

**CITY OF BUENA PARK
MINUTES OF CITY PLANNING COMMISSION
November 13, 2019**

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on November 13, 2019, in the City Council Chamber, 6650 Beach Boulevard, Buena Park, California with Vice Chair Chung presiding.

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

ABSENT: COMMISSIONER: Barstow

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 23, 2019

RECOMMENDED ACTION: Approve

Commissioner McGuire abstained from voting on this item due to his absence from the October 23, 2019 Planning Commission meeting.

The MOTION CARRIED unanimously.

AYES: 5 **COMMISSIONERS:** Capelle, Schoales, Chung, Desai, and Diep

NOES: 0 **COMMISSIONER:**

ABSENT: 1 **COMMISSIONER:** Barstow

ABSTAIN: 1 **COMMISSIONER:** McGuire

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

In reply to Vice Chair Chung, Ms. Santos stated that staff had received and distributed copies of emails from Bryan K. Nguyen, DR, Liem Nguyen, and Pearl Nguyen.

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. 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.

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 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

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.

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.

Dennis Heroux, 9201 Via Balboa Circle, said he has resided at his current address for over 40 years. He said he does not feel that STRs have a place in their quiet cul de sac; he reached out to the cities of Garden Grove, Stanton and Cypress, all of which told him that they do not allow STRs; when he contacted the city of Anaheim, he was told that they are no longer issuing STR permits. Mr. Heroux expressed his strong opposition to owner-unoccupied STRs because he said there are too many things that can go wrong. He cited as an example the Halloween Party at an unoccupied STR where four people got shot; said unoccupied STRs will also have a negative impact on the City's housing market; expressed his concern that corporate owners may convert needed housing into unoccupied STRs, thus creating motel-type operations within residential areas and reducing the number of homes available to potential buyers. Mr. Heroux stated that the zoning code prohibits business in residential neighborhoods and yet the City is talking about requiring permits for STRs, having STR owners pay fees and subjecting STRs to inspections, which makes STRs fall under business. He said he does not understand why the City has issued a moratorium on STRs but has decided not to issue citations at this time. He said he also noted that on Facebook, a member of the STR Coalition no longer offers the property as STR and will only accept reservations for 30 days or more. Mr. Heroux commented that if STR property owners need STRs for the added income, they should just rent their STR for 30 days or more.

Nahiam Than spoke in support of Option 2. He also discussed what he described as vague terms in the proposed ordinance, such as "short term rental use," "short term rental unit," and "short term rental premises." He said that his understanding is that an inspection is limited to the scope of the permit; he is uncomfortable about inspectors going through his

premises that are not used for STR – his living space is private and not rented, so why subject the non-rented space to inspection? He cited the case “Airbnb vs. New York City” where the judge recognized the owner’s right to privacy. Mr. Than said illegal searches and seizures violate the Fourth Amendment; inspection of unrented premises pose additional burden and fees to the property owner and may expose other code issues unrelated to the STR. He questioned why the inspections are annual when the term of the permit is three years. He cited two court cases where the judges ruled against annual STR inspections which the judges recognized as residential use and not commercial. Mr. Than stated that unlike hotels, STRs are not commercial business; inspection standards for STRs should be the same for long term rentals. Mr. Than expressed his concerns about a proposed requirement that will encourage written comments from neighbors because it invites undue discrimination, which goes against the Fair Housing Act. He said this issue should be addressed.

Bryan Nguyen said STR Coalition members have been working hard to come up with ideas and feedbacks to contribute to the drafting of the ordinance, and they acknowledge and appreciate staff and the Planning Commission for their willingness to work with them.

Mr. Nguyen said that on behalf of the STR Coalition, he recommends that Draft 4, Option 2 of the ordinance be considered, which allows hosted STRs and unhosted STRs “up to 1% (or a specific number) of the available single-family home stocks” within the City. He stated the following which, he said, support the STR Coalition’s sentiment:

1. According to the Southern California Association of Government (SCAG) Regional Council, there were 16,455 single family homes in Buena Park in their 2018 study. This will cap the number of unhosted STRs at 164. Other density restrictions may apply so that might not get to this number. With 100 unhosted STRs remitting 12% TOT, \$1 Million will be generated annually to fund enforcement, City-sponsored programs and City beautification programs. This does not include any direct fees (permit/inspection fees), and any indirect monetary benefits from guests spending within the City. The fund can even be used to bring unpermitted STRs into compliance, without which, the City is on the hook for paying without reimbursement.
2. One percent allowable number of unhosted STRs have virtually no impact on Buena Park housing stocks. Same study from SCAG revealed a total of 25,052 available housing units in Buena Park, including attached/detached single family units, multiple family units and mobile homes. One hundred and sixty-four (164) permitted unhosted STRs represent a little more than 1 half of 1 percent of the available housing units. Clearly, unhosted STRs with the right threshold do not take away the City’s housing stock as it has made out to be.
3. Monitoring an unhosted STR (in Option 2) is no different than a hosted STR. When expressly stated in the listing and acknowledged by the renters that the monitoring devices are installed on the property (closed circuit camera/noise monitoring device), guests with potentially disruptive intents are 100% discouraged to book the property.
4. The STR Coalition is developing programs to help new and existing hosts with on-boarding, code compliance, and operations. The STR Coalition stands by to assist all STR hosts or potential hosts with industry best practices which prevent code enforcement incidents and mishaps. Many of these have already been shared with the City staff in the drafting of the ordinance. Others are based on hosting experience and business savvy.

Dan Hong said ADUs will help solve the lack of housing problem in California. He talked about Assembly Bill SB 13 regarding ADUs, citing as an example a 7300 sq. ft. home that may need an ADU to accommodate family members and friends.

Mr. Hong expressed his opposition to E9, page 10, as quoted below, regarding STR and ADU:

"E9. 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."

Mr. Hong stated the following reasons for his opposition:

- 1) If he is an STR owner and his ADU is denied because of his STR, it would be a violation of HCD and CA ADU laws (SB 1226; SB 13; Ca code 17958.12)
- 2) If his ADU permit application is denied because "my property is an STR rental," SB 1069 prohibits a local government from adopting an ordinance that precludes ADUs.
- 3) If the property (primary residence) applies for ADU with the requirement that it be owner occupied, then it violates SB13 which prohibits a local agency from imposing an owner-occupant requirement.
- 4) Buena Park ADU Ordinance No.1642 states that:

"14. Ownership and Occupancy-Owner Occupancy Required. One of the two units shall be occupied as the primary residence of the owner of the lot. If the owner occupies neither unit, the accessory dwelling unit shall not be used as a dwelling unit, and shall not be rented."

Mr. Hong stated that the ordinance should be null and void because it violates CA code 65852.2.

Mr. Hong recommended the elimination of Item E9 on page 10 or a modification stating that if you are the owner, you can occupy or not occupy your primary residence as STR and your ADU must be rented out more than 30 days.

Liem Nguyen spoke about his support for Option 2 and opposition to Items 2 and 6 in Section D on page 6. He said the City reasons that public notices are required for all Conditional Use Permits (CUPs), and short-term rentals being a business require a CUP; if such is the case, why are long-term rentals not considered a business that requires a Conditional Use Permit? Mr. Nguyen pointed out that landlords of long-term renters also collect rents like STR owners do; flipping houses is also a business, yet the City does not require house flippers to go through the CUP process; unless everyone that purchases a home or rents a home is required to notify everyone within 300 feet, this requirement could be viewed as discriminatory against STRs under the Fair Housing Act.

Mr. Nguyen noted that City ordinance provides business exemptions for Type 1 rentals - all persons "who are engaged in a business within the city, who conduct their business from their place of residence within the city, who do not employ persons to aid in their business, who have no advertising signs on their property or who do not regularly pay for advertising,

who have no retail sales tax permit, who do not use or operate trucks as a part of their business..." (Muni Code sec. 5.00.240(A))

Mr. Nguyen explained that since short-term rentals are not commercialized businesses, which he said, has been acknowledged by the court throughout the nation as residential - short-term rentals are most similar to a home occupation which is exempted from a business license; unlike motels or other commercialized businesses, short-term rentals do not have sales receipts, do not have constant daily traffic from multiple groups at the same time, do not have employees on the property at all hours, nor do they have outward advertising signs; therefore, the CUP requirement does not apply, and notices to neighbors are unnecessary, especially since the ordinance concedes there is "no possibility the activity in question may have a significant effect on the environment." (page 23, section 6 of draft 4, Option 2. Mr. Nguyen said that since STRs are exempted from CEQA, a CUP should not and cannot be applied to STRs, and neighbors don't need to be notified, unless the City considers STR owners to be like sex offenders or child molesters, which Mr. Nguyen said, is not the City's intention.

Mr. Nguyen stated that according to the National Fire Protection Association and International Building Code, a place of lodging such as short-term rentals is not considered an incidental or accessory use, which is another reason why notices to neighbors is not required. He said he looked at Table 19.312.010, and it is written that small group care homes do not need a CUP; since short-term rentals utilize single family homes that typically have two-car garages, STR structures are most similar to small group care homes that are automatically permitted; this fact has also been acknowledged by Judge Craig Griffin in his recent rule in *City of Buena Park v. Nguyen*; thus, since the care for short-term renters are vastly different from the special care in residential care facilities or community day care, short-term rentals are not the type of uses that require a CUP because STRs are not incidental or accessory uses to the property. Mr. Nguyen commented that It is no wonder that the cities of Long Beach and Anaheim, like all other cities, do not consider short-term rentals as requiring a CUP. Mr. Nguyen said that if the permitting process from adjacent cities such as Long Beach and Anaheim has worked, why does Buena Park need to re-invent the wheel? He recommended that the processes be simplified by eliminating D2&6.

Pearl Nguyen discussed her four concerns, as follows: 1) If the City gives neighbors the power to influence the denial of a short-term rental permit simply by "written comments", as stated explicitly in D2, without any valid evidence to support their claims, the City is essentially giving neighbors entitlement to an STR's private property which they don't own. When neighbors can dictate to the City how a private property should and can be used and who can enter/exit the neighborhood, this action is similar to steering, blockbusting, or redlining, which raises legal concerns; 2) The issue is not about whether or not one should use the side gate, but how to prevent noise nuisance so neighbors can sleep. Ms. Nguyen said she has two side gates – if her right-side neighbor is bothered because the side gate is next to their bedroom, but her left-side neighbor is not at all bothered because a garage separates their bedrooms, why can't she use the left side gate that is not causing an issue? Ms. Nguyen said she has a sign in front of her right gate to remind her renters to use her left side gate between 9:00 p.m. and 9:00 a.m. so her adjacent neighbors whose bedroom is close to the gate can sleep; her renters are respectful of this house rule, and if they are not, her adjacent neighbor lets her know, and the issues are resolved; the City does not need to make a law out of this gate. Ms. Nguyen mentioned that Commissioner Capelle has rightly pointed out that noise nuisance really depends on the configuration of your property in

relation to your abutting property; since each property's configuration is different, it will be more reasonable to let the STR host adjust his/her house rule to make sure the neighbors in the abutting property are not affected by their renters' activities; the City does not need to go into details to address each specific item because the issues vary from property to property and from situation to situation; rather than dictating how certain portions of the property can and should be used, it is more reasonable to give the host the freedom, flexibility, and responsibility to create and enforce the house rule based on their property's particular configuration and characteristic to make sure neighbors' concerns are adequately addressed; 3) The same reasoning applies to parking (page 5, item 3) - if the host decides that the garage is needed to accommodate the cars of both renters and the owners so as not to take up the parking spaces of the neighbors, then it is reasonable to require that the garage be used for storage of vehicles, but if the host does not need the parking spaces in the garage due to long and big driveways, it is not reasonable to impose unnecessary parking requirements; 4) On California Department of Housing and Community Development's website:

<https://www.hcd.ca.gov/policy-research/AccessoryDwellingUnits.shtml#newlaws>

HUD states that ADUs do not "require... major new infrastructure", and the City also concedes on page 23, section 6 that STRs don't pose "a significant effect on the environment" due to the use of existing structures; both the ordinance and HUD state explicitly that there is no burden on the infrastructure and surrounding houses, so it doesn't make sense why STRs and ADUs can't coexist on the same property, especially since both the state and the city is concerned with affordable housing, which both STRs and ADUs seek to accomplish.

Ms. Nguyen recommended that unnecessary parts be taken out to simplify the permitting process so the City can quickly collect TOT and use it to build more affordable homes, if that is truly the City's genuine concern. She asked why complicate the process more than necessary with notices to neighbors and put the City at unnecessary risk for violations of private property rights and civil rights, especially when the complaints against short-term rentals are currently less than 1% of the city's overall complaints?

Ms. Nguyen expressed her gratitude for the opportunity to be heard and commended staff for all the hard work.

Debra Leazenby expressed her concern about the proposed 300 ft. radius notification and asked how it is measured. She stated that she has been a resident for 20 years, and still does not know many of her neighbors; she has been in property management for 33 years, with most of those years spent in training. She emphasized that it is important to use caution when working with homeowners, explained that the proposed 300 ft. radius notification can open homeowners up to discrimination and other very serious offenses; cited as an example that if her neighbors feel they would like to have an STR within 300 ft, they know that if she cannot, they'll get a chance to have their STR; it is "opening a Pandora's Box," said she has no problem notifying her adjacent neighbors, but stated that the 300 ft. radius notification is an overreach. Ms. Leazenby said STR owners work hard to make their homes safe; unlike STR owners, long-term rental owners cannot easily evict problematic tenants; STR owners have 100 percent control over their homes and guests. She mentioned that for six years, missionaries lived in her home; she remodeled her home, and cleans it every two to three days because she values her home. About the shooting in a Sacramento Airbnb, Ms. Leazenby stated that STR party houses were banned from that point on, and commented

that the City's concerns about STRs are the same concerns that can possibly occur in long-term rentals.

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

Commissioner McGuire asked if there is a process for changing an adopted Ordinance.

Mr. Rosen said the request will be submitted to the Director of Community Development who will make the determination to bring the request before Planning Commission or City Council.

Commissioner McGuire asked if there can be two separate votes for each option.

Dr. Meshram said the Planning Commission has the discretion to take two separate votes, one for each option; or recommend both options for City Council consideration.

Commissioner McGuire stated that his belief is that a business without the business proprietor on site is wrong and could lead to a potential disaster. He said he is a business owner himself and cannot run his business remotely. He also explained that STR is a business because service is provided to the public for pay; thus, STRs have to comply with what is required of businesses of similar nature.

Commissioner Diep asked if a property that is in a "Trust" falls under the definition of "owner."

Mr. Lam said a property that is held in Trust does not fall under the "owner" definition because a person has to reside at the property.

Mr. Rosen added that there are instances when Trust documents have to be presented to be able to make a determination.

Commissioner Diep asked for clarification on page 5 Option 1, stating the maximum vehicles allowed, "including host vehicle" – what if the property owner has two cars and their parents who live with them have two cars?

Mr. Rosen said there will be more accurate information, as required, in the permitting process; however, the wordings in the proposed ordinance can be modified for the purpose of clarity.

Commissioner Diep said the section on occupancy, page 10, Option 1, Item 13, does not include language indicating that the limit does not include children.

Dr. Meshram said the language can be modified to clarify that the limit does not include children under age 18.

Commissioner Diep asked where the monthly payment of TOT is mentioned in the proposed ordinance.

Dr. Meshram said the monthly payment of TOT language was removed, and the proposed language refers back to the TOT chapter of the Municipal Code which authorizes the

Director of Finance to make the final decision as to the timing of the payments – monthly like the other TOTs, or quarterly.

Commissioner Diep asked staff to explain why the requirement on documentation or record on renters was not in the presentation. She said it is a concern if the renter cannot be identified, more so when untoward incidents happen.

Dr. Meshram said short-term rental platforms require hosts to submit a copy of the renters' licenses. She explained that in response to some comments received from the community stating that it is illegal to make the renter's license available without a warrant, the requirement was eliminated. She clarified that the host platform has the information which may be released with a warrant.

Mr. Rosen said STR owners do not necessarily have to keep the records of renters; the platform may keep the records.

Dr. Meshram explained that because it is not in the ordinance does not mean that the STR owners cannot verify the renter's identity. She said what was eliminated was the requirement to ask for the renters' information and to make the information available to the City.

Mr. Lam added that typically, the law enforcement process includes obtaining a warrant, to be presented to the host or the platform itself. He said the host has ways other than the portal to verify the renter's identity, such as the two-way authentication through the cell phone where a security code is texted with the return text to confirm identity,

Commissioner Diep thanked staff for including the prohibition of fireworks outside of the 4th of July in the proposed ordinance. She said she supports Commissioner McGuire's comments and recommendation to vote separately on the two Options. She commented that although we may have 25,000 housing units in the City, with 16,000 single family units, that could limit the City if the proposed 1 percent for option 2 is done; the larger policy issue is converting residential uses to STR business to be rented in less than 29 days, and not long term; the business is transient use vs. residential use. She reported that SCAG increased the potential RHNA (Regional Housing Needs Allocation) number to 9000, meaning the City may have to find spaces for potentially 9000 homes within city.

Commissioner Capelle recalled that it used to be that a single family residence meant a single family living in a residence; but things have changed and we are living in interesting times. She said she is a strong advocate for property rights - of someone who buys a property to use for income, and another who buys a property to enjoy his or her right to quiet enjoyment within the character of a residential neighborhood.

She commended staff, and raised the following questions/comments. She said assuming that the majority of housing developments are envisioned to fall under CC&Rs (Covenants, Conditions, and Restrictions) which may preclude owners from renting part of their homes, is this in conflict with the City Ordinance on STRs?

Mr. Lam said that to his knowledge, existing CC&Rs are usually silent with respect to STRs, with some references to prohibiting commercial uses.

Mr. Rosen said there are some CC&Rs that preclude STRs, which does not necessarily conflict with City ordinance.

Commissioner Capelle asked if the City has the opportunity to include restrictions to avoid further erosion on the housing stock.

Commissioner Diep said she would not be supportive of the City telling the Homeowners Associations (HOA) what they can and cannot do; if a City Ordinance allows something and the HOA does not, the HOA is the final authority.

Mr. Lam confirmed that the City cannot add conditions to CC&Rs.

Commissioner Capelle commented that the proposed 300 ft. radius notification may not be necessary during the initial permitting process but may be more helpful during the renewal process when the neighbors shall have had three years experiencing an STR in the neighborhood; thus, more ready to give feedback on the STR. She said notification during the initial permitting process could incite some unnecessary and/or uninformed concerns. She asked staff how comments to the notification will be handled.

Commissioner Diep stated, and Mr. Rosen confirmed, that the 300 ft. radius notification is not to have the neighbors vote yes or no to the proposed STR but to solicit comments.

Mr. Rosen added that the notification will also provide the neighbors with the contact information of the property owner should they have concerns or questions. He explained that as Director, he has the discretion to review the comments and determine if there is sufficient evidence to deny the STR request; if the ordinance is approved, the STR request will go through a permitting process with a decision that can be appealed.

Commissioner Capelle commented that language can be inserted to mitigate noise, but she is not in favor of prohibiting the use of side doors during certain hours without knowing the configuration of the house. She said she is not necessarily opposed to non-owner occupied STRs but she is concerned about possible problems that can arise with poor operators.

Commissioner Schoales asked how the 300 ft. radius is measured.

Dr. Meshram said it is measured from the property line.

Commissioner Desai asked about the 1% in Option 2 and the allocation of STRs – are we looking at different areas within City? He commented that there could be a concentration of permitted facilities and nothing on another side

Dr. Meshram said the intent in Option 2 is to have a first come first served order, but the distance requirement would still apply - the STR properties would have to be 300 ft. apart.

Vice Chair Chung advised that the item requires the adoption of a Resolution recommending City Council approval of Option 1 or Option 2.

Commissioner Capelle moved the motion to adopt the Resolution recommending City Council approval of Zoning Text Amendment No. C19-2 with Option 2, including additional language clarifying the inclusion of children 18 and below in the occupancy section, defining property owner vehicles, and removing the prohibition of the use of side gates during quiet hours. The motion failed due to lack of a second motion.

Commissioner Capelle moved, and Commissioner McGuire seconded, the motion to adopt the Resolution recommending City Council approval of Zoning Text Amendment No. C19-2 with Option 1 limiting STRs to property owner's primary home and does not allow whole home rentals, with the recommended inclusion of additional language clarifying the inclusion of children 18 and below in the occupancy section, defining property owner vehicles, and removing the prohibition of the use of side gates during the quiet hours.

RESOLUTION NO. 6166

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

AYES:	6	COMMISSIONERS:	Diep, McGuire, Capelle, Chung, Desai, and Schoales
NOES:	0	COMMISSIONER:	
ABSENT:	1	COMMISSIONERS:	Barstow
ABSTAIN:	0	COMMISSIONER:	

ORAL COMMUNICATIONS:

None

AGENDA FORECAST:

Mr. Woods reported that the Planning Commission meeting on December 11, 2019 will consider the continued revocation hearing for the Radisson Hotel, a Conditional Use Permit for the off-sale of alcoholic beverages at a 7-Eleven convenience store, and a modification of the Conditional Use Permit for the Golden Rose Restaurant.

STAFF REPORTS:

Mr. Rosen discussed Dr. Meshram's presentation to City Council about the "Meet on Beach" event on November 17, 2019; the adoption by City Council of SB 2 Planning funds; the study session regarding the adoption of new ADU laws to take effect in January.

Commissioner Diep discussed briefly the subject of ADUs attached to single family homes, changing the definition from single family residence to multi family, with the single family residence as primary and the ADU as accessory to the primary usage, which eliminates single family dwelling units. She asked how to address STRs which are permitted only in single family units.


Mr. Rosen said the subject will be included in further discussions on ADUs.

Mr. Lam clarified that the City's standpoint is the City Zoning Ordinance.

COMMISSION REPORTS:

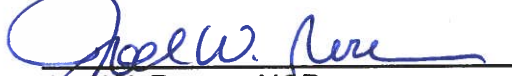
In response to Commissioner McGuire, Mr. Rosen described the work being done on the median at Beach Boulevard between La Palma and Crescent, and gave an update on Butterfly Palladium.

ADJOURNMENT: At 8:32 p.m., Vice Chair Chung adjourned to the Planning Commission meeting on Wednesday, November 27, 2019, in the City Council Chamber.



FJC Jae Joon Chung
Vice Chair

ATTEST:



Joel W. Rosen, AICP
Secretary