

AGENDA

Planning Commission

MEETING DATE AND TIME:

November 13, 2019 - 7:00 p.m.

MEETING LOCATION:

City Hall Council Chamber
6650 Beach Boulevard, Buena Park, CA

Members of the public who wish to discuss an item should fill out a speaker identification card and hand it to the secretary. When the item is announced by the Chair, speakers should come forward to the microphone, and upon recognition by the Chair, state their names and addresses.

All actions by the Planning Commission are final unless an appeal to the City Council is filed with the City Clerk within ten (10) working days of the decision.

Appeal period ends on December 3, 2019.

CALL TO ORDER / FLAG SALUTE:

ROLL CALL:

Capelle, Chung, Desai, Diep, McGuire, Schoales, and Barstow

1. **APPROVAL OF MINUTES:** October 23, 2019 Meeting

RECOMMENDED ACTION: Approve

PUBLIC HEARING:

OLD BUSINESS:

2. **TEXT AMENDMENT NO. C19-2**

A recommendation to the City Council to amend Division 9 of Title 19 of the Buena Park City Code pertaining to short term rental permit regulations.

PROJECT PROPONENT: City of Buena Park
6650 Beach Boulevard
Buena Park, CA 90622

RECOMMENDED ACTION: Adopt Resolution Recommending City Council Approval

ORAL COMMUNICATIONS:

At this time, the public may address the members of the Planning Commission on any item that is within the jurisdiction of the Planning Commission.

AGENDA FORECAST:

STAFF REPORTS:

COMMISSION REPORTS:

ADJOURNMENT: To the next Planning Commission meeting on Wednesday, November 17, 2019, at 7:00 p.m. in the City Council Chamber

CITY OF BUENA PARK
MINUTES OF CITY PLANNING COMMISSION
October 23, 2019

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on October 23, 2019, in the City Council Chamber, 6650 Beach Boulevard, Buena Park, California with Vice Chair Chung presiding.

PRESENT: COMMISSIONERS: Capelle, Chung, Desai, Diep, Schoales

ABSENT: COMMISSIONERS: Barstow, McGuire

Joel W. Rosen, AICP, Director of Community Development
Brady M. Woods, Planning Manager
Swati Meshram, PhD, AICP, LEED AP, Senior Planner
John W. Lam, Assistant City Attorney
Ruth Santos, Senior Administrative Assistant

1. **APPROVAL OF MINUTES** October 9, 2019

RECOMMENDED ACTION: Approve

Commissioner Schoales abstained from voting on this item due to his absence from the October 9, 2019 Planning Commission meeting.

PUBLIC HEARING:

NEW BUSINESS:

2. **TEXT AMENDMENT NO. C19-2**

A recommendation to the City Council to amend Division 9 of Title 19 of the Buena Park City Code pertaining to short term rental permit regulations.

PROJECT PROPONENT: City of Buena Park
6650 Beach Boulevard
Buena Park, CA 90622

RECOMMENDED ACTION: Approve Resolution recommending City Council Approval

Mr. Lam reminded everyone that tonight's public hearing is different from the previous study session on this item in that the typical procedure for a public hearing is to allot five minutes for each speaker, and avoid redundant discussions on specific points. He recommended that speakers adhere to the required procedure.

In reply to Vice Chair Chung, Ms. Santos stated that staff had distributed a memo with compiled written communication received regarding draft ordinance options for Short Term

Rental (STR) permit regulations and emails, received after the memo was sent out, from Mark Rasile and Monica Wagner.

The staff report was presented by Dr. Swati Meshram, Senior Planner.

Staff recommends that the Planning Commission hold a public hearing, take public testimony on the proposal and adopt the attached Resolution recommending the City Council approve Zoning Text Amendment No. C19-2 with Option 1 limiting STRs to property owner's primary home and does not allow whole home rentals or with Option 2 which allows for whole home rentals.

Renting of residential units for a period of less than 30 days is known as short term (vacation) rentals (STRs). Short-term vacation rentals generally include the temporary rental of homes or portions of homes, condominiums, or apartments, typically brokered by third party on-line web sites such as Airbnb, VRBO, Home Away and other similar internet-based businesses. These internet-based businesses have expanded the opportunities world-wide for travelers to obtain short-term vacation lodging. Currently, STRs are not explicitly permitted by the Zoning Ordinance and are therefore prohibited.

The City contracted with an internet-based company (Host Compliance) to assist the City in identifying the location and number of STRs operating in the City. Host Compliance currently estimates there are approximately 80 STRs operating in the City. Since May 2018, when Code Enforcement staff began tracking STRs, staff has received complaints regarding nine properties (Attachment 2). The complaints generally related to late night noise/activities, traffic, parking and trash.

On May 14, 2019, the City Council adopted a temporary moratorium via an Urgency Ordinance to further clarify the City's existing prohibition of STRs. On June 25, the Council extended the moratorium to August 13, 2019. On August 13, the Council extended the moratorium until May 14, 2020. Additionally, the Council directed staff to begin drafting regulations to permit STRs, while assuring appropriate controls to avoid negative impacts on nearby properties. Staff presented policy considerations to the City Council at a Study Session on July 9, 2019, and offered to seek community input during the process of ordinance formulation.

On August 28, 2019 the Planning Commission conducted a study session/ community workshop regarding this matter and reviewed a preliminary draft ordinance. Numerous comments regarding the preliminary draft ordinance were provided by the Planning Commission, the public at the meeting and by the public in the subsequent days. Staff has reviewed in detail all the comments received and responded (Attachment No. 1). A number of the comments have been incorporated into the current draft now before the Planning Commission for consideration.

The proposed ordinance amends BPMC Chapter 19 Zoning Ordinance allowing and regulating short term rentals.

Based partly on comments received, as well as, additional research conducted by staff two draft ordinances (Option 1 and Option 2) have been prepared(Attachments 4 and 5). Draft ordinance Option 1 limits STRs to property owner's primary home and does not allow whole home rentals. At the request of the community staff has included a draft ordinance Option

2 which allows for whole home rentals. Key features of the draft ordinances include the following:

1. Three year permit requirements
2. In draft ordinance Option No. 1 STRs must be hosted by the residential property owner and provide proof that the property is their primary residence. Draft ordinance Option No. 2 allows for a person to own one STR in the City, rent the whole home and not own the property as their primary residence.
3. Operating regulations addressing occupancy, noise, parking, trash
4. Separation requirement of 300 ft.
5. Annual inspections for compliance with Building and Fire Codes, including pool and spa safety requirements.
6. Public notice prior to permit issuance, and upon issuance.
7. Payment of Transient Occupancy Taxes (TOT) at the same rate as hotels.
8. Permit revocation process

The Resolution recommending approval of Zoning Text Amendment No. C19-2 is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, 14 California Code of Regulations, sections 15060, subdivision (c)(2) and (c)(3) on the basis that the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment and Section 15061, subdivision (b)(3), and 15301 because there is no possibility the activity in question may have a significant effect on the environment.

Notice of this hearing was provided as required by law.

Vice Chair Chung asked if there were any questions for staff.

Commissioner Diep asked staff to confirm that the recommendation is to continue this item to the November 13, 2019 Planning Commission meeting and no final decision will be taken tonight.

Dr. Meshram confirmed that staff is recommending continuance to the November 13, 2019 Planning Commission meeting, with no final action to be taken tonight.

Vice Chair Chung stated that this is a public hearing; if there is anyone wishing to speak on the item, please come forward and state their name and address for the record.

Liem Khiet Nguyen, 9160 Via Balboa Circle, Buena Park, talked about America being a land of opportunity and economic freedom where citizens can enjoy the privacy of their homes without harassment and discrimination. He said they ventured into the STR business so as not to become a burden to the government but laws that are too restrictive and invasive will hinder that goal. He talked about the grim suicide statistics for the past decade - 56% among American youth, which he described as the highest that it has ever been in the country's history, and said it is probably due to parents who are too busy making money outside their homes, unable to monitor and guide their children. He said the STR business will open up economic opportunities for the young generation and ensure that their children will not become part of the crisis; reiterated what was said in the last public meeting, that they did not retaliate, did not report on certain violations observed on properties of some complaining neighbors; their property had zero property damage, personal injury, death, fire, drinking of minors, and other violations and yet received more than 50 unwarranted inspections, more than 100 letters, and 21 collection letters in one day, giving staff the

perception that they are the “black sheep.” Mr. Nguyen said they look forward to working with Planning and Building staff as long as they do not give his family a hard time.

Pearl Nguyen, 9160 Via Balboa Circle, Buena Park, introduced herself as the owner of the STR property on Via Balboa, a legal Vietnamese immigrant, a U.S. citizen, mother of three young home-schooled children, and a new resident of Buena Park. She said she opposes D2 and 6 in the proposed ordinance because these will give her neighbors the power to complain even without sufficient evidence of noise, parking, or trash issues. These items will open a Pandora’s box for covert discrimination and harassment from neighbors who complain of “strangers coming in and out of her house,” described by Ms. Nguyen as “guests who are actually minorities.” She talked about certain proposed measures that, according to her, violate private property rights; she said neighbors do not have the right to dictate what she can and cannot do; if she is not allowed to park on her driveway, long term renters should also not be allowed to do so. She said she regrets giving notice about her STR property to one neighbor who used that notice against her, in collaboration with two other “Caucasian” neighbors, which started off the 50 complaints on her property, the nature of which are common in other homes; she felt that her family was targeted; if she is unable to use her air conditioning unit because the sound is above Orange County standard, how will the occupants of her home survive in the summer? That will be a health hazard to heat-sensitive renters. She explained that disallowing the use of the side doors was triggered by a complaint from her neighbor and is unreasonable; the more information the neighbors are given, the more they will use that information to cause pain and suffering to her family, as was the case last year. She explained that if the 100 STR properties in the City received that many complaints, it would be a waste of City resources. Ms. Nguyen also spoke about the requirement to use the garage for parking, asked that the City be practical - most garages are used for storage, she sees her neighbors parking their cars on their driveway; she opposes that she is not allowed to convert her garage to ADU (Accessory Dwelling Unit) so her parents can live with her, said it will make housing more affordable to extended families.

Brian Nguyen, a resident of Buena Park, spoke in support of whole home rental, Option 2. He stated the difference between long term rentals and whole home STRs - owners of long term rentals are not on site and therefore unable to monitor problems; they cannot readily evict tenants (there is a process to the eviction), leaving neighbors to deal with the issues which, if left unresolved, will lower property values in the neighborhood; whole home STR hosts can easily evict problematic tenants; have an incentive to regularly upkeep their properties in order to ensure continuous flow of renters; and can monitor their short term rental property via video and noise monitoring devices

Cassandra Elliott pointed out that Option 3, referred to by Dr. Meshram, was not posted to the website. She said the required draft floor plan of the entire STR property, not just the rental unit, would pose privacy issues if it becomes public information when someone wants to pull a permit; spoke about her concerns about the City dictating the use of a garage; said the two-week notification timing to conduct an annual inspection is not enough time to ensure that the unit/s will be available for inspection as there could be renters at that time; explained her concerns about notification to neighbors within 300 ft. radius - that would “pit neighbors against neighbors,” said notification to adjacent neighbors would be sufficient; the requirement for guests to use the front entrance only is overreaching, the noise ordinance should take care of the matter; talked about the challenge it would pose to Code Enforcement officers when they receive a report about someone entering through the side door at 2:00 a.m. when it is difficult to determine if the person entering was a renter or a property owner; said the guest registration driver’s license requirement which hotels impose

is not fair if submitted to the City because of privacy rights; asked for the types of projects that require the 300 ft radius notification; referred to the Code Enforcement statistical analysis requested by a Planning Commissioner and said she noted that the case notes stopped in June; said she would like to know why and how an analysis can be conducted if the notes stopped in June.

Dennis Heroux said he has been a resident at 9201 Via Balboa Circle for over 40 years; discussed Option 2 – said it is bad enough that the City is drafting regulations for owner-occupied STRs, but absentee-owner STR rentals should not even be a consideration; said it does not help even if, as stated in a previous meeting, the owner is ten minutes away from the STR because a lot of things can happen in ten minutes – if the owner is out of town, on vacation, at a sporting event, or out to dinner, the neighbors will have to deal with the situation; by authorizing Option 2, the City will be allowing motel-type operations in residential areas, which is not what people had in mind when they purchased their homes in Buena Park. Mr. Heroux strongly urged the Planning Commission to strike out Option 2 in its entirety. He said he agrees that only the front entrance should be used during the quiet hours so as not to disturb the adjoining neighbors; emphasized that owners should reside in their STR properties – if someone wants to purchase a property with the sole purpose of renting it out with absentee owner, it should be a long term rental; people who buy homes in Buena Park do not expect to live next door to a motel type operation; said he did not think any of the Planning Commissioners would want to live in a neighborhood like that.

Nahiam Tahn, Hidalgo Street, Buena Park, CA 90621, said he is concerned that the proposed 300 ft. radius notification is an invasion of privacy and could result in undue discrimination; Fair Housing does not require this for long term rentals so why should this be required for short term rental – there should be a standard. He urged the Planning Commission to consider how the required monthly remittance of the Transient Occupancy Tax (TOT) will impact any short term rental that uses a platform – there is an option for short term rental hosts using the platform to add TOT on top of the normal fee and required rent; they should be able to utilize existing methods by short term rental platforms so the TOT can be easily collected using the platforms.

Danh Hong, 3521 W. Kent Avenue, Santa Ana, referred to the statement on the staff report that says, “Currently, STRs are not explicitly permitted by the Zoning Ordinance and are therefore prohibited,” and asked how a law that is not explicit or not clear can become a law. He noted the numerous Code Enforcement violations on some STR properties, some citations sent on a daily basis, and costing the owners huge amounts of money. He emphasized that STR owners are in the business because they need the money to pay their mortgage, medical bills, and other necessities. Mr. Hong also spoke about equal protection rights under the Fourteenth Amendment and the freedom of speech under the First Amendment.

Debra Leazenby thanked the Planning Commission and staff for all the effort and time they devoted to come up with the proposed ordinance which she described as reasonable. She said she is concerned about the proposed 300 ft. radius notification requirement; she is not building a hotel, why she should ask her neighbors' permission or notify them that she is renting out her home or a room in her house? Regarding the requirement that guests use the main entrance during quiet hours, she said that if the intent is to maintain silence during those hours, a sign saying “Please be mindful...” would suffice; guests should not be forced to use the main entrance only. She said she has been in the multifamily rental industry for 33 years and described herself as an expert in Fair Housing, have conducted training for 15

out of the last 20 years in Fair Housing; she is aware of what can and cannot be done, and stated that what is good for one is good for all. She asked for fairness, and said consistency is the buzz word in Fair Housing.

There being no one else wishing to speak on the matter, Vice Chair Chung asked if the Planning Commissioners had any comments/questions.

Commissioner Diep asked for clarification on the statement, on page 141 of the agenda packet, which states that, "Short-term rental host/authorized agent shall be responsible for informing their renters of all relevant City codes."

Dr. Meshram said that statement will be taken out.

Mr. Rosen added that there will possibly be clarification and/or revision on that statement.

Commissioner Diep recommended that the prohibition of fireworks, except on the 4th of July, be clearly stated in the house rules under the proposed ordinance.

Commissioner Diep explained, and Dr. Meshram confirmed, that the 300 ft. radius notification is required because the property will be used for business; that the notification is required for businesses that go through a Conditional Use Permit (CUP) process. Commissioner Diep added that there are certain projects that require a 500 ft. radius notification.

Dr. Meshram explained that other entitlements such as development agreements, or proposals for guest houses in single family homes require such notification; ADU proposals that do not meet the criteria for ministerial approval go through the CUP process which requires a 300 ft. radius notification.

Mr. Rosen said it is staff's perspective to require the 300 ft. radius notification on all STRs because of the fundamental change in land use.

Commissioner Diep asked who is responsible for sending out the 300 ft. radius notification on STRs.

Dr. Meshram said the City will prepare and disseminate the notification.

Commissioner Diep asked why the maximum number of occupancy was removed from the proposed ordinance. She said there is supposed to be some sort of formula based on number of rooms per approximate square footage, as in commercial properties or in hotels with maximum occupancy per room. She said she is concerned that without a maximum number of occupants, STRs could turn into rental party homes.

Dr. Meshram explained that the removal was prompted by feedback from the community.

Mr. Rosen clarified that the maximum number of people will be determined during the permit process when areas in the house will be identified as well as fire exits.

Commissioner Capelle commented that as in group home proposals, the 300 ft. radius notification is required to let the neighbors know about the change of use in the property. She said it would be beneficial for all to know the wordings in the proposed notification, such

as what the recipient of the notice is directed to do. Commissioner Capelle said it is understandable to require a driver's license from hotel guests and renters, with the info to be kept in strict confidence unless there is a reasonable basis to turn over the information. She said she would be interested to know at the next meeting what the City's intent is in wanting that information. On the requirement for guests to use the main entrance during quiet hours, Commissioner Capelle commented that it would be something she would expect of her house guests; however, although noise abatement is a fair one to address, she said she is not sure if such requirement will accomplish that.

Commissioner Diep discussed housing affordability and the housing crisis in California; the idea of converting single family homes, which are intended to be owner-occupied vs. multi-family homes which are typically rental homes; taking a whole home from a single-family home and converting it to a short term rental would remove that from the housing stock in Buena Park, meaning someone who wants to live in Buena Park on a long term basis may not be able to do so; looking at 1.34 million homes assigned to the region in Southern California, staff will have to find sites to locate at least a couple of thousand new housing units in the City; the housing stock that we have is finite, we need to look for more; the idea of owning a home and living in Buena Park on a long term basis is something that we have to consider in Option 2. Commissioner Diep commended staff on the tremendous job of working with the public to compile the information and recommending continuance to get more information and feedback. She said that at this point, she is leaning towards Option 1 but more information about Option 2 at the next meeting will be helpful.

Mr. Rosen said that staff is also concerned about the removal of long term housing from the housing stock. He said one suggestion was discussed in one of the past hearings to cap the number of total units in the City as a percentage of the existing housing stock; more information can be provided at the next meeting – the options may be a different percentage for wholehome rental vs owner-occupied or maybe no percentage for owner-occupied but with percentage on wholehome rental.

Commissioner Diep said she is interested in the second one – if you are supplementing your own income and living in it; turning the whole unit into STR is different providing someone with a single family unit large enough to rent on a long term basis vs someone who will rent to live/work/play in the City.

Mr. Lam said the Governor of the State of California signed a legislation overturning a lot of ADU ordinances; there is a provision that addresses the STR aspects of ADUs and gives the City the authority to prohibit them.

Vice Chair Chung advised that the item requires a Minute Action to approve continuance, as recommended by staff, to the Planning Commission meeting of November 13, 2019.

Commissioner Capelle moved, and Commissioner Diep seconded, the motion to continue this item to the Planning Commission meeting of November 13, 2019.

The MOTION CARRIED unanimously.

AYES: 5 COMMISSIONERS: Capelle, Diep, Chung, Desai, Schoales
NOES: 0 COMMISSIONER:
ABSENT: 2 COMMISSIONER: Barstow, McGuire
ABSTAIN: 0 COMMISSIONERS:

ORAL COMMUNICATIONS:

None

AGENDA FORECAST:

Mr. Woods said the continued item from tonight's meeting is the only item so far on the November 13, 2019 Planning Commission meeting agenda.

STAFF REPORTS:

Mr. Rosen and Dr. Meshram discussed the Meet on Beach (MOB) event happening on November 17, 2019, from 10:00 a.m. to 2:00 p.m. along Beach Blvd, beginning at Orange in Anaheim to La Palma in Buena Park. Mr. Rosen acknowledged the commendable job that Dr. Meshram, project manager, has undertaken on the Meet on Beach project.

COMMISSION REPORTS:

Commissioners Capelle and Desai thanked City Council and the City Manager for having given them the opportunity to participate in another educational conference - the Planning Officials Forum at the Nixon Library.

ADJOURNMENT: At 8:25 p.m., Vice Chair Chung adjourned to the Planning Commission meeting on Wednesday, November 13, 2019, in the City Council Chamber.

Jae Joon Chung
Vice Chair

ATTEST:

Joel W. Rosen, AICP
Secretary

CASE SUMMARY:

Case Number:	Text Amendment C19-2
Application Request:	Zoning Ordinance text amendment to Division 9 of Title 19 pertaining to short term rentals
Staff Recommendation:	Adopt resolution recommending approval to City Council
CEQA Compliance:	CEQA Exempt: Sections 15060 Subdivision (c)(2); Section 15061, subdivision (b)(3)
Public Notification:	Published and Posted: October 11, 2019
Presenter:	Swati Meshram, Senior Planner

AGENDA ITEM NUMBER: 2

MEETING DATE: November 13, 2019

PROPONENT: City of Buena Park
6650 Beach Boulevard
Buena Park, CA 90621

APPLICATION REQUEST: Amend BPMC Chapter 19 Zoning Ordinance regarding Short Term Rentals

RECOMMENDATION:

Staff recommends that the Planning Commission hold a public hearing, take public testimony on the proposal and adopt the attached Resolution recommending the City Council approve Zoning Text Amendment No. C19-2 with Option 1 limiting STRs to property owner’s primary home and does not allow whole home rentals or with Option 2 which allows for whole home rentals.

APPLICATION ANALYSIS:

Background:

Renting of residential units for a period of less than 30 days is known as short term (vacation) rentals (STRs). Short-term vacation rentals generally include the temporary rental of homes or portions of homes, condominiums, or apartments, typically brokered by third party on-line web sites such as Airbnb, VRBO, Home Away and other similar internet-based businesses. These internet-based businesses have expanded the opportunities world-wide for travelers to obtain short-term vacation lodging. Currently, STRs are not explicitly permitted by the Zoning Ordinance and are therefore prohibited.

The City contracted with an internet-based company (Host Compliance) to assist the City in identifying the location and number of STRs operating in the City. Host Compliance currently estimates there are approximately 80 STRs operating in the City. Since May 2018, when Code Enforcement staff began tracking STRs, staff has received complaints regarding nine properties. The complaints generally related to late night noise/activities, traffic, parking and trash.

On May 14, 2019, the City Council adopted a temporary moratorium via an Urgency Ordinance to further clarify the City's existing prohibition of STRs. On June 25, the Council extended the moratorium to August 13, 2019. On August 13, the Council extended the moratorium until May 14, 2020. Additionally, the Council directed staff to begin drafting regulations to permit STRs, while assuring appropriate controls to avoid negative impacts on nearby properties. Staff presented policy considerations to the City Council at a Study Session on July 9, 2019, and offered to seek community input during the process of ordinance formulation.

On August 28, 2019, the Planning Commission conducted a study session/ community workshop regarding this matter and reviewed a preliminary draft ordinance. Numerous comments regarding the preliminary draft ordinance were provided by the Planning Commission, and the public at the meeting and additional comments were sent by the public in the subsequent days. Staff reviewed in detail all the comments received and responded to those comments. A number of the comments were incorporated into the draft Ordinance and a public hearing was held on October 23, 2019, where further comments were received. Additional modifications were made to the Draft Ordinance which is now before the Planning Commission for consideration.

Proposal:

The proposed ordinance amends BPMC Chapter 19 Zoning Ordinance allowing and regulating short term rentals.

Discussion:

Based partly on comments received, as well as, additional research conducted by staff two draft ordinances (Option 1 and Option 2) have been prepared (Attachments 2 and 3). Draft ordinance Option 1 limits STRs to property owner's primary home and does not allow whole home rentals. At the request of the community staff has included a draft ordinance Option 2 which allows for whole home rentals. Key features of the draft ordinances include the following:

1. Three year permit requirements
2. In draft Ordinance Option No. 1 STRs must be hosted by the residential property owner and provide proof that the property is their primary residence. Draft Ordinance Option No. 2 allows for a person to own one STR in the City, rent the whole home and not own the property as their primary residence.
3. Operating regulations addressing occupancy, noise, parking, trash
4. Separation requirement of 300 ft.
5. Annual inspections for compliance with Building and Fire Codes, including pool and spa safety requirements.
6. Public notice prior to permit issuance, and upon issuance.
7. Payment of Transient Occupancy Taxes (TOT) at the same rate as hotels.
8. Permit revocation process

ENVIRONMENTAL ASSESSMENT:

The Resolution recommending approval of Zoning Text Amendment No. C19-2 is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, 14 California Code of Regulations, sections 15060, subdivision (c)(2) and (c)(3) on the basis that the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment and Section 15061, subdivision (b)(3), and 15301 because there is no possibility the activity in question may have a significant effect on the environment.

NOTIFICATION:

Notice of this hearing was provided as required by law.

Prepared by: Swati Meshram, PhD, AICP, Senior Planner
Approved by: Joel W. Rosen, AICP, Community Development Director
Presented by: Swati Meshram, PhD, AICP, Senior Planner

ATTACHMENTS:

1. Proposed Planning Commission Resolution: Recommending City Council Approval of Zoning Text Amendment No. C19-2
2. Proposed City Council Draft Ordinance Amending Title 19 of the Buena Park Municipal Code Option 1
3. Proposed City Council Draft Ordinance Amending Title 19 of the Buena Park Municipal Code Option 2

SRC19-2

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING TEXT AMENDMENT NO. C19-2 REGULATING SHORT-TERM RENTALS ON PROPERTIES ZONED FOR SINGLE-FAMILY RESIDENCES, ADOPTING TEXT AMENDMENT NO. C19-2 AND AMENDING THE BUENA PARK ZONING ORDINANCE.

A. Recitals

(i) On May 14, 2019, the City Council adopted Ordinance No. 1662, an urgency ordinance pursuant to California Government Code Section 65858 for the clarifying the existing prohibition on short-term rentals within the City.

(ii) On June 25, 2019, the City Council adopted Ordinance No.1664, to extend the moratorium to August 13, 2019 and directed staff to begin drafting regulations to permit short-term rentals within the City.

(iii) On July 9, 2019, the City Council conducted a Study Session to discuss policy considerations for regulating short-term rentals

(iv) On August 13, 2019, the City Council adopted Ordinance No. 1670 to extend the moratorium until May 14, 2020 to allow more time for the creation of regulations and amendment to the City's Zoning Code.

(v) On August 28, 2019, the Planning Commission conducted a study session/ community workshop to discuss first draft of the ordinance.

(vi) On October 23, 2019, the Planning Commission conducted a duly noticed public hearing, to consider the Text Amendment No. C19-2, and continued the item to November 13, 2019 Planning Commission meeting.

(vii) On November 13, 2019, the Planning Commission conducted a duly noticed public hearing, to consider the Text Amendment No. C19-2.

(viii) On _____, the City Council conducted a duly noticed public hearing, to consider the Text Amendment No.C19-2

(ix) All legal prerequisites to the adoption of this Ordinance have occurred.

B. Resolution

NOW, THEREFORE, the Planning Commission of the City of Buena Park does hereby, find, determine, and resolve as follows:

1. The Planning Commission hereby finds that the Recitals, Part A of this Resolution, are true and correct and incorporate them as part of the findings below.

2. The Planning Commission finds that Zoning Text Amendment No. C19-2 amending Chapter 19 Divisions 3 and 4 regulating short-term rentals is consistent with the goals and policies of the City of Buena Park General Plan.

3. The Planning Commission further finds that Zoning Text Amendment No. C19-2, as set forth in the draft City Council Ordinance attached hereto and incorporated by reference herein, will accommodate transient use in residential districts, and will promote and protect the public health, safety, welfare, and quality of life.

4. The Planning Commission finds that Zoning Text Amendment No. C19-2 provides appropriate procedures and standards to promote sound land use and development practices within the City, without having a detrimental effect upon land available for housing within the City.

5. The Planning Commission finds that this Zoning Text Amendment No. C19-2 is statutorily exempt from California Environmental Quality Act review pursuant to sections 15060(c)(2), 15060(c)(3), 15061(b)(3), and 15301 of the State CEQA guidelines, because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, because it involves operation, permitting, licensing, and/or leasing of existing private structures or facilities involving negligible or no expansion of existing or former use, because there is no possibility that it may have a significant effect on the environment, because it is not a project, as defined in section 15378 of the CEQA guidelines, of the Public Resources Code, of the California Code of Regulations.

6. The Planning Commission finds that facts supporting findings 1 through 5, above, are contained in the record of the October 23, 2019 Planning Commission meeting and public hearing, including the staff report, materials, public testimony, and information provided to the Planning Commission.

7. The Planning Commission hereby recommends that the City Council of the City of Buena Park adopt the attached draft Ordinance Option ____ approving Zoning Text Amendment No. C19-2.

8. The Secretary of this Commission shall:

a. Certify to the adoption of this Resolution.

b. Transmit a copy of this Resolution to the City Council of the City of Buena Park together with the record prepared with respect to these proceedings including the attached ordinance approving proposed Zoning Text Amendment No. C19-2. This Resolution shall go into effect immediately upon its adoption.

PASSED AND ADOPTED this 13th day of November 2019, by the following called vote:

AYES: COMMISSIONER:

NOES: COMMISSIONER:

ABSENT: COMMISSIONER:

ABSTAINED: COMMISSIONER:

Larry Barstow
Chair

ATTESTED:

Joel W. Rosen, AICP
Secretary

OPTION 1

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, REGULATING SHORT-TERM RENTALS ON PROPERTIES ZONED FOR SINGLE-FAMILY RESIDENCES, ADOPTING TEXT AMENDMENT NO. C19-2 AND AMENDING THE BUENA PARK ZONING ORDINANCE.

A. Recitals.

(i) The City of Buena Park, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California.

(ii) It is the City Council's intent in adopting this Ordinance to implement new development standards that are reasonably designed to regulate short-term rental units within the City limits, to the extent required and permissible by law.

(iii) The City Council hereby finds that unregulated transient occupancy uses in residential and nonresidential districts present a threat to the public welfare relating to compatibility with residential uses and preservation of the character of the neighborhoods in which they are located.

(iv) The City Council hereby finds that regulated short-term rentals allow residents to earn extra income thereby making their housing more affordable.

(v) The City Council hereby finds that the adoption of a comprehensive ordinance regulating the issuance of and operating conditions attached to short-term rental permits is necessary to protect the public health, safety and welfare. The purpose of this ordinance is to provide a permit system and to impose operational requirements to minimize the potential adverse impacts of transient uses in residential neighborhoods and zoning districts on traffic, noise, and density to ensure the health, safety and welfare of renters and guests patronizing short-term rentals; and to impose reasonable limitations in order to ensure the long term availability of housing stock in compliance with the Housing Element of the City's General Plan.

(vi) The City Council hereby finds that provision of this ordinance which allows only residents to host guests in their home while they reside on-site, prevents permanent long-term housing from being converted into short-term rentals operated for commercial interest.

(vii) The City Council hereby finds that the provisions of this ordinance which allow only homeowners to operate a short-term rental is necessary to eliminate investor/corporate owned and operated short term rentals, to maintain the residential integrity and adverse impacts from commercialization of City's neighborhoods.

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(viii) The City Council hereby finds that the provisions of this section which impose restrictions on commercial speech, pursuant to the restrictions on advertisements set forth in this section, are necessary in order to advance the City's legitimate interest in preventing rental activity that violates this Code, and in regulating fraudulent, misleading, or deceptive advertising. These restrictions on advertising are necessary in order to prevent advertisers from engaging in unlawful rental activity and from misleading the general public to think that a particular property in the City is available for transient occupancy if, in fact, the advertised property is not authorized to be used for transient occupancy purposes in accordance with this section.

(ix) The City Council hereby finds that the City's regulation of short-term rental uses in accordance with this section is a valid exercise of the City's police power in furtherance of the legitimate governmental interests documented in this section.

(x) On May 14, 2019 the City Council adopted Ordinance No. 1662, an urgency ordinance pursuant to California Government Code Section 65858 for the clarifying the existing prohibition on short-term rentals within the City.

(xi) On June 25, the City Council adopted Ordinance No. 1664, to extend the moratorium to August 13, 2019 and directed staff to begin drafting regulations to permit short-term rentals within the City.

(xii) On July 9, 2019 the City Council conducted a Study Session to discuss policy considerations for regulating short-term rentals

(xiii) On August 13, 2019 the City Council adopted Ordinance No.1670, to extend the moratorium until May 14, 2020 to allow more time for the creation of regulations and amendment to the City's Zoning Code.

(xiv) On August 28, 2019 the Planning Commission conducted a study session/ community workshop to discuss first draft of the ordinance.

(xv) On October 23, 2019, the Planning Commission conducted a duly noticed public hearing, to consider the Text Amendment No. C19-2.

(xvi) On November 13, 2019, the Planning Commission conducted a duly noticed public hearing, to consider the Text Amendment No. C19-2.

(xvii) On _____, the City Council conducted a duly noticed public hearing, to consider the Text Amendment No. C19-2.

(xviii) All legal prerequisites to the adoption of this Ordinance have occurred.

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B. Ordinance.

NOW, THEREFORE, the City Council hereby ordains as follows:

SECTION 1. The City Council finds that the facts set forth in the Recitals, Part A, of this Ordinance are true and correct.

SECTION 2. Section 19.348 Special Requirements for Certain Uses of Title 19 of the Buena Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strikethrough~~):

19.348.080 RESIDENTIAL SHORT-TERM RENTALS

A. Scope, purpose and findings.

The purposes of this section are to:

1. Document the procedures and regulations that govern the application for, and the issuance and implementation of, permits for the operation of any residential short-term rental use within the City.
2. Establish that transient occupancy uses are not permitted or conditionally permitted in residential or nonresidential zoning districts, unless either: (i) the City has approved a hotel use in a nonresidential zoning district pursuant to Title 19, or (ii) the City has approved a short-term rental permit pursuant to this section.

B. Definitions.

"Advertise" means any communication that induces or encourages any person to rent for transient occupancy purposes, or that provides information (to any person) that promotes the availability to rent for transient occupancy purposes, any building in the City.

"Applicant" means any person, who seeks approval of a short-term rental permit under the authority of this section.

"Authorized agent" means the person specifically authorized by a short-term rental host in lieu of themselves as the 24-hour emergency contact for a lawfully operating short term rental.

"Bedroom" means a room within a dwelling unit, other than a kitchen, living room or dining room, which could be used for sleeping purposes, is provided with natural light and natural ventilation, and is separated by a door or archway from the rest of the dwelling unit. "Code" means the Buena Park Municipal Code

"Director" means the Director of the Community Development, or designee. "Enforcement officer" means the Director, Building Official, Fire Marshall, City Code Enforcement Officer, or any other City employee designated by the Director or City Manager to enforce this section.

"Guest" means an invitee of a renter or other person visiting a renter of a short-term rental unit who is not listed on the rental agreement.

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"Host" means a person or persons holding fee title to the real property that is the subject of a short-term rental permit and to whom the short-term permit is issued.

"Owner" means a person or persons, not a corporation or a limited liability company, holding fee title to the real property.

"Renter" means a person or persons, not a host, who have lawfully obtained the exclusive use and possession of the short-term rental property or portion thereof from its host or authorized agent.

"Resides" means legal residence, also referred to as primary residence of a property owner, as reflected in title records, as evidenced by homeowner's exemption, voter registration, vehicle registration, or similar means.

"Sign" shall have the same meaning as the term used in Title 19 Division 9 of this Code.

"Transient occupancy" shall have the same meaning as the term is used in Chapter 3.16 of this Code.

"Short-term rental" means the renting of any portion of any structure or residential dwelling unit for a period of not less than 12 hours and for a maximum of 29 consecutive days to a particular occupant.. A short -term rental shall not be considered as a hotel, extended stay hotel, motel or corporate apartment.

"Short-term rental unit" means the structure or residential dwelling unit in which the short-term rental use is permitted to operate, pursuant to a permit issued in accordance with this section.

C. Short-term rental permit application.

No short-term rental may operate without a permit as required by this Section 19.348 of the Buena Park Municipal Code.

1. The Director shall accept written applications for short-term rental permits in accordance with this section. The Director shall make a decision and provide that decision in writing within six (6) weeks of the date of receipt of a complete application.
2. Each application for a short-term rental permit shall be on a City provided form and shall include the following information and documentation, signed by the host, and otherwise in a form acceptable to the Director:
 - a. Location of real property where a short-term rental use is proposed.
 - b. Identity of the host(s) of the real property on which the short-term rental is proposed (include the name, mailing address, email address, and 24- hour telephone number). Identity of the authorized agent on behalf of the host (include the name, mailing address, email address, and telephone number)

- c. Provide adequate documentation such as driver's license, voter registration, vehicle registration, utility bills or property tax records showing name of the host(s) and the short-term rental property address that establishes the host resides at the short-term rental unit as their primary residence.
- d. A sketch of the floor plan, which identifies sleeping areas, proposed maximum number of guests, evacuation route(s), location of fire extinguisher(s), and approximate square footage in the vacation rental unit.
- e. The maximum number of vehicles allowed for overnight occupants, including host's vehicles and location of designated on-site parking spaces. All required garage spaces will be used for storage of operable vehicles.
- f. Written acknowledgement and agreement that the owner(s) have read and agree(s) to all regulations pertaining to the operation of a short-term rental, including this section, the City's business license requirements (Title 5.00 of this Code), the City's transient occupancy tax requirements (Chapter 3.16 of this Code), and any additional administrative regulations promulgated by the Director to implement this section.
- g. Copy of the standard rental agreement to be used by the short-term rental host, including 'house rules', and any associated materials as required by Section E. 5 of this section. Written acknowledgement and agreement that claims, requests, objections and arguments not set forth in the short-term rental permit application, prior to the final decision on the permit, are and shall be deemed waived to the maximum extent permitted by law.
- h. Written agreement that any and all use of the property for short-term rental/transient occupancy purposes shall cease upon the expiration or revocation of the short-term rental permit.
- i. Written agreement to hold harmless, indemnify and defend the City, its elected officials, officers, employees, contractors, volunteers, and agents, against any and all claims and liabilities arising out of, or related to the issuance of the short-term rental permit, to the maximum extent permitted by law.
- j. Declaration under penalty of perjury that the information submitted is accurate and truthful, and that the applicant agrees to comply with all conditions of the permit and this section.
- k. Payment of the application and processing fee established by City Council resolution based on the City's estimated reasonable costs to process and review the application materials, and to mail notice to property owners within three hundred feet.
- l. Previous active or expired short-term rental permits on the property.
- m. Letter of No Objection from the Home Owner's Association (if applicable)

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- n. Any other information that the Director deems reasonably necessary to administer this section.
3. Applications shall not be considered complete until all documentation required under this section has been submitted, and until the full application and permit fees have been paid. Incomplete applications will not be processed.

D. Decision on application.

The Director shall process and evaluate permit applications pursuant to this section.

1. If the Director determines that an applicant has failed to satisfy the application requirements of subsection C. of this Section, the Director shall provide written notice to the applicant that the application has been denied and the basis for the denial.
2. Director will mail notice of applicant's request to property owners within 300 feet of the subject property. The Director will consider any written comments received within ten (10) days of the mail of the notice, in his or her decision on the application.
3. Property line of the property that is the subject of the permit application shall not be within 300 feet of the nearest property line of any other short-term rental (approved or conditionally approved by the Director pursuant to this section).
4. If the Director determines supplemental evidence at a public hearing is warranted in order to determine whether an applicant will adequately mitigate potential adverse impacts to the public health, safety, or welfare due to substantial concerns raised by neighbors, or to evaluate the impacts of a concentration of uses, under Section D.3 above, the Director shall notice a public hearing of the Planning Commission. The Planning Commission is authorized to deny, approve, or conditionally approve the permit in accordance with the criteria set forth in this section, particularly paragraph C of this section. The Planning Commission's decision shall be final.
5. If the Director determines that an applicant has satisfied the application requirements of subsection C. of this Section, and that the applicant has borne the burden of proving that the applicant will adequately mitigate potential adverse impacts on the public health, safety, and welfare, the Director shall provide written notice to the applicant that the short-term rental permit is approved or conditionally approved, subject to compliance with the conditions identified by the Director in the notice. The conditional short-term rental permit shall be effective upon receipt of the applicant's written agreement to comply with all permit conditions set forth in the notice, and all requirements of this section and such date shall be set forth in the permit.
6. Upon the Director's receipt of the signed agreement, the Director shall provide written notice to all property owners within 300 feet of the conditional or otherwise, approval of the short-term rental permit, which shall include the following:

- a. A concise summary of the terms of the permit, including: (i) the maximum number of occupants permitted to stay in the short-term rental unit; (ii) any special conditions or restrictions applied to the short-term rental permit; and (iii) how to obtain a complete copy of the permit and this section.
- b. The City's Code Enforcement telephone number at which members of the public may report violations of this section, the short-term rental permit, and any permit conditions.

E. Conditions applicable to permits.

Each short-term rental permit issued pursuant to this section shall be subject to all of the following requirements:

1. Short term rentals are permitted in single family residential dwelling unit only. Use of portions of a unit for 'day-use' for portions of a day shall not be permitted.
2. The host is required to reside on the property on which the short-term rental is located. Further, a sleeping area must, at a minimum, include shared use of a full bathroom.
3. The host shall comply with all requirements of and be subject to the Business License Fees (Title 5.00 of this Code) and the Transient Occupancy Tax (TOT) (Chapter 3.16 of this Code) for the short-term rental use. The TOT may be remitted by the hosting platform on behalf of the host. The host shall have the duty and liability to ensure timely remittance of the TOT to the City in compliance with Chapter 3.16 of this Code.
4. The host shall permit the Enforcement Officer to conduct an annual inspection of the short-term rental premises to confirm compliance with this section. The City shall notify the permittee of the scheduled inspections at least 2 (two) weeks in advance.
 - a. The property address shall be visible from the street and in contrasting colors for quick identification by emergency responders.
 - b. Smoke detectors shall be installed per the California Building Code.
 - c. No double keyed dead bolts may be installed on exit doors.
 - d. A fully charged, portable fire extinguisher shall be provided in an easily accessible and clearly designated area.
 - e. Exit doors may not be obstructed and/or prohibited from fully opening.
 - f. Clearance from ignition sources such as luminaries, heaters and flame-producing devices shall be maintained in an approved manner.
 - g. Hot ashes or coals shall be disposed in a metal container with a tight-fitting lid and kept a minimum of 10 feet from any structures.

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- h. Wood burning fire pits are not allowed.
- i. No electrical wiring may be exposed or open in any outlet, switch or junction
- j. The electrical breaker box shall be labeled for distribution to appliances and may not contain any open slots.
- k. There shall be no unpermitted improvements or modifications to the home or garage.
- l. An informational packet of emergency numbers shall be prepared for renters to direct them in the event of an emergency.
- m. Each bedroom that is a part of the short-term rental use shall have an emergency escape or rescue exit plan posted.
- n. All swimming pools and spas must meet 2 of the 7 safety features listed below, as defined in Article 2.5 of the State of California Health and Safety Code.
 - (1) An enclosure that meets the requirements of California Health and Safety Code Section 115923 and isolates the swimming pool or spa from the private single-family home.
 - (2) Removable mesh fencing that meets American Society for Testing and Materials (ASTM) Specifications F2286 standards in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.
 - (3) An approved safety pool cover, as defined in subdivision (d) of California Health and Safety Code Section 115921.
 - (4) Exit alarms on the private single-family home's doors that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that "the door to the pool is open."
 - (5) A self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor on the private single-family home's doors providing direct access to the swimming pool or spa.
 - (6) An alarm that, when placed in a swimming pool or spa, will sound upon detection of accidental or unauthorized entrance into the water. The alarm shall meet and be independently certified to the ASTM Standard F2208 "Standard Safety Specification for Residential Pool Alarms," which includes surface motion, pressure, sonar, laser, and infrared type alarms. A swimming protection alarm feature designed for individual use, including an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water, is not a qualifying drowning prevention safety feature.

(7) Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the features set forth above and has been independently verified by an approved testing laboratory as meeting standards for those features established by the ASTM or the American Society of Mechanical Engineers (ASME).

5. Short term rental host shall be responsible for informing their renters of the 'house rules'. Such rules shall, at a minimum, include rules as explained in this paragraph. As part of the application for rental, the prospective renter shall sign an agreement acknowledging the house rules and promising to comply with the following:
 - a. A copy of the house rules, and the short-term rental permit shall be posted in a prominent location inside the short-term rental unit.
 - b. The permittee shall provide access to the garage of the residence if that area has been included in the determination of the number of available on-site spaces for renters.
 - c. It is the intent of the City to enforce all applicable provisions of State law related to the provision for emergency vehicle access. Accordingly, no limousine or bus parking, and no stopping without the driver's presence, shall be allowed in any manner that would interfere with emergency vehicle access. In the event of an emergency, the vehicle driver shall immediately move the vehicle from the emergency access area.
 - d. Renter and/or guests of the short-term rental unit shall maintain the property free of debris both on-site and in the street. Trash cans shall be maintained in a clean and sanitary manner in conformance with this Code. Trash cans shall not be placed on the street prior to 24 hours before pick up day and shall be promptly removed from the street following service.
 - e. Quiet times shall be from 10:00 p.m. to 7:00 a.m. Renter and guest entrance or exit into the house shall be from front door during quiet hours.
 - f. The renters and/or guests of the short-term rental shall not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any State law pertaining to noise or disorderly conduct. Further, the permittee shall contact the Police Department in the event renters or guests fail to comply with this subsection.
 - g. No short-term rental unit may be used for any wedding, auction, commercial function, or other similar event that is inconsistent with residential uses permitted by this Code.
 - h. Pets may be permitted by the short-term rental business host, provided the pet is attended to at all times and has current vaccinations.
 - i. Discharge of fireworks is prohibited except on the 4th of July, between the hours of ten a.m. and ten p.m.

- j. Maximum occupancy permitted within the active short term rental permit.
6. No person shall advertise the use of a building in a residential or nonresidential zoning district of the City for a transient occupancy use unless: (a) the use is a hotel use in a nonresidential zoning district approved by the City pursuant to Title 19; or (b) there is a current City issued short-term rental permit for the property. All advertisement for short-term rentals must include the City issued short-term rental permit number.
7. There shall be no signs or other structures except those permitted for a dwelling use in the zone.
8. Pools and hot tubs shall have the hours of operation clearly posted adjacent to the facility. Hours shall comply with the hours set forth in Section E.5. e.
9. Lighting on premises shall be directed, controlled, screened, or shaded in such a manner as not to shine directly on surrounding premises. Lighting on premises shall be controlled so as to prevent glare on driveways, walkways, and public thoroughfares. The use of unshaded clear bulbs in exterior lighting is prohibited.
10. A short-term rental shall not operate on a property where an accessory dwelling unit exists. A short-term rental permit shall become void upon approval of an accessory dwelling unit on a property.
11. Structures not built for habitable use such as but not limited to tents, trailers, tree houses, garage, storage shed; or temporary structures such as recreational vehicles shall not be used for short-term rentals or to satisfy the host occupant requirement of this section.
12. A host shall maintain liability insurance of not less than \$1,000,000 to cover each short-term rental unless such short-term rental is offered through a hosting platform that maintains equal or greater coverage.
13. Maximum occupancy of a residential unit with an active short term rental permit shall be limited to 2 (two) adults per bedroom and 2 (two) additional adults for the entire unit.
14. All short-term rental hosts must maintain a detailed and accurate record of their guest information pertaining to hosting dates, and financial documentation, and make this information available to relevant authorities upon request. Hosts must keep this record for five years and may be audited to ensure tax compliance.
15. For each short-term rental use:
 - a. The host or the authorized agent must be available to the Enforcement Officer and the renter, by telephone 24 hours per day, 7 days per week when the short-term rental is rented.

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- b. The host or authorized agent must be on the premises of the short-term rental unit within one hour of being notified (by a renter, or by the Director or Enforcement Officer) that there is a need for the host or the authorized agent to address an issue of permit compliance or the health, safety, or welfare of the public or the renter.
16. Only one short-term rental permit within the City, per individual shall be in effect at any time.

F. Restrictions on permit transfer.

Each short-term rental permit issued in accordance with this section shall be personal to the host to whom the permit is issued, and no person shall transfer, or attempt to transfer, the permit to any other person, unless the transfer is made in accordance with this section. Any attempt to transfer a short-term rental permit, or use a transferred short-term rental permit, that is not transferred in accordance with this section shall be void, and shall constitute a violation of this Code.

1. A short-term rental permit shall not be transferred by any person.
2. If the residence is sold to a new owner, the permit is void and the new owner will need to apply for a new short-term rental permit in their own name.
3. If the permit requires a name change due to a partial change in ownership, the new owner(s) can be added or removed from the permit by written notice to the Director. The written notice must include the reason for the change, documentation partial change in ownership, such as marriage certificate, divorce decree etc., the name(s) and contact information to be removed and the name(s) and contact information to be added. All parties on the current permit and any new parties, must sign and the document must be notarized.

G. Permit renewal and annual review.

1. Unless revoked by the Director earlier pursuant to this Section, a permit to operate a short-term rental expires three (3) years after the date of its issuance.
2. A host shall apply for renewal prior to the expiration of the permit on a form provided by the Director no later than thirty (30) days prior to its expiration. The host shall update the information contained in the original permit application required per this Section, if any information has changed. The host shall sign a statement affirming that there is either no change in the information contained on the original permit application and any subsequent renewal applications, or that any information that has been updated is accurate and complete.
3. An application for permit renewal received after the expiration of the current permit shall be treated as an application for a new permit set forth in this Section.

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4. The Director shall follow the procedures set forth in this article when determining whether to renew a permit.
5. Upon expiration of any short-term rental permit, it shall be of no further force, validity or effect, and use of the property for transient occupancy purposes shall cease.
6. An annual inspection shall be conducted. The host shall submit to the Director the annual inspection fee along with all of the information set forth in this section.
 - a. The host shall pay the annual inspection fee established by City Council resolution based on the City's estimated reasonable costs to perform the annual inspections identified in this section.
 - b. The host shall comply with the requirements of Section E.
 - c. The host shall document compliance with all requirements of the Business License Ordinance (Title 5.00 of this Code).
 - d. The host shall provide evidence of compliance with all requirements of the Transient Occupancy Tax Ordinance (Chapter 3.16 of this Code), as may be required by the Director. The host shall also document each date on which the short-term rental was rented during the previous term of the permit (if applicable).

H. Director's action following annual inspection.

Following an annual permit inspection:

1. If the Director determines that the host is in compliance with all requirements of this section and the permit, the Director shall provide written notice to the host and authorized agent that the inspection passed.
2. If the Director determines that the host has failed to comply with this section or the permit conditions, the Director shall provide written notice of the inspection failure, listing what defects were found. The host shall be allowed to remedy any defect as identified by the Director, by submitting proof of remedy within 30 days. If the permittee does not submit proof of remedy within 30 days, subsection J of this Section shall be followed.

I. Permit modification, suspension, or revocation.

1. At any time during the term of a short-term rental permit, the Director may modify, suspend, or revoke the short-term rental permit (or pursue any other remedy set forth in Title 1 of this Code), if the Director makes any of the following findings:
 - a. a short-term rental use is detrimental to the public health, safety, or welfare; or
 - b. the host has provided false or misleading information in connection with any submittal required under this section or this Code; or

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- c. the host is in violation of, or has failed to comply with, any requirements of this section, the permit terms and conditions, this Code, or any state or federal law; or
 - d. if the host has not rented the short-term rental for a minimum of 10 total days within any 12 month period.
2. In the event the Director finds any of the above findings and orders the modification, suspension, or revocation of a short-term rental permit (whichever the case may be), the Director shall provide written notice to the permittee of his or her decision by certified mail to the name and address listed on the permit.

J. Violation and penalties.

1. It shall be unlawful for any person to violate any provision or fail to comply with any requirement of this section. Any person who violates any provision of this section, or fails to comply with any obligation or requirement of this section, or who fails to comply with any order or notice issued pursuant to the provisions of this section, is guilty of a misdemeanor offense punishable in accordance with Chapter 1.04 of this Code. Nothing in this section shall prevent the city attorney or city prosecutor from prosecuting a violation of this chapter as an infraction, at his or her discretion, as set forth in Chapter 1.04 of this Code.
2. Each violation of this section shall be a separate offense for each and every day, or part thereof, during which a violation of this section, or of any law or regulation referenced herein, is allowed, committed, continued, maintained or permitted by such person, and shall be punishable accordingly.
3. In addition to the remedies set forth in this section, any person who violates any provision of this section, or fails to comply with any obligation or requirement of this section, or who fails to comply with any order or notice issued pursuant to the provisions of this section, is subject to any and all civil and administrative penalties and remedies authorized under Chapter 1.04 of this Code.
4. Public Nuisance. In addition to the penalties provided by this section, any condition or activity caused or permitted to exist in violation of any provision, restriction, or requirement of this section or any notice, order, or permit issued pursuant to this section, shall be deemed a public nuisance and may be summarily abated by the city by any and all means (civil, administrative, and/or equitable) as provided by law or in equity.

K. Appeals.

Any determination made by the Director pursuant to this section shall be final unless appealed pursuant to the requirements of this section.

1. Any decision by the Director to approve, conditionally approve, or deny a permit application, or to modify, suspend, or revoke a permit, or to impose any penalty or undertake any enforcement action permitted herein, may be appealed only to the Planning Commission. A written appeal must be received by the Director within ten (10) business days of the date the appealed decision was rendered or action was taken.

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Upon receipt of an appeal within ten (10) working days, the Director will schedule a public hearing before the Planning Commission. The Planning Commission may affirm, reverse, or conditionally reverse the Director's decision and the Planning Commission's decision shall be final.

2. Failure to file an appeal within ten (10) business days of the date the appealed decision was rendered, or action was taken shall constitute a waiver of the appeal and a failure to exhaust administrative remedies, and shall preclude any and all relief and claims arising in connection with the determination by the Director pursuant to this section.

SECTION 3. Table 19.312.010 Uses Permitted – Single-Family Residential Zones of Chapter 19.312 of Title 19 of the Buena Park Municipal Code is hereby amended to read as follows (addition in underline and deletion in ~~strike through~~):

Table 19.312.010					
USES PERMITTED—SINGLE-FAMILY RESIDENTIAL ZONES					
Uses	Residential Zones				
	RS-16	RS-10	RS-8	RS-6	PD (14)
Residential Uses					
<u>Single-Family Dwellings:</u>					
• Site-built.	P	P	P	P	C
• Manufactured.	P	P	P	P	
• Single-family cluster. (15)				C	C
• Transitional/supportive housing.	P	P	P	P	C
<u>Community Residential Care:</u>					
• Small group care home.	P	P	P	P	P
• Other community residential care facility.	C	C	C	C	
<u>Residential Accessory Uses:</u>					
• Accessory dwelling units. (1)	P	P	P	P	P
• Guesthouse.	C	C	C	C	C
• Home occupation. (2)	P	P	P	P	P
• <u>Short-term rental.</u> (19)	!	!	!	!	!
• Animal keeping. (3)	P	P	P	P	P
• Swimming pool, therapeutic pool, recreational structure.	P	P	P	P	P

Table 19.312.010					
USES PERMITTED—SINGLE-FAMILY RESIDENTIAL ZONES					
Uses	Residential Zones				
	RS-16	RS-10	RS-8	RS-6	PD (14)
• Clubhouse, meeting room, game room, gymnasium, sauna, health center (private use only).	(note 4)	(note 4)	(note 4)	(note 4)	(note 4)
• Parking, within garage.	P	P	P	P	P
• Parking, under carport.	(note 5)	(note 5)	(note 5)	(note 5)	(note 5)
• Parking, uncovered.	(note 5)	(note 5)	(note 5)	(note 5)	(note 5)
• Yard sale. (6)	P	P	P	P	P
Public Service Uses					
<u>Community Day Care:</u>					
• Small group child day care home (1-14 children). (17)	I	I	I	I	I
• Small group adult day care home (1-6 adults).	I	I	I	I	I
• Child day care center. (7)		Ci		Ci	Ci
• Adult day care center. (7)		Ci		Ci	Ci
<u>Public Assembly:</u> (See also Recreation)					
• Church. (8), (9)				C	
• Emergency shelter. (18)				I	
<u>Education:</u>					
• Educational institution. (9)		C	C	C	
<u>Recreation: (see also Division 5, Commercial Uses - Commercial Recreation.)</u>					
• Public park, public playground, public recreational area, public landscaped open space, public-owned historical site or feature.		P	P	P	P
• Community recreation center.				P	C
<u>Utilities and Communications (16):</u>					
• Aviation navigational aids.		C	C	C	C
• Public utility facilities or structures,	C	C	C	C	

Table 19.312.010					
USES PERMITTED—SINGLE-FAMILY RESIDENTIAL ZONES					
Uses	Residential Zones				
	RS-16	RS-10	RS-8	RS-6	PD (14)
including electrical substations and cellular telephone facilities.					
<u>Transportation:</u>					
• Parking lot.		C	C	C	C
Agricultural Uses					
• Horticultural production, plant nursery (no sales), keeping of livestock. (10)				P	
• Horticultural production, plant nursery (with sales). (11)				C	
Temporary Uses					
• On-site construction facilities. (12)	P	P	P	P	P
• On-site real estate sales office. (13)	P	P	P	P	P

Notes:

- 1 Special requirements apply for accessory dwelling units. See Section 19.348.010.
- 2 Special requirements apply for home occupations. See Section 19.348.030.
- 3 Special requirements apply for animal keeping. See Section 19.348.050.
- 4 Permitted as an incidental use for a single-family cluster housing development. See Section 19.348.020.
- 5 In the RS zones, carports and uncovered parking are permitted for parking spaces which are in addition to the required garage spaces.

- 6 Special requirements apply for yard sales. See Section 19.348.040.
- 7 Permitted with a conditional use permit as an incidental use provided that sufficient parking and circulation can be provided on the property and the hours of operation for the incidental use will not conflict with the primary use.
- 8 In all residential zones in which churches are permitted, such churches shall be located on and oriented to a major, primary, or secondary highway as defined and designated in the Buena Park General Plan.
- 9 Bingo games shall be permitted as an accessory use only when authorized under Chapter 5.16 et seq., and only when fire and safety regulations are met and parking facilities are fully conforming to the requirements for public assembly use.
- 10 Applies to A Overlay Zone only. See Section 19.312.040.
- 11 Special requirements apply for agricultural uses. See Section 19.348.060.
- 12 Offices, storage, activities, and facilities directly pertaining to construction for a permitted use on the same site provided construction is not suspended for more than 30 consecutive days.
- 13 Temporary real estate sales office, only for sales or leasing of new subdivision and for not more than 1 year.
- 14 Permitted uses and intensity of use in the PD zone shall be determined in a public hearing subject to the provisions.
- 15 Special requirements apply for single-family cluster developments. See Section 19.348.020.
- 16 See Division 12 of Zoning Ordinance.
- 17 All applicants shall comply with the State Health and Safety Code with regard to the maximum number of children that may be supervised at any one time based on applicable standards and criteria. In no case, shall the total number of children supervised at any one time at any residence exceed 14.
- 18 Special requirements apply for emergency shelters. See Section 19.348.070.
19. Special requirements apply for short-term rentals. See Section 19.348.080

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SECTION 4. Table 19.412.010 Uses Permitted – Multi-Family Residential Zones of Chapter 19.412 of Title 19 of the Buena Park Municipal Code is hereby amended to read as follows (addition in underline and deletion in ~~strike through~~):

Table 19.412.010				
USES PERMITTED—MULTIFAMILY RESIDENTIAL ZONES				
Uses	Residential Zones			
	RMH	RM-10	RM-20	PD (12)
Residential Uses				
<u>Single-Family Dwellings:</u>				
• Site-built.		P	P	C
• Manufactured.		P	P	
• Single-family cluster. (13)		C	C	C
<u>Multifamily Dwellings: (1)</u>				
• Multifamily apartments.		P	P	C
• Transitional/supportive housing.		P	P	C
• Condominium, stock cooperative, community apartments. (2)		C	C	C
<u>Mobilehome Park: (3)</u>				
• Undivided ownership.	P			
• Condominium or planned unit development ownership.	C			C
<u>Group Quarters:</u>				
• Convent, rectory, roominghouse, dormitory, fraternity or sorority house, etc.		C	C	

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Table 19.412.010				
USES PERMITTED—MULTIFAMILY RESIDENTIAL ZONES				
Uses	Residential Zones			
	RMH	RM-10	RM-20	PD (12)
<u>Transient Quarters:</u> (See Division 5, Commercial Uses—Tourist Services.)				
<u>Community Residential Care:</u>				
• Small group care home.		P	P	P
• Other community residential care facility.		C	C	
<u>Residential Accessory Uses:</u>				
• Accessory dwelling unit. (17)		P	P	P
• Guesthouse.				
• Home occupation. (4)	P	P	P	P
• <u>Short-term rental. (18)</u>	I	I	I	I
• Animal keeping. (5)	P	P	P	P
• Swimming pool, therapeutic pool, recreational structure.	P	P	P	P
• Clubhouse, meeting room, game room, gymnasium, sauna, health center (private use only).	I	I	I	C
• Rental management office, storage room.	I	I	I	I
• Parking, within garage.	P	P	P	P
• Parking, under carport.	P	P	P	P
• Parking, uncovered.	P	P	P	P
• Yard sale. (6)	P	P	P	P
Public Service Uses				
<u>Community Day Care:</u>				

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Table 19.412.010				
USES PERMITTED—MULTIFAMILY RESIDENTIAL ZONES				
Uses	Residential Zones			
	RMH	RM-10	RM-20	PD (12)
• Small group child day care home (1-14 children). (15)		P	P	P
• Small group adult day care home (1-6 adults).		P	P	P
• Child day care center. (7)		Ci	Ci	Ci
• Adult day care center. (7)		Ci	Ci	Ci
<u>Health Facilities:</u>				
• Long-term care (intermediate care or skilled nursing).		C	C	
<u>Public Assembly:</u> (See also Recreation.)				
• Church. (8), (9)		C	C	
• Emergency shelter. (16)		I	I	
<u>Education:</u>				
• Educational institution. (9)		C	C	
<u>Recreation:</u>				
• Public park, public playground, public recreational area, public landscaped open space, public-owned historical site or feature.		P	P	P
• Community recreation center.		P	P	C
<u>Utilities and Communications:</u> (14)				
• Aviation navigational aids.	C	C	C	C
• Public utility facilities or structures, including electrical substations and cellular telephone facilities.	C	C	C	

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Table 19.412.010				
USES PERMITTED—MULTIFAMILY RESIDENTIAL ZONES				
Uses	Residential Zones			
	RMH	RM-10	RM-20	PD (12)
<u>Transportation:</u>				
• Parking lot.		C	C	C
• Parking structure.		C	C	C
Temporary Uses				
• On-site construction facilities. (10)	P	P	P	P
• On-site real estate sales office. (11)	P	P	P	P

Notes:

- 1 See also “Architectural Design Guidelines for Multifamily Low and Medium Density Residential Developments” in a separate document adopted by Resolution # 8934.
- 2 Special requirements apply. See Section 19.448.030.
- 3 Special requirements apply for mobile home parks. See Section 19.448.020.
- 4 Special requirements apply for home occupations. See Section 19.448.040.
- 5 Special requirements apply for animal keeping. See Section 19.448.060.
- 6 Special requirements apply for yard sales. See Section 19.448.050.
- 7 Permitted with a conditional use permit as an incidental use provided that sufficient parking and circulation can be provided on the property and the hours of operation for the incidental use will not conflict with the primary use.
- 8 In all residential zones in which churches are permitted, such churches shall be located on and oriented to major, primary, or secondary highway as defined and as designated in the Buena Park General Plan.
- 9 Bingo games shall be permitted as an accessory use only when authorized under Chapter 5.16 et seq., and only when fire and safety regulations are met and parking facilities are fully conforming to the requirements for public assembly use.

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- 10 Offices, storage, activities, and facilities directly pertaining to construction for a permitted use on the same site provided construction is not suspended for more than 30 consecutive days.
- 11 Temporary real estate sales office, only for sales or leasing of new subdivision, and for not more than 1 year.
- 12 Permitted uses and intensity of use in the PD zone shall be determined in a public hearing, subject to the provisions of the General Plan for the individual area designated as Planned Development.
- 13 Special requirements apply for single family cluster developments. See Section 19.448.035.
- 14 See Division 12 of Zoning Ordinance.
- 15 All applicants shall comply with the State Health and Safety Code with regard to the maximum number of children that may be supervised at any 1 time based on applicable standards and criteria. In no case, shall the total number of children supervised at any 1 time at any residence exceed 14.
- 16 Special requirements apply for emergency shelters. See Section 19.448.070.
- 17 As an accessory to single family dwelling. Special requirements apply for accessory dwelling units. See Section 19.348.010.
- 18 As incidental to a single family dwelling only. Special requirements apply for short-term rental units. See Section 19.448.080.

SECTION 5. Section 19.448 Special Requirements for Certain Uses of Title 19 of the Buena Park Municipal Code is hereby amended to read as follows:

19.448.080 RESIDENTIAL SHORT-TERM RENTALS

Refer to Section 19.348.080 of Title 19. of the Buena Park Municipal Code.

SECTION 6. The City Council hereby finds that this Zoning Text Amendment No. C19-2 is statutorily exempt from California Environmental Quality Act review pursuant to sections 15060(c)(2), 15060(c)(3), 15061(b)(3), and 15301 of the State CEQA guidelines, because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, because it involves operation, permitting, licensing, and/or leasing of existing private structures or facilities involving negligible or no expansion of existing or former use, because there is no possibility that it may have a significant effect on the environment, because it is not a project, as defined in section 15378 of the CEQA guidelines, of the Public Resources Code, of the California Code of Regulations.

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SECTION 7. Severability. The City Council declares that, should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Ordinance shall remain in full force and effect.

SECTION 8. The City Clerk shall certify to the adoption of this Ordinance.

PASSED, APPROVED and ADOPTED this ___ day of _____ 2019.

MAYOR

I, Adria M. Jimenez, City Clerk of the City of Buena Park, do hereby certify that the foregoing Ordinance was introduced and passed at a regular meeting of the City Council of the City of Buena Park held on the ___ day of _____ 2019, by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAINED:	COUNCILMEMBERS:

ATTEST: _____
City Clerk

OPTION 2

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, REGULATING SHORT-TERM RENTALS ON PROPERTIES ZONED FOR SINGLE-FAMILY RESIDENCES, ADOPTING TEXT AMENDMENT NO. C19-2 AND AMENDING THE BUENA PARK ZONING ORDINANCE.

A. Recitals.

(i) The City of Buena Park, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California.

(ii) It is the City Council's intent in adopting this Ordinance to implement new development standards that are reasonably designed to regulate short-term rental units within the City limits, to the extent required and permissible by law.

(iii) The City Council hereby finds that unregulated transient occupancy uses in residential and nonresidential districts present a threat to the public welfare relating to compatibility with residential uses and preservation of the character of the neighborhoods in which they are located.

(iv) The City Council hereby finds that regulated short-term rentals allow residents to earn extra income thereby making their housing more affordable.

(v) The City Council hereby finds that the adoption of a comprehensive ordinance regulating the issuance of and operating conditions attached to short-term rental permits is necessary to protect the public health, safety and welfare. The purpose of this ordinance is to provide a permit system and to impose operational requirements to minimize the potential adverse impacts of transient uses in residential neighborhoods and zoning districts on traffic, noise, and density to ensure the health, safety and welfare of renters and guests patronizing short-term rentals; and to impose reasonable limitations in order to ensure the long term availability of housing stock in compliance with the Housing Element of the City's General Plan.

(vi) The City Council hereby finds that the provisions of this ordinance which allow only homeowners to operate a short-term rental is necessary to eliminate investor/corporate owned and operated short term rentals, to maintain the residential integrity and adverse impacts from commercialization of City's neighborhoods.

(vii) The City Council hereby finds that the provisions of this section which impose restrictions on commercial speech, pursuant to the restrictions on advertisements set forth in this section, are necessary in order to advance the City's legitimate interest in preventing rental activity that violates this Code, and in regulating fraudulent, misleading, or deceptive advertising. These restrictions on advertising are necessary in order to prevent advertisers from engaging in unlawful rental activity and from misleading the

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general public to think that a particular property in the City is available for transient occupancy if, in fact, the advertised property is not authorized to be used for transient occupancy purposes in accordance with this section.

(viii) The City Council hereby finds that the City's regulation of short-term rental uses in accordance with this section is a valid exercise of the City's police power in furtherance of the legitimate governmental interests documented in this section.

(ix) On May 14, 2019 the City Council adopted Ordinance No. 1662, an urgency ordinance pursuant to California Government Code Section 65858 for the clarifying the existing prohibition on short-term rentals within the City.

(x) On June 25, the City Council adopted Ordinance No. 1664. to extend the moratorium to August 13, 2019 and directed staff to begin drafting regulations to permit short-term rentals within the City.

(xi) On July 9, 2019 the City Council conducted a Study Session to discuss policy considerations for regulating short-term rentals

(xii) On August 13, 2019 the City Council adopted Ordinance No. 1670 to extend the moratorium until May 14, 2020 to allow more time for the creation of regulations and amendment to the City's Zoning Code.

(xiii) On August 28, 2019 the Planning Commission conducted a study session/ community workshop to discuss first draft of the ordinance.

(xiv) October 23, 2019, the Planning Commission conducted a duly noticed public hearing, to consider the Text Amendment No. C19-2.

(xv) On November 13, 2019, the Planning Commission conducted a duly noticed public hearing, to consider the Text Amendment No. C19-2.

(xvi) On _____, the City Council conducted a duly noticed public hearing, to consider the Text Amendment No. C19-2.

(xvii) All legal prerequisites to the adoption of this Ordinance have occurred.

B. Ordinance.

NOW, THEREFORE, the City Council hereby ordains as follows:

SECTION 1. The City Council finds that the facts set forth in the Recitals, Part A, of this Ordinance are true and correct.

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SECTION 2. Section 19.348 Special Requirements for Certain Uses of Title 19 of the Buena Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strike through~~):

19.348.080 RESIDENTIAL SHORT-TERM RENTALS

A. Scope, purpose and findings.

The purposes of this section are to:

1. Document the procedures and regulations that govern the application for, and the issuance and implementation of, permits for the operation of any residential short-term rental use within the City.
2. Establish that transient occupancy uses are not permitted or conditionally permitted in residential or nonresidential zoning districts, unless either: (i) the City has approved a hotel use in a nonresidential zoning district pursuant to Title 19, or (ii) the City has approved a short-term rental permit pursuant to this section.

B. Definitions.

"Advertise" means any communication that induces or encourages any person to rent for transient occupancy purposes, or that provides information (to any person) that promotes the availability to rent for transient occupancy purposes, any building in the City.

"Applicant" means any person, who seeks or seeks approval of a short-term rental permit under the authority of this section.

"Authorized agent" means the person specifically authorized by a short-term rental host or operator in lieu of themselves as the 24-hour emergency contact for a lawfully operating short term rental.

"Bedroom" means a room within a dwelling unit, other than a kitchen, living room or dining room, which could be used for sleeping purposes, is provided with natural light and natural ventilation, and is separated by a door or archway from the rest of the dwelling unit. "Code" means the Buena Park Municipal Code

"Director" means the Director of the Community Development, or designee. "Enforcement officer" means the Director, Building Official, Fire Marshall, City Code Enforcement Officer, or any other City employee designated by the Director or City Manager to enforce this section.

"Guest" means an invitee of a renter or other person visiting a renter of a short-term rental unit who is not listed on the rental agreement.

"Host" means a person or persons holding fee title to the real property that is the subject of a short-term rental permit and to whom the short-term permit is issued.

"Owner" means a person or persons, not a corporation or a limited liability company holding fee title to the real property.

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"Renter" means a person or persons, not a host, who have lawfully obtained the exclusive use and possession of the short-term rental property or portion thereof from its host or authorized agent.

"Resides" means legal residence, also referred to as primary residence, as reflected in title records, as evidenced by homeowner's exemption, voter registration, vehicle registration, or similar means.

"Sign" shall have the same meaning as the term used in Title 19 Division 9 of this Code.

"Transient occupancy" shall have the same meaning as the term is used in Chapter 3.16 of this Code.

"Short-term rental" means the renting of any portion of any structure or residential dwelling unit for a period of not less than 12 hours and for a maximum of 29 consecutive days to a particular occupant. A short-term rental shall not be considered as a hotel, extended stay hotel, motel or corporate apartment.

"Short-term rental unit" means the structure or residential dwelling unit in which the short-term rental use is permitted to operate, pursuant to a permit issued in accordance with this section.

C. Short-term rental permit application.

No short-term rental may operate without a permit as required by this Section 19.348 of the Buena Park Municipal Code.

1. The Director shall accept written applications for short-term rental permits in accordance with this section. The Director shall make a decision and provide that decision in writing within six (6) weeks of the date of receipt of a complete application.
2. Each application for a short-term rental permit shall be on a City provided form and shall include the following information and documentation, signed by the host, and otherwise in a form acceptable to the Director:
 - a. Location of real property where a short-term rental use is proposed.
 - b. Identity of host (s), including the name, mailing address, email address, and 24-hour telephone number. Identity of the authorized agent on behalf of the host (include the name, mailing address, email address, and 24-hour telephone number).
 - c. Provide adequate documentation such as driver's license, voter registration, vehicle registration, utility bills or property tax records showing name of the host(s) and the short-term rental property address that establishes the host resides at the short-term rental unit as their primary residence for Type 1 (as defined in Subsection E.1.a of this Section) Short-term rental permit application.

- d. A sketch of the floor plan, which identifies sleeping areas, proposed maximum number of guests, evacuation route(s), location of fire extinguisher(s), and approximate square footage in the vacation rental unit.
- e. The maximum number of vehicles allowed for overnight occupants, including host's vehicles for Type 1 short-term rental application, and location of designated on-site parking spaces. All required garage spaces will be used for storage of operable vehicles.
- f. Written acknowledgement and agreement that the owner(s) have read and agree(s) to all regulations pertaining to the operation of a short-term rental, including this section, the City's business license requirements (Title 5.00 of this Code), the City's transient occupancy tax requirements (Chapter 3.16 of this Code), and any additional administrative regulations promulgated by the Director to implement this section.
- g. Copy of the standard rental agreement to be used by the short-term rental host, including 'house rules', and any associated materials as required by Section E. 4. of this section. Written acknowledgement and agreement that claims, requests, objections and arguments not set forth in the short-term rental permit application, prior to the final decision on the permit, are and shall be deemed waived to the maximum extent permitted by law.
- h. Written agreement that any and all use of the property for short-term rental/transient occupancy purposes shall cease upon the expiration or revocation of the short-term rental permit.
- i. Written agreement to hold harmless, indemnify and defend the City, its elected officials, officers, employees, contractors, volunteers, and agents, against any and all claims and liabilities arising out of, or related to the issuance of the short-term rental permit, to the maximum extent permitted by law.
- j. Declaration under penalty of perjury that the information submitted is accurate and truthful, and that the applicant agrees to comply with all conditions of the permit and this section.
- k. Payment of the application and processing fee established by City Council resolution based on the City's estimated reasonable costs to process and review the application materials, and to mail notice to property owners within three hundred feet.
- l. Previous active or expired short-term rental permits on the property.
- m. Letter of No Objection from the Home Owner's Association (if applicable).
- n. Any other information that the Director deems reasonably necessary to administer this section.

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3. Applications shall not be considered complete until all documentation required under this section has been submitted, and until the full application and permit fees have been paid. Incomplete applications will not be processed.

D. Decision on application.

The Director shall process and evaluate permit applications pursuant to this section.

1. If the Director determines that an applicant has failed to satisfy the application requirements of subsection C. of this Section, the Director shall provide written notice to the applicant that the application has been denied and the basis for the denial.
2. Director will mail notice of applicant's request to property owners within 300 feet of the subject property. The Director will consider any written comments received within ten (10) days of the mail of the notice, in his or her decision on the application.
3. Property line of the property that is the subject of the permit application shall not be within 300 feet of the nearest property line of any other short-term rental (approved or conditionally approved by the Director pursuant to this section).
4. If the Director determines supplemental evidence at a public hearing is warranted in order to determine whether an applicant will adequately mitigate potential adverse impacts to the public health, safety, or welfare due to substantial concerns raised by neighbors, or to evaluate the impacts of a concentration of uses, under Section D.3. above, the Director shall notice a public hearing of the Planning Commission. The Planning Commission is authorized to deny, approve, or conditionally approve the permit in accordance with the criteria set forth in this section, particularly paragraph C of this section. The Planning Commission's decision shall be final.
5. If the Director determines that an applicant has satisfied the application requirements of subsection C. of this Section, and that the applicant has borne the burden of proving that the applicant will adequately mitigate potential adverse impacts on the public health, safety, and welfare, the Director shall provide written notice to the applicant that the short-term rental permit is approved or conditionally approved, subject to compliance with the conditions identified by the Director in the notice. The conditional short-term rental permit shall be effective upon receipt of the applicant's written agreement to comply with all permit conditions set forth in the notice, and all requirements of this section and such date shall be set forth in the permit.
6. Upon the Director's receipt of the signed agreement, the Director shall provide written notice to all property owners within 300 feet of the conditional or otherwise, approval of the short-term rental permit, which shall include the following:
 - a. A concise summary of the terms of the permit, including: (i) the maximum number of occupants permitted to stay in the short-term rental unit; (ii) any special conditions or restrictions applied to the short-term rental permit; and (iii) how to obtain a complete copy of the permit and this section.

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- b. The City's Code Enforcement telephone number at which members of the public may report violations of this section, the short-term rental permit, and any permit conditions.

E. Conditions applicable to permits.

Each short-term rental permit issued pursuant to this section shall be subject to all of the following requirements:

1. Short term rentals are permitted in single family residential dwelling unit only. Use for portions of a day shall not be permitted.
2. Two types of short-term rentals are permitted:
 - a. Short Term Rental (Type 1) Regulations: This subsection applies to a short-term rental use that is rented for periods of less than 29 consecutive days; and host resides in the unit. A short-term rental use under this section may include the rental of less than an entire dwelling unit, if the following conditions are met:
 - (i) A sleeping area must, at a minimum, include the shared use of a full bathroom;
 - b. Short Term Rental (Type 2) Regulations. This subsection applies to a short-term rental that is rented for periods of less than 29 consecutive days: and is not a primary residence of the host. Type 2 short term rentals shall not exceed 1% of the total number of city-wide single-family homes (not including accessory dwelling units). A short-term rental use under this section may not:
 - (i) include the rental of less than an entire dwelling unit;
 - (ii) have more than one rental agreement in effect at any time.
 - (iii) have a rental agreement for less than two consecutive nights
3. The host shall comply with all requirements of and be subject to the Business License Fees (Title 5.00 of this Code) and the Transient Occupancy Tax (TOT) (Chapter 3.16 of this Code) for the short-term rental use. The TOT may be remitted by the hosting platform on behalf of the host. The host shall have the duty and liability to ensure timely remittance of the TOT to the City in compliance with Chapter 3.16 of this Code.
4. The host shall permit the Enforcement Officer to conduct an annual inspection of the short-term rental premises to confirm compliance with this section. The City shall notify the permittee of the scheduled inspections at least 2 (two) weeks in advance.
 - a. The property address shall be visible from the street and in contrasting colors for quick identification by emergency responders.
 - b. Smoke detectors shall be installed per the California Building Code.

- c. No double keyed dead bolts may be installed on exit doors.
- d. A fully charged, portable fire extinguisher shall be provided in an easily accessible and clearly designated area.
- e. Exit doors may not be obstructed and/or prohibited from fully opening.
- f. Clearance from ignition sources such as luminaries, heaters and flame-producing devices shall be maintained in an approved manner.
- g. Hot ashes or coals shall be disposed in a metal container with a tight-fitting lid and kept a minimum of 10 feet from any structures.
- h. Wood burning fire pits are not allowed.
- i. No electrical wiring may be exposed or open in any outlet, switch or junction
- j. The electrical breaker box shall be labeled for distribution to appliances and may not contain any open slots.
- k. There shall be no unpermitted improvements or modifications to the home or garage.
- l. An informational packet of emergency numbers shall be prepared for renters to direct them in the event of an emergency.
- m. Each bedroom that is a part of the short-term rental use shall have an emergency escape or rescue exit plan posted.
- n. All swimming pools and spas must meet
- o. 2 of the 7 safety features listed below, as defined in Article 2.5 of the State of California Health and Safety Code.
 - (1) An enclosure that meets the requirements of California Health and Safety Code Section 115923 and isolates the swimming pool or spa from the private single-family home.
 - (2) Removable mesh fencing that meets American Society for Testing and Materials (ASTM) Specifications F2286 standards in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.
 - (3) An approved safety pool cover, as defined in subdivision (d) of California Health and Safety Code Section 115921.
 - (4) Exit alarms on the private single-family home's doors that provide direct access to the swimming pool or spa. The exit alarm may cause

either an alarm noise or a verbal warning, such as a repeating notification that "the door to the pool is open."

(5) A self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor on the private single-family home's doors providing direct access to the swimming pool or spa.

(6) An alarm that, when placed in a swimming pool or spa, will sound upon detection of accidental or unauthorized entrance into the water. The alarm shall meet and be independently certified to the ASTM Standard F2208 "Standard Safety Specification for Residential Pool Alarms," which includes surface motion, pressure, sonar, laser, and infrared type alarms. A swimming protection alarm feature designed for individual use, including an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water, is not a qualifying drowning prevention safety feature.

(7) Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the features set forth above and has been independently verified by an approved testing laboratory as meeting standards for those features established by the ASTM or the American Society of Mechanical Engineers (ASME).

5. Short term rental host shall be responsible for informing their renters of the 'house rules'. Such rules shall, at a minimum, include rules as explained in this paragraph. As part of the application for rental, the prospective renter shall sign an agreement acknowledging the house rules and promising to comply with the following:
 - a. A copy of the house rules, and the short-term rental permit shall be posted in a prominent location inside the short-term rental unit.
 - b. The host shall provide access to the garage of the residence if that area has been included in the determination of the number of available on-site spaces for renters
 - c. It is the intent of the City to enforce all applicable provisions of State law related to the provision for emergency vehicle access. Accordingly, no limousine or bus parking, and no stopping without the driver's presence, shall be allowed in any manner that would interfere with emergency vehicle access. In the event of an emergency, the vehicle driver shall immediately move the vehicle from the emergency access area.
 - d. Renter and/or guests of the short-term rental unit shall maintain the property free of debris both on-site and in the street. Trash cans shall be maintained in a clean and sanitary manner in conformance with this Code. Trash cans shall not be placed on the street prior to 24 hours before pick up day and shall be promptly removed from the street following service.

- e. Quiet times shall be from 10:00 p.m. to 7:00 a.m. Renter and guest entrance or exit into the house shall be from front door during quiet hours.
 - f. The renters and/or guests of the short-term rental shall not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any State law pertaining to noise or disorderly conduct. Further, the host/ authorized agent shall contact the Police Department in the event renters or guests fail to comply with this subsection.
 - g. No short-term rental unit may be used for any wedding, auction, commercial function, or other similar event that is inconsistent with residential uses permitted by this Code.
 - h. Pets may be permitted by the short-term rental business host, provided the pet is attended to at all times and has current vaccinations.
 - i. Discharge of fireworks is prohibited except on the 4th of July of each year, between the hours of ten a.m. and ten p.m.
 - j. Maximum occupancy permitted within the active short-term rental permit
6. No person shall advertise the use of a building in a residential or nonresidential zoning district of the City for a transient occupancy use unless: (a) the use is a hotel use in a nonresidential zoning district approved by the City pursuant to Title 19; or (b) there is a current City issued short-term rental permit for the property. All advertisement for short-term rentals must include the City issued short-term rental permit number.
 7. There shall be no signs or other structures except those permitted for a dwelling use in the zone.
 8. Pools and hot tubs shall have the hours of operation clearly posted adjacent to the facility. Hours shall comply with the hours set forth in Section E.5. e.
 9. Lighting on premises shall be directed, controlled, screened, or shaded in such a manner as not to shine directly on surrounding premises. Lighting on premises shall be controlled so as to prevent glare on driveways, walkways, and public thoroughfares. The use of unshaded clear bulbs in exterior lighting is prohibited.
 10. A short-term rental shall not operate on a property where an accessory dwelling unit exists. A short-term rental permit shall become void upon approval of an accessory dwelling unit on a property.
 11. Structures not built for habitable use such as but not limited to tents, trailers, tree houses, garage, storage shed; or temporary structures such as recreational vehicles shall not be used for short-term rentals or to satisfy the host occupant requirement of this section.

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12. A host shall maintain liability insurance of not less than \$1,000,000 to cover each short-term rental unless such short-term rental is offered through a hosting platform that maintains equal or greater coverage.
13. Maximum occupancy of a residential unit with an active short term rental permit shall be limited to 2 (two) adults per bedroom and 2 (two) additional adults for the entire unit.
14. All short-term rental hosts must maintain a detailed and accurate record of their guest information, pertaining to hosting dates and financial documentation, and make this information available to relevant authorities upon request. Hosts must keep this record for five years and may be audited to ensure tax compliance.
15. For each short-term rental use:
 - a. The host/ authorized agent must be available to the Enforcement Officer and the renter, by telephone 24 hours per day, 7 days per week when the short-term rental is rented.
 - b. The host/ authorized agent must be on the premises of the short-term rental unit within one hour of being notified (by a renter, or by the Director or Enforcement Officer) that there is a need for the host or the authorized agent to address an issue of permit compliance or the health, safety, or welfare of the public or the renter.
16. Only one short-term rental permit within the City, per individual shall be in effect at any time.

F. Restrictions on permit transfer.

Each short-term rental permit issued in accordance with this section shall be personal to the host to whom the permit is issued, and no person shall transfer, or attempt to transfer, the permit to any other person, unless the transfer is made in accordance with this section. Any attempt to transfer a short-term rental permit, or use a transferred short-term rental permit, that is not transferred in accordance with this section shall be void, and shall constitute a violation of this Code.

1. A short-term rental permit shall not be transferred by any person.
2. If the residence is sold to a new owner, the permit is void and the new owner will need to apply for a new short-term rental permit in their own name.
3. If the permit requires a name change due to a partial change in ownership, the new owner(s) can be added or removed from the permit by written notice to the Director. The written notice must include the reason for the change, documentation partial change in ownership, such as marriage certificate, divorce decree etc., the name(s) and contact information to be removed and the name(s) and contact information to be added. All parties on the current permit and any new parties, must sign and the document must be notarized. Under special circumstances due to vacation, illness or

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other family matters the Director may approve the use of an authorized agent to act on behalf of the host.

G. Permit renewal and annual review.

1. Unless revoked by the Director earlier pursuant to this Section, a permit to operate a short-term rental expires three (3) years after the date of its issuance.
2. A host shall apply for renewal prior to the expiration of the permit on a form provided by the Director no later than thirty (30) days prior to its expiration. The host shall update the information contained in the original permit application required per this Section, if any information has changed. The host shall sign a statement affirming that there is either no change in the information contained on the original permit application and any subsequent renewal applications, or that any information that has been updated is accurate and complete.
3. An application for permit renewal received after the expiration of the current permit shall be treated as an application for a new permit set forth in this Section.
4. The Director shall follow the procedures set forth in this article when determining whether to renew a permit.
5. Upon expiration of any short-term rental permit, it shall be of no further force, validity or effect, and use of the property for transient occupancy purposes shall cease.
6. An annual inspection shall be conducted. The host shall submit to the Director the annual inspection fee along with all of the information set forth in this section.
 - a. The host shall pay the annual inspection fee established by City Council resolution based on the City's estimated reasonable costs to perform the annual inspections identified in this section.
 - b. The host shall comply with the requirements of Section E.
 - c. The host shall document compliance with all requirements of the Business License Ordinance (Title 5.00 of this Code).
 - d. The host shall provide evidence of compliance with all requirements of the Transient Occupancy Tax Ordinance (Chapter 3.16 of this Code), as may be required by the Director. The host shall also document each date on which the short-term rental was rented during the previous term of the permit (if applicable).

H. Director's action following annual inspection.

Following an annual permit inspection:

1. If the Director determines that the host is in compliance with all requirements of this section and the permit, the Director shall provide written notice to the host and authorized agent that the inspection passed.

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2. If the Director determines that the host has failed to comply with this section or the permit conditions, the Director shall provide written notice of the inspection failure, listing what defects were found. The host shall be allowed to remedy any defect as identified by the Director, by submitting proof of remedy within 30 days. If the host does not submit proof of remedy within 30 days, subsection J of this Section shall be followed.

I. Permit modification, suspension, or revocation.

1. At any time during the term of a short-term rental permit, the Director may modify, suspend, or revoke the short-term rental permit (or pursue any other remedy set forth in Title 1 of this Code), if the Director makes any of the following findings:

- a. a short-term rental use is detrimental to the public health, safety, or welfare; or
- b. the host has provided false or misleading information in connection with any submittal required under this section or this Code; or
- c. the host is in violation of, or has failed to comply with, any requirements of this section, the permit terms and conditions, this Code, or any state or federal law; or
- d. if the host has not rented the short-term rental for a minimum of 10 total days within any 12 month period.

2. In the event the Director finds any of the above findings and orders the modification, suspension, or revocation of a short-term rental permit (whichever the case may be), the Director shall provide written notice to the host of his or her decision by certified mail to the name and address listed on the permit.

J. Violation and penalties.

1. It shall be unlawful for any person to violate any provision or fail to comply with any requirement of this section. Any person who violates any provision of this section, or fails to comply with any obligation or requirement of this section, or who fails to comply with any order or notice issued pursuant to the provisions of this section, is guilty of a misdemeanor offense punishable in accordance with Chapter 1.04 of this Code. Nothing in this section shall prevent the city attorney or city prosecutor from prosecuting a violation of this chapter as an infraction, at his or her discretion, as set forth in Chapter 1.04 of this Code.
2. Each violation of this section shall be a separate offense for each and every day, or part thereof, during which a violation of this section, or of any law or regulation referenced herein, is allowed, committed, continued, maintained or permitted by such person, and shall be punishable accordingly.
3. In addition to the remedies set forth in this section, any person who violates any provision of this section, or fails to comply with any obligation or requirement of this section, or who fails to comply with any order or notice issued pursuant to the provisions of this section, is subject to any and all civil and administrative penalties and remedies authorized under Chapter 1.04 of this Code.

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4. **Public Nuisance.** In addition to the penalties provided by this section, any condition or activity caused or permitted to exist in violation of any provision, restriction, or requirement of this section or any notice, order, or permit issued pursuant to this section, shall be deemed a public nuisance and may be summarily abated by the city by any and all means (civil, administrative, and/or equitable) as provided by law or in equity.

K. Appeals.

Any determination made by the Director pursuant to this section shall be final unless appealed pursuant to the requirements of this section.

1. Any decision by the Director to approve, conditionally approve, or deny a permit application, or to modify, suspend, or revoke a permit, or to impose any penalty or undertake any enforcement action permitted herein, may be appealed only to the Planning Commission. A written appeal must be received by the Director within ten (10) business days of the date the appealed decision was rendered or action was taken. Upon receipt of an appeal within ten (10) working days, the Director will schedule a public hearing before the Planning Commission. The Planning Commission may affirm, reverse, or conditionally reverse the Director's decision and the Planning Commission's decision shall be final.
2. Failure to file an appeal within ten (10) business days of the date the appealed decision was rendered, or action was taken shall constitute a waiver of the appeal and a failure to exhaust administrative remedies, and shall preclude any and all relief and claims arising in connection with the determination by the Director pursuant to this section.

SECTION 3. Table 19.312.010 Uses Permitted – Single-Family Residential Zones of Chapter 19.312 of Title 19 of the Buena Park Municipal Code is hereby amended to read as follows (addition in underline and deletion in ~~striketrough~~):

Table 19.312.010					
USES PERMITTED—SINGLE-FAMILY RESIDENTIAL ZONES					
Uses	Residential Zones				
	RS-16	RS-10	RS-8	RS-6	PD (14)
Residential Uses					
<u>Single-Family Dwellings:</u>					
• Site-built.	P	P	P	P	C
• Manufactured.	P	P	P	P	
• Single-family cluster. (15)				C	C
• Transitional/supportive housing.	P	P	P	P	C

Table 19.312.010					
USES PERMITTED—SINGLE-FAMILY RESIDENTIAL ZONES					
Uses	Residential Zones				
	RS-16	RS-10	RS-8	RS-6	PD (14)
Community Residential Care:					
• Small group care home.	P	P	P	P	P
• Other community residential care facility.	C	C	C	C	
Residential Accessory Uses:					
• Accessory dwelling units. (1)	P	P	P	P	P
• Guesthouse.	C	C	C	C	C
• Home occupation. (2)	P	P	P	P	P
• <u>Short-term rental.</u> (19)	I	I	I	I	I
• Animal keeping. (3)	P	P	P	P	P
• Swimming pool, therapeutic pool, recreational structure.	P	P	P	P	P
• Clubhouse, meeting room, game room, gymnasium, sauna, health center (private use only).	(note 4)	(note 4)	(note 4)	(note 4)	(note 4)
• Parking, within garage.	P	P	P	P	P
• Parking, under carport.	(note 5)	(note 5)	(note 5)	(note 5)	(note 5)
• Parking, uncovered.	(note 5)	(note 5)	(note 5)	(note 5)	(note 5)
• Yard sale. (6)	P	P	P	P	P
Public Service Uses					
Community Day Care:					
• Small group child day care home (1-14 children). (17)	I	I	I	I	I
• Small group adult day care home (1-6 adults).	I	I	I	I	I
• Child day care center. (7)		Ci		Ci	Ci
• Adult day care center. (7)		Ci		Ci	Ci
Public Assembly: (See also Recreation)					
• Church. (8), (9)				C	
• Emergency shelter. (18)				I	

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Table 19.312.010					
USES PERMITTED—SINGLE-FAMILY RESIDENTIAL ZONES					
Uses	Residential Zones				
	RS-16	RS-10	RS-8	RS-6	PD (14)
<u>Education:</u>					
• Educational institution. (9)		C	C	C	
<u>Recreation: (see also Division 5, Commercial Uses - Commercial Recreation.)</u>					
• Public park, public playground, public recreational area, public landscaped open space, public-owned historical site or feature.		P	P	P	P
• Community recreation center.				P	C
<u>Utilities and Communications (16):</u>					
• Aviation navigational aids.		C	C	C	C
• Public utility facilities or structures, including electrical substations and cellular telephone facilities.	C	C	C	C	
<u>Transportation:</u>					
• Parking lot.		C	C	C	C
Agricultural Uses					
• Horticultural production, plant nursery (no sales), keeping of livestock. (10)				P	
• Horticultural production, plant nursery (with sales). (11)				C	
Temporary Uses					
• On-site construction facilities. (12)	P	P	P	P	P
• On-site real estate sales office. (13)	P	P	P	P	P

Notes:

- 1 Special requirements apply for ~~second~~ accessory dwelling units. See Section 19.348.010.
- 2 Special requirements apply for home occupations. See Section 19.348.030.
- 3 Special requirements apply for animal keeping. See Section 19.348.050.
- 4 Permitted as an incidental use for a single-family cluster housing development. See Section 19.348.020.
- 5 In the RS zones, carports and uncovered parking are permitted for parking spaces which are in addition to the required garage spaces.
- 6 Special requirements apply for yard sales. See Section 19.348.040.
- 7 Permitted with a conditional use permit as an incidental use provided that sufficient parking and circulation can be provided on the property and the hours of operation for the incidental use will not conflict with the primary use.
- 8 In all residential zones in which churches are permitted, such churches shall be located on and oriented to a major, primary, or secondary highway as defined and designated in the Buena Park General Plan.
- 9 Bingo games shall be permitted as an accessory use only when authorized under Chapter 5.16 et seq., and only when fire and safety regulations are met and parking facilities are fully conforming to the requirements for public assembly use.
- 10 Applies to A Overlay Zone only. See Section 19.312.040.
- 11 Special requirements apply for agricultural uses. See Section 19.348.060.
- 12 Offices, storage, activities, and facilities directly pertaining to construction for a permitted use on the same site provided construction is not suspended for more than 30 consecutive days.
- 13 Temporary real estate sales office, only for sales or leasing of new subdivision and for not more than 1 year.
- 14 Permitted uses and intensity of use in the PD zone shall be determined in a public hearing subject to the provisions.

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- 15 Special requirements apply for single-family cluster developments. See Section 19.348.020.
- 16 See Division 12 of Zoning Ordinance.
- 17 All applicants shall comply with the State Health and Safety Code with regard to the maximum number of children that may be supervised at any one time based on applicable standards and criteria. In no case, shall the total number of children supervised at any one time at any residence exceed 14.
- 18 Special requirements apply for emergency shelters. See Section 19.348.070.
19. Special requirements apply for short-term rentals. See Section 19.348.080

SECTION 4. Table 19.412.010 Uses Permitted – Multi-Family Residential Zones of Chapter 19.412 of Title 19 of the Buena Park Municipal Code is hereby amended to read as follows (addition in underline and deletion in ~~strikethrough~~):

Table 19.412.010				
USES PERMITTED—MULTIFAMILY RESIDENTIAL ZONES				
Uses	Residential Zones			
	RMH	RM-10	RM-20	PD (12)
Residential Uses				
<u>Single-Family Dwellings:</u>				
• Site-built.		P	P	C
• Manufactured.		P	P	
• Single-family cluster. (13)		C	C	C
<u>Multifamily Dwellings: (1)</u>				
• Multifamily apartments.		P	P	C
• Transitional/supportive housing.		P	P	C
• Condominium, stock cooperative, community apartments. (2)		C	C	C
<u>Mobilehome Park: (3)</u>				

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Table 19.412.010				
USES PERMITTED—MULTIFAMILY RESIDENTIAL ZONES				
Uses	Residential Zones			
	RMH	RM-10	RM-20	PD (12)
<ul style="list-style-type: none"> Undivided ownership. 	P			
<ul style="list-style-type: none"> Condominium or planned unit development ownership. 	C			C
<u>Group Quarters:</u>				
<ul style="list-style-type: none"> Convent, rectory, roominghouse, dormitory, fraternity or sorority house, etc. 		C	C	
<u>Transient Quarters:</u> (See Division 5, Commercial Uses—Tourist Services.)				
<u>Community Residential Care:</u>				
<ul style="list-style-type: none"> Small group care home. 		P	P	P
<ul style="list-style-type: none"> Other community residential care facility. 		C	C	
<u>Residential Accessory Uses:</u>				
<ul style="list-style-type: none"> Accessory dwelling unit. (17) 		P	P	P
<ul style="list-style-type: none"> Guesthouse. 				
<ul style="list-style-type: none"> Home occupation. (4) 	P	P	P	P
<ul style="list-style-type: none"> <u>Short-term rental. (18)</u> 	I	I	I	I
<ul style="list-style-type: none"> Animal keeping. (5) 	P	P	P	P
<ul style="list-style-type: none"> Swimming pool, therapeutic pool, recreational structure. 	P	P	P	P
<ul style="list-style-type: none"> Clubhouse, meeting room, game room, gymnasium, sauna, health center (private use only). 	I	I	I	C

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Table 19.412.010				
USES PERMITTED—MULTIFAMILY RESIDENTIAL ZONES				
Uses	Residential Zones			
	RMH	RM-10	RM-20	PD (12)
• Rental management office, storage room.	I	I	I	I
• Parking, within garage.	P	P	P	P
• Parking, under carport.	P	P	P	P
• Parking, uncovered.	P	P	P	P
• Yard sale. (6)	P	P	P	P
Public Service Uses				
<u>Community Day Care:</u>				
• Small group child day care home (1-14 children). (15)		P	P	P
• Small group adult day care home (1-6 adults).		P	P	P
• Child day care center. (7)		Ci	Ci	Ci
• Adult day care center. (7)		Ci	Ci	Ci
<u>Health Facilities:</u>				
• Long-term care (intermediate care or skilled nursing).		C	C	
<u>Public Assembly:</u> (See also Recreation.)				
• Church. (8), (9)		C	C	
• Emergency shelter. (16)		I	I	
<u>Education:</u>				
• Educational institution. (9)		C	C	
<u>Recreation:</u>				
• Public park, public playground, public recreational area, public landscaped open space, public-owned historical site or feature.		P	P	P

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Table 19.412.010				
USES PERMITTED—MULTIFAMILY RESIDENTIAL ZONES				
Uses	Residential Zones			
	RMH	RM-10	RM-20	PD (12)
• Community recreation center.		P	P	C
<u>Utilities and Communications:</u> (14)				
• Aviation navigational aids.	C	C	C	C
• Public utility facilities or structures, including electrical substations and cellular telephone facilities.	C	C	C	
<u>Transportation:</u>				
• Parking lot.		C	C	C
• Parking structure.		C	C	C
Temporary Uses				
• On-site construction facilities. (10)	P	P	P	P
• On-site real estate sales office. (11)	P	P	P	P

Notes:

- 1 See also “Architectural Design Guidelines for Multifamily Low and Medium Density Residential Developments” in a separate document adopted by Resolution # 8934.
- 2 Special requirements apply. See Section 19.448.030.
- 3 Special requirements apply for mobile home parks. See Section 19.448.020.
- 4 Special requirements apply for home occupations. See Section 19.448.040.
- 5 Special requirements apply for animal keeping. See Section 19.448.060.
- 6 Special requirements apply for yard sales. See Section 19.448.050.

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- 7 Permitted with a conditional use permit as an incidental use provided that sufficient parking and circulation can be provided on the property and the hours of operation for the incidental use will not conflict with the primary use.
- 8 In all residential zones in which churches are permitted, such churches shall be located on and oriented to major, primary, or secondary highway as defined and as designated in the Buena Park General Plan.
- 9 Bingo games shall be permitted as an accessory use only when authorized under Chapter 5.16 et seq., and only when fire and safety regulations are met and parking facilities are fully conforming to the requirements for public assembly use.
- 10 Offices, storage, activities, and facilities directly pertaining to construction for a permitted use on the same site provided construction is not suspended for more than 30 consecutive days.
- 11 Temporary real estate sales office, only for sales or leasing of new subdivision, and for not more than 1 year.
- 12 Permitted uses and intensity of use in the PD zone shall be determined in a public hearing, subject to the provisions of the General Plan for the individual area designated as Planned Development.
- 13 Special requirements apply for single family cluster developments. See Section 19.448.035.
- 14 See Division 12 of Zoning Ordinance.
- 15 All applicants shall comply with the State Health and Safety Code with regard to the maximum number of children that may be supervised at any 1 time based on applicable standards and criteria. In no case, shall the total number of children supervised at any 1 time at any residence exceed 14.
- 16 Special requirements apply for emergency shelters. See Section 19.448.070.
- 17 As an accessory to single family dwelling. Special requirements apply for accessory dwelling units. See Section 19.348.010.
- 18 As incidental to a single family dwelling only. Special requirements apply for short-term rental units. See Section 19.448.080.

SECTION 5. Section 19.448 Special Requirements for Certain Uses of Title 19 of the Buena Park Municipal Code is hereby amended to read as follows:

19.448.080 RESIDENTIAL SHORT-TERM RENTALS

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Refer to Section 19.348.080 of Title 19. of the Buena Park Municipal Code.

SECTION 6. The City Council hereby finds that this project is statutorily exempt from California Environmental Quality Act review pursuant to sections 15060(c)(2), 15060(c)(3), 15061(b)(3), and 15301 of the State CEQA guidelines, because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, because it involves operation, permitting, licensing, and/or leasing of existing private structures or facilities involving negligible or no expansion of existing or former use, because there is no possibility that it may have a significant effect on the environment, because it is not a project, as defined in section 15378 of the CEQA guidelines, of the California Code of Regulations.

SECTION 7. Severability. The City Council declares that, should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Ordinance shall remain in full force and effect.

SECTION 8. The City Clerk shall certify to the adoption of this Ordinance.

PASSED, APPROVED and ADOPTED this ___ day of _____ 2019.

MAYOR

I, Adria M. Jimenez, City Clerk of the City of Buena Park, do hereby certify that the foregoing Ordinance was introduced and passed at a regular meeting of the City Council of the City of Buena Park held on the ___ day of _____ 2019, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAINED: COUNCILMEMBERS:

ATTEST: _____
City Clerk