

CITY OF BUENA PARK  
MINUTES OF CITY PLANNING COMMISSION  
May 26, 2021

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:00 p.m. on May 26, 2021, in the City Council Chamber, 6650 Beach Boulevard, Buena Park, California, with Chair Schoales presiding.

PRESENT: COMMISSIONERS: Cangey, Desai, Diep, Eades, Lee, and Schoales

ABSENT: COMMISSIONER: Sheibe

Aaron France, City Manager  
Eddie Fenton, Assistant City Manager  
Swati Meshram, Ph.D., AICP, LEED AP, Planning Manager  
John W. Lam, Assistant City Attorney  
Mina Mikhael, PE, Assistant City Engineer  
Ruth Santos, Senior Administrative Assistant

**CONSENT CALENDAR (1-2):**

- 1. **APPROVAL OF MINUTES** April 28, 2021  
May 12, 2021 Cancelled Meeting

RECOMMENDED ACTION: Approve

Commissioner Diep moved and Commissioner Eades seconded the motion to approve the minutes.

AYES: 6 COMMISSIONERS: Diep, Eades, Cangey, Desai, Lee, and Schoales

NOES: 0 COMMISSIONER:

ABSENT: 1 COMMISSIONER: Sheibe

ABSTAIN: 0 COMMISSIONER:

**2. COVENANTS, CONDITIONS, AND RESTRICTIONS NO. CCR-21-1**

A request to adopt a Minute Action approving Covenants, Conditions, and Restrictions No. CCR-21-1 at 8925 Orangethorpe Avenue (Magnolia Square).

PROPERTY OWNER: KB Home Coastal, Inc.  
36310 Inland Valley Drive, Suite 300  
Wildomar, CA 92525

APPLICANT: Frank Chen  
9915 Mira Mesa Blvd., Suite 100  
San Diego, CA 92131

RECOMMENDED ACTION: Adopt Minute Action.

Commissioner Diep moved and Commissioner Eades seconded the motion to approve Covenants, Conditions, and Restrictions No. CCR-21-1.

AYES: 6 COMMISSIONERS: Diep, Eades, Cangey, Desai, Lee, and Schoales

NOES: 0 COMMISSIONER:

ABSENT: 1 COMMISSIONER: Sheibe

ABSTAIN: 0 COMMISSIONER:

The appeal period ends on June 14, 2021.

**END OF CONSENT CALENDAR**

**PUBLIC HEARING (3-4):**

**NEW BUSINESS:**

**3. CONDITIONAL USE PERMIT NO. CU-20-9**

A request to demolish the existing structures and construct a new single story, 3,578 sq. ft. restaurant with dual-lane drive-through, outdoor seating areas and associated parking and site improvements located at 5960 Orangethorpe Avenue. The project is Class 32, Section 15332 (In-Fill Development Projects), categorically exempt from CEQA.

PROPERTY OWNER: Lyons Buena Park, LLC  
15125 Garfield Avenue  
Paramount, CA 90723

APPLICANT: 4G Development  
3485 Jefferson St. #10  
Riverside, CA 92504

RECOMMENDED ACTION: Approve Resolution with Conditions.

Swati Meshram, PhD, AICP, LEED, AP, Planning Manager, presented the staff report, including a correction under "Surrounding Land Use Characteristics" where the City of Cerritos was erroneously listed as the northern boundary. She stated that the northern boundary is the City of La Palma.

Chair Schoales stated that Commission comments/deliberations should be reserved for after the public hearing is closed. He asked if there were any questions of staff.

There being no questions of staff, Chair Schoales opened the Public Hearing and asked if the applicant wished to speak.

Carlos Arias, Development Manager, Chick-Fil-A, thanked staff and said they are eager to open the proposed business.

In response to Chair Schoales, Ms. Santos stated that there were no written communication.

Chair Schoales asked if anyone submitted a request to speak.

There were no requests to speak.

Chair Schoales asked if there were any Commissioner comments/deliberations on this application.

There were no comments/questions from the Commissioners.

Chair Schoales stated that staff is recommending adoption of a Resolution of approval with conditions for Conditional Use Permit No. CU-20-9.

Commissioner Diep moved, and Commissioner Eades seconded, the motion to adopt the Resolution approving Conditional Use Permit No. CU-20-9 with findings of fact and conditions therein. The appeal period ends on June 14, 2021.

**RESOLUTION NO. 6215  
CONDITIONAL USE PERMIT NO. CU-20-9**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A NEW SINGLE STORY 3,578 SQ. FT. DRIVE-THROUGH RESTAURANT WITH TWO DRIVE-THROUGH LANES, OUTDOOR PATIO AREA, FOURTY-EIGHT ON-SITE PARKING SPACES AND ASSOCIATED SITE IMPROVEMENTS LOCATED AT 5960 ORANGETHORPE AVENUE (APN: 263-081-01) WITHIN THE CG (COMMERCIAL GENERAL) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF**

**AYES: 6 COMMISSIONERS: Diep, Eades, Cangey, Desai, Lee and Schoales**

**NOES: 0 COMMISSIONER:**

**ABSENT: 1 COMMISSIONER: Sheibe**

**ABSTAINED: 0 COMMISSIONER:**

**4. SHORT-TERM RENTAL NO. STR-20-0001**

This item is continued from the Planning Commission meeting of April 29, 2021. The application is a request to approve a Short-Term Rental permit to operate a short-term rental use within the owner's primary residence. The property under application

carries a General Plan designation of Low Density Residential, a Zoning classification of RS-6 (Single Family Residential), and is currently developed with an approximately 1,904 sq. ft. single-family house containing five bedrooms and four bathrooms, an attached two-car garage, and related residential site improvements. The project is Class 1, Section 15301 (Existing Facilities), categorically exempt from CEQA.

PROPERTY OWNERS/APPLICANTS: Liem & Ngoc (Pearl) Nguyen  
9160 Via Balboa Circle  
Buena Park, CA 90621

RECOMMENDED ACTION: Review the draft resolution of approval, its draft conditions and findings and either act upon this resolution or alternatively provide staff direction for revisions or a substitute draft resolution for consideration at a future date. The Commission additionally has the opportunity to reopen the public comment portion of the hearing to assist in its deliberations. Planning Commission decision is final.

Mr. Lam advised Commissioner Lee to recuse himself from this item because he was not physically present at the April 28, 2021 Planning Commission meeting when this item was discussed.

Commissioner Lee recused himself from this item.

Swati Meshram, Planning Manager, acknowledged the presence of Aaron France, City Manager, and Eddie Fenton, Assistant City Manager.

Dr. Meshram presented the staff report.

Chair Schoales asked if there were any Commission questions or clarifications of staff.

There being no questions of staff, Chair Schoales stated that during the April 28, 2021 Planning Commission meeting, the Planning Commission continued the public hearing on this item to allow additional evidence relating to potential adverse impacts to be submitted. He said he will reopen the public hearing to allow such evidence, if any, to be presented and to allow the applicant to respond to the additional evidence and modified conditions of approval contained in the draft resolution.

Chair Schoales reopened the public hearing. He asked if there were any requests from the public wishing to speak.

Mr. Lam reiterated that the direction from Planning Commission is for the public to present physical documents or videos and not discuss the same issues presented at the last meeting. He emphasized that all evidence should be within the scope of the Planning Commission direction.

Dr. Meshram said staff received, shortly before the start of this meeting, a flash drive from a member of the public who wishes to speak; staff has not reviewed the contents of the flash drive.

Chair Schoales stated that he will allow the contents of the flash drive to be presented at this meeting.

Chair Schoales asked Ms. Santos to call on the individuals who submitted speaker cards. He reminded the speakers about the three-minute limit to speak.

1. Jason Brassfield said that in speaking with Code Enforcement staff about this case, he learned that the City spent from \$30,000 to \$50,000 in government employee hours, not including the litigation. He said that in the past hearing, it was said that if proven that the applicant lied, her permit will be canceled. Mr. Brassfield said that the applicant claimed that her property had no violations. He distributed copies of documentations on one Code Enforcement case, CE No. 19-185. He stated that there were multiple code violations, which the applicant blamed on the previous owner of her property; the previous owner is present at this meeting to testify. Mr. Brassfield said there were videos showing parties at the applicant's STR until 4:00 a.m.; instances when the applicant admitted that she allowed more than the legally required number of renters, as shown in certain reviews of the STR, later deleted by the applicant; and statement made by the applicant that she has one STR when her profile showed six listings.

Chair Schoales reminded the speaker that the function of the Commission at this meeting is to review proposed conditions that will mitigate the concerns raised.

Mr. Lam clarified that the Code Enforcement violations mentioned were not submitted as evidence because, as explained during the previous Planning Commission meeting, part of the settlement agreement in the litigation between the City and the applicant, was to exclude prior citations as basis to determine the decision on this application. He explained that the Commission will review staff's proposed conditions aimed at mitigating the concerns raised by the neighbors and potential negative impacts.

2. Pamela Villasenor, former owner of 9160 Via Balboa Circle, asked the Chair if she would be allowed to speak even if her speech is more of a testimony rather than evidence.

Chair Schoales allowed Ms. Villasenor to speak.

Ms. Villasenor said she sold the home to the Nguyens based on their letter, which she described as dishonest, stating why they needed the house. She expressed disappointment about statements made about lack of evidence despite complaints raised by neighbors, and videos and photos in the staff report. She added that one has to live in the neighborhood to experience the nuisance. She said that after she sold the house to the Nguyens, she and her family lived next door, but after having experienced the disruption caused by the constant moving in and out of people at the STR, they had to move out because they could not sleep at night, and they felt that the kids were no longer safe in the environment. She said the Nguyens continued to harass the neighbors, her parents included. She described Ms. Nguyen's accusation of racism as unfounded and insulting; she has lived in the neighborhood for 15 years, and she described the neighborhood as diverse. Ms. Villasenor concluded by stating that the residents do not have to prove anything to the Nguyens; instead, the Nguyens have to prove to the residents that her STR will not disrupt the neighborhood, that she would be able to control her renters. She asked the Commission to please deny the STR application, stating that the applicants are already resisting the proposed conditions that will help mitigate the concerns raised by the residents in their otherwise quiet street.

3. Caren Moore said she recalled that during the previous Planning Commission meeting, when Commissioner Eades asked Ms. Nguyen how many STRs she had, Ms. Nguyen

stated that she had one, that she was helping her father in Fresno run his facility. Ms. Moore said she distributed copies of six different STR listings under Ms. Nguyen's name, four with different addresses, and one for the Arizona listing. Ms. Moore asked the Commission to deny the application because if Ms. Nguyen was not truthful to the Chair and Commissioners, she will most likely continue to not be trustworthy in her communication with the City.

4. Tirzah Nguyen said she is 9 years old, her mom taught her to treat others as she would want to be treated, to say hello, waive, smile, ask "How are you doing?" to the neighbors when she sees them in public. She said that when she saw Taylor playing alone, she invited her over to play with her sister and to swim in their pool. She said Taylor's mom smiles at her and has spoken to her mom in the past. She described Taylor's dad as seeming to despise their family so much; she said Taylor's babysitter accused her mom of calling the PD when the babysitter illegally parked by a fire hydrant. Tirzah said her mom checks with the other neighbors, they exchange presents, but her mom was once yelled at by a neighbor. Tirzah said that maybe they are secretly jealous of their family, and their house that is full of life and laughter. She said her neighbor once cussed at her mom because she thought that her mom called Code Enforcement on her. Tirzah concluded by saying that in Arizona, the neighbors are kind; no wonder her sister would like to go back to Arizona.

5. Mariah Nguyen said she is 8 years old, her parents taught her how to share, to take care of the neighborhood, to pick up trash on the street; her dad reminds them to lock the drawers to prevent theft, and to not go out unsupervised. She said her mother is friendly to the neighbors, including an Indian neighbor; she welcomes the neighbors, gives them egg rolls, and invites them to do bible study with their family. She said a Mrs. Carina asked her mom to rent their house to their extended family. Mariah said there are no cases of property injury in their home.

6. Liem Nguyen said he is one of the property owners of 9160 Via Balboa Circle. He said that because no data documentation have been received to prove adverse impact on the neighborhood, he hopes that there will be no more delays because the longer the process takes, the more stressed they are as a family. He said his wife has not had enough sleep because she had to prepare for the hearings; their two daughters were unable to adhere to their schedule because they had to care for their baby sister. Mr. Nguyen said that although concerns were heard, none was validated – there are no Police Department reports.

7. Danh Hong, introduced himself as the father of Pearl Nguyen, He said he is thankful to be living in a country where there is freedom, such as the freedom to speak and to make money; they lived in a communist country where there was no freedom. Mr. Hong said he wants to prove that the Vietnamese people can cooperate and contribute to the wealth of this country. He said that he is trying to make money to help care for his wife who has dementia and Alzheimer; he does not have too much ability to take care of his wife, he spent lots of money to buy the property, he was not aware of the rule on 30-day rentals. Mr. Hong said her daughter is helping through the STR but they have already spent money on her case, including attorney's fees, lawsuits with the City, and about \$50,000 on fixing the house to comply with City codes. The errors, Mr. Hong described, were not theirs but the previous owner's.

8. Blanca Nolasco said she is disappointed that the speakers' testimonies were described as lies by Ms. Nguyen. Ms. Nolasco also said that statements were made that the

neighbors do not have proofs, but she said they have videos and photos. She called the Commission's attention to the quantity of people allowed in the STR, the need to adhere to the quiet time, and the parking disaster. Ms. Nolasco showed video clips of people coming and going at all hours of the night, parking from 12:00 midnight, 1:00 a.m., 2:00 a.m., and 4:00 a.m., speeding, partying even on Wednesday nights, trespassing the neighbor's home-jumping over their fence, blocking the street, and double parking. She said the neighbors are not lying, they just want to make sure that if a permit is granted, conditions are followed; that neighbors are given the contact information to relay violations. She said the STR owners already have two cars; how can they accommodate six more? She described car alarms going off at midnight and at 1:00 a.m. She also asked that the renters not use the east gate, which is adjacent to the next-door neighbor's property; that the STR owners pay the (equivalent of) TOT (Transient Occupancy Tax) to the City. She stated that there is truth to the videos and photos submitted, the neighbors are not lying, and they have nothing personal against the Nguyen family,

9. Mr. Nolasco said he has videos of the loud noise and traffic resulting from the STR. He described himself and his wife as "immigrants too" - they came here to make their dream real too, not to fight with anyone, especially the neighbors. He described himself as Christian, and said that to mention God and to hate the neighbors and have a fight with the neighborhood is a bad decision. He said the Nguyens once pointed a camera to his house 24/7, which invaded his privacy. He said Ms. Nguyen uses all kinds of excuses; she even uses her kids to make money, which he does not think is right. He said kids have to play, and not indulge in discussions/fights with City authorities. Mr. Nolasco said the neighbors know each other, there is no racism, and their only problem is the STR. He asked the Commission to help with the situation and keep their neighborhood peaceful.

Chair Schoales asked if there were any written communication.

Ms. Santos stated that staff distributed a memo enclosing 16 emails from applicant Pearl Nguyen asking for clarification on tonight's Planning Commission meeting, such as speaker time limits, dates of videos and photos, and dates of receipt by City of videos and photos. Ms. Nguyen also submitted her comments on the STR ordinance, the April 28, 2021 Planning Commission minutes, and her proposed alternative to the conditions of approval.

Chair Schoales asked if the applicant wished to respond to the public comments received. He reminded the applicant of the ten-minute time limit, and the need to address the 18 conditions in the proposed Resolution.

Pearl Nguyen, property owner, described Ms. Pamela Villasenor's statement as dishonest. She said before they closed Escrow, Ms. Villasenor said there were no violations on her property. On the alleged discrepancy in her statement about the number of her STRs, Ms. Nguyen clarified that she stated that she had two properties, and further explained that one property can have multiple listings.

Ms. Nguyen said she informed the City that the amicable settlement agreement has been breached for the following reasons: 1) she should not be held accountable for concerns that were not addressed in the ordinance; 2) even if there is evidence of non-compliance, there is no evidence of recurring issues for the issues to become a public nuisance; 3) the ordinance states that she has one hour to address complaints raised, but she was not informed of any concerns, so she should not be held accountable; 4) because Director Crabtree previously acknowledged that the City had not received any documentations to

validate any concerns, her permit should have been approved immediately without any conditions beyond the requirements of the ordinance.

Ms. Nguyen said the City still has not addressed any of her concerns on harassment, false report, and partiality. She said the City received new evidence on May 4, 2021, but she was not informed about her opportunity to do a rebuttal until two days before this meeting. She said that at 4:45 p.m. today, she received a response on one of her public records requests about correspondence received on her property, but the documents did not have evidence for her to respond to. She said the untimely notification has put extreme stress on her family.

Ms. Nguyen said her family's main source of income is her short-term rental and her family has been deprived of income for six months already. She added that the City is responsible for it because it is difficult to attract long-term renters without a second kitchen, which the City will not allow. She said that by now, the City should have enough documentations to come up with a sound judgment on her permit application at this meeting. Ms. Nguyen also spoke about staff's report to Planning Commission, which she described as biased. She said staff automatically considered as new evidence the written and oral communications of her neighbors without giving her family a fair chance to rebut against the new evidence before coming to that conclusion. She said that without valid evidence against her STR, the automatic decision should have been instant approval of her permit application.

Ms. Nguyen said Commissioner Desai, at the last meeting, attempted to make a motion twice, but he was either redirected, or steered by staff to make a different motion. She said that after rewatching the public hearing video, it was apparent to her that staff's intention, "probably due to their intimate relationship with her neighbors," was to pressure and to steer Planning Commission to impose unreasonable conditions that make her operation impractical and easily revocable once a permit is issued. She said the City could only justifiably put additional limitations on her operation, above the requirements of the ordinance, if there is sufficient evidence validating her neighbors' concerns.

She described how her neighbors' videos help prove that she successfully operated within the guidelines of the ordinance, such as that one day when her renters had their bounce house on her driveway, still leaving plenty of street parking. She mentioned that Commissioner Eades acknowledged in the last public hearing that street parking belongs to the public, available on a first-come, first-served basis. Ms. Nguyen therefore said that not allowing her STR renters to use street parking is unfair. She mentioned a video that showed her renters blocking her own driveway, and said that activity did not inconvenience or injure any neighbor or neighbor's visitor. She said a photo of her renter blocking the sidewalk does not prove nuisance because it was taken in 2018 before the City had any regulation. She said there is no recording of the duration or the frequency of the activity, and all of her complaining neighbors are guilty of such activities, which she described as even worse than her renters, including leaving trash in public view for many days. She said that none of the documentations proves loitering because her renters were either leisurely walking into her property or they were waiting for five minutes on the public street to load or unload their passengers (not a nuisance). She said that she was not informed of the complaint on trespassing, she did not have an opportunity to address it, and so she is not liable. She said the one time a car alarm accidentally sounded was quickly resolved in 30 seconds, which is still within the one-hour response according to the guidelines of the ordinance. Ms. Nguyen said the video of her renter speeding into her driveway was inconclusive and questionable because there is no police report to confirm it. She explained that if speeding



is an issue, there is no pattern of repeated occurrences for speeding to become a public nuisance, and no one was injured. She described her other videos showing her renter driving at a lesser speed than her neighbor does. She said that out of about 164 reservations, there were only two confirmed incidences that were beyond her control, but those were resolved within the guidelines of the ordinance. She said that statistically, 99% of the time, her renters do not adversely impact the neighborhood, and she is 100% in compliance with the ordinance. Ms. Nguyen said the majority of her neighbors' videos prove that her renters respect the City's quiet hours and obey her house rules; her renters do not make any raucous noise or shine their car lights directly at any neighbor's property to disturb any neighbor's sleep, they didn't loiter, smoke, litter, drink, urinate, injure, inconvenience, or indecently expose themselves in public.

Ms. Nguyen said that Planning Commission should automatically reject staff's proposal and consider approval of her alternative Proposal 2. She explained that since the Commission has the picture of her bedrooms, her proposal of eight adults occupancy limit makes sense. The king bed and three queen beds can comfortably sleep eight adults, and the twin bunk bed and two optional floor mattresses are for the kids. She pointed out that Commissioner Eades already acknowledged in the previous public hearing that a three-bed/two-bathroom listing for eight adults is reasonable based on his personal experience. She also explained that her proposal for limiting the cars of her overnight occupants to four is also reasonable - her family has two vehicles, so combined with her renters' four cars would be six cars in total, which she said will not adversely affect any parking situation, especially since she has seven on-site parking available.

To address Commissioner Schoale's concern on loitering, Ms. Nguyen asked if she could use a permitted accessory structure as a sitting room or common area for her renters to hang out. This structure, she said, already has dry wall, electrical, flooring, and baseboards all done by previous owners who did use it as a sitting room for many years, as shown in a photo from her appraisal report.

Ms. Nguyen stated that she appreciates Commissioner Desai's fair judgment in making the motion to let her operate because of lack of evidence - before Mr. Lam interrupted his motion twice to steer him out of his motion. Ms. Nguyen said that if the City puts additional restrictions beyond the requirements of the ordinance, the City is discriminating against her family, so Planning Commission should deny staff's aggressive restrictions, which she described as unreasonable, unjustifiable, and puts the City at high legal risks for violating her first amendment rights, equal protection, and fair housing laws. She asked the Commission to vote yes on her proposal 2 because it is more reasonable and has minimal legal risks.

Ms. Nguyen said she appreciates her caring and vigilant neighbors, and assured her neighbors that she will be a more conscientious, mindful operator of the Airbnb moving forward, if her neighbors can just come to her and let her help them. She said she would love to join her neighbors' group to obtain feedbacks and address their concerns

Chair Schoales asked Ms. Nguyen to confirm that she does not agree with staff's proposed conditions and that she thinks the conditions are unreasonable.

Ms. Nguyen said yes to both statements.

There being no Commissioner questions of the applicant, Chair Schoales closed the public hearing and asked the Commissioners if they had questions and comments.

Commissioner Desai stated that he was misquoted as putting the motion in favor of allowing the STR. He said his recollection was he said that he wanted to allow evidence and reconsider evidence. He said that at that meeting, he was not in favor of nor in opposition to the application.

Commission Eades confirmed Commissioner Desai's statement.

Commissioner Diep asked if Condition No. 10, which prohibits renters and guests from using the front yard areas, includes children. She asked if children can play in the front yard.

Dr. Meshram said the intent of the condition is to prevent loitering in the front yard areas. She clarified that children can play in the front yard.

Mr. Lam confirmed that the purpose of the condition is to prevent loitering, meaning people socializing and congregating in the front yard for extended periods, as seen in some of the videos. It does not include children. Mr. Lam added that the wordings could be modified to be specific, if Commissioner Diep directs staff to do so.

Commissioner Diep said there is no need to modify the wordings.

Commissioner Eades referenced the applicant's counterproposal of quiet times from 10:00 p.m. to 7:00 a.m., and stated that he thinks the curfew in the City is 10:00 p.m. on weeknights.

Dr. Meshram said the STR ordinance states that quiet hours are from 10:00 p.m. to 7:00 a.m., the same as what is stated in City's noise ordinance; however, Ms. Nguyen's house rules say quiet hours are from 9:00 p.m. to 7:00 a.m.

Mr. Lam explained that the baseline is what the ordinance states; the Commission can impose a stricter condition than the ordinance if there is a proven need to do so, but the Commission cannot impose anything beyond what the ordinance requires.

Chair Schoales said he would not be comfortable voting on the resolution tonight, he would prefer to obtain a hard copy to review side by side with the applicant's counterproposal.

Dr. Meshram asked if Chair Schoales and the Commissioners were willing to review each condition vs. each counterproposal at this meeting.

Mr. Lam suggested a review of Conditions 1 to 18, including the applicant's corresponding counterproposal, with the Commissioners stating a "No Objection" or "Objection" comment for each, for the record.

The following conditions were amended/added based on the discussions:

Condition No. 2 - A designated smoking area shall be provided within the center 50 percent of the width of the backyard with a minimum 5-ft. setback from the rear property line.

Smoking in any exterior area of the STR premises other than the designated smoking area is prohibited.

Discussion: Chair Schoales and Commissioners Diep and Eades proposed this condition because the STR house rule, which prohibits smoking indoor, will most likely lead to certain guests smoking in the front yard.

Dr. Meshram relayed Mr. France's recommendation to include the required setback in the condition.

Condition No. 6 - Operator's House Rules shall be amended to emphasize that any littering of any public street, sidewalk or other right-of-way areas, and trespassing of private property other than the STR, by renters or guests of the STR shall be grounds for immediate eviction, with no refunding of rent.

Discussion: Commissioner Cangey proposed to add a condition to protect the neighbors against trespassers and possible resulting destruction of neighbors' properties.

Condition No. 9 – The STR operator shall permit no more than eight total adult STR renters or guests and no more than 12 total STR renters or guests.

Discussion: Dr. Meshram reminded the Commission during deliberations that the proposal could be more restrictive than the ordinance, which requires a maximum of two adults per bedroom and two additional adults for entire unit, without a limit on number of accompanied children.

Condition No. 12 – The STR operator's reservation system shall include provisions to require the list of names of all adult renters and overnight guests who will be staying at the STR. This information shall be used by Operator to assure for background checks consistent with its expressed policy to review potential renters or guests within the short-term rental platform's review database, as well as any additional reviews the STR Operator may impose.

Discussion: After deliberations by Chair Schoales and the Commissioners regarding safety and other concerns, this condition was proposed by Commissioner Cangey to address those concerns.

Condition No. 18 – It is intended that the conditions of approval contained in this Resolution be severable and should any portion of this Resolution be found invalid, the remaining conditions of approval shall not be affected and shall remain in full force and effect.

Discussion: Mr. Lam proposed this added standard condition, which relates to severability.

Chair Schoales and the Planning Commissioners had no objections to the rest of the conditions proposed by staff.

Commissioner Desai expressed his sincere thanks to staff for going through this process.

Chair Schoales asked if there was a motion and a second.

Commissioner Eades moved, and Commissioner Diep seconded, the motion to approve the proposed resolution of approval with amendments to Condition Nos. 2, 6, 9, 12, and the added Condition No. 18.

AYES: 5 COMMISSIONERS: Eades, Diep, Cangey, Desai,  
and Schoales

NOES: 0 COMMISSIONER:

ABSENT: 1 COMMISSIONER: Sheibe

ABSTAINED: 1 COMMISSIONER: Lee

**ORAL COMMUNICATIONS:**

Carren Moore and Pearl Nguyen said they had questions for staff regarding Item No. 4 on the agenda for this meeting.

Mr. Lam stated that the public hearing is closed; Ms. Moore and Ms. Nguyen may contact staff with their questions after this meeting.

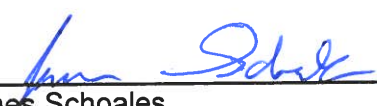
**AGENDA FORECAST:**

Dr. Meshram said there are currently no items scheduled for the July 9, 2021 Planning Commission meeting. She announced that a Draft Housing Element will be presented to the Commission for review at a future meeting.

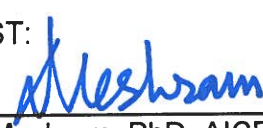
**STAFF REPORTS:** None

**COMMISSIONER REPORT:** None

**ADJOURNMENT:** At 9:30 p.m., Chair Schoales adjourned to the next Planning Commission meeting on Wednesday, June 9, 2021, at 7:00 p.m. in the City Council Chamber. (The June 9, 23, and July 14, 2021 Planning Meetings were cancelled at the time of posting of the May 26, 2021 Planning Commission meeting draft minutes).

  
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James Schoales  
Chair

ATTEST:

  
\_\_\_\_\_  
Swati Meshram, PhD, AICP, LEED AP  
Planning Manager