

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

# PLANNING COMMISSION REGULAR MEETING WEDNESDAY, OCTOBER 6, 2021 - 6:30 P.M. AGENDA

#### SAFETY ALERT - NOTICE REGARDING COVID-19

The health and well-being of our residents is the top priority for the City of Stanton. You are urged to take all appropriate health safety precautions given the health risks associated with COVID-19. The Planning Commission Meeting will be held in person in the City Council Chambers located at 7800 Katella Avenue, Stanton, CA 90680.

# ANY MEMBER OF THE PUBLIC WISHING TO PROVIDE PUBLIC COMMENT FOR ANY ITEM ON THE AGENDA MAY DO SO AS FOLLOWS:

- Attend in person and complete and submit a request to speak card to the Planning Commission Chair.
- E-mail your comments to <u>CommunityDevelopment@StantonCA.gov</u> with the subject line "PUBLIC COMMENT ITEM #" (insert the item number relevant to your comment) or "PUBLIC COMMENT NON-AGENDA ITEM" no later than 5:00 p.m. Wednesday, October 6, 2021. Comments received no later than 5:00 p.m. before the scheduled meeting will be compiled, provided to the Planning Commission, and made available to the public before the start of the meeting. Staff will not read these comments during the meeting; however, the official record will include all e-mailed and other comments received until the close of the meeting.

Should you have any questions related to participation in the Planning Commission Meeting, please contact the Community Development Department at (714) 890-4243.

In compliance with the American Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Community Development Department at (714) 890-4243. Notification 48 hours prior to the Commission meeting will enable the City to make the reasonable arrangements to assure accessibility to this meeting.

#### 1. CALL TO ORDER

#### 2. PLEDGE OF ALLEGIANCE

#### 3. ROLL CALL

Chair Frazier, Vice Chair Marques, Commissioner Ash, Commissioner Adams, and Commissioner Norgaard

#### 4. SPECIAL PRESENTATION

None.

#### 5. APPROVAL OF MINUTES

None.

#### 6. 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.

#### 7. PUBLIC HEARINGS

7A. PUBLIC HEARING TO CONSIDER CONDITIONAL USE PERMIT C21-01 TO ALLOW ON-SITE SALE OF BEER, WINE AND DISTILLED SPIRITS IN CONJUNCTION WITH A BONA FIDE RESTAURANT LOCATED AT 12033 BEACH BOULEVARD IN THE CG COMMERCIAL GENERAL ZONE AND TO REVOKE CONDITIONAL USE PERMIT C86-17 PREVIOUSLY APPROVED FOR THIS SAME ADDRESS.

#### RECOMMENDED ACTION

Planning Commission of the City of Stanton hereby resolve as follows:

- Conduct a public hearing;
- Declare the project is Categorically Exempt per California Environmental Quality Act, Public Resource Code Section 15301, Class 1 (Existing Facilities); and
- Adopt Resolution No. 2358 approving Conditional Use Permit C21-01 and revoking Conditional Use Permit C86-17.

#### 8. <u>NEW BUSINESS</u>

None.

#### 9. OLD BUSINESS

None.

#### 10. PLANNING COMMISSION COMMENTS

At this time Commissioners may report on items not specifically described in the agenda which are of interest to the Commission <u>provided no discussion or action may be taken</u> except to provide staff direction to report back or to place the item on a future agenda.

#### 11. <u>DIRECTOR'S REPORT</u>

#### 12. ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California, the foregoing agenda was posted at the Post Office, Stanton Community Services Center and City Hall, not less than 72 hours prior to the meeting. Dated this 30<sup>th</sup> day of September 2021.

Jennifer A Liffey, AICP

Community & Economic Development Director



TO: Chair and Members of the Planning Commission

DATE: October 6, 2021

SUBJECT: PUBLIC HEARING TO CONSIDER CONDITIONAL USE PERMIT C21-01

TO ALLOW ON-SITE SALE OF BEER, WINE, AND DISTILLED SPIRTS IN CONJUNCTION WITH A BONA FIDE RESTAURANT LOCATED AT 12033 BEACH BOULEVARD IN THE CG COMMERCIAL GENERAL ZONE AND TO REVOKE CONDITIONAL USE PERMIT C86-17

PREVIOUSLY APPROVED FOR THIS SAME ADDRESS.

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Planning Commission of the City of Stanton hereby resolve as follows:

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#### **BACKGROUND**

The Applicant, F. Michael Ayaz, representing Lucky's Johns' Kitchen, is proposing to operate a restaurant including the sales of beer, wine, and distilled spirits at 12033 Beach Boulevard. The subject property is 33,053 square feet and is located on the southwest corner of Chapman Avenue and Beach Boulevard in the Playa Galleria Shopping Center.

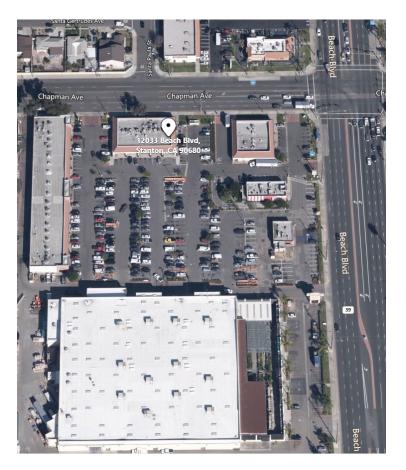


Figure 1. Location of site and surrounding land uses.

The site is zoned CG (Commercial General) and has a General Plan Land Use designation of General Commercial. Surrounding uses are as follows:

## **Surrounding Land Use Designation**

|       | Existing Land Use  | Zoning                       |
|-------|--|------------------------------|
| North | Single-Family Residential<br>Neighborhood (across Chapman)                                     | Residential (RL) Zone        |
|       | Carl's Jr fast food restaurant, O<br>Reilly's Auto Parts located within a<br>Commercial Center | Commercial General Zone (CG) |
| South | China Super Buffet restaurant located within Playa Galleria Shopping Center.                   | Commercial General Zone (CG) |
| East  | La Michoacana Picante, ice cream<br>shop, within Playa Galleria<br>Shopping Center             | Commercial General Zone (CG) |

| West | The Home Depot (hardware store) within Playa Galleria Shopping | Commercial General Zone (CG) |
|------|--|------------------------------|
|      | Center   |                              |

#### **ANALYSIS/JUSTIFICATION**

The property has been home to Mitsuyoshi Japanese restaurant, operating Tuesday through Saturday from 11:30 am to 2:00pm and 5:00pm to 9:30pm. There is a sushi bar counter and 22 dining tables accommodating up to 76 people. Conditional Use Permit CUP 86-17 was approved for this business to allow the sales of beer and wine in conjunction with the restaurant use.

Lucky Johns' Kitchen is proposing to open and operate a new restaurant offering breakfast, lunch, and dinner, seven days a week from 6:00am to 2:00am. The dining area includes 10 tables and will accommodate approximately 36 patrons. Additional incidental uses include two pool tables and a full-service bar and lounge area. Staff has added Condition 11 to require any changes to the floor plan, layout, uses on site or operations to be reviewed by the Community and Economic Development Director for compliance.

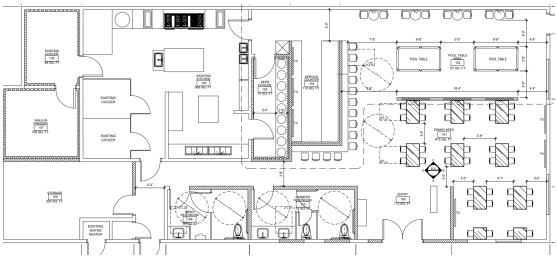


Figure 3. Proposed Floor Plan

The Zoning Code allows alcohol uses incidental to a bona fide restaurant. The Code defines incidental as no more than 35 percent of the total area. The restaurant is 2,870 square feet with 2,192 square feet proposed for the dining area, waiting/hostess lobby, kitchen, restrooms, and storage. The incidental uses include approximately 443 square feet for the pool tables and 287 square feet for the bar/lounge area for a total of 25 %, well within the limitations established by Code. The application is required to operate in compliance with all ABC requirements and Condition 5 has been added to tie this approval to an active, compliant ABC license.

Any change to an existing ABC license, including an upgrade from the sale of beer and wine to include spirits requires a new Conditional Use Permit. Staff is recommending the

Commission revoke CUP 86-17 to maintain the same number of licenses in the Census Tract and to provide a clear and consistent record for the approved uses at this location. Condition 14 has been added to clarify further that CUP 21-01 supersedes CUP 86-17 in its entirety.

Overall, the proposed restaurant use is anticipated to compliment the uses in the center, operate similarly to the previous restaurant and utilize the parking, circulation and access currently serving the commercial shopping center.

#### **ENVIRONMENTAL IMPACT**

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

#### **PUBLIC NOTIFICATION**

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

Prepared by,

Aneli Gonzalez

Planning Technician

Approved by,

Jennifer A. Lilley, AICP

Community and Economic Development Director

#### <u>ATTACHMENTS</u>

A. PC Resolution No. 2358

B. Vicinity Map

C. Photos

D. Site Plan

E. Floor Plan

F. Projective Narrative and Proposed Menu

#### **RESOLUTION NO. 2358**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF STANTON TO CONSIDER CONDITIONAL USE PERMIT C21-01 TO ALLOW ON-SITE SALE OF BEER, WINE, AND DISTILLED SPIRTS IN CONJUNCTION WITH A BONA FIDE RESTAURANT LOCATED AT 12033 BEACH BOULEVARD IN THE CG COMMERCIAL GENERAL ZONE AND TO REVOKE CONDITIONAL USE PERMIT C86-17 PREVIOUSLY APPROVED FOR THIS SAME ADDRESS.

# THE PLANNING COMMISSION OF THE CITY OF STANTON HEREBY RESOLVE AS FOLLOWS:

**WHEREAS,** on October 1, 1986, the Planning Commission of the City of Stanton approved Conditional Use Permit C86-17 for the operation of a bona fide restaurant with on-premises consumption of beer and wine at 12033 Beach Boulevard, for the Mitsuyoshi Japanese Restaurant.

**WHEREAS,** on October 9, 2021, the Planning Commission of the City of Stanton conducted a duly noticed public hearing to consider a request to allow the on-site sales and consumption of beer, wine and distilled spirits in conjunction with a Bona Fide Restaurant, Lucky Johns Kitchen and to revoke Conditional Use Permit C86-17 at 12033 Beach Boulevard in the CG (Commercial General) zone; and

**WHEREAS**, the Planning Commission has carefully considered all pertinent testimony and information contained in the Staff report prepared for this application and as presented at the public hearing; and

**WHEREAS**, Staff has reviewed the environmental form submitted by the Applicant in accordance with the City's procedures. Based upon the information received and Staff's assessment of the information, the Project has been determined to be Categorically Exempt pursuant to the California Environmental Quality Act (CEQA), Section 15301, Class 1(a) (Existing Facilities) and;

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

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

**SECTION 1:** The Planning Commission hereby finds that all facts, findings and conclusions set forth above in this Resolution are true and correct.

**SECTION 2**: Based upon the Initial Study, the Planning Commission exercises its independent judgment and finds that the project, as conditioned hereby, is Categorically Exempt under the California Environmental Quality Act, Section 15301, Class 1(a) (Existing Facilities).

**SECTION 3**: That in accordance with the findings as set forth in Section 20.400.030.G of the Stanton Municipal Code:

#### ATTACHMENT A

 The proposed use will not be detrimental to surrounding properties and neighborhoods including ensuring that the use does not contribute to loitering, public drunkenness, noise, obstructing pedestrian and vehicular traffic, parking, crime, interference with pedestrian corridors used by children, defacement and damage to structures.

The consumption of alcohol is incidental to the primary use of a bona-fide restaurant. The proposed use consists of a bona-fide restaurant, including the incidental sale and consumption of beer, wine and distilled spirits. The sales of food will be provided at all times when the business is operating. Live entertainment will not be associated with the business and all operations will take place within the restaurant. The volume of traffic generated by this business is similar to that of the previous restaurant use and other commercial uses permitted and approved in this zone. The addition of incidental alcohol sales does not have a significant effect on increasing daily trips to the site. The proposed business has a similar requirement for parking as the last restaurant and other permitted uses in this zone and in this development as previously approved. The addition of alcohol sales incidental to a restaurant use does not require an increase in the number of parking spaces already provided on the site. The use and circulation associated with the request will not interfere with any pedestrian corridors used by children as the site is located along a major thoroughfare and within an established commercial shopping center. As such, the use is not expected to be detrimental to surrounding properties.

2. The proposed use will not adversely impact the suitability of adjacent commercially zoned properties for commercial uses.

The property is zoned Commercial General and has a General Plan land use designation of General Commercial. The proposed use is consistent with existing commercial activities in the vicinity. The proposed business will operate in an existing multi-tenant commercial building located within the Play Galleria Shopping Center. The uses to the north and south of the subject site are commercial uses located within the CG (Commercial General) zone. The land uses across Chapman Avenue are single-family residential homes in the RL (Single-family Residential) zone. The proposed use is compatible with the other commercial uses within the shopping center and is consistent with the uses anticipated by the zoning for this property and the established development pattern for this neighborhood. The use will compliment other uses in the center and is not anticipated to create a nuisance for the adjacent businesses or surrounding neighborhoods.

3. The proposed use will not adversely affect the welfare of residents in the area or result in an undue concentration in the neighborhood of establishments dispensing alcoholic beverages, including beer, and wine. For purposes of this subparagraph, the "undue concentration" shall be defined in Business and Professions Code Section 23958.4.

The proposed use will operate entirely within an existing commercial building and establish tenant space, previously a restaurant use offering on-site beer and wine sales. The addition of alcohol sales is incidental to the primary use of a bona-fide restaurant and the pad building is located more than the prescribed distance from any

residential neighboring property. No live entertainment or outdoor dining is proposed as part of the business. The project approved with the conditions contained herein is not anticipated to impact any adjacent residential neighborhoods.

4. Notwithstanding Subparagraph 3 above, the review authority may approve Conditional Use Permit despite an undue concentration of establishment dispensing alcoholic beverages, as defined in Business and Professions Code 23958.4, if the review authority first finds that the public convenience and necessity would be severed by the issuance of the Conditional Use Permit and the use otherwise meets the findings of this Subsection.

The subject application does not need to make a finding of public convenience and necessity since the number of licenses in the census tract is not increasing. The California State Department of Alcohol Beverage Control (ABC) established the number of on-sale and off-sale license withing a given census tract and if the number of licenses exceeds the amount set by ABC, the Planning Commission is required to make a finding of public convenience and necessity. In this case, the applicant is requesting to upgrade an existing Type 41 beer and wine license for a Type 47. The approval includes the revocation of the previous Conditional Use Permit and removes the additional license from the Census Tract count.

#### **SECTION 4**: That in accordance with the findings as set forth in Sections 20.550.060

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

The land use is appropriate and consistent with the goals, policies and objectives set forth in the General Plan and Commercial zoning designation. Adding alcohol sales to a restaurant use is permitted and encouraged by the Zoning Code and provisions have been established to ensure this land use is compatible with adjacent businesses. The project meets Economic Development Goal ED-2.2 of the General Plan by promoting economic revitalization along major arterials Beach Boulevard and Katella Avenue, the approval of the Conditional Use Permit will allow the relocation of an existing business to a new location and to expand their restaurant offerings. The project also meets Strategy ED-4.1 of the General Plan to assist existing businesses by facilitating the permitting process for those looking to expand their facilities. Lucky Johns' Kitchen is an existing Stanton business that will be supported with the approval of this CUP.

2. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of the zoning code and the municipal code.

The proposal to allow for the on-site sale of wine, beer, and distilled spirits in conjunction with a bona fide restaurant is permitted within the Commercial General Zone subject to the approval of a Conditional Use Permit. Section 20.400.030 of the Stanton Municipal Code provides specific findings related to alcohol sales and the use as proposed is compliant with these provisions. The site has been an established restaurant use with a history of beer and wine sales incidental to the restaurant without incident. The hours of operation, proposed business plan, location, and distance from

residential uses is appropriate and compliant with the provisions of the zoning code for the uses proposed.

3. The design, location, size and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity.

The restaurant use is proposed within an existing commercial shopping center including a variety of service and retail uses. The existing building has been a restaurant location offering beer and wine sales incidental to the restaurant use. The proposal to upgrade the ABC license to include the sale of on-site distilled spirts is consistent with uses typically found in a center of this design with a mix of uses as established in this shopping center. The restaurant is surrounded by commercial uses. Parking is shared in the center and is adequate for the size and business operation proposed with this use. The restaurant will operate entirely within the existing building footprint and is expected to compliment the characteristics of uses found in the center in hours of operation, service offerings and options for patrons. The use as proposed and with the conditions provided is expected to be compatible with adjacent uses and the neighboring properties and is not anticipated to have any negative impacts.

4. The site is physically suitable in terms of: a. its design, location, shape, size and operating characteristics of the proposed use; b. the provision of public and emergency vehicle access; c. public protection services; d. the provision of utilities; and e. served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate.

The site will not be altered in any way. The proposed use is located within an existing shopping center with access from three existing driveways along Chapman Avenue and three along Beach Boulevard. The proposed business will operate entirely within an established pad building, designed for the previous restaurant use. Parking is provided on site and the operating characteristic of this use is similar in nature and complimentary to those in the center. The shopping center and this specific pad building are served by City services including public utilities, health, fire and police service. The use will be conducted within the existing building and is not increasing the square footage of the building. As such, the site is physically suitable for the use as proposed.

5. The site's suitability ensures that the type, density, and intensity of use being proposed will not adversely affect the public convenience, health, interest, safety, or general welfare, constitute a nuisance, or be materially detrimental to the improvements, persons, property, or uses in the vicinity and zone in which the property is located.

The site is suitable for the proposed use. The site was previously used as a restaurant and the proposal does not include a request to increase square footage. The business will operate within the existing tenant space and will serve patrons breakfast, lunch and dinner starting at 6:00 am and continuing until 2:00 am. Conditions of approval have been included to restrict the serving of alcoholic beverages one hour before closing to ensure the timely operation end and limit after hour loitering by patrons and staff. As such, the site and operation are suitable not expected to adversely affect the

public convenience, health, interest, safety, or welfare.

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

The applicant has received the conditions of approval prior to this public hearing and has agreed to comply with the conditions. Additionally, a condition has been added to require all conditions of approval to be posted on site and shared with staff and management to ensure continuity and consistency in carrying out all measures to operate in full compliance at all times.

**SECTION 5**: That based upon the above findings, the Planning Commission hereby approves Conditional Use Permit C21-01 for the sale of beer, wine, and distilled spirts in conjunction with a bona fide restaurant located at 12033 Beach Boulevard in the CG (Commercial General) zone, subject to the following conditions:

- 1. The proposed use will be constructed, developed, used, operated, and maintained in accordance with the terms of the application, plans, drawing, and conditions imposed in this Resolution of approval.
- 2. The Applicant(s)/Owner(s) shall agree and consent in writing within 30 days acceptance of the conditions of approval as adopted by the Planning Commission. In addition, the Applicant shall record the Conditions of Approval in the Office of the County Recorder. Proof of recordation shall be provided to the Planning Division prior to Certificate of Occupancy.
- 3. Hours of operation shall be limited to 6:00am- 2:00am, seven days a week.
- 4. Sales of alcoholic beverages shall cease one hour prior to closing time.
- 5. Alcoholic service and consumption allowed only upon approval by the California State Department of Alcoholic Beverage Control (ABC) and shall be subject to ABC requirements. The Applicant(s)/Owner(s) are responsible for supervising and controlling the activities of their customers. The Applicant(s)/Owner(s) shall ensure no disorderly behavior occurs in these areas and that drinks are not taken outside of the premises. The inability of the Applicant(s)/Owner(s) to perform in this manner shall be cause for review and revocation of this Conditional Use Permit.
- 6. No signs, banners, reader boards or other advertising or displays are allowed without the review and approval of the City.
- 7. Applicant(s)/Owner(s) of premises where alcoholic beverages are sold or served shall post signs in compliance with Stanton Municipal Code Section 9.54.030 (B)(C)(D) Duty to Post Signs below:

Any person, firm or entity who owns, operates, manages, leases or rents a premises offering wine, beer, distilled spirits, malt liquors or other alcoholic

beverages for sale, or who dispenses such beverages for consideration to the public, shall cause signs to be posted in compliance with the following:

- A. For alcoholic beverages intended for consumption off the premises where sold or distributed at least one notice or sign shall be placed in the retail establishment so as to assure that it is readable and likely to be read either at the retail point of sale or each point of display. Signs or notices placed at the point of display shall be placed no more than ten feet from any display of any alcoholic beverage container in a manner associating the sign or notice with the display.
- B. For alcoholic beverages provided for consumption on the premises at tables served by food or beverage persons at least one notice or sign shall be placed so as to assure that it is readable and likely to be read by the public being served on the premises, or a notice or sign shall be conspicuously displayed at each of the tables.
- C. For alcohol sold or distributed through over the counter service at least one notice or sign shall be placed in the retail establishment so that it is readable and likely to be read from all counter locations available to the public.
- D. Any sign required to be posted or displayed pursuant to the section shall bear the following warning message:

**WARNING:** Drinking Distilled Spirits, Beer, Coolers, Wine and Other Alcoholic Beverages May Increase Cancer Risk, and, During Pregnancy Can Cause Birth Defects.

- 8. The Planning Commission may set this permit for a public hearing at any time to consider modifications of any conditions or revocation of the permit if non-compliance and/or nuisances occurs.
- 9. At no time shall the number of persons within the subject unit be greater than the occupancy allowed by the Building Division and Orange County Fire Authority.
- 10. Approval of this Conditional Use Permit does not include Live entertainment, defined as public entertainment, including, but not limited to, any act, play, burlesque, show, revue, scene, song, dance, instrumental music, karaoke, disc jockey, or motion picture. Any proposal for live entertainment in the future shall receive review and approval by the Planning Division.
- 11. Incidental uses to dining shall be limited to two pool tables, and a bar/lounge area all within 720 square feet. Any proposed increase in incidental uses shall require review and consideration of the Community and Economic Development Director and may require an amendment to this Conditional Use Permit.

- 12. Graffiti on the property shall be removed at the property owner's expense within 24 hours Per Section 9.48.040(A) Removal of graffiti.
- 13. In accordance with policies adopted by the City, the Applicant(s)/Owner(s) shall be responsible for any cost incurred as a result of local law enforcement or code enforcement investigation/inspections that result in a finding of violation of any applicable laws and/or conditions of approval.
- 14. The approval of this request and the conditions herein supersede CUP 86-17 and it's conditions.
- 15. As a condition of issuance of this approval, the applicant shall indemnify, protect, defend, and hold the City and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers and instrumentalities thereof. harmless from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and other such procedures), judgments, orders, and decisions (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or concerning the project, whether such Actions are brought under the Ralph M. Brown Act, California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Community Redevelopment Law, Code of Civil Procedures Sections 1085 or 1094.5, or any other federal, state, or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the action.
- 16. The applicant or responsible party shall submit the plan(s) listed below to the Orange County Fire Authority for review. Approval shall be obtained on each plan prior to the event specified.

Prior to issuance of permit:

architectural (service codes PR204)

Prior to concealing interior construction:

- fire alarm system (service code PR500-PR520)
- fire sprinkler system (service codes PR430-PR455), if the building is currently sprinklered and the system requires modification
- hood and duct extinguishing system (service code PR335)

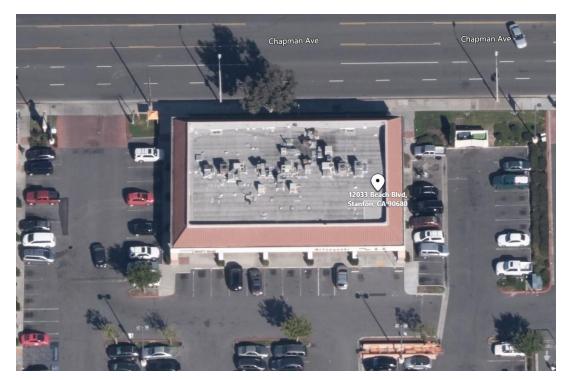
Specific submittal requirement may vary from those listed above depending on actual project conditions identified or present during design development, review, construction, inspection, or occupancy. Portions of the project that are deferred shall be subject to the codes, standards, and other applicable requirements in force on the date that the deferred plan is submitted to the OFCA.

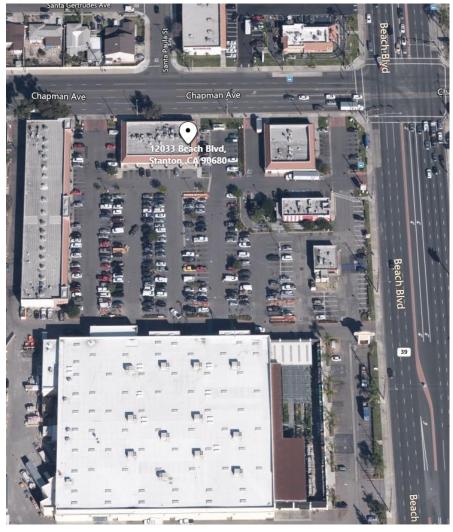
**SECTION 6:** That based upon the above findings, the Planning Commission hereby APPROVES Conditional Use Permit C21-01.

**ADOPTED, SIGNED AND APPROVED** by the Planning Commission of the City of Stanton at a regular meeting held on October 6, 2021 by the following vote, to wit:

| AYES:    | COMMISSIONERS: |   |
|----------|----------------|---|
| NOES:    | COMMISSIONERS: |   |
| ABSENT:  | COMMISSIONERS: |   |
| ABSTAIN: | COMMISSIONERS: |   |
|          |                |   |
|          |                | Thomas Frazier, Chairman<br>Stanton Planning Commission |
|          |                | Jennifer A. Lilley, AICP                                |
|          |                | Planning Commission Secretary                           |

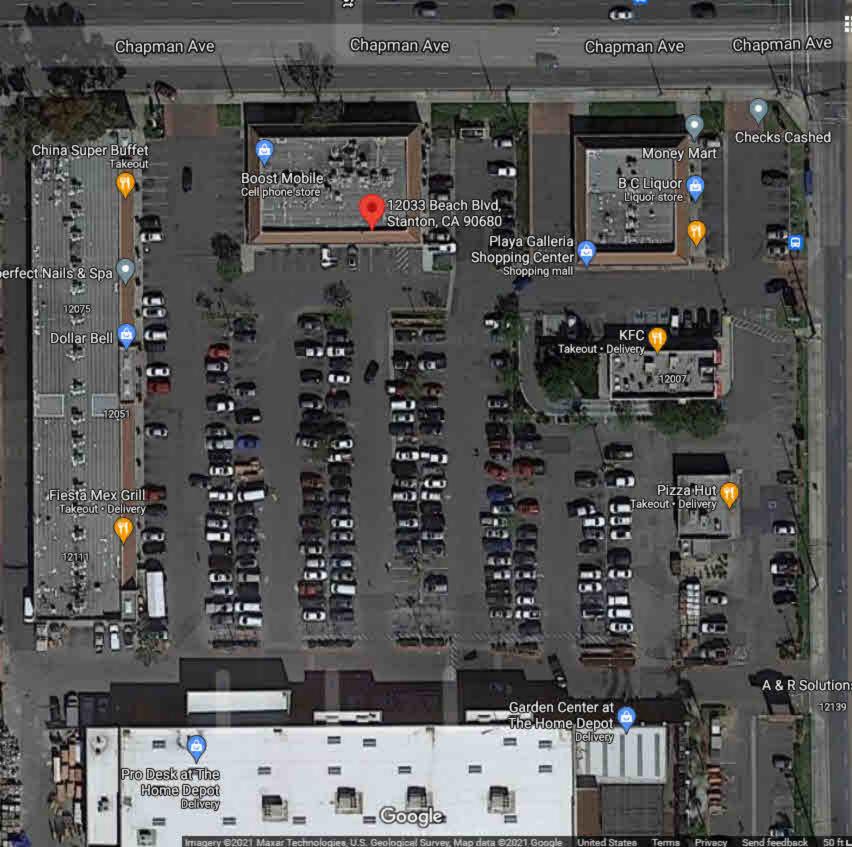
# 12033 Beach Blvd. – Vicinity Map





**ATTACHMENT B** 

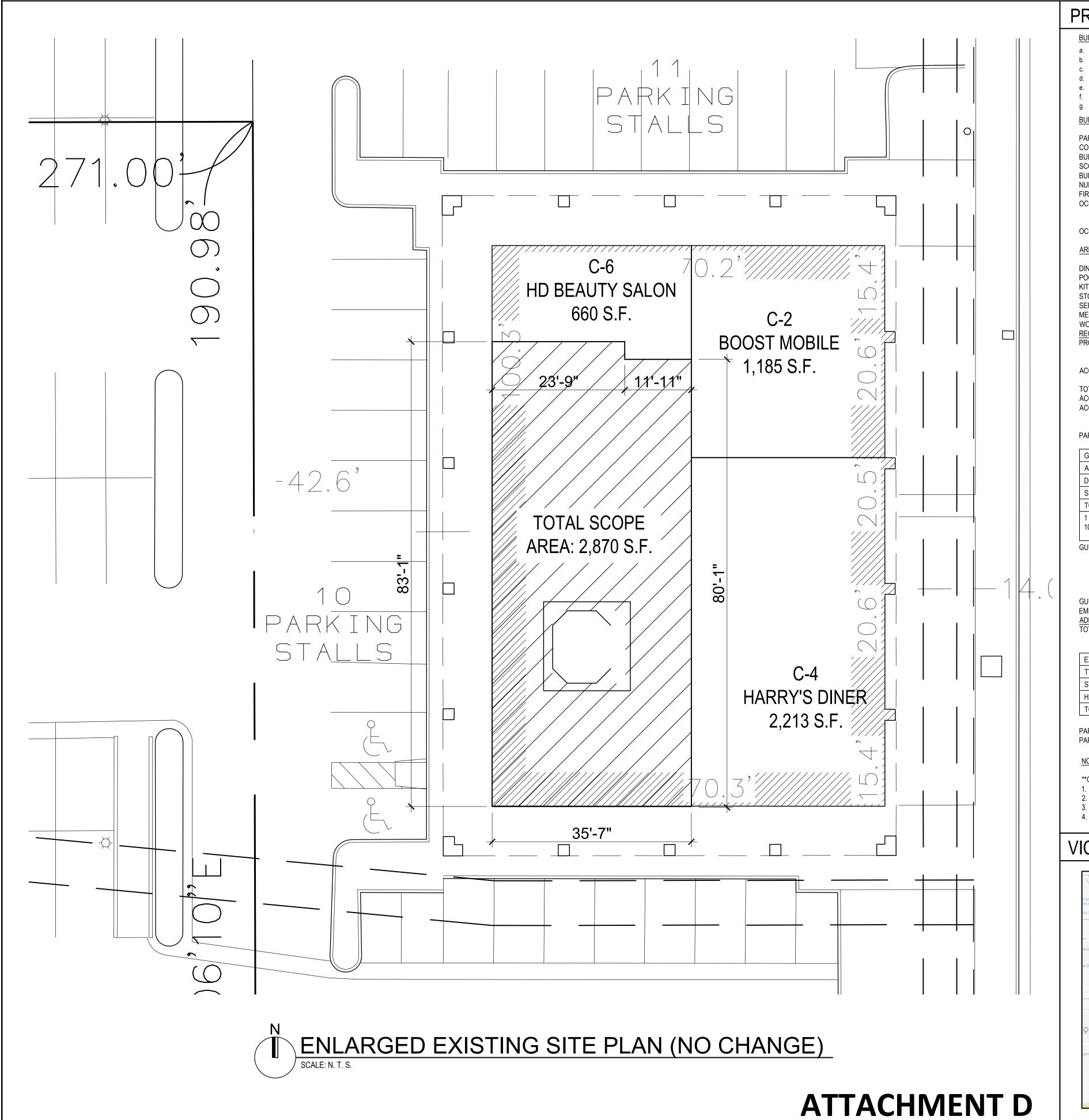


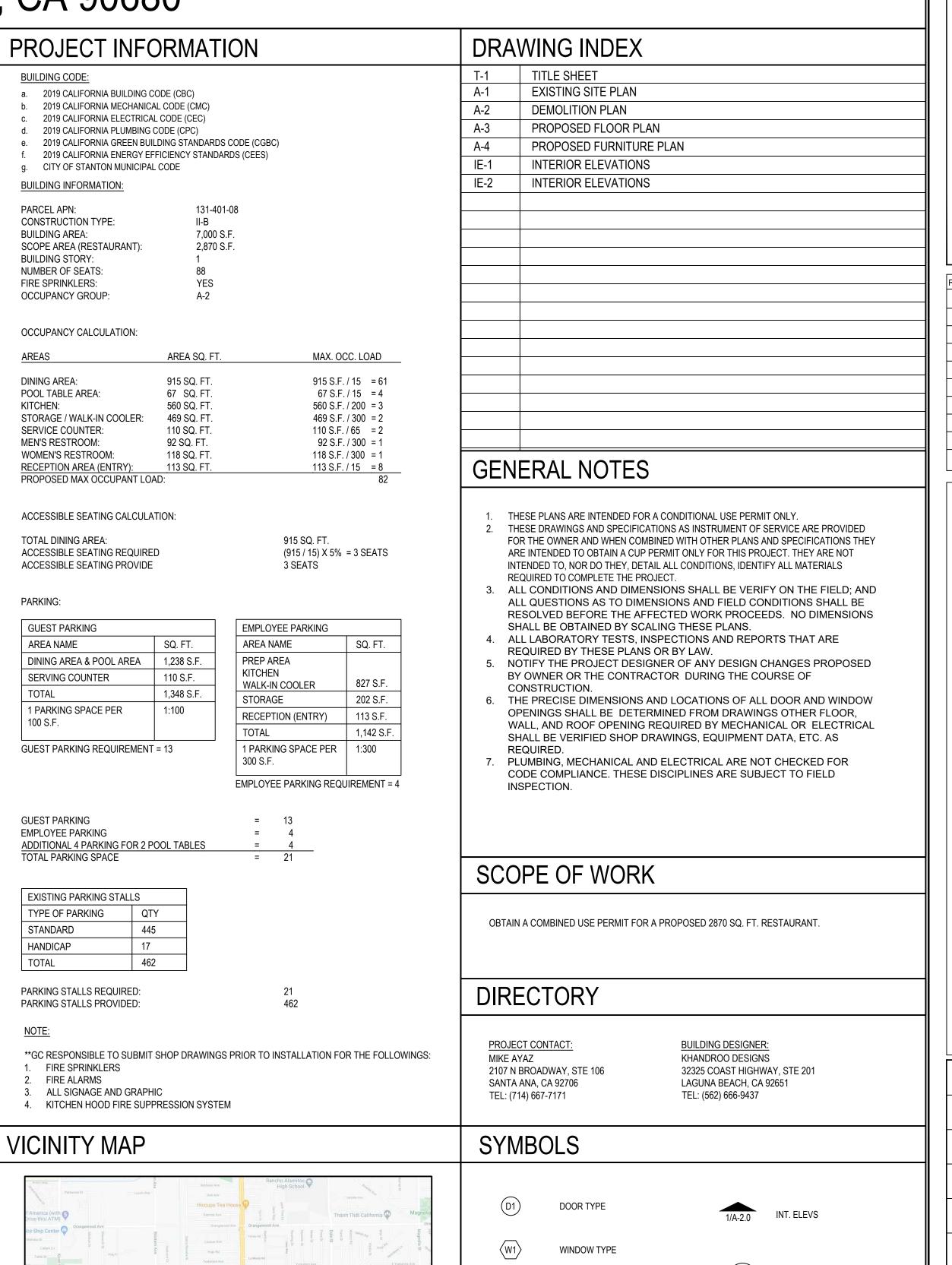




# LUCKY JOHN'S

# 12033 BEACH BLVD, STANTON, CA 90680





FLOOR FINISH

WALL TYPE

STRUCTURAL GRID

**CEILING FINISH** 

WALL FINISH

ROOM NUMBER

NEW DOOR

MARK OF ELEVATION

TEMPERED GLAZING

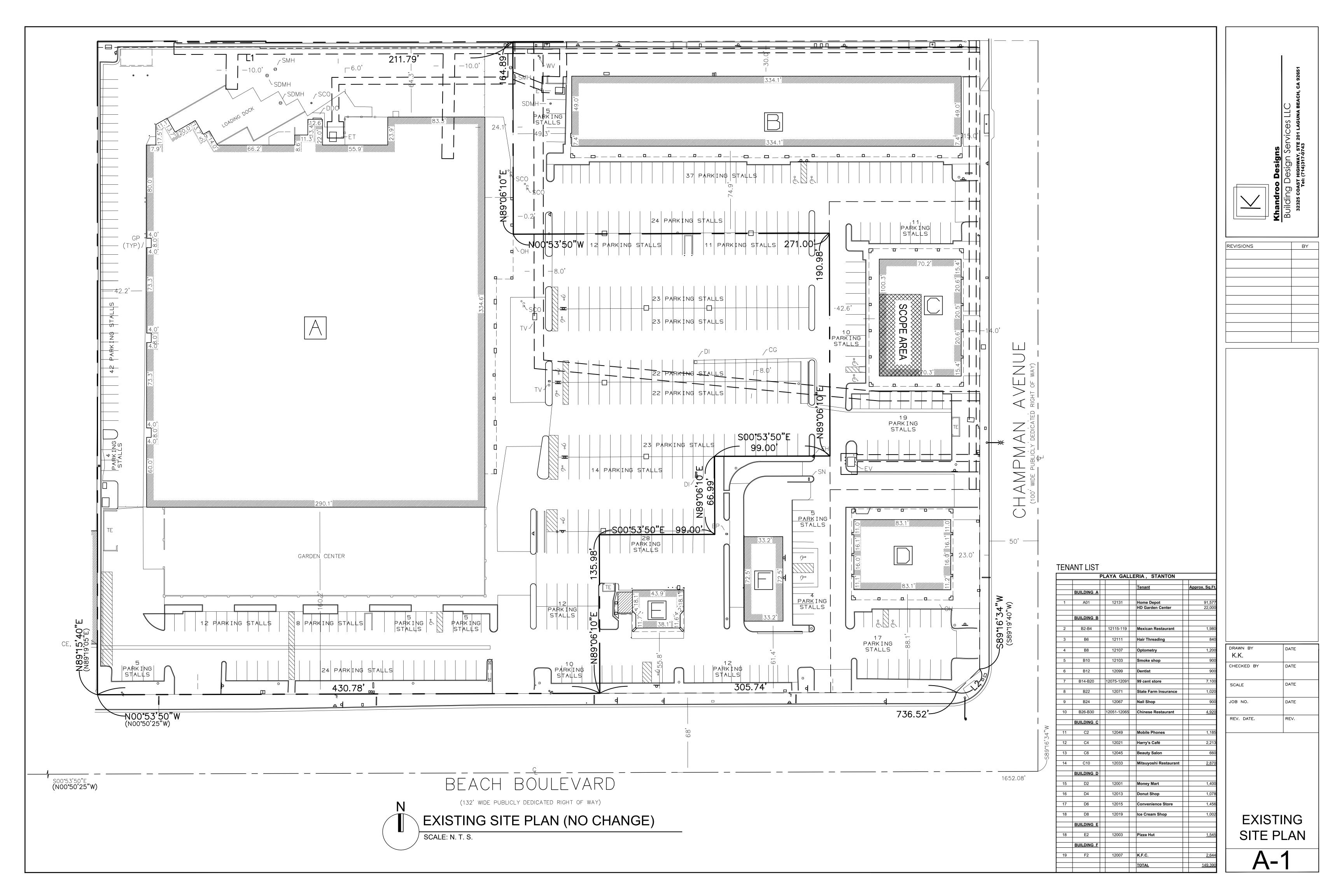


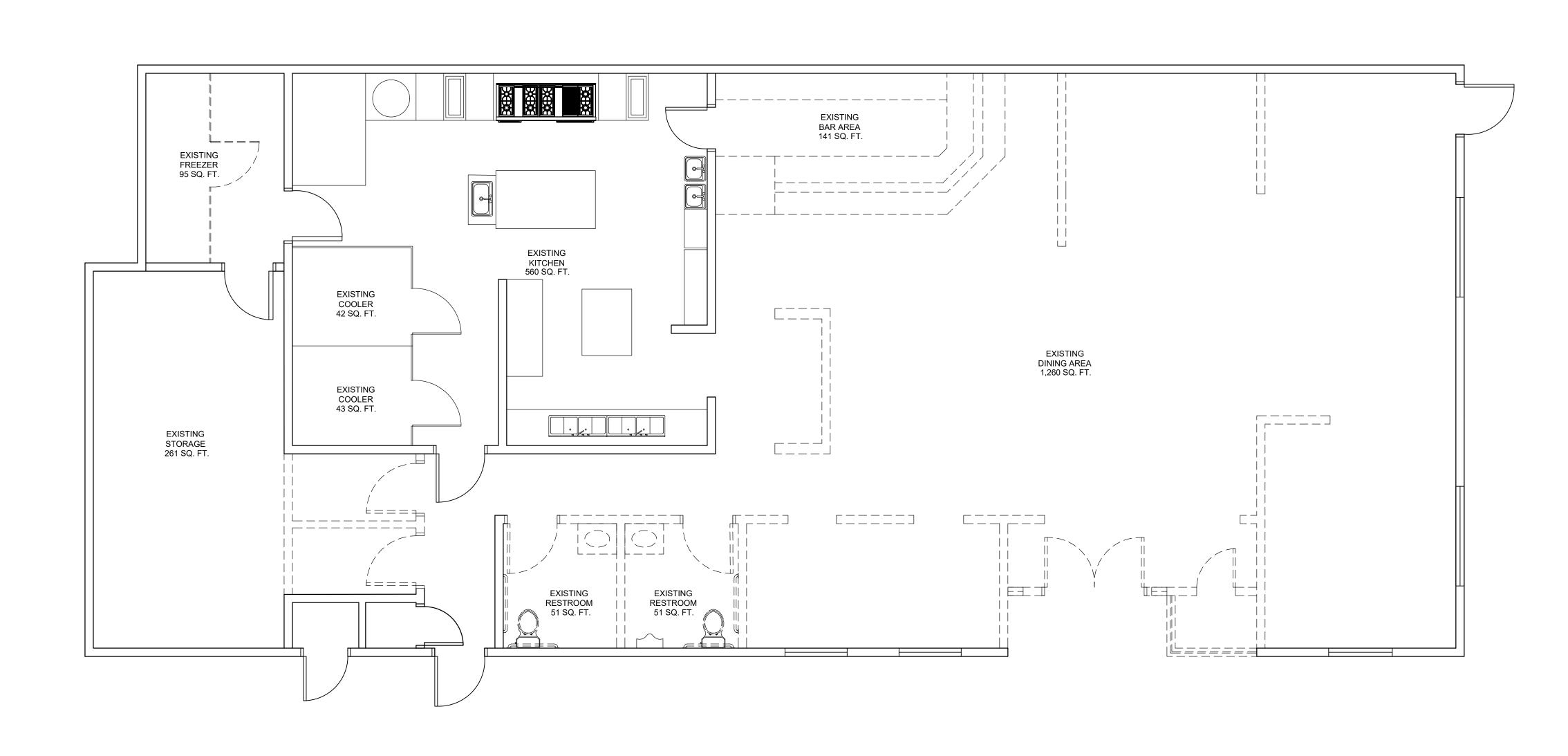
TITLE SHEET

**ENLARGED** 

SITE PLAN

1 - "





# WALL LEGEND

(E) WALL TO REMAIN

(E) WALL, FIXTURES, AND EQUIPMENTS TO BE REMOVED AND DISCARDED.

DEMOLITION PLAN

SCALE: 1/4" = 1'-0"

NOTE:

NON-STRUCTURAL/NON-BEARING
WALL ONLY TO REMOVE.

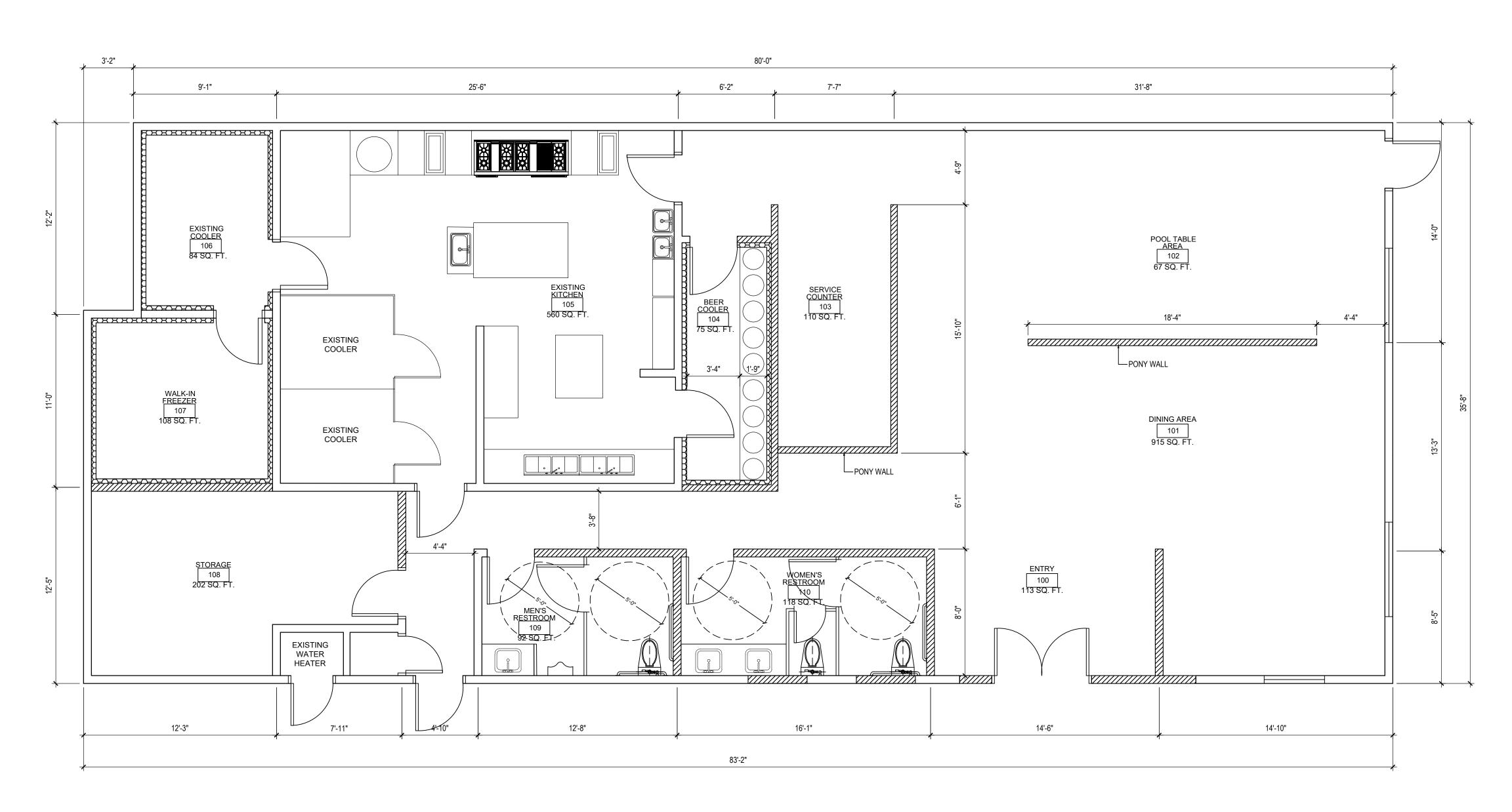
nandroo Designs
Uilding Design Services LLC

| REVISIONS | BY |
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| CHECKED BY    | DATE |
| SCALE         | DATE |
| JOB NO.       | DATE |
| REV. DATE.    | REV. |

DEMOLITION PLAN

A-2



# WALL LEGEND

(E) WALL TO REMAIN

(N) UL 465 1-HR INTERIOR WALL 20-GA
METAL STUDS CEMCO @ 16" O.C. W/ 5%"
TYPE X GYP. BOARD EACH SIDE. USE 2x8
FRAMING FOR PLUMBING WALLS.

(N) PREFAB INSULATED W.I.C. & W.I.F. WALL (BY OTHERS)

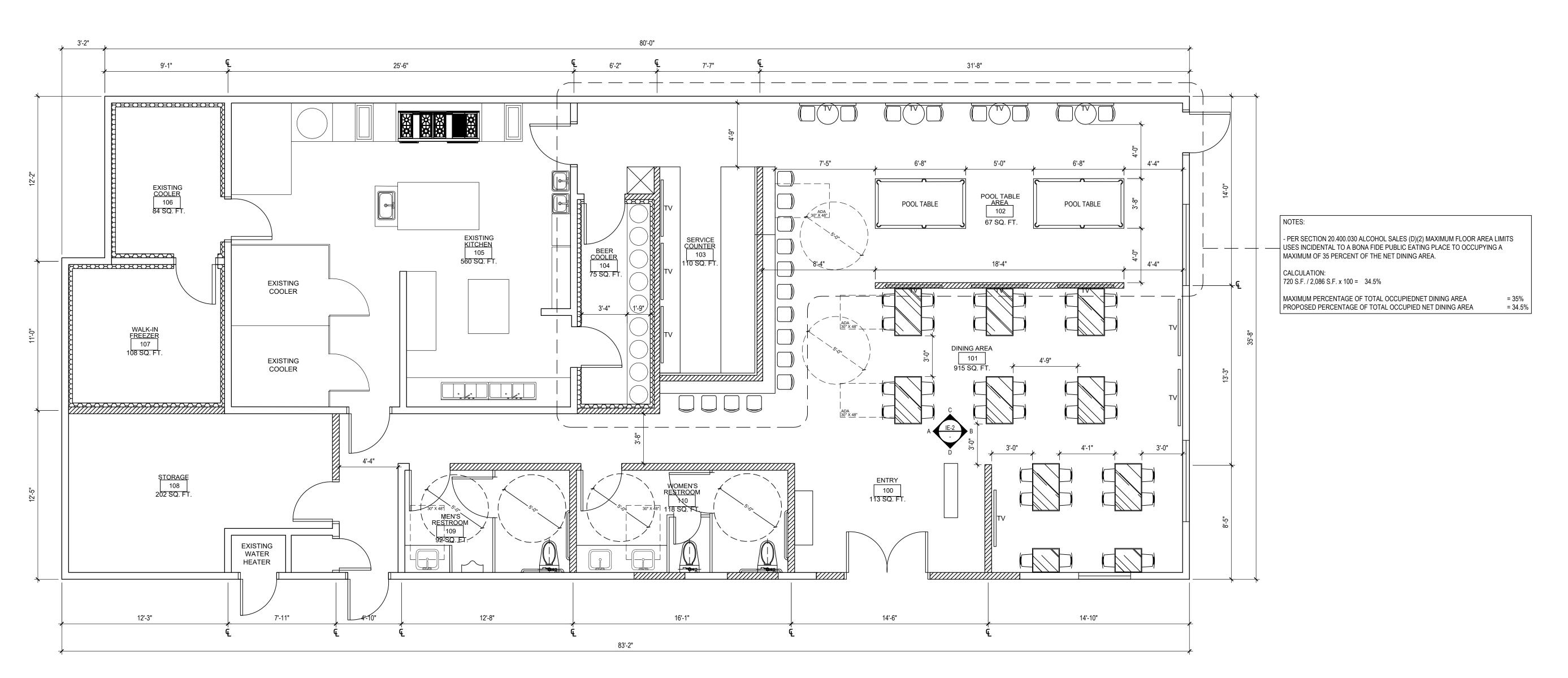
PROPOSED FLOOR PLAN

SCALE: 1/4" = 1'-0"

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| SCALE         | DATE |
| JOB NO.       | DATE |
| REV. DATE.    | REV. |
|               |      |

PROPOSED FLOOR PLAN

A-3



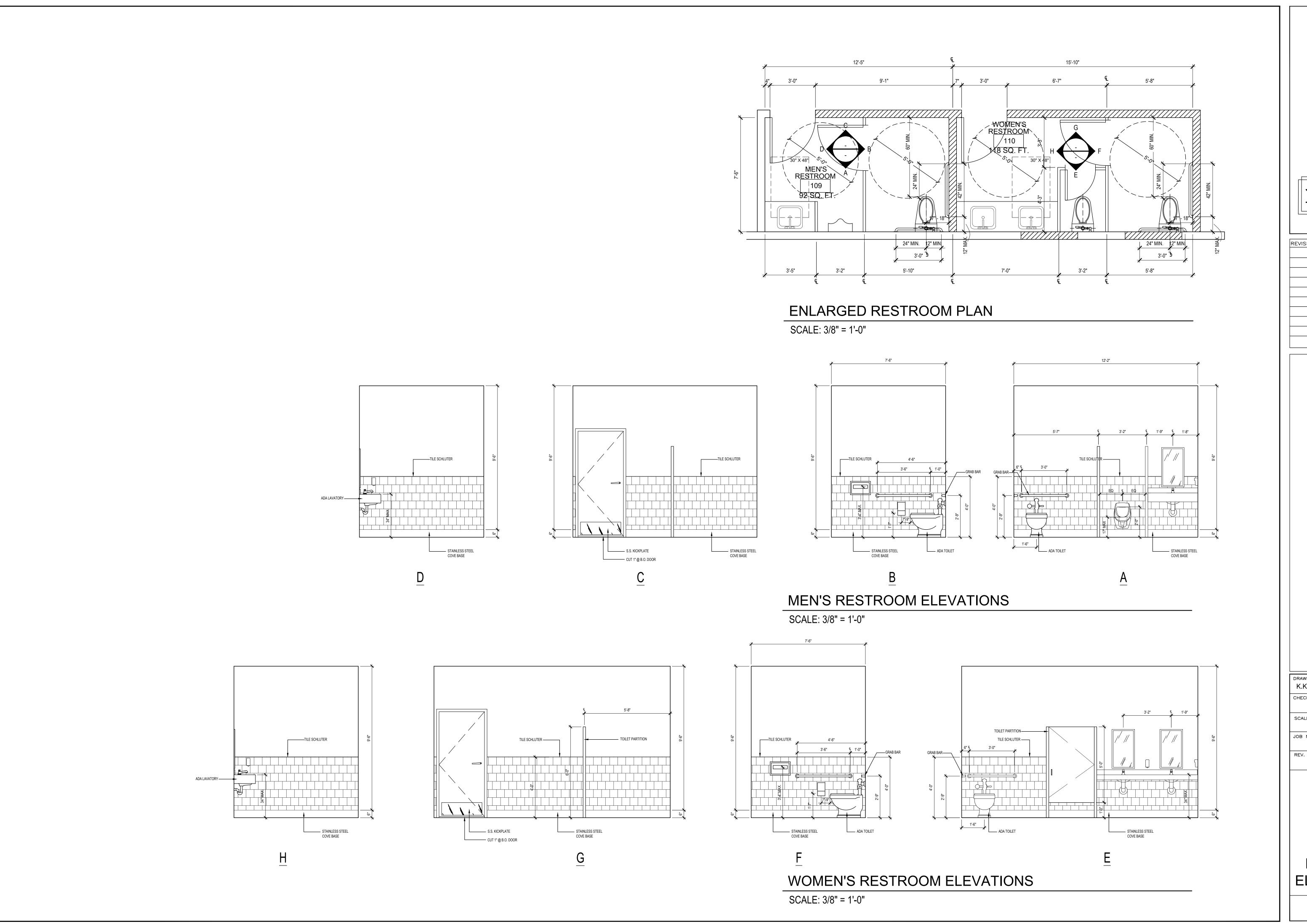


Khandroo Designs
Building Design Services LLC

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| K.K.            |  |
| CHECKED BY DATE |  |
| SCALE DATE      |  |
| JOB NO. DATE    |  |
| REV. DATE. REV. |  |

PROPOSED FURNITURE PLAN



Khandroo Designs

Building Design Services LLC

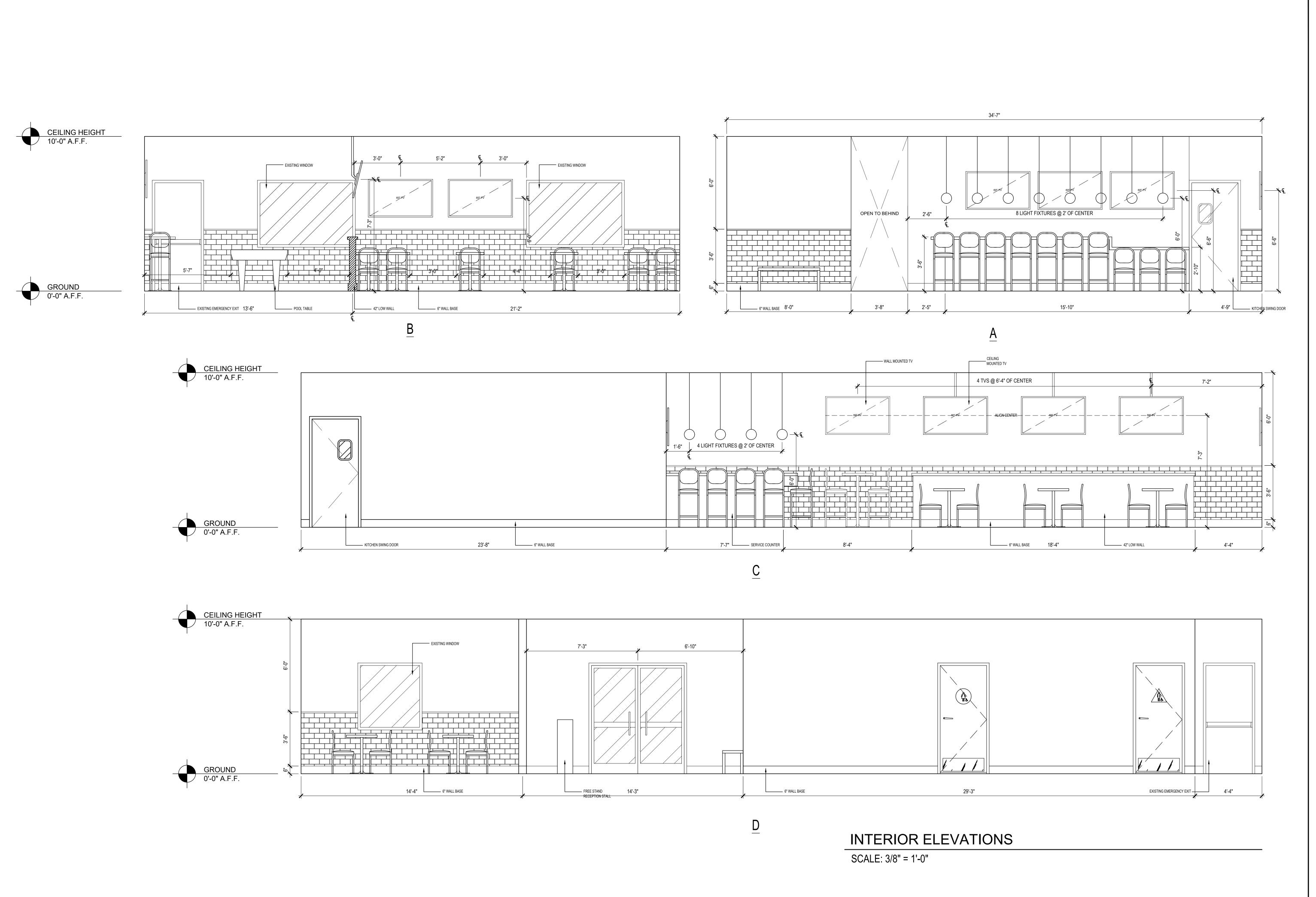
32325 coast highway, ste 201 Laguna beach, ca 92651

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| REV. DATE.    | REV. |

INTERIOR ELEVATIONS

IE-1



Khandroo Designs

Building Design Services LLC

32325 coast Highway, ste 201 Laguna Beach, ca 92651

Tel: (714)317-0743

| DRAWN BY K.K. | DATE |  |
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| JOB NO.       | DATE |  |
| REV. DATE.    | REV. |  |

INTERIOR ELEVATIONS

IE-2

RECEIVED

COMMUNITY DEVELOPMENT

7 N. Broadway, Suite 106 Santa Ana, CA 92706
Tel: (714) 667-7171 | Fax: (714) 667-0477
legal@blakeandayaz.com
www.blakeandayaz.com

July 28, 2021

#### Sent Via Personal Delivery

File No. 6575-1

City of Stanton Community Development Department Planning Division 7800 Katella Avenue Stanton, CA 90680

Re: <u>LUCKY JOHN'S KITCHEN</u>

12033 Beach Blvd., Stanton, CA 90680

#### **LETTER OF JUSTIFICATION**

Dear Department of City Planning,

We are pleased to announce that our office has been engaged by Lucky John's Kitchen (Applicant), to amend and/or supplement the previously submitted conditional use permit application for Lucky John's Kitchen, being proposed (at the former site of Mitsuyoshi Japanese Restaurant) located at 12033 Beach Boulevard. This correspondence is in addition to that which has already been submitted and will discuss an ancillary component of the overall project, specifically the Applicant's request for on-site sale, service and consumption of alcoholic beverages under a Type 47 California Department of Alcoholic Beverage Control License. This letter is to explain the justification to upgrade the existing ABC license now issued at the subject location. Currently the location is licensed to serve beer and wine (type 41). Applicant desires to obtain a type 47 license which would allow the addition of distilled spirits to the beer and wine to the product line.

The project consists of redevelopment of the former Mitsuyoshi Japanese Restaurant to include a full kitchen with indoor dining spaces. The Applicant envisions the new restaurant to be an immediate economic enhancement to the surrounding area of redevelopment taking place on Beach Boulevard.

City of Stanton Community Development Department Planning Division July 28, 2021 Page | 2

#### The Applicant

Applicant has invested a tremendous amount of time researching this location and strongly believes in and will target the mix of nearby businesses, resorts, amusement parks and residential areas, to drive in customers.

Applicants' principal, Trevor Johnson comes from a family that has been in the hospitality business for generations and has worked with his family learning the trade his entire life. He is now a using the wealth of knowledge and experience to venture into the restaurant business on his own. He wants a warm, inviting, safe and clean environment for his customers.

Applicant has dedicated nearly Five Hundred Thousand Dollars (\$500,000.00) in the redevelopment of the space, with a large portion dedicated to the kitchen facilities. To provide food service and create a friendly atmosphere for all patrons alike where they can enjoy a meal and/or a drink with friends or by themselves in a safe pleasant setting.

#### The Request

The Applicant seeks the City's approval to allow or otherwise permit the issuance of a Type 47 On Sale General eating place license. The Applicant has provided, as part of the overall application process with the City, plans that depict a suitably sized kitchen facility, which will contain the necessary equipment and fixtures for cooking an assortment of foods and meals.

The California Department of Alcohol Beverage Control (hereinafter "ABC") is charged, through the California Constitution, with the regulation and implementation of laws concerning or related to the sale, service, and consumption of alcoholic beverages under an appropriate ABC license. Under the ABC Act, specifically California Business and Profession Code Section 23038, a "Bona fide public eating place" means a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health." Cal. B&P Code Section 23038.

The Applicant will comply with all applicable laws, regulations or conditions related to the requested ABC license being sought by, among other things, providing a fully functional kitchen facility; offering bona fide meals to patrons maintain menus for on and off-site events; attend applicable ABC awareness training offered by ABC for all employees serving alcoholic beverages and those other acts required by Applicant under the law.

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The Applicant believes that the customer base will be a mix of community, visitors and tourists in the area, other nearby workers and residents alike.

#### **Hours of Operation**

The Applicant proposes the following hours of operation as they relate to the ABC license and its usage: 6:00 a.m. to 2:00 a.m. seven days a week.

#### Menu

Lucky John's Kitchen menu is attached and includes breakfast, lunch and dinner food to be served at all times business is open to the public.

#### **Employee Shifts**

Lucky John's Kitchen will have three consecutive shifts consisting of approximately five employees each shift.

# THE APPLICANT REQUESTS THAT THE PLANNING DEPARTMENT MAKE THE FOLLOWING FINDINGS

- 1) That the proposed use is found to provide a service or facility which will contribute to the general well-being of the neighborhood or the community. The proposed alcohol beverage license will provide an ancillary and customarily provided service to the customers by allowing them the ability to enjoy the accompaniment of beer, wine and distilled spirits as part of the overall use of the restaurant which include bona fide meals.
- 2) The proposed use under the circumstances of the case will not serve as a detriment to the health, safety, or general welfare of persons residing or working in the vicinity. The proposed license for the on-sale consumption of beer, wine and distilled spirits at this location will not be detrimental to persons residing or working in the vicinity because the Applicant will be sufficiently conditioned and shall comply with any State, County, and/or City Ordinances relating to same. In addition, the use will occur within the premises which is sufficiently buffered from sensitive uses and is incidental to the primary restaurant use.
- 3) The proposed use will not adversely affect the present economic stability or future economic development of properties surrounding the area. The proposed use will not adversely affect the economic stability of the area but will instead enhance the economic stability and development of the site and surrounding projects. Moreover, the offering of alcoholic beverages is economically viable and contributes to the overall success of the

City of Stanton Community Development Department Planning Division July 28, 2021 Page | 4

area, helping to decrease the number of vacant tenant spaces that may affect the economic viability of the site.

- 4) The Proposed use will comply with the regulations and conditions of the City of Stanton. The Applicant will comply with Stanton Municipal Code and guidelines as established by the Planning Commission for selling alcohol. The facility will be maintained as a full service eating establishment, having the kitchen equipment necessary to be considered a bona fide restaurant and is eligible to obtain a restaurant-related alcoholic beverage control license.
- 5) The Proposed use comports with the City's General Plan. The proposed use will not adversely affect the City's General Plan. Serving food and beverages, to include those beverages under an alcohol license provides dining services to Stanton residents and visitors, especially those in Stanton, which continues to develop as a dining, entertainment, and retail destination with regional significance. The project will include significant tenant improvement that stands to enhance the site and promote commercial activity in the area.

#### Conclusion

In conclusion, the Applicant respectfully requests that the application herein be approved and looks forward to a great working relationship with the City of Stanton, the surrounding businesses, and the community at large.

BLAKE & AYAZ, AL

F. Michael Ayaz

FMA/sm

# **LUCKY'S JOHN'S RESTAURANT**

## **BREAKFAST**

## Champagne brunch \$\$

limited to 2 hours with meal purchase

#### 2 EGGS & TOAST

2 eggs any style | hash browns or fresh fruit | toast add bacon or sausage patty

#### **BREAKIE BURRITO**

egg type | meat type | pico de gallo | jack cheese | hash browns |

#### **BISCUITS & GRAVY**

sausage gravy | 2 fresh eggs | buttermilk biscuits | hash browns or fruit add fried chicken\$\$

#### **BULD YOUR OWN OMELET**

available ingredients | hash browns or fruit | toast

#### **AMERICAN OMELET**

avocado | bacon | cheddar | hash browns or fruit | toast

#### **GRILLED BREAKFAST SANDWICH**

scrambled eggs | bacon or sausage | cheddar cheese | sourdough | hash browns or fruit

#### **HUEVOS RANCHEROS**

warm corn tortillas | refried beans | jack cheese | 3 fresh eggs | pico de gallo | hash browns or fruit

#### **CHILAQUILES**

crisp corn tortillas | salsa ranchero | jack cheese | pico de gallo | sour cream | 2 fresh eggs hash browns or fresh fruit

FRENCH TOAST OR PANCAKES full \$\$ | half \$\$

#### PRIME RIB & EGGS

usda prime sirloin | 2 fresh eggs | hash browns or fresh fruit | toast

#### BENEDICT

warm buttermilk biscuits | poached eggs | chipotle hollandaise | grilled onions | hash browns or fresh fruit

#### **FLORENTINE BENEDICT**

poached eggs | warm buttermilk biscuit | grilled tomato | fresh avocado | chipotle hollandaise | hash browns or fresh fruit

#### OATMEAL

cinnamon | cream | fresh berries

#### **YOGURT**

organic yogurt topped with fresh berries

## **LUNCH & DINNER**

## LITE BITES

#### PITA BREAD AND HUMMUS

Pita bread | Roasted pepper hummus | Avacado hummus | Seasonal hummus

**LETTUCE WRAPS** (Choice of 1 or combo) Ground turkey | Ground steak | Chicken

#### **CHARCUTERIE BOARD**

Salami | Cheese | Grapes | Strawberries | Assorted nuts

#### **SKEWERS**

Beef | Chicken | Basamati or Brown rice

#### **CHIPS & GUAC**

Fresh made chips | Homemade guacamole

#### TRUFFLE MAC N CHEESE

**FRENCH FRIES** (Choice of Truffle, Sweet Potato, or Regular) ONION RINGS (Choice of Truffle or Regular)

#### SANDWICHES + BURGERS

#### **PATTY MELT**

thick cheddar | grilled onions | 1000 island | pickle

#### **GRILLED CHICKEN SANDWICH**

Grilled chicken breast | Applewood smoked bacon | Cheddar cheese | Lettuce Tomato Avocado | Garlic mayo | french roll

#### **Pulled Pork SANDWICH**

tender pork | thick american cheese | crispy fried onions | mild horseraddish cream thick sliced brioche

#### **TURKEY CLUB**

Hand carved turkey | Applewood bacon | Swiss cheese | Lettuce | Tomato | Avocado CHOICE OF BREAD

#### **TUNA MELT**

Grilled sourdough | Cheddar | Sliced tomato | Pickle add avocado \$ add bacon \$

#### GRILLED MEATLOAF SANDWICH

Grilled sourdough | smoked bacon | american cheese | shredded lettuce sliced tomato roasted garlic mayo | great with grilled onions

#### HOUSE MADE VEGGIE BURGER

Avocado | Swiss | Crispy onions | Watercress | Tomato | garlic aioli | whole wheat bun

#### **BLT**

sourdough | applewood smoked bacon | crisp lettuce sliced tomato mayo salt & pepper

add avocado \$ add a fried egg \$

### PRIME RIB DIP (Served until it's gone)

Roasted daily | Hand-sliced | Rustic french roll | Horseradish aioli | Au jus

#### CLASSIC CHEESEBURGER

Crispy onion | Tomato | dill pickle | crisp lettuce | house dressing add avocado \$ add bacon | Served with side of fries

#### **HAWAIIAN BURGER**

Grilled Pineapple | Crispy Bacon | Teriyaki Sauce | Cheddar Cheese | Hawaiian Bun Served with side of fries

#### JALAPEÑO BURGER

Jalapeño cheese sauce | Pepper jack | grilled jalapeños | Chipotle aioli | Lettuce Tomato | Dill pickle | Brioche bun

#### SOURDOUGH BURGER

Swiss cheese | Tomato | Lettuce | dill pickle | 1000 island Parmesan grilled sourdough

#### PROTEIN BOWLS

<PROTEIN SELECTION>

STEAK/CHICKEN/ GROUND TURKEY/ GROUND BEEF

<TOPPING SELECTION>

ONIONS/ BANANA/ PEPPERS/ TOMATOES/ ASPARAGUS/ PEPPERS/ CORN JALAPENOS/ SPINACH

<RICE >

**BROWN/ BASAMATI** 

\*\*SAUCES FOR BOWLS TO COME

#### **CONEY DOGS**

\*\*VARIATONS TO COME

### **GRILLED FLAT BREAD PIZZA**

\*\*VARIATONS TO COME

#### **SALADS**

\*\*VARATIONS TO COME

## **SWEET TREATS**

\*\*VARATIONS TO COME

## **DRAFT AND BOTTLE BEER**

\*\*VARATIONS TO COME

## **CRAFT COCKTAILS**

\*\*VARATIONS TO COME