODE REGARDING PUBLIC LODGING FACILITIES REGULATIONS, AMENDING THE REFERENCE TO “LODGING – HOTEL OR MOTEL” IN SECTION 20.215.020, TABLE 2-5, AMENDING THE REFERENCE TO “LODGING” IN TABLE 2-11 OF SECTION 20.30.040, AND FINDING THE PROPOSED ACTION TO BE EXEMPT FROM CEQA PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15060(c)(2) AND 15060(c)(3) AND ALTERNATIVELY CATEGORICALLY EXEMPT PURSUANT TO SECTIONS 15301 AND 15061(b)(3) OF STATE CEQA GUIDELINES**

**WHEREAS**, the City of Stanton, California (“City”) is a municipal corporation, duly organized under the California Constitution and laws of the State of California; and

**WHEREAS**, pursuant to Cal. Const. Art. XI, Sec. 7 and under the City’s general police powers, the City is empowered and charged with responsibility for the health, safety, and welfare of its citizens; and

**WHEREAS**, the City protects the health, safety, and welfare of the community through numerous avenues, including by establishing and enforcing zoning, licensing and health, and safety regulations on specified commercial activities; and

**WHEREAS**, the City has observed ongoing criminal activity originating from public lodging facilities, such as hotels, motels, and other similar public lodging facilities, within the City, leading deputies of the Orange County Sheriff Department (“OCSD”) to respond annually to hundreds of calls related to illicit sexual activities, suspected human trafficking, narcotics violations, stolen vehicles, weapon possession, probation and parole violations, burglary, robbery, gang activity, assaults, and assaults with deadly weapons; and

**WHEREAS**, as of November 30, 2023, City staff research reveals that OCSD responded to at least 443 service calls in 2023 addressing criminal issues at motel establishments within the City. That cumulatively amounts to approximately 480 hours of dedicated law enforcement response; and

**WHEREAS**, public lodging facilities where unlawful activities are not curtailed pose substantial and immediate threats to the health, safety, and welfare of the community. These detrimental effects encompass, among other things: (1) potential harm to patrons arising from criminal acts committed at these locations; (2) injury risks to patrons and

employees due to insufficient safety and security standards; and (3) heightened risk of prostitution and human trafficking activities; and

**WHEREAS**, the impact of criminal activities at public lodging facilities are not confined to the premises alone, but also extend into the broader community and further affect the operations of regional facilities, such as hospitals and correctional facilities; and

**WHEREAS**, to combat these issues, the City Council adopted Interim Ordinance Urgency Ordinance No. 1136 at its December 12, 2023, meeting to institute a 45-day moratorium to provide staff with time to research, study, and prepare recommendations for the Council’s consideration (the “Moratorium”); and

**WHEREAS**, at its January 9, 2024, meeting, the City Council adopted Urgency Ordinance No. 1137 to extend the Moratorium for an additional 10 months and 15 days to provide staff with additional time to research, study, and prepare recommendations for the Council’s consideration, and on October 22, 2024, the Moratorium was extended an additional six months; and

**WHEREAS**, this Moratorium restricts the establishment of new public lodging, lodging facilities, or lodging businesses within the City and prohibits the expansion, enlargement, or alteration of their physical footprints. It further restricts the City from issuing any use permit, license, variance, building permit, business license, or other applicable entitlement, license, permit, or approval for the establishment, expansion, enlargement, or alteration of any public lodging, lodging facility, or lodging business within the City during the Moratorium with some exceptions for ordinary repairs and maintenance for existing businesses or where required by law; and

**WHEREAS**, throughout the duration of the Moratorium, City staff, in collaboration with OCSD and the City Attorney’s office, has conducted research to understand the impacts of public lodging facilities and uses on community welfare and explored potential amendments to the City’s regulatory process and zoning codes to protect public health, safety, and welfare and mitigate potential illegalities occurring at these establishments; and

**WHEREAS**, Chapter 9.52 of the Stanton Municipal Code contains regulations intended to address the negative impacts caused by public lodging facilities. Despite these regulations, public lodging facilities continue to present challenges in maintaining public safety and preventing criminal activity, which in turn adversely affects the health, safety, and welfare of the community and degrades the overall quality of life in the City; and

**WHEREAS**, the proposed ordinance (“Ordinance”) strengthens operational standards for public lodging facilities, enhances accountability for operators, introduces stricter enforcement mechanisms, including a new regulatory inspection program, and includes an amendment to the City’s Zoning Code to require a conditional use permit for lodging facilities in certain zoning districts; and

**WHEREAS**, the Planning Commission of the City conducted a duly noticed public hearing on November 20, 2024, to consider approval of this Ordinance, at which hearing members of the public were afforded an opportunity to comment upon these amendments to the Stanton Municipal Code.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF STANTON RESOLVES AS FOLLOWS:**

**SECTION 1.** That the recitals set forth above are found to be true and correct and are incorporated herein by reference.

**SECTION 2.** The Planning Commission finds that this Ordinance is not subject to the California Environmental Quality Act (“Public Resources Code section 21000 et seq.”) (“CEQA”) because it does not qualify as a “project” under CEQA. The State CEQA Guidelines provide that “[a]n activity is not subject to CEQA if ... the activity is not a project as defined in Section 15378.” (State CEQA Guidelines, § 15060(c).) Here, the Ordinance does not qualify as a “project” as defined in State CEQA Guidelines section 15378 for at least two different reasons: First, Section 15378 defines a project as an activity that “has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” (State CEQA Guidelines, § 15378(a).) The Ordinance updates existing operational standards for public lodging facilities and requires a conditional use permit to operate public lodging facilities within certain zoning districts. Such actions will not result in a direct or reasonably foreseeable indirect physical change in the environment. Accordingly, the Ordinance is not a “project” subject to CEQA. (State CEQA Guidelines, § 15060(c)(2).) Second, Section 15378 explicitly excludes from its definition of “project” the following: “organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.” (State CEQA Guidelines, §§ 15378(b)(5); 15060(c)(3).) The Ordinance constitutes an organizational or administrative activity that will not result in a physical change in the environment, and it therefore is not subject to CEQA.

Even if the Ordinance is considered a “project” subject to CEQA, it is categorically exempt pursuant to State CEQA Guidelines Section 15301 because it involves updating existing regulations over public lodging facilities within existing private structures with negligible or no expansion of existing or former use. In addition, the proposed Ordinance is exempt from CEQA pursuant to the “common sense” exemption under CEQA Guidelines section 15061(b)(3) because there is no possibility that the Ordinance might have a significant effect on the environment. The Ordinance merely updates the existing regulatory standards of public lodging facilities and requires a conditional use permit to operate such a facility within certain zoning districts. Lastly, none of the exceptions to the use of categorical exemptions identified in State CEQA Guidelines section 15300.2 apply: there is no potential for cumulative impacts; there are no unusual circumstances that would have a significant impact on the environment due to the adoption of the amendments; the Ordinance would not negatively impact scenic resources within a duly designated scenic highway; there is no record of hazardous waste and the Ordinance has no potential to

impact historic resources. The Planning Commission further recommends that the City Council direct staff to file a Notice of Exemption for this Ordinance with the County Clerk and the State Clearinghouse in accordance with State CEQA Guidelines.

**SECTION 3.** Based on all the evidence in the record, the Planning Commission has determined that amending the Stanton Municipal Code to further regulate public lodging facilities and require a conditional use permit to operate a public lodging facility within certain zoning districts is appropriate for the following reasons:

1. Consistency with City's General Plan: By introducing enhanced operational controls and conditional use permit requirements, the Ordinance helps ensure that public lodging facilities contribute to overall community safety consistent with Community Health & Safety Element ("CHS") of the General Plan. More specifically, the Ordinance supports efforts to enhance public safety through effective oversight and management in furtherance of Goal CHS-4.3 of the City's General Plan. The Ordinance is also consistent with Action CHS-4.3.1(c), as it encourages the City to evaluate and potentially enhance law enforcement services by addressing challenges commonly associated with public lodging facilities, such as security and operational concerns. Furthermore, the Ordinance supports Goal CHS-4.4, which promotes safe communities, by discouraging criminal activity.
2. Adoption of Ordinance Will Not be Detrimental to the Public Interest, Health, Safety, Convenience, or Welfare: By updating the regulatory and operational standards for public lodging facilities, the Ordinance promotes more effective oversight and ensures that these facilities operate in a manner that aligns with the City's commitment to maintaining a high quality of life for its residents and visitors. The Ordinance further enhances operational requirements and land use controls to ensure that lodging facilities are appropriately regulated to advance the public health, safety, and welfare of the community.
3. Consistency with Zoning Code: The proposed Ordinance is consistent with the City's Zoning Code, as it strengthens existing regulations for public lodging facilities in line with the Code's broader goals of ensuring responsible land use. By updating existing operational, sanitary, and security standards for public lodging facilities and introducing conditional use permit requirements in certain zoning districts, the Ordinance provides a more tailored approach to regulating such facilities to ensure they operate in a manner that is compatible with surrounding land uses and community objectives.

**SECTION 4:** The Planning Commission hereby recommends that the City Council approve and adopt Ordinance No. 1154 attached hereto as Exhibit "A" and incorporated herein by reference.

**SECTION 5.** The documents and materials associated with this Ordinance that constitute the record of proceedings on which these findings are based are located at 7800 Katella Avenue, Stanton, California 90680. The Community and Economic Development Director is the custodian of the record of proceedings.

**SECTION 6.** This Resolution shall become effective upon its adoption. The Planning Secretary shall certify to the adoption of this Resolution.

**PASSED, APPROVED, AND ADOPTED** at a regular meeting of the Planning Commission on the 20<sup>th</sup> day of November 2024, by the following vote:

**AYES:** \_\_\_\_\_  
**NAYS:** \_\_\_\_\_  
**ABSENT:** \_\_\_\_\_  
**ABSTAIN:** \_\_\_\_\_

**CITY OF STANTON**

\_\_\_\_\_  
Thomas Adams  
Planning Commission Chairperson

**ATTEST:**

\_\_\_\_\_  
Crystal Landavazo  
Planning Commission Secretary

**EXHIBIT A**

**ORDINANCE NO. 1154**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA AMENDING AND RESTATING CHAPTER 9.52 OF THE STANTON MUNICIPAL CODE REGARDING PUBLIC LODGING FACILITIES REGULATIONS, AMENDING THE REFERENCE TO “LODGING – HOTEL OR MOTEL” IN SECTION 20.215.020, TABLE 2-5, AMENDING THE REFERENCE TO “LODGING” IN TABLE 2-11 OF SECTION 20.30.040, AND FINDING THE ORDINANCE TO BE EXEMPT FROM CEQA PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15060(c)(2) AND 15060(c)(3) AND ALTERNATIVELY CATEGORICALLY EXEMPT PURSUANT TO SECTIONS 15301 AND 15061(b)(3) OF STATE CEQA GUIDELINES**

**WHEREAS**, the City of Stanton, California (“City”) is a municipal corporation, duly organized under the California Constitution and laws of the State of California; and

**WHEREAS**, pursuant to Cal. Const. Art. XI, Sec. 7 and under the City’s general police powers, the City is empowered and charged with responsibility for the health, safety, and welfare of its citizens; and

**WHEREAS**, the City protects the health, safety, and welfare of the community through numerous avenues, including by establishing and enforcing zoning, licensing and health, and safety regulations on specified commercial activities; and

**WHEREAS**, the City has observed ongoing criminal activity originating from public lodging facilities, such as hotels, motels, and other similar public lodging facilities, within the City, leading deputies of the Orange County Sheriff Department (“OCSD”) to respond annually to hundreds of calls related to illicit sexual activities, suspected human trafficking, narcotics violations, stolen vehicles, weapon possession, probation and parole violations, burglary, robbery, gang activity, assaults, and assaults with deadly weapons.

**WHEREAS**, as of November 30, 2023, City staff research reveals that OCSD responded to at least 443 service calls in 2023 addressing criminal issues at motel establishments within the City. That cumulatively amounts to approximately 480 hours of dedicated law enforcement response; and

**WHEREAS**, staff research further revealed that the City spends an estimated \$16.2 million on law enforcement and public safety on an annual basis; and

**WHEREAS**, public lodging facilities where unlawful activities are not curtailed pose substantial and immediate threats to the health, safety, and welfare of the community. These detrimental effects encompass, among other things: (1) potential harm to patrons arising from criminal acts committed at these locations; (2) injury risks to patrons and

employees due to insufficient safety and security standards; and (3) heightened risk of prostitution and human trafficking activities; and

**WHEREAS**, the impact of criminal activities at public lodging facilities are not confined to the premises alone, but also extend into the broader community and further affect the operations of regional facilities, such as hospitals and correctional facilities; and

**WHEREAS**, to combat these issues, the City Council adopted Interim Ordinance Urgency Ordinance No. 1136 at its December 12, 2023, meeting to institute a 45-day moratorium to provide staff with time to research, study, and prepare recommendations for the Council's consideration (the "Moratorium");

**WHEREAS**, at its January 9, 2024, meeting, the City Council adopted Urgency Ordinance No. 1137 to extend the Moratorium for an additional 10 months and 15 days to provide staff with additional time to research, study, and prepare recommendations for the Council's consideration;

**WHEREAS**, this Moratorium restricts the establishment of new public lodging, lodging facilities, or lodging businesses within the City and prohibits the expansion, enlargement, or alteration of their physical footprints. It further restricts the City from issuing any use permit, license, variance, building permit, business license, or other applicable entitlement, license, permit, or approval for the establishment, expansion, enlargement, or alteration of any public lodging, lodging facility, or lodging business within the City during the Moratorium with some exceptions for ordinary repairs and maintenance for existing businesses or where required by law;

**WHEREAS**, throughout the duration of the Moratorium, City staff, in collaboration with OCSD and the City Attorney's office, has conducted research to understand the impacts of public lodging facilities and uses on community welfare and explored potential amendments to the City's regulatory process and zoning codes to protect public health, safety, and welfare and mitigate potential illegalities occurring at these establishments; and

**WHEREAS**, Chapter 9.52 of the Stanton Municipal Code contains regulations intended to address the negative impacts caused by public lodging facilities. Despite these regulations, public lodging facilities continue to present challenges in maintaining public safety and preventing criminal activity, which in turn adversely affects the health, safety, and welfare of the community and degrades the overall quality of life in the City;

**WHEREAS**, the proposed ordinance ("Ordinance") strengthens operational standards for public lodging facilities, enhances accountability for operators, introduces stricter enforcement mechanisms, including a new regulatory inspection program, and includes an amendment to the City's Zoning Code to require a conditional use permit for lodging facilities in certain zoning districts; and

**WHEREAS**, on November 20, 2024, the Planning Commission conducted and concluded a duly noticed public hearing concerning the Ordinance contained herein as

required by law and following receipt of all public testimony closed the hearing on that date, and adopted Resolution No. 2571;

**WHEREAS**, the City Council conducted a duly noticed public hearing on December 10, 2024, at which members of the public were afforded an opportunity to comment on this Ordinance, the recommendations of staff, and other public testimony; and,

**WHEREAS**, all legal preconditions to the adoption of this Ordinance have occurred.

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

**SECTION 1. Recitals.** The recitals set forth above are true and correct and are hereby adopted as findings in support of this Ordinance as if fully set forth herein.

**SECTION 2. CEQA.** The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (“Public Resources Code section 21000 et seq.”) (“CEQA”) because it does not qualify as a “project” under CEQA. The State CEQA Guidelines provide that “[a]n activity is not subject to CEQA if ... the activity is not a project as defined in Section 15378.” (State CEQA Guidelines, § 15060(c).) Here, the Ordinance does not qualify as a “project” as defined in State CEQA Guidelines section 15378 for at least two different reasons: First, Section 15378 defines a project as an activity that “has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” (State CEQA Guidelines, § 15378(a).) The Ordinance updates existing operational standards for public lodging facilities and requires a conditional use permit to operate public lodging facilities within certain zoning districts. Such actions will not result in a direct or reasonably foreseeable indirect physical change in the environment. Accordingly, the Ordinance is not a “project” subject to CEQA. (State CEQA Guidelines, § 15060(c)(2).) Second, Section 15378 explicitly excludes from its definition of “project” the following: “organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.” (State CEQA Guidelines, §§ 15378(b)(5); 15060(c)(3).) The Ordinance constitutes an organizational or administrative activity that will not result in a physical change in the environment, and it therefore is not subject to CEQA.

Even if the Ordinance is considered a “project” subject to CEQA, it is categorically exempt pursuant to State CEQA Guidelines Section 15301 because it involves updating existing regulations over public lodging facilities within existing private structures with negligible or no expansion of existing or former use. In addition, the proposed Ordinance is exempt from CEQA pursuant to the “common sense” exemption under CEQA Guidelines section 15061(b)(3) because there is no possibility that the Ordinance might have a significant effect on the environment. The Ordinance merely updates the existing regulatory standards of public lodging facilities and requires a conditional use permit to operate such a facility within certain zoning districts.



Lastly, none of the exceptions to the use of categorical exemptions identified in State CEQA Guidelines section 15300.2 apply: there is no potential for cumulative impacts; there are no unusual circumstances that would have a significant impact on the environment due to the adoption of the amendments; the Ordinance would not negatively impact scenic resources within a duly designated scenic highway; there is no record of hazardous waste and the Ordinance has no potential to impact historic resources.

Staff is directed to file a Notice of Exemption for this Ordinance with the County Clerk and the State Clearinghouse in accordance with State CEQA Guidelines.

**SECTION 3. Findings.** Government Code Sections 65860 and 65855 requires a city's zoning ordinance to be consistent with the general plan. Based on all evidence in the record for the Zoning Code Amendment and all other applicable information presented, the City Council finds that the proposed Code Amendment is appropriate for the following reasons:

1. Consistency with City's General Plan: By introducing enhanced operational controls and conditional use permit requirements, the Ordinance helps ensure that public lodging facilities contribute to overall community safety consistent with Community Health & Safety Element ("CHS") of the General Plan. More specifically, the Ordinance supports efforts to enhance public safety through effective oversight and management in furtherance of Goal CHS-4.3 of the City's General Plan. The Ordinance is also consistent with Action CHS-4.3.1(c), as it encourages the City to evaluate and potentially enhance law enforcement services by addressing challenges commonly associated with public lodging facilities, such as security and operational concerns. Furthermore, the Ordinance supports Goal CHS-4.4, which promotes safe communities, by discouraging criminal activity.
2. Adoption of Ordinance Will Not be Detrimental to the Public Interest, Health, Safety, Convenience, or Welfare: By updating the regulatory and operational standards for public lodging facilities, the Ordinance promotes more effective oversight and ensures that these facilities operate in a manner that aligns with the City's commitment to maintaining a high quality of life for its residents and visitors. The Ordinance further enhances operational requirements and land use controls to ensure that lodging facilities are appropriately regulated to advance the public health, safety, and welfare of the community.
3. Consistency with Zoning Code: The proposed Ordinance is consistent with the City's Zoning Code, as it strengthens existing regulations for public lodging facilities in line with the Code's broader goals of ensuring responsible land use. By updating existing operational, sanitary, and security standards for public lodging facilities and introducing conditional use permit requirements in certain zoning districts, the Ordinance provides a more tailored approach to regulating such facilities to ensure they operate in a manner that is compatible with surrounding land uses and community objectives.

**SECTION 4.** Chapter 9.52 (Public Lodging) of the Stanton Municipal Code is hereby amended in its entirety and restated to read as follows (additions in underline, deletions in ~~strikethrough~~):

**“Chapter 9.52 Public Lodging**

- 9.52.010 – Findings and definitions.**
- 9.52.020 – Administration and enforcement.**
- 9.52.040 – Registration required.**
- 9.52.050 – Inspection of register, alterations.**
- 9.52.060 – Registering under fictitious name prohibited.**
- 9.52.070 – repeated use of room prohibited.**
- 9.52.080 – Hourly room rates prohibited.**
- 9.52.090 – Maintenance standards.**
- 9.52.100 – Sanitation requirements – General.**
- 9.52.110 – Toilet rooms and bathing facilities.**
- 9.52.120 – Sleeping rooms – Air space.**
- 9.52.130 – Sleeping rooms – Overcrowding and other unhealthful conditions prohibited.**
- 9.52.140 – Linen and bedding for transient guest accommodations.**
- 9.52.150 – Security measures.**
- 9.52.160 – Amortization period.**
- 9.52.170 – Enforcement.**
- 9.52.180 – Operational Requirements.**
- 9.52.190 – Guest Standards.**
- 9.52.200 – Parking by Permit.**
- 9.52.210 – Occupancy by Minors.**
- 9.52.220 – Human Trafficking Notice.**
- 9.52.230 – Certificate of Compliance Registration.**
- 9.52.240 – Denial of Renewal; Certificate of Compliance Revocation.**
- 9.52.250 – Inspections; Notice and Order to Comply.**
- 9.52.260 – Appeals.**
- 9.52.270 – Duplicated Regulation.**

**9.52.010 Findings and definitions.**

A. The purpose of this chapter is to prevent the development of the nuisance conditions associated with health and sanitation. In addition, the purpose of this Chapter ~~chapter~~ is to prevent criminal activity associated with public lodging facilities.

B. The regulations set forth in this Chapter ~~chapter~~ are reasonably related to the accomplishment of this purpose and will not unduly interfere with the legitimate operation of public lodgings within the city.

C. ~~As used in this chapter, "public lodging facility" means any hotel, motel, lodginghouse, boardinghouse, bed and breakfast inn, trailer court, or similar public~~

lodging facility. For purposes of this Chapter, the following definitions will apply. If any of the definitions in this Chapter conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Chapter:

1. "Agent" means any person, including the operator's representative, who is authorized to allow, let, lease, assign, or rent a guestroom.
2. "Building Official" means the building official of the City or their designee.
3. "City" means the city of Stanton.
4. "Code" means the Stanton Municipal Code.
5. "Enforcement personnel" means any police officer or code enforcement officer employed by the City.
6. "Department" means the Community & Economic Development Department of the City sometimes referred to in this Code as the Community Development Department.
7. "Director" means the Community & Economic Development Director of the City or their designee.
8. "Guest" means any person who occupies or otherwise uses the whole or part of a guestroom within a public lodging facility, whether alone or with other persons.
9. "Guestroom" means any portion of a public lodging facility, including any suite, room, or bed, occupied or designed or intended for occupancy for temporary lodging or sleeping purposes.
10. "Operator" means the person who is owner, in whole or in part, or proprietor of a public lodging facility or any other person who has the right to allow, let, lease, assign, or rent guestrooms within the public lodging facility to guests or customers or to facilitate the rental of guestrooms, whether in the capacity of owner, mortgagee in possession, or any other capacity. Where the operator performs functions through a representative, as defined herein, the representative is also deemed an operator for the purposes of this Chapter and shall have the same duties as the operator. Full compliance with the provisions of this Chapter by either the operator or their representative is considered to be compliance by both. In the event of noncompliance with any provision of this Chapter by the representative, the operator shall be held strictly liable for such noncompliance.
11. "Operate" or "engage in" includes carry on, keep, conduct, allow, maintain, or cause to be kept or maintained.

12. "Owner" means the fee simple owner of the real property on which the public lodging facility is situated. In the event of noncompliance with any provision of this Chapter by the operator, their representative, or agent, the owner shall also be held strictly liable for such noncompliance.
13. "Person" means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust, or the manager, lessee, agent, servant, officer, or employee of any of them.
14. "Picture identification" includes a valid driver's license, federal, or state government, or military identification card, or passport that contains the person's picture, current address, and date of birth.
15. "Public lodging facility" means hotel, motel, lodginghouse, boardinghouse, bed and breakfast inn, trailer court, or similar structure located within the City intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied, on a temporary basis by guests.
16. "Representative" means the operator's designated agent, property manager, or other person in charge or control of a public lodging facility on behalf of the operator.
17. "Substandard condition" means the presence of any one or more of the following conditions within the premises of a public lodging facility: any condition that constitutes a public nuisance as defined in California Civil Code Sections 3479-3480; any condition of deterioration or disrepair that creates a substantial adverse impact on neighboring properties; any condition of deterioration or disrepair that creates a substantial adverse impact on the guest's ability to reside in decent, safe sanitary, and secure housing; any violation of the Stanton Municipal Code that creates a substantial adverse impact on neighboring properties, such as graffiti or abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof; or any condition not in compliance with the Building Standards Codes, as adopted in Chapter 16.13 of this Code, including the building, electrical, plumbing, and mechanical codes, the California Fire Code, as adopted in Chapter 16.21 of this Code, or the State Housing Law (Health and Safety Code Sections 17910 et seq.). A substandard condition includes, but is not limited to, the following enumerated conditions:
- a. Property within the public lodging facility, whether improved or not, which is not kept substantially clean and free from accumulations including, but not limited to, overgrown vegetation, dead trees, weeds, rank growth, rubbish, junk, garbage, litter, debris, flyers, circulars, or stagnant water.
  - b. Buildings or structures which are unpainted or the exterior paint is substantially worn off; provided, however, that nothing in this Section

may be construed to require an operator to paint a building where the architectural style indicates it was intended to be unpainted, such as a brown shingle building.

- c. Buildings or structures or significant sections thereof including, but not limited to, awnings, canopies, exterior stairs, roof, foundation, walls, fences, signs, retaining walls, driveways, or walkways which are substantially deteriorated or defaced, or windows which are missing or broken. For the purposes of this Section, "defaced" includes, but is not limited to, writings, inscriptions, figures, scratches, or other markings commonly referred to as graffiti.
- d. Property within the public lodging facility that contains, in any outdoor area, any refrigerator, washing machine, sink, stove, heater, boiler, tank, or any other household equipment, machinery, furniture, or item, appliance or appliances, boxes, lumber, dirt or debris, trash, garbage or refuse cans, or any items other than those commonly stored outdoors or any parts of such items. This does not prohibit machinery installed in the rear setback areas for recreational use, furniture designed and used for outdoor activities, and waste containers placed in the location designated by the solid waste enterprise during the period allowed for waste collection under Chapter 6.04 of this Municipal Code.
- e. A guestroom in which any or all of the following is present: no hot or cold running water; no functioning toilet; carpet that is unsanitary or is worn to the point that portions are missing; no heat or ventilation; visible signs of mold; visible signs of bug or rodent infestation; or any other condition that creates a living environment that is not decent, safe, or sanitary.
- f. Notwithstanding the above, nothing herein shall be interpreted to preclude the Building Official from enforcing public nuisances pertaining to unsafe buildings, structures, or property conditions, as defined by the Building Standards Codes, the California Fire Code, and the State Housing Law.

#### **9.52.020 Administration and enforcement.**

- A. Except as otherwise provided in this chapter Chapter, the provisions of this chapter Chapter shall be administered and enforced by the chief of police and peace officers and by the City Manager, Director, Public Safety Services Director of the City, and their designees as deemed necessary. The Director may establish rules, forms, and procedures necessary or appropriate for implementing this Chapter.
- B. The provisions of this Chapter are supplementary and complementary to other provisions of this Code and applicable statutes. Nothing in this Chapter may be construed to limit any existing right of the City to abate nuisances or to enforce any provisions of applicable law, statute, or this Code, including, but not limited

to, provisions of Title 3 (Revenue and Finance) and Title 20 (Zoning) of this Code and the provisions of uniform codes adopted by reference in this Code.

**9.52.040 Registration required.**

- A. No operator or agent may allow, let, lease, assign, or rent any guestroom to any person or persons until they have registered in accordance with this Section. Such registration must be completed before any guest uses or occupies the guestroom.
  
- B. Every operator or agent person conducting or owning a public lodging facility in the city shall at all times keep and maintain therein a register, other permanent document, or electronic record which includes the full name, permanent address, telephone number, and date of birth of each and every guest seeking to use or occupy the guestroom, regardless of whether the guest or person is paying or nonpaying, and a copy of each guest's picture identification. Such register or document shall be signed by the person actually renting the guestroom room or area, and the operator or agent of the public lodging facility must examine and verify the guest information and documentation specified herein and, following verification, shall thereupon write opposite of each guest's name such name or names so registered the number of each room or area assigned to or occupied by each such guest, together with the date and time when such room is rented, the rate charged for such rental, and such date or time when such guests check out of the room, or if the exact time of departure of the guest is not known, the date and time that the fact of the departure of each guest is ascertained. Until all of such entries shall have been made in such register or document, no such operator or agent shall allow or permit such guest or person to use or occupy privately any guestroom or area in such the public lodging facility. Every operator must preserve such register or document shall be preserved for a minimum period of three years after the date of its most recent entry.
  
- C. Concurrent with the registration process, each and every guest shall identify all authorized or proposed occupants and users of the guestroom and provide to the operator or their agent valid picture identification. Valid picture identification includes a valid driver's license, federal or state government, or military identification card, passport or any form of identification that contains the transient's guest's picture, current address and date of birth. The type of picture identification provided to the operator or agent shall be noted documented in the register and include the document's identification number and the state or country of issuance. Operators and their agents are prohibited from allowing or permitting a guest or person to rent or occupy any guestroom without verifying the guest has authentic picture identification and until the operator or agent has accurately and legibly completed the register with the information that corresponds to the picture identification presented by each guest.
  
- D. The public lodging facility operator or their agent shall also include in the register information regarding the every guest's vehicle including the vehicle make and model, license plate number and the state of issuance. The operator or their agent

shall verify the vehicle information either by personal observation or by examination of the vehicle's registration documents.

- E. Operators and their agents are prohibited from allowing, leasing, renting, or assigning any guestroom without first obtaining a valid credit card or debit card that is in the name of the guest who is paying for the guestroom. If a guest does not use a credit or debit card to pay for the guestroom due to payment by cash, the operator or agent must first confirm the validity of the guest's credit or debit card with the card issuer prior to the guest's occupancy at the public lodging facility. Notwithstanding the foregoing, nothing in this Section prevents public lodging facilities from renting a guestroom to a guest who is procuring the room with a valid voucher from a government agency.

**9.52.050: Inspection of Register, alterations.**

- A. It is unlawful for any person to erase or alter, or allow another to erase or alter, the register or the entries recorded in the register or any other document required by this Chapter for any purpose. Erasures or alterations on the register or document required by this chapter shall not be permitted or made for any purpose, and it is unlawful to erase a name or names and address or addresses or permit or allow such an erasure. Such register or documents shall be kept in a conspicuous place and shall be open to the inspection of the Director, any peace officer, enforcement personnel, or any other City officer or employee for law enforcement or for any other official purpose related to City business in accordance with any procedures established by this Code, provided that the operator or their representative consents or a warrant authorizing such inspection has been obtained.
- B. On each page of the register, there shall be printed a notice stating that the register may be inspected by a peace officer enforcement personnel and any other City officer or employee for law enforcement or for other official purposes related to City business.

**9.52.060 Registering under fictitious name prohibited.**

No person shall write, provide, or cause to be written or provided, any false information, register under a fictitious name, or show or use a forged, altered, or counterfeit picture identification when procuring a guestroom within the City.

~~No person shall write or cause to be written, or knowingly permit to be written in any register in any public lodging facility any other or different name or designation than the true name of the person registering therein.~~

**9.52.070 Repeated use of room prohibited.**

No person shall let, lease, assign, or rent any guestroom or area in any public lodging facility in the city more than once in a twenty-four-hour period.

### **9.52.080 Hourly room rates prohibited.**

Operators and agents are prohibited from allowing, letting, leasing, assigning, or renting any guestroom, or causing, allowing, or facilitating an advertisement, for hourly or other short-term rates of less than twenty-four hours.

~~No person conducting or owning a public lodging facility and no person in actual charge, management or control of a public lodging facility, nor agent thereof, shall let or cause to be let, lease any room or area for hourly or other short-term rates of less than twenty-four hours, or in any way advertise that any room or area is available at hourly or other short-time rates of less than twenty-four hours.~~

### **9.52.090 Maintenance standards.**

- A. Every public lodging facility shall be maintained in good repair. It is unlawful for any person to cause or permit another person to occupy any public lodging facility which does not comply with this chapter.
  
- B. Every operator of a public lodging facility in the City must:
  - 1. Maintain the public lodging facility such that no substandard condition exists at or on the public lodging facility;
  - 2. Correct all substandard conditions before a re-inspection occurs or as otherwise directed by the Director;
  - 3. Ensure all window glasses are without cracks, chips, holes, or otherwise damaged;
  - 4. Maintain all areas on the public lodging facility designated for landscaping, such as lawns, planter beds, and other unsurfaced locations within the premises, with properly trimmed living plant materials free from litter and debris.
  - 5. Maintain direction signs as appropriate throughout the public lodging facility to ensure that emergency personnel and enforcement personnel can find guestrooms in a timely manner.
  - 6. Maintain and place locked and screened enclosures for all containers used for the storage of trash, garbage, recycled materials, or other debris at the exterior of the building(s).
  - 7. Ensure all elevators within the public lodging facility are fully functional and pass appropriate agency inspections. The name and telephone number of the inspection agency must be posted in all elevators. Elevators must be operational on a 24 hour-a-day basis.



8. Maintain all hallways, lobby areas, or other common public spaces of the public lodging facility, including swimming pool areas and other recreational areas of the public lodging facility available for guest use, in a sanitary condition free of trash, garbage, recycled materials, or other debris and free of any equipment, supplies, machinery, or any parts thereof when not in use.

#### **99.52.100 Sanitation requirements—General.**

Every operator must maintain the public lodging facility in accordance with the requirements of this Section:

- A. Each ~~habitable~~ room, hallway, passageway, stairway, wall, partition, ceiling, floor, skylight, glass window, door, shade, drapery, blind, carpet, rug, matting, window curtain, furniture, compartment or room, plumbing fixture, drain, roof, vent, closet, cellar, basement, laundry room, yard, court, lot and the premises of every building in a public lodging facility shall be kept clean, free of stains, holes, rips, or odors in excess of normal wear and tear, in proper working order, sanitary, and free from debris, filth, rubbish, garbage, insects, pests, vermin, and other offensive matter.
- B. All wall surfaces must be maintained without stains, flakes, chips, or holes, and in a clean and sanitary condition.
- C. Each electrical outlet, electrical switch, electrical equipment, light, lamps, smoke detector, carbon monoxide detector, door, door knob, door handle, and mirror shall be maintained in a state of good repair without deteriorated, substandard, or hazardous conditions.
- D. Garbage and putrescible matter, whether mixed with rubbish or other matter or not, shall be kept in watertight receptacles with close-fitting lids and with handles or bails. Such receptacles shall be thoroughly cleaned each time their contents are removed. Such garbage or putrescible material, whether mixed with rubbish or other material or not, shall not be kept for more than seven days.
- E. It is unlawful for a person to permit or cause another person to occupy any room within the public lodging facility, in such condition of construction or maintenance as will that permits or causes the breeding or harborage therein or thereon of rodents, fleas, bedbugs, cockroaches, lice, mosquitoes or any other insects, pests, or vermin. No ~~person~~ operator may permit or cause, an accumulation of any material that may serve as a rodent harborage unless such material be elevated not less than eighteen inches above the ground or floor with a clear intervening space thereunder.
- F. All public lodging facilities shall be cleaned, and effective insecticides safely applied, as often as is necessary to prevent the breeding or harboring therein or thereon of ~~flies or mosquitoes~~ insects, pests, or vermin. All ~~fly or mosquito~~ insect, pest, or vermin breeding materials shall be removed from all public lodging facilities

as often as is necessary to prevent the breeding or harboring of ~~flies or mosquitoes~~ insects, pests, or vermin. Operators may not permit, operate, or maintain the public lodging facility, or allow or cause another to operate or maintain the public lodging facility, in a manner that permits or causes the breeding or harboring therein or thereon of flies or mosquitoes insects, pests, or vermin. ~~No person shall operate or maintain or cause to be operated or maintained any public lodging facilities in such a manner as will permit the breeding or harboring therein or thereon of flies or mosquitoes.~~

#### **9.52.110 Toilet rooms and bathing facilities.**

Every guestroom in a public lodging facility shall contain a lavatory and bathtub or shower maintained in a state of good repair. All lavatories, bathtubs and showers of public lodging facilities shall be provided with hot and cold running water under pressure. All toilet rooms, bath and shower rooms and utility rooms shall be adequately lighted and ventilated to the outside atmosphere. All such rooms and the fixtures and equipment therein shall be maintained in a state of good repair and free from dirt, filth and corrosion. It is unlawful for any person to cause or permit another person to occupy any room in a public lodging facility which does not comply with this section.

#### **9.52.120 Sleeping rooms—Air space.**

- A. It is unlawful for an operator or agent ~~a person~~ to permit or cause another person to occupy any room in a public lodging facility used for sleeping any purposes unless such room ~~shall contain~~ at least five hundred cubic feet of air space.
- B. Every room in a public lodging facility used for sleeping any purposes, occupied by two persons, shall contain not less than six hundred and thirty cubic feet of air space.
- C. Every room or place in a public lodging facility used for sleeping purposes shall be deemed to be overcrowded if it is occupied by more than two persons and contains less than six hundred thirty cubic feet of air space plus five hundred cubic feet of air space for every person occupying the room in excess of two persons.

#### **9.52.130 Sleeping rooms—Overcrowding and other unhealthful conditions prohibited.**

No person shall allow, rent, lease, or permit another person to use for ~~sleeping~~ any purposes any kitchen, cellar, hallway, bath, shower, compartment, toilet room, or any habitable room or place within the public lodging facility which is detrimental to the health of the occupant or occupants by reason of overcrowding or insufficiency of light, windows, ventilation, or drainage. The window area of any room used for sleeping purposes shall not be less than one-eighth of the floor area and shall be at least one-half openable or the room completely air-conditioned, provided that the air conditioning unit is maintained in good working condition.

#### **9.52.140 Linen and bedding for transient guest accommodations.**

All rooms in a public lodging facility, rented to transient guests wherein beds are used shall be provided with an adequate amount of clean bedding, springs and mattresses, in good repair and free of stains, holes, rips, or odors in excess of normal wear and tear. All such beds, springs and mattresses shall be maintained in a sanitary condition. Public lodging facilities shall provide an adequate amount of clean washcloths, hand and bath towels, and other linen necessary for each new guest therein or at least once a week when occupancy does not change.

#### **9.52.150 Security measures.**

- A. Every public lodging facility shall install and maintain, in proper operating order, security cameras sufficient to maintain clear, continuous visual coverage of all entry points, in each interior hallway and lobby, in the parking lots and any other parking areas, common areas, and at each exterior door. The cameras shall be placed so as to provide visibility to the front and rear exteriors of the building and to any swimming pool area. Monitors shall be provided for security and other personnel so that on-site activities may be viewed at all times. Videotapes from security cameras shall be operating twenty-four hours a day and shall be kept a minimum of ~~thirty~~ sixty (60) days.
- B. Each public lodging facility shall install and maintain signage in the guest registration area providing notice to guests that security cameras are operating throughout the facility.
- C. Every public lodging facility shall install and maintain, in proper operating order, security lighting in each exterior hallway, in the parking lots, and at each exterior door. The lighting shall be placed so as to provide visibility to the front and rear exteriors of the building and to any swimming pool area. The exterior of the public lodging facility, including adjacent public sidewalks, must be illuminated during all hours of darkness when the public lodging facility is open for business. The lighting must be sufficiently illuminated to enable individuals standing in these areas to be identifiable from the street and must be positioned in a manner that minimizes any disturbance of neighboring properties.
- D. All guestrooms must include an operable lock on each main swinging entry door installed in accordance with the manufacturer's specifications and in compliance with applicable state and local codes including, but not limited to, those provisions relating to fire and life safety and accessibility for people with disabilities. Each guestroom must include a working viewport on each main swinging entry door or must include a window convenient to the main swinging entry door. Each door connecting two guestrooms that share a common wall must be equipped with a functional deadbolt lock installed in accordance with the manufacturer's specifications and in compliance with applicable state and local codes.

- E. All guestrooms with windows designed to be opened must be installed in accordance with the manufacturer's specifications and in compliance with applicable state and local codes and must have an operable window security or locking device that is tamper-resistant.

#### **9.52.160 Amortization period.**

All public lodging facilities existing on the effective date of ~~this chapter~~ Ordinance No. 1154 shall have ninety days to comply with the requirements of this Chapter and to implement any changes in the operations and standards of the public lodging facility in compliance with this Chapter, except for compliance with Sections 9.52.230, 9.52.240, and 9.52.250, which shall follow the specific timelines and procedures set forth therein. ~~security measures required in Section 9.52.150.~~

#### **9.52.170 Enforcement.**

~~Any person who violates any provision of this chapter is subject to the penalties provided in Chapters 1.10 and 1.12 of this code.~~

- A. The operator of a public lodging facility and owner of real property on which the public lodging facility is located are strictly liable for any violation of this Chapter that occurs on the public lodging facility, regardless of whether the operator or owner has a contract or agreement, whether oral or written or for compensation or consideration, with their agent(s), representative, or any third party concerning the operation or maintenance of the public lodging facility.
- B. Notwithstanding the foregoing, any other person, including guests and non-guests of the public lodging facility, who violates any provision of this Chapter are subject to the penalties provided in Chapters 1.10 and 1.12 of this Code.
- C. The City Council may by resolution establish, modify, or amend fees for the implementation, administration, and enforcement of this Chapter, including, but not limited to, registration and renewal fees, processing fees, inspection and re-inspection fees and penalties for delinquent payment of such fees.
- D. Any violation of this Chapter is unlawful and constitutes a strict liability offense, regardless of intent, unless otherwise stated. The remedies provided in this Chapter are cumulative and not exclusive and nothing in this Chapter precludes the use or application of any other remedies, penalties, or procedures established by law.
- E. Any violation of this Chapter constitutes a public nuisance which may be abated by the City in accordance with California Code of Civil Procedure § 731 through any means provided by law, including, but not limited to, Chapters 1.10 and 9.16 of this Code.

F. In addition to or in lieu of other action, the City may, at its discretion, undertake any one or all of the following legal actions to correct or abate any nuisances or violations under this Chapter:

1. Criminal Penalty. Any violation of this Chapter constitutes a misdemeanor punishable under Chapter 1.10 of this Code.
2. Civil Penalties. Any operator who violates any provision of this Chapter, or causes or allows their agent(s) to violate any provision of this Chapter, is liable for a civil penalty established by resolution of the City Council.
3. Administrative Citations. Any operator who violates any provision of this Chapter, or causes or allows their agent(s) to violate any provision of this Chapter, is subject to administrative fines established by resolution of the City Council in accordance with Chapter 1.12 of this Code.

Any person who violates any provision of this chapter is subject to the penalties provided in Chapters 1.10 and 1.12 of this code.

#### **9.52.180 Operational Requirements.**

- A. Notwithstanding anything herein, graffiti on the premises of the public lodging facility must be removed on a continuous basis within forty-eight hours of application.
- B. Operators and agents are prohibited from facilitating, causing, allowing, or permitting the public lodging facility to be used for the purpose of prostitution.
- C. Operators and agents are prohibited from facilitating, causing, allowing, or permitting the public lodging facility from being used for any illegal drug activity, drug-related nuisance, violent crime, threat of violent crime, or unlawful weapon or ammunition crime.
  1. For purposes of this section:
    - i. “Drug-Related nuisance” means any activity related to the possession, sale, use or manufacturing of a controlled substance that creates an unreasonable interference with the comfortable enjoyment of life, property, or safety of other guests of the public lodging facility. These activities include, but are not limited to, any activity commonly associated with illegal drug dealing, such as noise, steady traffic day and night to a particular unit, barricaded units, possession of weapons, or drug loitering as defined in Health and Safety Code Section 11532, or other drug-related activities.
    - ii. “Violent crime” means any crime involving use of a gun, a deadly weapon or serious bodily injury and for which a police report has been completed.

- D. The operator of the public lodging facility or their representative must be accessible, in person or by telephone, on a 24 hour-a-day basis. The name and contact information of the operator or their representative must be posted at all times in a conspicuous location in guestrooms and at the hotel registration or lobby area where all persons will have full, unobstructed, accessible view of this information.
- E. Unless an operator acts as their own representative for all purposes under this Chapter and so advises the City on the operator's application for registration or renewal thereof, all operators of a public lodging facility must designate a representative with full authority to act on behalf of the operator for all purposes under this Chapter, including the acceptance of service of all notices from the City.

**9.52.190 Guest Standards.**

- A. No person shall linger, loiter, sit, stand, or otherwise use for business or social purposes any area in any public lodging facility in violation of the expressed wish of the operator or agent of the public lodging facility.
- B. It is unlawful for any person to refuse or fail to leave the property of a public lodging facility when requested by the operator, their agent, or by a peace officer when acting at the request of the operator or the operator's agent. This Subsection applies to all areas of the public lodging facility, regardless of whether or not such areas are open to the general public.
- C. This Section does not apply:
  - 1. To guests currently registered in the public lodging facility or to persons who have otherwise been given the right to use a certain portion or portions of the public lodging facility by the operator or their agent.
  - 2. Persons engaged in lawful labor union activities.
  - 3. Where its application results in or is coupled with an act prohibited by the Unruh Civil Rights Act or any other provision of law relating to prohibited discrimination.
  - 4. Where its application results in or is coupled with an act prohibited by Section 365 of the California Penal Code or any other provision of law relating to duties of innkeepers and common carriers.
- D. Nothing in this Chapter shall be construed or applied so as to abridge the lawful exercise of rights guaranteed under the First Amendment to the Constitution of the United States.

### **9.52.200 Parking by Permit.**

- A. No person may stand or park any vehicle in a public lodging facility's parking lot or parking area unless a parking permit issued by the public lodging facility is displayed on the vehicle for the entire duration of their occupancy at the public lodging facility. Public lodging facilities may not issue parking permits to any person who is not an operator, agent, guest registered in accordance with Section 9.52.040, employee of the public lodging facility, or contractor of the public lodging facility on site for official business.
- B. Public lodging facilities may not issue a parking permit to a guest unless the guest has provided all information and documentation required for registration under Section 9.52.040. The public lodging facility is responsible for monitoring its parking areas and enforcing the requirements of this Section.
- C. The requirements of this Section do not apply to any authorized emergency vehicle, City vehicle, vehicle owned by a public utility when such vehicle is being used for official business, or vehicle used for lawful collection or delivery of United States mail.
- D. The requirements of this Section may be modified or waived through approval of a conditional use permit in accordance with Chapter 20.550.

### **9.52.210 Occupancy by Minors.**

No operator or agent shall permit or allow the occupancy of any room by any minor unless such minor is accompanied by their adult parent, legal guardian, or a responsible adult authorized in writing by a parent or legal guardian of the minor. Except in the case of sickness, death, or act of God, adult parents, legal guardians, or other responsible adults authorized in writing by a parent or legal guardian of the minor must remain registered for the entire duration of the minor's stay and must occupy the guestroom for the same duration as the longest-staying minor.

### **9.52.220 Human Trafficking Notice.**

Every public lodging facility must post a notice that complies with the requirements of this Section in a conspicuous place near the public entrance of the establishment or in another conspicuous location in clear view of the public and employees where similar notices are customarily posted. The notices to be posted pursuant to this Section shall be at least eight and one-half inches by eleven inches in size, written in a sixteen-point font, printed in English, Spanish, Vietnamese, and Korean and shall state the following:

If you or someone you know is being forced to engage in any activity and cannot leave – whether it is commercial sex, housework, farm work, construction, factory, retail, restaurant work, or any other activity –

text 233-733 (Be Free)

Or call the National Human Trafficking Hotline at 1-888-373-7888 or the California Coalition to Abolish Slavery and Trafficking (CAST) at 1-888-KEY-2-FRE(EDOM) or 1-888-539-2373 to access help and services.

Victims of slavery and human trafficking are protected under United States and California Law.

The hotlines are:

- Toll-free.
- Operated by nonprofit, nongovernmental organizations.
- Anonymous and confidential.
- Accessible in more than 160 languages.
- Able to provide help, referral to services, training, and general information.

#### **9.52.230 Certificate of Compliance Registration.**

- A. One year from the effective date of Ordinance No. 1154 all public lodging facilities must register with the Department in accordance with this Chapter to enroll in the certificate of compliance program set forth herein. The public lodging facility registration or renewal application submitted by operators or their representatives must identify all guestrooms of the public lodging facility. Nothing herein shall require the operator or their representative to provide a guest registry as part of the initial registration process.
- B. One year from the effective date of Ordinance No. 1154, a certificate of compliance is required for any public lodging facility to operate within the City. It is unlawful for any person to engage in, conduct, or carry on any public lodging establishment within the City without a current certificate of compliance issued by the City.
- C. Operators or their representatives must register their respective public lodging facility according to a schedule established by the Director. The schedule will include registration deadlines of not less than 60 days following notice and delivery to the operator or their representative by the Director of a questionnaire and such other forms as the Director may determine necessary to satisfy the registration requirements of this Chapter.
- D. A public lodging facility registration approved in accordance with this Chapter is valid for purposes of complying with the inspection provisions of this Chapter for five (5) years from the date the Director issues a certificate of compliance or until one of the following circumstances occurs, whichever is sooner:
  1. The operator or their representative fails to notify the Department of any change in the information submitted pursuant to this Section within 30 days of such change; or



2. The operator or their representative fails to pay any fees established under this Chapter or Chapter 5.12 when payment is due; or
  3. The public lodging facility is sold or transferred to a new operator and the new operator fails to submit an application for a public lodging facility registration to the Department within 90 days following the date of the sale or transfer; or
  4. The Director determines that the certificate of compliance is no longer valid because a substandard condition or conditions exist at or on any portion of the public lodging facility listed in the certificate of compliance or for any of the reasons set forth in Section 9.52.240.
- E. As part of the initial registration process, a public lodging facility is deemed to be registered with the City when the operator or their representative submits all the following to the Department, meets the requirements herein, and receives a certificate of compliance from the Director:
1. An application for a public lodging facility registration must be submitted to the Department on forms provided by the Director. The application will include, but is not limited to, the following information:
    - a. Description of the public lodging facility, including, but not limited to, the street address and assessor's parcel number;
    - b. A list of all guestrooms within the public lodging facility, identified by a means unique to each guestroom (e.g., room number, unit number, etc.);
    - c. Name, address, telephone number, and email address for the owner, operator, and the operator's representative;
    - d. The name, address, telephone number, and email address of the person or entity that a guest is to contact when requesting repairs to be made to guestroom, and the contact person's business relationship to the operator or their representative;
    - e. A declaration of compliance from the operator or their representative, declaring that all guestrooms that are or may be available for rent are listed in the public lodging facility registration or renewal application and meet or will meet the standards in this Chapter before the guestrooms are rented; and
    - f. Any other information required by the Director.

2. Within one year from the effective date of Ordinance No. 1154, all existing public lodging facilities must undergo and pass an initial inspection in accordance with the standards and procedures set forth in this Section and Section 9.52.250 (Inspections; Notice and Order to Comply). Any new public lodging facility proposed after the enactment of Ordinance No. 1154 must undergo and pass an inspection in accordance with the standards and procedures set forth in this Section and Section 9.52.250 (Inspections; Notice and Order to Comply) and any scheduled established by the Director.
  - a. If the Director determines that the public lodging facility fails the inspection based upon violations of applicable laws or ordinance or the existence of substandard conditions, the Director will notify the operator in writing by mailing the results of the inspection by first-class mail to the addresses of the operator and their representative, if any, identified in the operator's current public lodging facility registration or renewal application, specifying in detail the reason(s) for the Director's determination. Any public lodging facility disputing the results of the inspection may file an appeal in accordance with the procedures applicable to appeals set forth in Section 9.52.260 of this Chapter.
- F. If, upon approval of an application for public lodging facility registration or a renewal thereof or following an inspection where no violations of applicable laws or ordinances are determined to exist, the Director will issue a certificate of compliance to the operator or their representative. A certificate of compliance is valid until renewal of the registration or revocation of such certificate as specified herein.
- G. Public lodging facility registration must be renewed by submittal of a public lodging facility registration renewal application at least 60 days before the current certificate of compliance expires, which application shall contain all of the information required by Subsection (E)(1) of this Section, and be accompanied by a new declaration as required by subparagraph (E)(1)(e) of this Section.
- H. If any of the information required by Subsection (D)(1) of this Section changes during the term of a certificate of compliance, the operator or their representative must update the information within 30 days of the information changing on a form provided by the Department.
- I. It is unlawful for any person to knowingly make a false statement of fact or knowingly omit any information that is required to register a public lodging facility or guestroom pursuant to this Section.

### **9.52.240 Denial and Revocation of Certificate of Compliance.**

- A. A public lodging facility registration or renewal application for a certificate of compliance may be denied by the Director for reasons including, but not limited to:
1. Submitting an incomplete application;
  2. Submitting an application the operator or their representative knows or should have known is false;
  3. Failing to comply with a Notice and Order to Comply, as required in this Chapter;
  4. Failing to update and deliver registration information as required by Section 9.52.230 (Certificate of Compliance Registration);
  5. Operation of the public lodging facility that results in six or more nuisance activities on the public lodging facility property within a rolling six-month period, as measured from the date of the initial nuisance activity;
  6. Posing a significant threat to public health, safety, or welfare, including but not limited to, operating in a manner that creates a substantial risk of harm to guests, staff, or the surrounding community such that denial of the registration is necessary for the preservation of public health, safety, and welfare.
- B. A certificate of compliance may be revoked by the Director for reasons including, but not limited to:
1. Failing to comply with a Notice and Order to Comply, as required in this Chapter; or
  2. Submitting a declaration of compliance the operator or their representative knows or should have known is false; or
  3. Failing to update and deliver registration information as required by Section 9.52.230 (Certificate of Compliance Registration).
  4. Operation of the public lodging facility that results in six or more nuisance activities on the public lodging facility property within a rolling six-month period, as measured from the date of the initial nuisance activity.
  5. Posing a significant threat to public health, safety, or welfare, including but not limited to, operating in a manner that creates a substantial risk of harm to guests, staff, or the surrounding community such that revocation of the

certificate of compliance is necessary for the preservation of public health, safety, and welfare.

- C. If the Director denies a public lodging facility registration application or revokes a certificate of compliance, the Director will notify the operator in writing by mailing the denial or revocation notice by first-class mail to the addresses of the operator and their representative, if any, identified in the operator's current public lodging facility registration or renewal application, specifying in detail the reason(s) for the Director's determination. The operator or their representative may appeal the denial or revocation by filing an appeal in accordance with the procedures applicable to appeals set forth in Section 9.52.260 of this Chapter.
- D. If a public lodging facility registration or renewal application is denied or a certificate of compliance is revoked, the registration or renewal application will not be considered by the Director until all application or public lodging facilities deficiencies that were the basis for the denial or revocation are corrected to the satisfaction of the Director.
- E. For purposes of this section, "nuisance activities" includes, but is not limited to, disturbance of the peace, illegal drug activity, prostitution, human trafficking, public drunkenness, harassment of passersby, gambling, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, illegal parking, excessive loud noises, traffic violations, lewd conduct, or police detentions and arrests on the property for which a police report has been completed.
  - 1. This subsection is not the exclusive definition or designation of what constitutes nuisance activities within this City and instead supplements and is in addition to other regulatory codes, statutes, or ordinances enacted by the City, state, or any other legal entity or agency having jurisdiction.

#### **9.52.250 Inspections; Notice and Order to Comply.**

- A. Every public lodging facility is subject to routine periodic inspection by the City, as provided by this Chapter.
- B. Within 60 days following the receipt of an application for a certificate of compliance registration or a renewal thereof, the Director will schedule an inspection of the public lodging facility that is the subject of the application.
- C. Before an interior inspection occurs under this Chapter, a notice of intent to inspect a public lodging facility will be mailed to the operator and their representative, if any, at the operator and representative's addresses, as they appear on the operator's current public lodging facility registration or renewal application at least 14 calendar days prior to the date of the inspection. If the operator or their representative applies in writing to the Director for an extension

of time within the original time specified in the notice for an interior inspection, the Director may extend the date and time.

- D. The operator or their representative must be present at the public lodging facility at the time of the inspection. The time of the inspection shall be the time indicated in the notice or the time that the inspection was properly rescheduled in accordance with Subsection (H) of this Section. Violation of this Subsection or Subsection (E) of this Section may result in the imposition of a re-scheduling fee.
- E. The operator or their representative must notify individual guests of the date and time of any interior inspection in writing at least 24 hours before the scheduled inspection or otherwise obtain legal access to the guestroom or guestrooms pursuant to the terms of the applicable rental or guest agreement.
- F. If the guest does not consent to the entry for inspection following receipt of notice, the Director is authorized to seek an inspection warrant from a court of competent jurisdiction to cause the inspection to take place. The operator will not be penalized or fined for the failure of a guest to afford access to a guestroom which is the subject of such an inspection, provided that the operator or their representative cooperates with the Director and makes a good faith effort to facilitate the inspection in accordance with this Section.
- G. If, upon inspection, any substandard condition exists within the public lodging facility, the Director will provide the operator or their representative with a written "Notice and Order to Comply" that describes the substandard condition or conditions and the location of the substandard condition or conditions. The Notice and Order to Comply will specify a reasonable time for correction of the substandard condition or conditions that ranges, depending on the severity of the condition, from an immediate response time to 30 days from the date of said notice.
- H. If the operator or their representative applies in writing to the Director for an extension of time within the original correction period, the Director may extend the period for correction of the substandard condition or conditions if the Director determines that the operator or their representative has established that correction has been diligently pursued but the correction could not be reasonably completed within the original correction period.
- I. The Notice and Order to Comply will be delivered or mailed by first-class mail to the operator and their representative at the address of the operator and their representative, if any, as such addresses appear on the operator's current public lodging facility registration or renewal application.
- J. Before initiating any correction of the substandard condition or conditions identified in the Notice and Order to Comply, the operator or their representative must obtain all necessary permits and pay all required fees for the permits,

including, without limitation, any penalty imposed by this Code by reason of any repair, improvement, or maintenance which had been done in the past without a required permit, inspection, or final approval.

- K. One or more re-inspections will be conducted to verify that the substandard condition or conditions identified in the Notice and Order to Comply have been corrected. Following the expiration of the correction period and any authorized extensions of time, the operator must pay a re-inspection fee established by resolution of the City Council and arrange with the Director for re-inspection of the public lodging facility to determine whether the substandard condition or conditions have been corrected. The operator or their representative must provide all required notice to any affected guests. If the Director appears at the public lodging facility for the inspection as scheduled and access is denied by the operator or their representative, the operator must pay an additional re-inspection fee established by the City Council for each subsequent scheduled re-inspection. Violations not noted on the initial inspection report but discovered on re-inspection must be corrected by the operator or their representative as set forth in this Chapter and Notice and Order to Comply.
  
- L. If the Director, Department, enforcement personnel, or other City officer or personnel receives a complaint regarding a public lodging facility regulated under this Chapter, the Director may request that an inspection of the public lodging facility identified in the complaint be conducted. If, after inspecting the public lodging facility for the complaint received, the Director, enforcement personnel, or other authorized City officer or personnel determines that a substandard condition or conditions exist at the public lodging facility, the Director may require that any other portion of the public lodging facility covered under the same certificate of compliance on the property be inspected following the procedures of this Section for notice, including inspection timing and giving notice to guests.
  
- M. If, during an inspection conducted pursuant to this Chapter, the Director, enforcement personnel, or other authorized City officer or personnel discovers that the public lodging facility is in violation of this Code or any other applicable law and the operator or their representative fails to correct the identified violations within 30 days of the inspection, the Director may require an additional periodic inspection of the public lodging facility in accordance with this Chapter to ensure continued compliance. A re-inspection fee will be imposed for any additional periodic inspection required under this Chapter. In addition to requiring an additional periodic inspection pursuant to this Subsection, the Director may commence enforcement action in accordance with any provisions of this Code.
  
- N. None of the inspection provisions contained in this Chapter shall prohibit, condition, or otherwise limit any inspection conducted pursuant to any other provision of this Code or other applicable law.

### **9.52.260 Appeals.**

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

#### **A. Submission of Appeal.**

1. An operator or their representative may appeal the decision of the Director made pursuant to this Chapter, including decisions to suspend, revoke, or deny a Certificate of Compliance or to dispute the results of an inspection conducted under this Chapter, to a hearing officer by filing with the City Clerk a written notice of appeal within fifteen 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 their 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 Certificate of Compliance expires at the conclusion of the term of the Certificate of Compliance. 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 operator or their representative 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 or results of the inspection 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 or results of the inspection.
3. The appeal must be held within a reasonable time after date of filing, but in no event later than thirty calendar days from that date. The City must notify the appellant of the date, time, and location of the hearing at least ten 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 fifteen 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 Certificate of Compliance or results of the inspection.
2. If the hearing officer determines that no grounds for the suspension, revocation, denial, or nonrenewal or results of the inspection 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.



**9.52.270 Duplicated Regulation.**

Whenever any provision of this Chapter and any other provision of law, whether set forth in this Code, or in any other applicable law, ordinance, or resolution of any kind, imposes overlapping or contradictory regulations, or contain restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards shall control, except as otherwise expressly provided in this Chapter.

**SECTION 5.** The reference to “Lodging – Hotel or Motel” uses in Table 2-5 (Allowed Land Uses and Permit Requirements Commercial Zones) of Section 20.215.020 is hereby amended in its entirety and restated to read as follows (additions in underline, deletions in ~~strikethrough~~):

**Section 20.215.020, Table 2-5**

Land Use	CN	CG	Specific Use Regulations
<b><i>Service Uses – General</i></b>			
Lodging – Hotel or Motel			
Fronting on Beach Blvd or Katella Ave.	—	<u>P CUP</u>	MC 9.52
Fronting other arterial streets	CUP	CUP	MC 9.52

**SECTION 6.** The reference to “Lodging” uses in Table 2-11 (Allowed Land Uses and Permit Requirements Mixed-Use Overlay Zones) of Section 20.30.040 is hereby amended in its entirety and restated to read as follows (additions in underline, deletions in ~~strikethrough~~):

**Section 20.30.040, Table 2-11**

Land Use	GLMX	NGMX(3)	SGMX	Specific Use Regulations
<b><i>Service Uses – General</i></b>				
Lodging				
Bed and Breakfast Inns	—	—	—	

Hotels <u>(8)</u>	CUP	—	CUP	MC 9.52
<b>Notes:</b>				
<p>(1) In the GLMX zone, commercial uses: (a) are required on the ground floor of buildings at the intersections of Beach and Katella, Beach and Orangewood, and Beach and Chapman and within 150 feet in any direction from these street intersections, as measured from the corner formed by the lots' property lines at the street intersection(s); and (b) are allowed on the ground floor, but are not required on the ground floor, on other lots. Stand-alone multi-family residential or stand-alone commercial development is allowed anywhere over 150 feet in any direction from these intersections.</p> <p>(2) In the NGMX zone, commercial uses or live-work uses are encouraged on the ground floor of buildings that front Beach Boulevard.</p> <p>(3) In the NGMX zone, only residential uses shall be allowed to face Fern Street.</p> <p>(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.).</p> <p>(5) In the GLMX and SGMX zones, single-family detached dwellings are permitted with a CUP if the residential use is located in the rear of a property behind single-family attached dwellings, or a commercial use.</p> <p>(6) Outdoor dining with four seats or less is permitted. Outdoor dining with five to 20 seats requires a Minor Use Permit. Outdoor dining with more than 20 seats requires a Conditional Use Permit.</p> <p>(7) A Conditional Use Permit shall not be required for the establishment of Internet cafés; only an Internet café license is required to establish an Internet café.</p> <p><u>(8) For purposes of clarity, while motels are distinct from hotels, they are not permitted within any Mixed-Use Overlay Zone.</u></p>				

**SECTION 7. Severability.** If any section, sentence, clause, or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality will not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council of the City of Stanton declares that it would have adopted this Ordinance and each section, sentence, clause, or phrase thereof, irrespective of the

fact that any one or more section, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

**SECTION 7. Effective Date.** This Ordinance will become effective 30 days following its adoption.

**SECTION 8. Posting or Publication.** The City Clerk is directed to certify the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this Ordinance, the Ordinance, or a summary thereof, along with the names of the City Council members voting for and against the Ordinance, will be published or posted in the manner required by law.

**SECTION 8. Record of Proceedings.** The documents and materials associated with this Ordinance that constitute the record of proceedings on which these findings are based are located at 7800 Katella Avenue, Stanton, California 90680. The City Clerk is the custodian of the record of proceedings.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
DAVID J. SHAWVER, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA A. VAZQUEZ, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
BEST BEST & KRIEGER, CITY ATTORNEY

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss.  
CITY OF STANTON )

I, Patricia A. Vazquez, City Clerk of the City of Stanton, California, do hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was introduced at a regular meeting of the City Council of the City of Stanton, California, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024, and was duly adopted at a regular meeting of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the following roll-call vote, to wit:

AYES: COUNCILMEMBERS: \_\_\_\_\_

\_\_\_\_\_

NOES: COUNCILMEMBERS: \_\_\_\_\_

ABSENT: COUNCILMEMBERS: \_\_\_\_\_

ABSTAIN: COUNCILMEMBERS: \_\_\_\_\_

\_\_\_\_\_  
PATRICIA A. VAZQUEZ, CITY CLERK