

AGENDA

Planning Commission

MEETING DATE AND TIME:

August 28, 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 September 13, 2019.

CALL TO ORDER / FLAG SALUTE:

ROLL CALL:

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

1. **APPROVAL OF MINUTES:** PC Meeting August 14, 2019

RECOMMENDED ACTION: Approve

PUBLIC HEARING:

OLD BUSINESS:

2. **SITE PLAN NO. SP18-33568/VARIANCE NO. V18-032970/PARCEL MAP NO. PM18-32972**

A request to construct a new two-story single family home with Variance from Section 19.308.050 of the Zoning Code for required minimum street frontage in conjunction with a request to subdivide one lot into two separate lots at 9162 Holder Street within the RS-6 (One-Family Residential) zone. The project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Section 15332, Class 32 (In-Fill Development).

APPLICANT: JWY Design, Inc.
12803 Schabarum Avenue
Irwindale, CA 91706

PROPERTY OWNER: Cashflow Investments LLC
126 Calderon
Irvine, CA 92618

RECOMMENDED ACTION: Adopt Resolution of Approval

NEW BUSINESS:

3. TEXT AMENDMENT NO. C19-1

A recommendation to the City Council to amend Division 9 of Title 19 of the Buena Park City Code pertaining to temporary signage 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 Study Session/Workshop immediately following the Planning Commission meeting.

STUDY SESSION/STAKEHOLDER WORKSHOP

ROLL CALL: Capelle, Chung, Desai, Diep, McGuire, Schoales, and Barstow

TOPIC: Draft Short Term Rental Regulations

ADJOURNMENT: To the regularly scheduled Planning Commission meeting on Wednesday, September 11, 2019, at 7:00 p.m. in the City Council Chamber

CITY OF BUENA PARK
MINUTES OF CITY PLANNING COMMISSION
August 14, 2019

The regular meeting of the Planning Commission of the City of Buena Park convened at 7:03 p.m. on August 14, 2019, in the City Council Chamber, 6650 Beach Boulevard, Buena Park, California with Chair Barstow presiding.

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

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

1. APPROVAL OF MINUTES July 24, 2019

Commissioner Schoales abstained from voting on this item due to his absence at the Planning Commission meeting of July 24, 2019.

RECOMMENDED ACTION: Approve

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

PUBLIC HEARING:

OLD BUSINESS:

2. SITE PLAN NO. SP18-33568/VARIANCE NO. V18-032970/PARCEL MAP NO. PM18-32972

A request to construct a new two-story single family home with Variance from Section 19.308.050 of the Zoning Code for required minimum street frontage in conjunction with a request to subdivide one lot into two separate lots at 9162 Holder Street within the RS-6 (One-Family Residential) zone. The project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Section 15332, Class 32 (In-Fill Development).

APPLICANT: JWY Design, Inc.
12803 Schabarum Avenue
Irwindale, CA 91706

PROPERTY OWNER: Cashflow Investments LLC
126 Calderon
Irvine, CA 92618

RECOMMENDED ACTION: Adopt Resolution of Approval

In reply to Chair Barstow, Ms. Santos stated that staff had received no written communication on the item.

The staff report was presented by Brady M. Woods, Planning Manager.

The property under application is 0.29 acres (12,761 square feet) in size and developed with a 1,102 sq. ft. one story single-family home. The property carries a General Plan designation of Low Density Residential, and is currently zoned RS-6 (One-Family Residential).

SURROUNDING LAND USE CHARACTERISTICS:

	GENERAL PLAN	ZONING	EXISTING LAND USE
North	Planned Development	Planned Development	Single Family Residential and OCFA Fire Station No. 63
South	Low Density Residential	RS-6	Single Family Residential
East	Low Density Residential	RS-6	Single Family Residential
West	City of Cypress	City of Cypress	Cypress College

Staff recommends the Planning Commission adopt the proposed resolutions approving Site Plan No. SP18-33568, Variance No. V18-32970, and Parcel Map No. PM18-32972 with the findings of fact listed therein.

The property under application is improved with a one-story single family home, and located on the east side of Holder Street between University Way and Via Arroyo Drive. The property maintains street frontage of 80 ft. and area of 12,761 sq. ft.

On October 24, 2018, the Planning Commission held a public hearing to consider the applicant's request to construct one single-family home with a Variance from minimum street frontage in conjunction with a request to subdivide one lot into two lots. The applicant's proposed plans indicated conflicting information, and the Commission expressed concern with regard to the proposed driveway. Staff recommended a continuance of the item to a date uncertain to allow the applicant time to revise the plans, as well as seek further input from the community.

On February 28, 2019, staff conducted a community meeting attended by approximately 5 neighborhood residents as well as the developer and architect. In response to the project review by staff, potential neighborhood issues were identified by residents including compromised privacy of neighbors in adjacent single story homes as a result of the proposed new two-story home, use of the new home for short-term rental, and loss of on-street parking.

The submitted Site Plan, Variance, and Tentative Parcel Map propose construction of a two-story single-family home as well as subdividing the site into two parcels, with a new 20 ft.

wide private driveway to service both lots. The applicant is proposing to retain the existing one-story home, and will construct a new attached 2-car garage to service the existing home. Upon subdividing the property, the proposed new lot will be 6,720 sq. ft. while the remaining lot will be 6,080 sq. ft. The new single-family home will be 2,344 sq. ft. and will include a living room, kitchen, dining room, pantry, laundry room, loft area, four bedrooms, and four and half bathrooms, with an attached two-car garage. The applicant is requesting a Variance from Section 19.308.050 to allow the site to be developed without public street frontage for the proposed rear lot. Access to the rear lot will be located along a proposed 20 ft. wide private driveway. The proposed 15 ft. wide private driveway will be shared between the two lots, and allow access to the proposed 2-car garage servicing the existing home.

The new single-family home will maintain a stucco exterior finish, stone veneer wainscoting, pronounced window and door trim, second floor balcony off the master bedroom, tile roof, varied rooflines and a tan earth-tone color scheme. A 404 sq. ft. covered porch will wrap around the west and north elevation of the home. And approximately 658 sq. ft. attached garage with multi-panel door is also proposed. The existing 6 ft. tall perimeter walls along the north, south, and east property lines will remain to buffer from the existing adjacent single family residential development.

Planning Commission consideration is required based on the design and configuration of the proposed single family residential subdivision with a requested variance via the Site Plan, Variance and Parcel Map processes. In staff's opinion, the ample property size and configuration constitute sufficient physical characteristics providing eligibility for the requested variance, including 160 ft. lot depth, 80 ft. lot width, and area of approximately 1/3 acre.

In reviewing the Site Plan request, staff believes that the proposed site and building design and configuration, including lot coverage, architecture, scale, and layout of proposed single-family home is appropriate for the subject property. Aside from the requested variance, the proposed development meets or exceeds zoning code requirements for design, height, and lot coverage. The new single-family home will maintain RS-6 compliant setbacks including 20 ft. from the new front lot line; 25 ft. from the rear property line; and 5 ft. and 15 ft. setbacks from the side property lines. Off-street parking will also be compliant with a two-car garage and an elongated driveway suitable for additional parking spaces. Based on the neighborhood concerns expressed at the community meeting regarding concerns expressed about privacy, the applicant has revised the original proposal to include planting of mature trees along the south property line to serve as a visual buffer between the properties. Furthermore, in response to concerns expressed about short-term rentals, staff has included a condition prohibiting short-term rental use of dwellings, structures, or properties, part or whole, on both lots. Staff feels the home and lot pattern have been appropriately designed to conform to the low-density single-family residential character of the neighborhood and to maintain compatibility with the adjacent low-density single-family homes. Based on the site and building features, as incorporated into the development and as conditioned, staff feels that the proposed project will be consistent with the character of the existing single-family neighborhood and will impose no adverse impacts on adjacent properties.

Regarding the proposed Tentative Parcel Map, staff believes that since the new parcel will exceed the 6,000 sq. ft. minimum lot size requirement, the subdivision will be consistent with neighborhood development, including adequate access via private 20 ft. wide driveway. The proposed subdivision is consistent with the City's General Plan, Zoning Ordinance, Subdivision Ordinance, and the State Subdivision Map Act. The site reconfiguration will

allow appropriate development consistent with the neighborhood development density and pattern, consistent with City goals.

To ensure compatibility with adjacent properties, staff has included conditions that require submittal of color and building material samples prior to issuance of permits, the retention of decorative concrete block walls along all rear and side yard property lines of the development, and landscaping of all front and side yards visible from public view.

The project is Class 32, Section 15332 (In-fill Development), categorically exempt from CEQA.

Notice of public hearing was posted at City Hall, the Buena Park Library, and Ehlers Event Center on August 2, 2019 and 25 notices were mailed to property owners within a 300 ft. radius of the subject property on August 2, 2019.

Chair Barstow asked if there were any questions for staff.

Commissioner Capelle commented that because the City is in the process of discussing appropriate regulation of short-term rentals, she would like to know which conditions would prevail - the conditions posed to this property owner or the citywide ordinance on short-term rentals. She said the ordinance might obviate the conditions for this application and commented that Planning Commission approval of the proposed project might not be congruent with the City's intent to protect the neighbors from possible negative effects of short-term rentals.

Mr. Lam said it depends on how the ordinance will be written.

Mr. Rosen clarified that the ordinance that is being drafted will have the provision to not preempt the proposed conditions. He said the proposed short-term rental ordinance will be brought before Planning Commission.

Commissioner Schoales noted certain discrepancies between the plans in the Planning Commission packet and those presented on the screen.

Mr. Woods said the elevations on the screen have the correct labels. In response to Commissioner Schoales, Mr. Woods confirmed that the label "north" refers to the elevation that faces the north. He also confirmed that there are two balconies, including one overlooking the apartment, with a setback of approximately 14 ft. from the property line.

Commissioner McGuire noted that there is a balcony above the garage in front of the house and a second balcony.

Mr. Woods said the second balcony connects to bedroom 3.

Commissioner Diep said she noted that the second balcony wraps around the walk-in closet. Mr. Woods confirmed.

Commissioner McGuire said the two elevations north and south are mirrored drawings. He said the deck shows the second floor balcony at the end of the building is on the south instead of the north, meaning it faces the residents to the south, and if so, then he would have a problem with that (encroaching on the neighbor's privacy).

Mr. Woods confirmed that the second floor balcony is on the south.

Commissioner Diep said she agrees with Commissioner McGuire's objection to the proposed balcony on the south elevation facing the property to the south. She said the other balcony over the garage facing west is acceptable and she appreciates the positioning where only one movable window opens to the east, the other windows are more for lighting, and commented that bathroom windows are usually covered, thus eliminating privacy concerns on the property to the east.

Mr. Rosen said the architect can clarify the discrepancies on the plans and, if Planning Commission is not satisfied, this item can be continued to the next Planning Commission meeting.

Chair Barstow 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.

Dr. Li, representing the applicant JWY Design, Inc., 12803 Schabarum Avenue, Irwindale, CA 91706, said a continuance of this item will allow him to address the discrepancies on the plans and resubmit corrected plans.

Commissioner Capelle reminded Dr. Li to take into consideration the consensus of the Planning Commission that there should be no balconies or windows encroaching on the privacy rights of next-door neighbors. She specified that the proposed project should not have any balconies or windows facing south.

There being no one else wishing to speak on the matter, Chair Barstow advised that the item requires a Minute Action to approve continuance to the next regularly scheduled Planning Commission meeting of August 28, 2019.

The MOTION CARRIED unanimously.

AYES: 7 COMMISSIONERS: Diep, McGuire, Capelle, Chung, Desai,
Schoales, and Barstow

NOES: 0 COMMISSIONER:

ABSENT: 0 COMMISSIONER:

ABSTAINED: 0 COMMISSIONER:

ORAL COMMUNICATIONS:

None

AGENDA FORECAST:

Mr. Woods announced that the next regularly scheduled Planning Commission meeting will include the item continued from tonight's meeting, and the following:

- A Conditional Use permit to allow the sale of beer and wine for on-site consumption at an existing full service restaurant (Blaze Pizza) located at 8311 La Palma Avenue within the Regional Commercial (CR) zone; and
- A Text Amendment for recommendation to the City Council to amend Title 19 of the Buena Park City Code pertaining to temporary non-commercial signage, including political campaign signage, regulations.

Mr. Woods added that a Study Session/Workshop on short-term rental regulations will follow the Planning Commission meeting.

Commissioner Diep reminded staff to address, in the Study Session, how Affordable Housing units will be affected by the proposed regulation of short term rentals.

STAFF REPORTS:

Mr. Rosen gave updates on the short-term rental moratorium, the proposed expansion of the Jain Center, and the Sign Ordinance that will first go through Planning Commission.

In response to Commissioner McGuire, Mr. Rosen gave brief status reports on Butterfly Palladium and the approved high-rise residential project on the north side of The Source.

COMMISSION REPORTS:

None

ADJOURNMENT: At 7:30 pm, Chair Barstow adjourned to the regularly scheduled Planning Commission meeting on Wednesday, August 28, 2019, at 7:00 p.m. in the City Council Chamber.

Larry Barstow
Chair

ATTEST:

Joel W. Rosen, AICP
Secretary

CASE SUMMARY:

Case Numbers:	Site Plan SP18-33568, Variance V18-32970, Parcel Map PM18-32972
Application Request:	Subdivide existing lot to develop an additional single family residence
Staff Recommendation:	Approve Resolution with Conditions
CEQA Compliance:	Categorical Exemption 15332 (In-fill Development)
Public Notification:	25 notices mailed August 2, 2019
Staff Planner:	Brady M. Woods, Planning Manager 714.562.3615 bwoods@buenapark.com

AGENDA ITEM NUMBER: 2

MEETING DATE: August 28, 2019

CASE NUMBER: Site Plan No. SP18-33568
Variance No. V18-32970
Parcel Map No. PM18-32972

PROPERTY OWNER: Cashflow Investments LLC
126 Calderon
Irvine, CA 92618

APPLICANT: JWY Design Inc.
12803 Schabarum Avenue
Irwindale, CA 91706

APPLICATION REQUEST: A request to construct a new two-story single-family home with a Variance from minimum street frontage in conjunction with a request to subdivide one lot into two lots

PROPERTY LOCATION/APN: 9162 Holder Street / 134-041-05

SUBJECT PROPERTY INFORMATION:

The property under application is 0.29 acres (12,761 square feet) in size and developed with a 1,102 sq. ft. one story single-family home. The property carries a General Plan designation of Low Density Residential, and is currently zoned RS-6 (One-Family Residential).

SURROUNDING LAND USE CHARACTERISTICS:

	GENERAL PLAN	ZONING	EXISTING LAND USE
North	Planned Development	Planned Development	Single Family Residential and OCFA Fire Station No. 63
South	Low Density Residential	RS-6	Single Family Residential
East	Low Density Residential	RS-6	Single Family Residential
West	City of Cypress	City of Cypress	Cypress College

RECOMMENDATION:

Staff recommends the Planning Commission adopt the proposed resolutions approving Site Plan No. SP18-33568, Variance No. V18-32970, and Parcel Map No. PM18-32972 with the findings of fact listed therein.

APPLICATION ANALYSIS:

Background:

The property under application is improved with a one-story single family home, and located on the east side of Holder Street between University Way and Via Arroyo Drive. The property maintains street frontage of 80 ft. and area of 12,761 sq. ft.

On October 24, 2018, the Planning Commission held a public hearing to consider the applicant's request to construct one single-family home with a Variance from minimum street frontage in conjunction with a request to subdivide one lot into two lots. The applicant's proposed plans indicated conflicting information, and the Commission expressed concern with regard to the proposed driveway. Staff recommended a continuance of the item to a date uncertain to allow the applicant time to revise the plans, as well as seek further input from the community.

On February 28, 2019, staff conducted a community meeting attended by approximately 5 neighborhood residents as well as the developer and architect. In response to the project review by staff, potential neighborhood issues were identified by residents including compromised privacy of neighbors in adjacent single story homes as a result of the proposed new two-story home, use of the new home for short-term rental, and loss of on-street parking.

On August 14, 2019, the Planning Commission held a public hearing to consider the applicant's request. The Commission voted to continue the item to the next regularly scheduled commission meeting to allow the applicant time to submit revised plans addressing inconsistency of the plans related to the location and orientation of a 2nd story balcony.

Proposal:

The submitted Site Plan, Variance, and Tentative Parcel Map propose construction of a two-story single-family home as well as subdividing the site into two parcels, with a new 20 ft. wide private driveway to service both lots. The applicant is proposing to retain the existing one-story home, and will construct a new attached 2-car garage to service the existing home. Upon subdividing the property, the proposed new lot will be 6,720 sq. ft. while the remaining lot will be 6,080 sq. ft. The new single-family home will be 2,344 sq. ft. and will include a living room, kitchen, dining room pantry, laundry room, loft area, four bedrooms, and four and half bathrooms, with an attached two-car garage. The new home will have no 2nd story balconies. The applicant is requesting a Variance from Section 19.308.050 to allow the site to be developed without public street frontage for the proposed rear lot. Access to the rear lot will be located along a proposed 20 ft. wide private driveway. The proposed 15 ft. wide private driveway will be shared between the two lots, and allow access to the proposed 2-car garage servicing the existing home.

The new single-family home will maintain a stucco exterior finish, stone veneer wainscoting, pronounced window and door trim, tile roof, varied rooflines and a tan earth-tone color scheme. A 404 sq. ft. covered porch will wrap around the west and north elevation of the home. And approximately 658 sq. ft. attached garage with multi-panel door is also proposed. The existing 6 ft. tall perimeter walls along the north, south, and east property lines will remain to buffer from the existing adjacent single family residential development.

Discussion:

Planning Commission consideration is required based on the design and configuration of the proposed single family residential subdivision with a requested variance via the Site Plan, Variance and Parcel Map processes. In staff's opinion, the ample property size and configuration constitute sufficient physical characteristics providing eligibility for the requested variance, including 160 ft. lot depth, 80 ft. lot width, and area of approximately 1/3 acre.

In reviewing the Site Plan request, staff believes that the proposed site and building design and configuration, including lot coverage, architecture, scale, and layout of proposed single-family home is appropriate for the subject property. Aside from the requested variance, the proposed development meets or exceeds zoning code requirements for design, height, and lot coverage. The new single-family home will maintain RS-6 compliant setbacks including 20 ft. from the new front lot line; 25 ft. from the rear property line; and 5 ft. and 15 ft. setbacks from the side property lines. Off-street parking will also be compliant with a two-car garage and an elongated driveway suitable for additional parking spaces. Based on the neighborhood concerns expressed at the community meeting regarding concerns expressed about privacy, the applicant has revised the original proposal to include planting of mature trees along the south property line to serve as a visual buffer between the properties, as well as eliminated the proposed 2nd story balcony along the west elevation. Furthermore, in response to concerns expressed about short-term rentals, staff has included a condition prohibiting short-term rental use of dwellings, structures, or properties, part or whole, on both lots. Staff feels the home and lot pattern have been appropriately designed to conform to the low-density single-family residential character of the neighborhood and to maintain compatibility with the adjacent low-density single-family homes. Based on the site and building features, as incorporated into the development and as conditioned, staff feels that the proposed project will be consistent with the character of the existing single-family neighborhood and will impose no adverse impacts on adjacent properties.

Regarding the proposed Tentative Parcel Map, staff believes that since the new parcel will exceed the 6,000 sq. ft. minimum lot size requirement, the subdivision will be consistent with neighborhood development, including adequate access via private 20 ft. wide driveway. The proposed subdivision is consistent with the City's General Plan, Zoning Ordinance, Subdivision Ordinance, and the State Subdivision Map Act. The site reconfiguration will allow appropriate development consistent with the neighborhood development density and pattern, consistent with City goals.

To ensure compatibility with adjacent properties, staff has included conditions that require submittal of color and building material samples prior to issuance of permits, the retention of decorative concrete block walls along all rear and side yard property lines of the development, and landscaping of all front and side yards visible from public view.

ENVIRONMENTAL ASSESSMENT:

The project is Class 32, Section 15332 (In-fill Development), categorically exempt from CEQA.

NOTIFICATION:

Notice of public hearing was posted at City Hall, the Buena Park Library, and Ehlers Event Center on August 2, 2019 and 25 notices were mailed to property owners within a 300 ft. radius of the subject property on August 2, 2019.

FINDINGS OF FACT:

- A. The proposed construction of the single-family home in conjunction complies with all applicable requirements of the General Plan and Zoning Ordinance including lot coverage, height, setbacks, floor plan, building materials, and architectural compatibility, as conditioned.
- B. The site arrangement and improvements will not be detrimental to the existing and intended character of the single-family neighborhood since the proposed new home is in compliance with the General Plan and the Zoning Ordinance. The single-family home is consistent in design and meet applicable standards and criteria and will maintain the single-family residential character of the neighborhood.
- C. Since the proposed design and configuration of the proposed home is consistent with the single-family residential neighborhood development pattern, property values will be conserved.
- D. The proposed project will not create any detrimental effects on the environment since the area was planned for single-family residential development. The project includes appropriate design features to promote compatibility with adjacent properties.
- E. The exterior architectural design of the new home will be in reasonable harmony with the architectural character of the area. The proposed homes are designed to enhance the visual integrity of the site and therefore the surrounding area.

- F. The arrangement and design for pedestrian and vehicular traffic will minimize congestion and protect pedestrian and vehicular safety for the subject property as well as surrounding properties.
- G. The proposed variance will provide for two lots with logical site design, access, and configuration consistent with the surrounding residential neighborhood. The new lot will exceed standards for overall size and will be located along a private driveway that will provide suitable access compensating for lack of street frontage.
- H. There are special circumstances applicable to the subject property such as size, shape, topography, location, or surroundings which result in the strict application of the requirements of the Zoning Ordinance depriving the property of privileges enjoyed by other properties in the same zone and vicinity. The property is one of two remaining properties along this segment of Holder Street suitable for subdivision based on lot size and width. The proposed variance will provide for two lots with logical site design, size and configuration consistent with the surrounding residential neighborhood. Adjacent homes maintain the minimum 6,000 sq. ft. lot size. The sites will exceed standards for overall size and parking and will be located with private garages along a private driveway that will provide suitable access compensating for lack of street frontage.
- I. The requested variance will not grant special privileges to the subject property not enjoyed by other properties in the same zone and vicinity. The proposed new lot size is compatible and comparable with nearby residential properties. Adequate access for the rear lot will be provided by private driveway.
- J. The variance for required street frontage will not produce results detrimental to the public health, safety, or welfare and will not be injurious to other property in the vicinity since the associated single-family home will otherwise comply with applicable development standards and maintain compatibility with the prevailing low density residential neighborhood development pattern. The newly created lot will maintain lot area in excess of code requirements. Equivalent yard area and sufficient access will be provided.
- K. The variance for required street frontage will not be contrary to the objectives of the General Plan for single-family development and will permit development that will complement adjacent properties as the newly created lot will be developed with a single-family home compatible and comparable with the properties within the surrounding residential neighborhood.
- L. The proposed subdivision approved is consistent with the intent of the City's General Plan, Zoning Ordinance, Subdivision Ordinance, and the State Subdivision Map Act. The project configuration and scope will be consistent with the intent of the General Plan Low Density Residential designation and City zoning standards, including proposed private access driveway and compliant yard setbacks.
- M. The proposed subdivision is consistent with the City's General Plan, Zoning Ordinance and Subdivision Ordinance, as conditioned. Adequate access and traffic capacity are or will be available to serve the project. There will be no alteration to the site design or improvements that will detract from the area character.

- N. The site is physically suitable for two single-family homes as well as associated improvements. The new created lot will maintain suitable land areas with appropriate width and length for a single-family home consistent with the surrounding neighborhood development pattern.
- O. The project design is consistent with the intended area character and design, and includes lot dimensions in excess of minimum requirements.
- P. Subdivision of the property will promote development of the site in compliance with the intent of the Zoning Ordinance. The newly created home will be constructed to comply with applicable development standards. The project will continue to promote goals outlined within the General Plan for single-family residential development.

Prepared by: Brady M. Woods, Planning Manager

Approved by: Joel W. Rosen, AICP, Community Development Director

Presented by: Brady M. Woods, Planning Manager

ATTACHMENTS:

- 1. Proposed Resolution: Site Plan SP18-33568/Variance V18-32970/Parcel Map PM18-32972
- 2. Vicinity Map
- 3. Development Plans

SRSP18-33568/V18-32970/PM18-32872

RESOLUTION NO.
SITE PLAN NO. SP18-33568
VARIANCE NO. V18-32970
PARCEL MAP NO. PM18-32972

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK APPROVING A REQUEST TO CONSTRUCT A NEW 2,344 SQ. FT. SINGLE-FAMILY HOME WITH VARIANCE FROM SECTION 19.308.050 OF THE ZONING CODE FOR REQUIRED MINIMUM STREET FRONTAGE IN CONJUNCTION WITH A REQUEST TO SUBDIVIDE ONE LOT INTO TWO INDIVIDUAL LOTS LOCATED AT 9162 HOLDER STREET (134-041-05) WITHIN THE RS-6 (ONE FAMILY RESIDENTIAL) ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF

A. Recitals.

(i) JWY Design Inc., applicant, 12803 Schabarum Avenue, Irwindale, CA 91706, on behalf of Cashflow Investments LLC, property owner, 126 Calderon, Irvine, CA 92618, has filed an application for issuance of Site Plan No. SP18-33568, Variance No. V18-32970, and Parcel Map No. PM18-32972 for the construction of a new two-story 2,344 sq. ft. single-family home in conjunction with a request for Variance from Section 19.308.050 of the Zoning Code for reduced minimum street frontage and to subdivide one (1) parcel into two (2) separate parcels located at 9162 Holder Street in Buena Park, California, in the County of Orange (APN 134-041-05). Hereinafter in this Resolution, the subject Site Plan request is referred to as the "application."

(ii) On October 24, 2018 the Planning Commission conducted a duly noticed public hearing on the application. The Commission voted to continue the item to a date uncertain to allow the applicant time to seek further community input and submit revised plans.

(iii) On August 14, 2019 the Planning Commission conducted a duly noticed public hearing on the application. The Commission voted to continue the item to the next regularly scheduled Commission meeting to allow the applicant time to submit revised plans.

(iv) On August 28, 2019 the Planning Commission conducted a hearing on the application and concluded said hearing prior to the adoption of this Resolution.

(v) All legal prerequisites to the adoption of this Resolution have occurred.

B. Resolution.

NOW THEREFORE, it is found, determined and resolved by the Planning Commission of the City of Buena Park as follows:

1. The Commission hereby specifically finds that all the facts set forth in Recitals, Part A, of this Resolution are true and correct.

2. Based upon substantial evidence presented to this Commission during the above-referenced hearing, including written staff reports, verbal testimony, and development plans dated "RECEIVED AUG 16 2019 PLANNING DIV.," the Commission hereby specifically finds as follows:

a. The proposed construction of the single-family home in conjunction complies with all applicable requirements of the General Plan and Zoning Ordinance including lot coverage, height, setbacks, floor plan, building materials, and architectural compatibility, as conditioned.

b. The site arrangement and improvements will not be detrimental to the existing and intended character of the single-family neighborhood since the proposed new home is in compliance with the General Plan and the Zoning Ordinance. The single-family home is consistent in design and meet applicable standards and criteria and will maintain the single-family residential character of the neighborhood.

c. Since the proposed design and configuration of the proposed home is consistent with the single-family residential neighborhood development pattern, property values will be conserved.

d. The proposed project will not create any detrimental effects on the environment since the area was planned for single-family residential development. The project includes appropriate design features to promote compatibility with adjacent properties.

e. The exterior architectural design of the new home will be in reasonable harmony with the architectural character of the area. The proposed homes are designed to enhance the visual integrity of the site and therefore the surrounding area.

f. The arrangement and design for pedestrian and vehicular traffic will minimize congestion and protect pedestrian and vehicular safety for the subject property as well as surrounding properties.

g. The proposed variance will provide for two lots with logical site design, access, and configuration consistent with the surrounding residential neighborhood. The new lot will exceed standards for overall size and will be located along a private driveway that will provide suitable access compensating for lack of street frontage.

h. There are special circumstances applicable to the subject property such as size, shape, topography, location, or surroundings which result in the strict application of the requirements of the Zoning Ordinance depriving the property of privileges enjoyed by other properties in the same zone and vicinity. The property is one of two remaining properties along this segment of Holder Street suitable for subdivision based on lot size and width. The proposed variance will provide for two lots with logical site design, size and configuration consistent with the surrounding residential neighborhood. Adjacent homes maintain the minimum 6,000 sq. ft. lot size. The sites will exceed standards for overall size and parking and will be located with private garages along a private driveway that will provide suitable access compensating for lack of street frontage.

i. The requested variance will not grant special privileges to the subject property not enjoyed by other properties in the same zone and vicinity. The proposed new lot size is compatible and comparable with nearby residential properties. Adequate access for the rear lot will be provided by private driveway.

j. The variance for required street frontage will not produce results detrimental to the public health, safety, or welfare and will not be injurious to other property in the vicinity since the associated single-family home will otherwise comply with applicable development standards and maintain compatibility with the prevailing low density residential neighborhood development pattern. The newly created lot will maintain lot area in excess of code requirements. Equivalent yard area and sufficient access will be provided.

k. The variance for required street frontage will not be contrary to the objectives of the General Plan for single-family development and will permit development that will complement adjacent properties as the newly created lot will be developed with a single-family home compatible and comparable with the properties within the surrounding residential neighborhood.

l. The proposed subdivision approved is consistent with the intent of the City's General Plan, Zoning Ordinance, Subdivision Ordinance, and the State Subdivision Map Act. The project configuration and scope will be consistent with the intent of the General Plan Low Density Residential designation and City zoning standards, including proposed private access driveway and compliant yard setbacks.

m. The proposed subdivision is consistent with the City's General Plan, Zoning Ordinance and Subdivision Ordinance, as conditioned. Adequate access and traffic capacity are or will be available to serve the project. There will be no alteration to the site design or improvements that will detract from the area character.

n. The site is physically suitable for two single-family homes as well as associated improvements. The new created lot will maintain suitable land areas with appropriate width and length for a single-family home consistent with the surrounding neighborhood development pattern.

o. The project design is consistent with the intended area character and design, and includes lot dimensions in excess of minimum requirements.

p. Subdivision of the property will promote development of the site in compliance with the intent of the Zoning Ordinance. The newly created home will be constructed to comply with applicable development standards. The project will continue to promote goals outlined within the General Plan for single-family residential development.

3. The Planning Commission hereby finds and determines that the project identified above in this Resolution, and approved concurrently with Variance No. V18-32970 and Tentative Parcel Map No. PM18-32972, is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder pursuant to Class 32, Section 15332 of Division 6 of Title 14 of the California Code of Regulations.

4. Based upon the findings and conclusions set forth in paragraphs 1,2, and 3, above, this Commission hereby approves the application subject to the plans dated "RECEIVED AUG 16 2019 PLANNING DIV." as modified herein and following reasonable conditions set forth in paragraph 5 of this Resolution.

5. The following conditions are deemed necessary to protect the public health, safety, and general welfare and are reasonable and proper in accordance with the purpose and intent of the Buena Park City Code:

PUBLIC WORKS:

1. In accordance with the State Subdivision Map Act and Title 18 of the Buena Park City Code (BPCC), tentative and final parcel maps are required to subdivide one lot to two lots. All improvements required to be completed by the subdivider shall be in accordance with the design standards and specifications adopted by the City of Buena Park. Copies of the title search and traverse calculations shall be submitted to the City Engineer at the time of or before first submittal of the final map. The parcel map shall conform to the County Ordinance No. 3808 for boundary in a digital format.
2. The following plans and/or information shall be prepared and submitted in accordance with City standards:
 - a) Grading/Utility Plan
 - b) Erosion Control Plan
 - c) Preliminary and Final WQMP
3. All existing public facilities in conflict with new improvements shall be relocated at no cost to the City. Property owner shall dedicate, or cause to be dedicated all easements needed to accommodate the relocation, modification or installation of facilities to be maintained by the City or any public utility company.
4. The project site must be graded as not to adversely impact the adjacent properties. An Engineering Grading Certification shall be submitted to Engineering Division when grading is complete. The Certification form shall be obtained from the Engineering Services Division. The project RCE/geotechnical engineer shall initiate and prepare the certification, duly signed, wet stamped with date of expiration of registration
5. New public improvements to include the following:
 - a) Remove existing approach along the Holder Street frontage and replace with sidewalk, curb and gutter to match existing. Construct a new 20-foot wide dustpan type driveway approach at the southerly property line on Holder Street frontage per City Std. 209 and ADA requirement. A minimum of 40 feet of the driveway, starting from the driveway approach, shall be straight.
 - b) Provide easements for ingress/egress access and drainage for lots 1 and 2. Also provide a maintenance agreement for common area such as drive approach.
 - c) Install individual water meter and sewer lateral for each residential building per City standards.
 - d) Install one street light on marbelite pole along the Holder Avenue frontage with underground service per City standards.

6. Prior to issuance of grading or building permits, permit applicant shall submit for approval by the City Engineer, a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMP's) that will be used on site to control predictable pollutant run-off. Applicant shall record the approved WQMP with the Orange County Clerk-Recorder at the cost of the applicant, and provide the City with a conformed copy of the recorded WQMP.

This WQMP shall identify the: structural and non-structural measures specified in Appendix G, as available at the Engineering Services Division, detailing implementation of BMP's whenever they are applicable to the project (when the project has a below grade loading dock, for example); the assignment of long-term maintenance responsibilities (specifying the developer, parcel owner, maintenance association, lessee, etc.); and, shall reference the location(s) of structural BMP's.

7. All utility connections, street improvements, and any other work performed in the public right-of-way will require a traffic control plan prepared per the City of Buena Park Public Works Department requirements. The cost of the design and implementation of the traffic control plans shall be borne by the project proponent
8. A traffic impact fee is required and must be paid per City of Buena Park Resolution No. 9726. The traffic impact fee must be paid prior to occupancy of the building.
9. All fees, deposits and bonds associated with improvements required by the Public Works Department shall be paid prior to the issuance of permits for construction..
10. Before exercising any right or performing any obligation pursuant to any permit issued by the Public Works Department, the developer/contractor shall file with the City required insurance certificates.
11. Prior to final release of the project by the Public Works Department, or the refund of any cash deposits, the developer/contractor shall provide the City with a warranty bond to be held by the City for the period of one (1) year, for all public facilities and improvements.
12. Prior to grant of occupancy by the City or commencement of the approved use, these conditions and all improvements required by the Public Works Department shall be completed to the satisfaction of the City Engineer.

FIRE AUTHORITY:

The applicant or responsible party shall submit the plans listed below to the Orange County Fire Authority for review. Approval shall be obtained on each plan prior to the event specified.

1. Prior to issuance of a precise grading permit or a building permit, if a grading permit is not required:
 - a) Residential site plan (Service Code PR160)
2. Prior to concealing interior construction:
 - a) Fire Sprinkler System (Service Code PR400)

3. Specific submittal requirements may vary from those listed above depending on actual project conditions identified or present during design development, review, construction, inspection, or occupancy. Portions of the project that are deferred shall be subject to the codes, standards, and other applicable requirements in force on the date that the deferred plan is submitted to OCFA. Standard notes, guidelines, informational bulletins, submittal instructions, and other information related to plans reviewed by the OCFA may be found by visiting ocfa.org and clicking on "Business→Planning & Development Services" in the menu bar at the top of the screen.
4. Prior to issuance of final certificate of occupancy, all OCFA inspections shall be completed to the satisfaction of the OCFA inspector and be in substantial compliance with codes and standards applicable to the project. Inspections shall be scheduled at least five days in advance by calling OCFA Inspection Scheduling at 714-573-6150.

BUILDING DIVISION:

1. The project shall comply with Buena Park Municipal Code Title 15, California Building Codes.
2. The building/buildings shall be fully fire-sprinklered as required by the City of Buena Park Municipal Code, Title 1, and/or the California Building Codes.
3. The construction plans require professional preparation. Submit plans and structural calculations prepared by a California registered engineer or architect.
4. After the public hearing appeal period ends, applicant shall submit three (3) sets of construction plans to the Building Division for plan check in order to obtain required building permits.

PLANNING DIVISION:

1. This approval shall be for the construction of a new two-story 2,344 sq. ft. single-family home in substantial compliance with plans dated "RECEIVED AUG 16 2019 PLANNING DIV.," and as conditioned herein. When complete, the home shall remain a single-family residence.
2. The applicant and/or property owner shall ensure that a copy of the Planning Commission Resolution, including all conditions of approval, be reproduced on the first pages of construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
3. A deed restriction shall be recorded that limits the development to an individual single-family residence. Interior access to all parts of the home shall be maintained at all times as a condition of use. No sections shall be partitioned off and provided solely with exterior access. Said deed restriction shall be submitted to the City for review and approval and shall be recorded prior to issuance of building permits.

4. No attached or detached Accessory Dwelling Unit shall be permitted on either lot.
5. Use of residential dwellings, structures, or properties, part or whole, for short-term rental shall be prohibited on both properties. Non-compliance will result in re-evaluation of this entitlement by the Planning Commission.
6. Plans submitted for plan check shall include the new single-family home with design and materials consistent with the submitted plans dated "RECEIVED AUG 16 2019 PLANNING DIV." The following architectural amenities including specifications and details shall be included:
 - a. Stucco finish on all elevations
 - b. Decorative stone veneer wainscoting along the front elevation and returns
 - c. Decorative front entry with decorative front door
 - d. Decorative 12 in. eave cornice
 - e. Covered front porch
 - f. Decorative sectional, roll-up garage door
 - g. Framed windows and doors
 - h. Tile roof
7. Porches, patios, and balconies on both lots shall not be used for storage. Patio furniture and other outdoor equipment may be permitted on porches, patios, and balconies.
8. A 440 sq. ft. 2-car garage shall be constructed for the existing single family residence in conjunction with the construction of the proposed single family residence and shared driveway.
9. Future residential room additions or expansion to the proposed single family residence shall only be located within the area labeled at '25'-0" Rear Yard Set Back' on submitted plans dated "RECEIVED AUG 16 2019 PLANNING DIV."
10. Landscaping including the planting of mature trees at a height no less than 15 ft. shall be planted along the south property line to serve as a visual buffer.
11. The applicant shall demonstrate that proposed building materials, and other architectural/site features are rated for appropriate durability and longevity. Final plans shall incorporate all changes as conditioned herein and shall recognize all easements or deed restrictions pertaining to the subject property. Any appreciable modification shall require the prior approval of the Planning Division.
12. Construction shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday with no construction permitted on Sunday unless approved by the Public Works Department for unusual circumstances.
13. A 6 inch wide decorative block wall, a minimum of 6 ft. and a maximum of 7 ft. high, measured from the highest finished grade shall be constructed and maintained along the newly created lot line. Standard grey or pink block shall not be considered. No block wall construction shall occur until a grading plan has been approved by the Public Works Department if required. Plans submitted for plan check shall show details and specification for all new walls.

14. All required new utility services shall be underground. All required utility services and equipment, including transformers, gas meter, "J" boxes, and similar devices shall be located below grade or shall be screened from view by ornamental masonry walls. The placement and treatment of all screening devices shall be subject to review and approval of the Planning Division. In addition to said walls, landscaping may also be required as a solution for screening. A preliminary electrical equipment plan, which is prepared by the Southern California Edison Company, shall be reviewed and approved by the City Planning Division prior to the issuance of building permits. The applicant is required to return City approved red line prints to the Southern California Edison Company Planning Department, for preparation of final construction drawings. The location of other utility companies' appurtenances and meters shall be submitted to the City Planning Division for review and approval prior to installation.
15. No roof-mounted mechanical equipment shall be permitted unless such equipment is not visible from adjacent and surrounding properties and streets from a height of five (5) feet above ground level. The installation and screening of air conditioning and similar equipment shall comply with existing design criteria and Section 19.340.020 of the City Code.
16. The new private driveway shall be a minimum of 20 ft. wide from curb to curb in all locations.
17. The curbs, gutters, and pavement section within the private drive shall be designed to City standards and shall be reflected on the grading plan and street improvement plan for the review of the Public Works Department.
18. The development shall conform to the plan as finally approved by the City as conditioned herein. Final plans shall incorporate all changes as conditioned herein and shall recognize all easements or deed restrictions pertaining to the subject property. Any appreciable modification shall require the prior approval of the Planning Commission. However, minor deviations in rear yard slopes and grading may be approved by the Director of Community Development.
19. Prior to the issuance of Building Permits all fees associated with development including, but not limited to, park in lieu fees mandated by City Ordinance No. 1416 shall be paid in full.
20. It is recommended that plans be submitted to the Franchise Cable TV provider prior to the issuance of a building permit to allow for cable service to the project. Please call (714) 338-2091 for information.
21. Entitlements granted for Site Plan SP18-33568, Variance V-32970, and Parcel Map PM18-32972 may be revoked for any violation or noncompliance with any of these conditions in accordance with the Buena Park Municipal Code.
22. The construction authorized by Site Plan SP18-33568 shall be started within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.

23. The Parcel Map shall conform to the plan as finally approved by the City, as conditioned herein, and any appreciable modification shall require the prior approval of the Planning Commission.
24. The subdivision authorized by Parcel Map PM18-32972 shall be recorded within two (2) years of the expiration of the appeal period.
25. Prior to the issuance of building permits for any new single family residence, all fees associated with development including, but not limited to, park fees mandated by City Ordinance No. 1416 shall be paid in full.
26. Prior to any occupancy permit being granted, these conditions and all improvements shall be completed to the satisfaction of the City.
27. The applicant shall indemnify, defend, and hold harmless the City, its officers, agents, and employees from any claims and losses whatsoever occurring or resulting to any and all persons, firms, or corporations furnishing or supplying work, services, materials, or supplies in connection with the performance of the use permitted hereby or the exercise of the rights granted herein, any and all claims, lawsuits or actions arising from the granting of or exercise of the rights permitted by this Site Plan and from any and all claims and losses occurring or resulting to any person, firm, or corporation, or property damage, injury, or death arising out of or connected with the performance of the use permitted hereby. Applicant's obligation to indemnify, defend, and hold harmless the City as stated hereinabove shall include, but not be limited to, paying all fees and costs incurred by legal counsel of the City's choice in representing the City in connection with any such claims, losses, lawsuits, or actions, and any award of such damages, judgments, verdicts, court costs or attorneys' fees in any such lawsuit or action.

PASSED AND ADOPTED this 28th day August 2019 by the following called vote:

AYES:	0	COMMISSIONER:
NOES:	0	COMMISSIONER:
ABSENT:	0	COMMISSIONER:
ABSTAINED:	0	COMMISSIONER:

Larry Barstow
Chair

ATTEST:

Joel W. Rosen, AICP
Secretary

AFFIDAVIT OF ACCEPTANCE:

I/ We do hereby accept all of the conditions contained in this document and all other conditions imposed by Site Plan SP18-33568/Variance V18-32970/Parcel Map PM18-32972 and do agree that I/ We shall conform with and abide by all such conditions.

Owner Signature

Owner Printed Name

Date

Applicant Signature

Applicant Printed Name

Date

RESP18-33568/V18-32970/PM18-32972



City of
BUENA PARK

VICINITY MAP

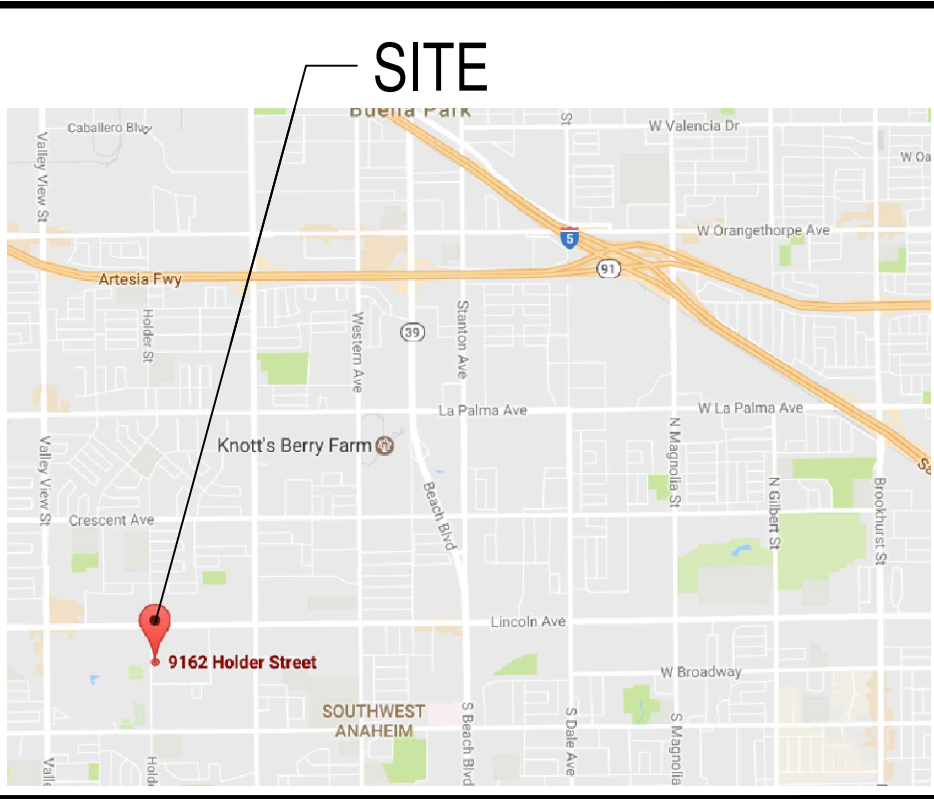


PLANNING COMMISSION

AUGUST 28, 2019

SITE PLAN SP18-33568
VARIANCE V18-32970
PARCEL MAP PM18-32972
9162 Holder Street
(APN: 134-041-05)

1. EVERY DWELLING UNITS SHALL BE PROVIDED WITH HEATING FACILITIES CAPABLE OF MAINTAINING A ROOM TEMPERATURE OF 68° F @ 3'-FT ABOVE FLOOR.
2. ALL ESCAPE OR RESCUE WINDOWS SHALL HAVE A MIN. NET CLEAR OPENABLE AREA OF 5.7 S.F. THE MIN. NET CLEAR OPENABLE HEIGHT SHALL BE 24" THE MIN. NET CLEAR OPENABLE WIDTH DIMENTION SHALL BE 20".
WHEN WINDOWS ARE PROVIDED AS A MEANS OF ESCAPE OR RESCUE THEY SHALL HAVE A FINISHED SILL HEIGHT NOT MORE THAN 44" ABOVE THE FLOOR.
3. ALL EXTERIOR DOORS REQUIRE A LANDING. DOOR LANDINGS SHALL HAVE A WIDTH AT LEAST EQUAL TO THE WIDTH OF THE DOOR, SHALL HAVE A LENGTH MEASURED IN THE DIRECTION OF TRAVEL OF AT LEAST 36",
AND SHALL HAVE A SLOPE NOT GREATER THAN 1/4" PER FOOT.
4. WHERE EXTERIOR LATH AND PLASTER IS USED A WEEP SCREED SHALL BE INSTALLED. THE SCREED SHALL BE PLACED A MIN. OF 4" ABOVE TO THE EARTH AND/OR 2" ABOVE PAVED AREAS.
5. BRACED WALL PANELS SHALL START AT NOT MORE THAN 8' FROM EACH END OF A BRACED WALL LINE.
6. BRACED WALL LINES SHALL NOT BE OFFSET BY MORE THAN 4'.
7. BRACED WALL PANEL CONSTRUCTION SHALL BE EITHER PLYWOOD OR PORTLAND CEMENT PLASTER AND SHALL NOT BE MIXED WITHIN A BRACED WALL LINE.
8. PLYWOOD BRACED WALLS SHALL BE 1/2" STRUCTURE I GRADE PLYWOOD, SHALL NOT BE LESS THAN 4' IN LENGTH NOR HAVE A HEIGHT WIDTH RATIO LESS THAN 2:1.

[illegible]

VICINITY MAP

SEC 15 T 4 R 11 N 80 FT S 449.18 FT W 200 FT NW1 / 4NE1 / 4

SUBDIVIDE NEW SINGLE FAMILY RESIDENCE
9162 HOLDER ST, BUENA PARK, CA 90620

ALL WORKS INCLUDING MATERIALS AND
WORKMANSHIP, SHALL CONFORM TO THE

- 2016 CALIFORNIA BUILDING CODE,
- 2016 CALIFORNIA RESIDENTIAL CODE,
- 2016 CALIFORNIA MECHANICAL CODE,
- 2016 CALIFORNIA PLUMBING CODE,
- 2016 CALIFORNIA ELECTRICAL CODE,
- 2014 CALIFORNIA FIRE CODE,
- 2016 CALIFORNIA ENERGY CODE,

PROJECT: SUBDIVIDE NEW SINGLE FAMILY RESIDENCE
OWNER: HE, JIANZHONG; CASHFLOW INVESTMENTS LLC
SITE ADDRESS: 9162 HOLDER ST, BUENA PARK, CA 90620

APN#: 134-041-05 (EXISTING)
LOT SIZE: 13,600.0 SF (EXISTING)

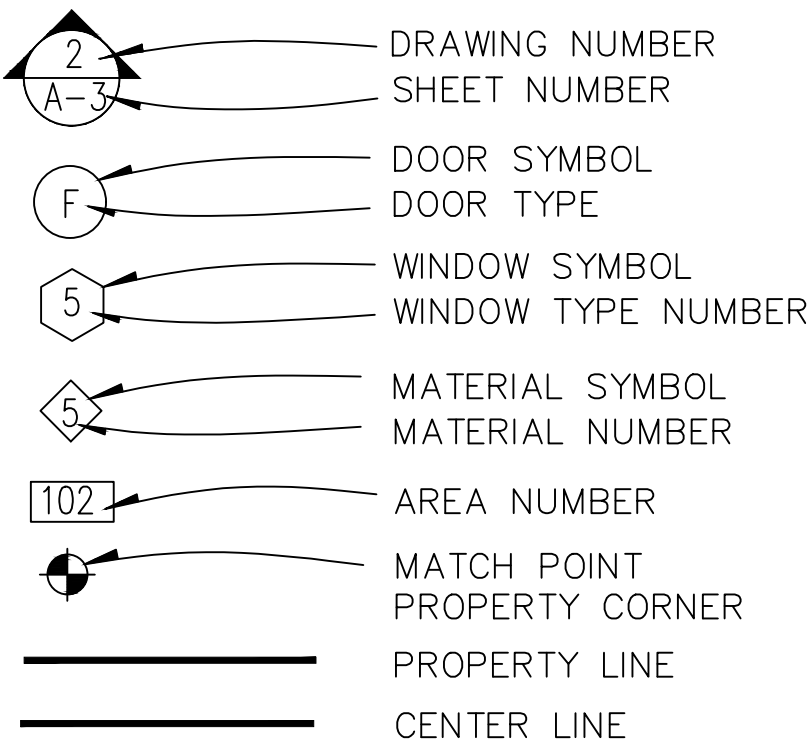
ZONE: RS - 6

STORY: 2 - STORY

SETBACK:

REQUIRED: MINIMUM FRONT YARD SETBACK: 20'-0" PROPOSED: 25'-0"
 REQUIRED: MINIMUM REAR YARD SETBACK: 25'-0" PROPOSED: 25'-0"
 REQUIRED: MINIMUM SIDE YARD SETBACK: 5'-0" PROPOSED: 5'-0"

CODES OF DESIGN



SHEET INDEX


LEGAL DESCRIPTION

SYMBOLS

SUMMARY

SUBDIVIDE EXISTING ONE SINGLE FAMILY LOT INTO TWO SINGLE FAMILY LOTS, AND PROTECT EXISTING SINGLE HOUSE AT FRONT IN PLACE.

SCOPE OF WORKS



12803 Schabarum Ave.
IRVINDALE, CA 91706
(626) 587-8120
jwydesigninc@gmail.com

REVISIONS	BY

Sheet Title

TITLE SHEET

Project Name
SUBDIVIDE NEW SINGLE FAMILY RESIDENCE
9162 HOLDER ST,
BUENA PARK, CA 90620

Date 08/2019

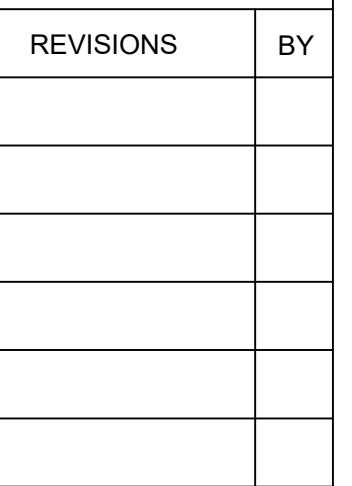
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Drawn D.L.

Job

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Of **A-1.00** Sheets



Sheet Title

Date 08/2019

Scale AS SHOWN

Drawn D.L.

Job

Sheet

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Sheet Title

Project Name
SUBDIVIDE NEW SINGLE FAMILY RESIDENCE
9162 HOLDER ST,
BUENA PARK, CA 90620

Date 08/2019

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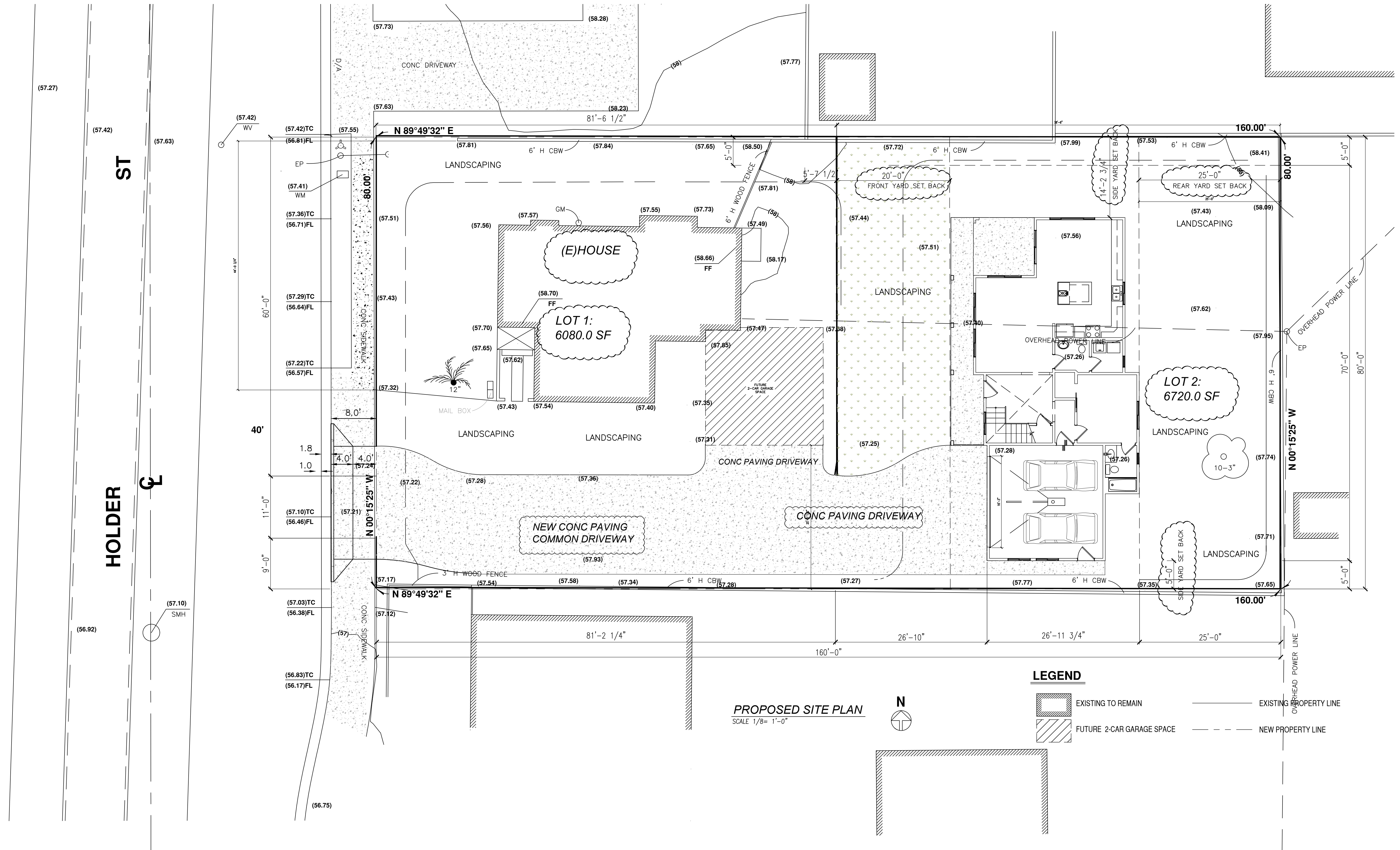
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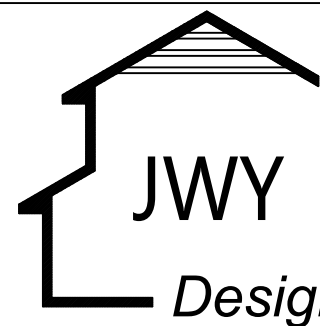
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Of Sheets





12803 Schabaram Ave.
IRVINDALE, CA 91706
(626) 587-8120
jwydesigninc@gmail.com

REVISIONS	BY

PROPOSED FLOOR PLAN

Sheet Title

Project Name
SUBDIVIDE NEW SINGLE FAMILY RESIDENCE
9162 HOLDER ST.
BUENA PARK, CA 90620

Date 08/2019

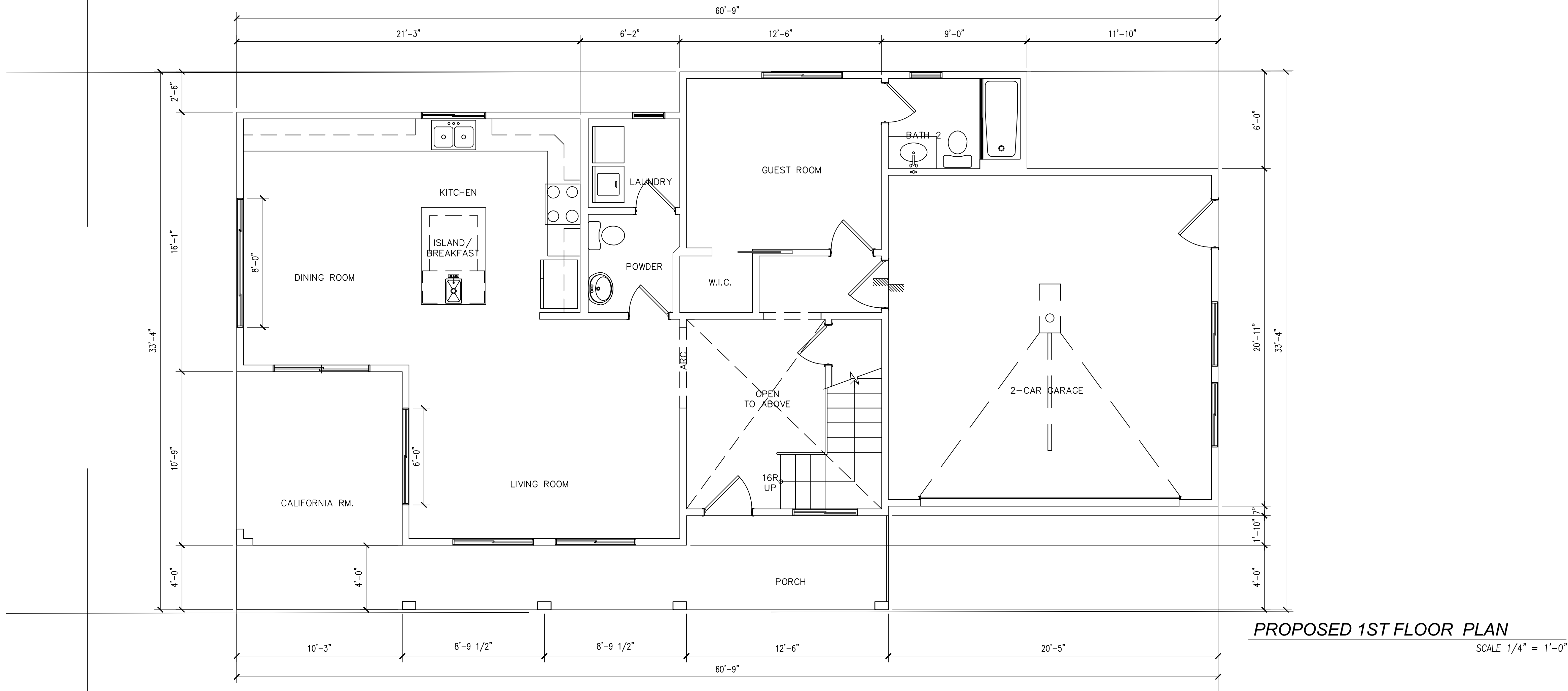
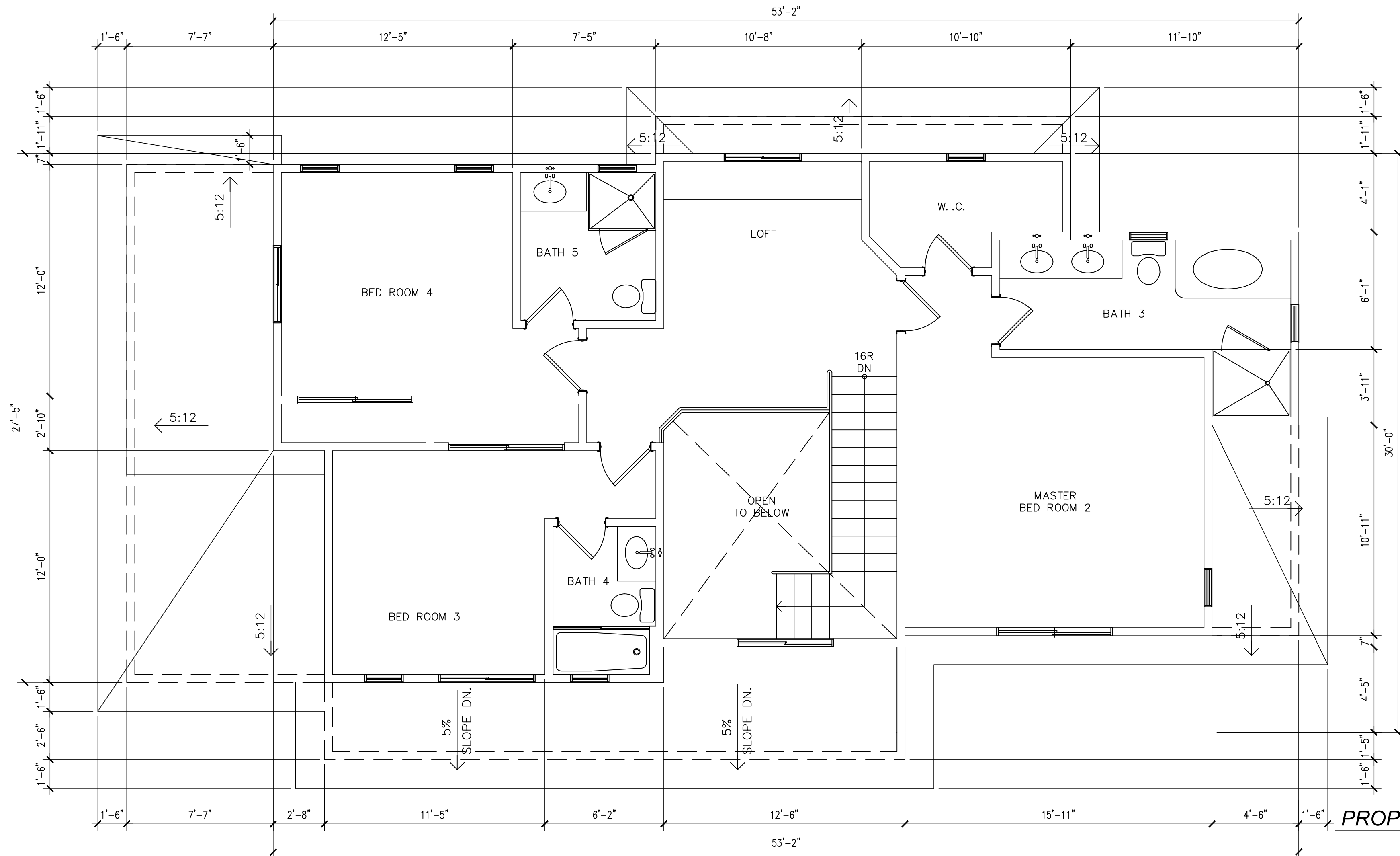
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Of A-2.00 Sheets





1 PROPOSED WEST - FRONT ELEVATION
SCALE 1/4" = 1'-0"



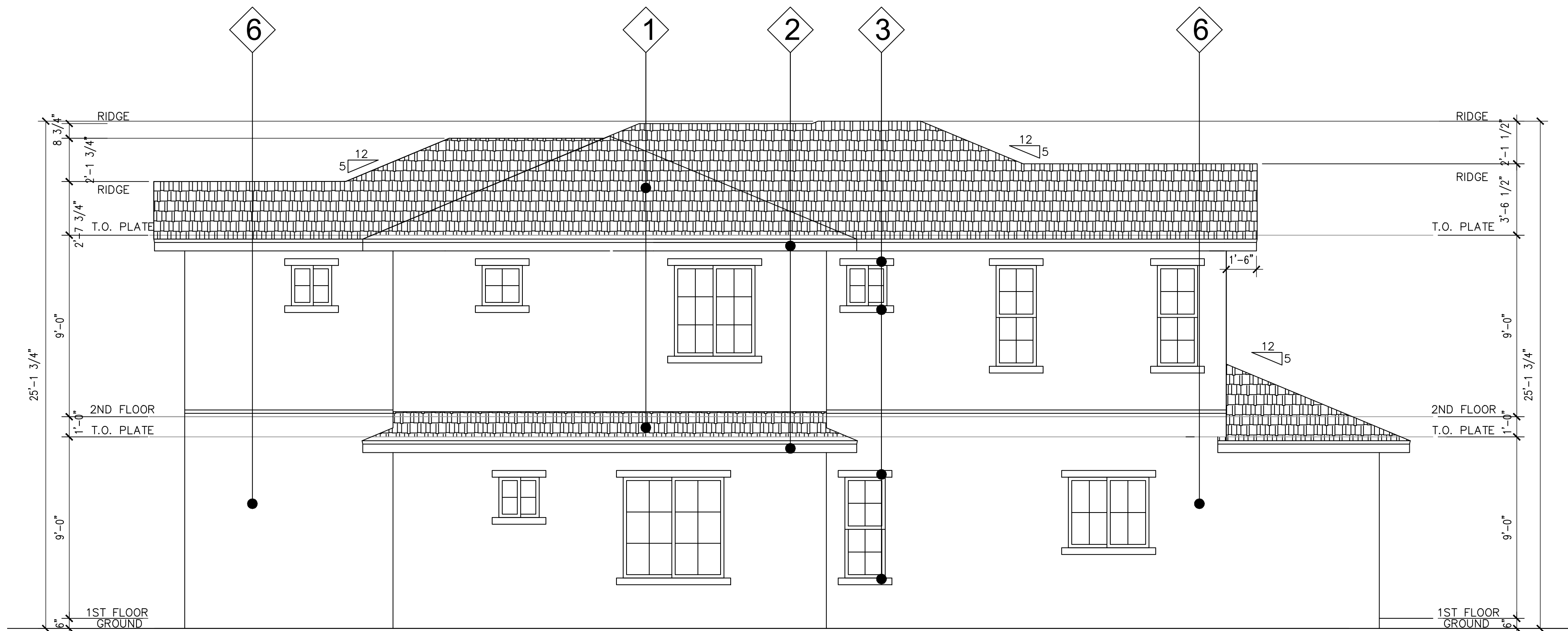
2 PROPOSED SOUTH - SIDE ELEVATION
SCALE 1/4" = 1'-0"

ELEVATION MATERIAL LEGEND

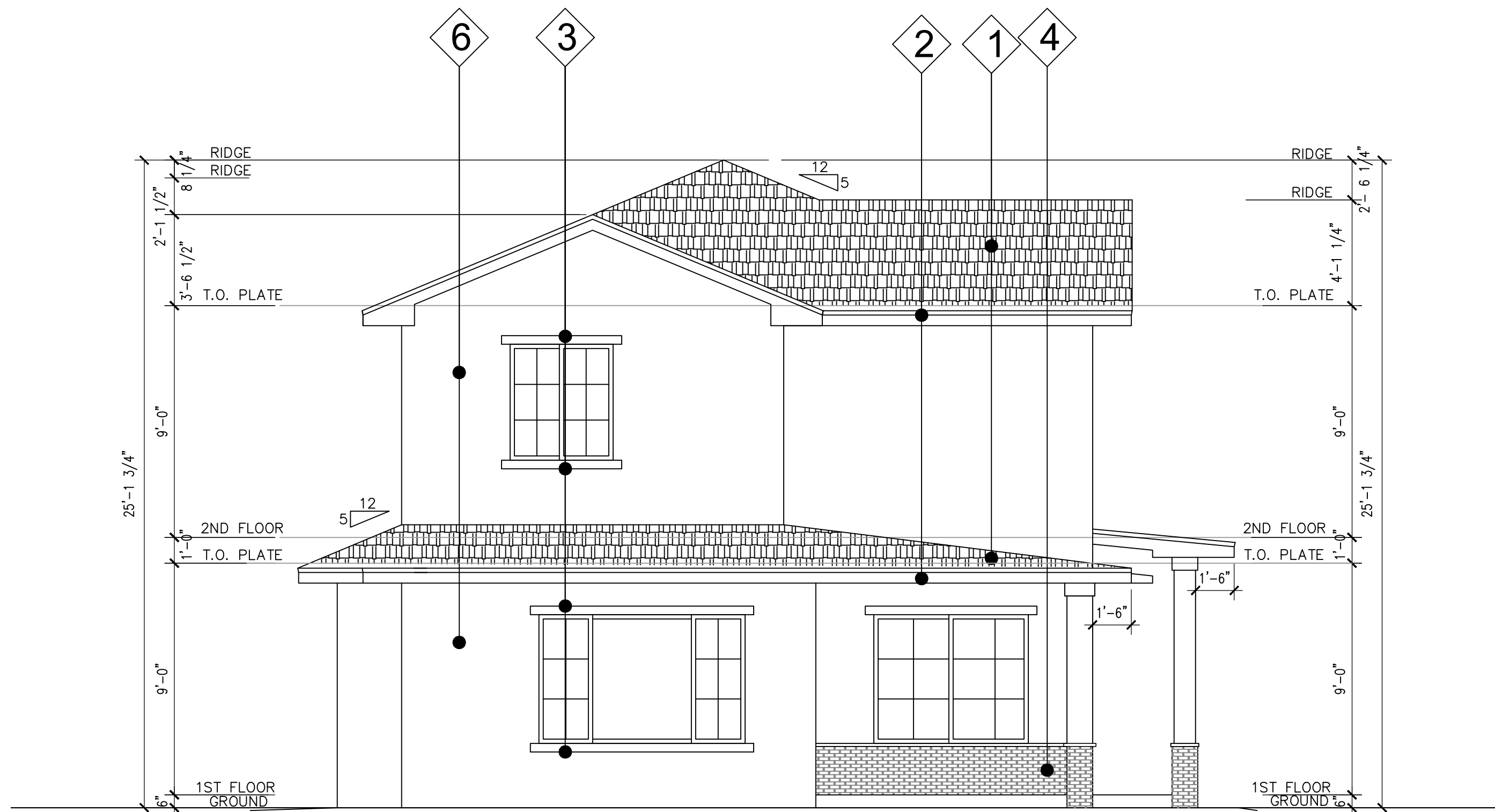
1	ROOF TITLE-"EAGLE"(BEL AIR-4503 SIERRA MADRE)	6	EXT.STUCCO-"BEHR"(MIDSUMMER BXC-31)
2	WOOD FASCIA-"BEHR"(PICKET FENCE WHITE BXC-32)		
3	WINDOW TRIP FOAM MOLDING-"BEHR"(PICKET FENCE WHITE BXC-32)		
4	EXT.STONE VENEER		
5	WOOD SHUTTER-"BEHR"(JOLLY GREEN BXC-33)		

Project Name	SUBDIVIDE NEW SINGLE FAMILY RESIDENCE 9162 HOLDER ST, BUENA PARK, CA 90620
Date	08/2019
Scale	AS SHOW
Drawn	D.L.
Job	
Sheet	
Of	A-3.00 Sheets

REVISIONS	BY



3 PROPOSED EAST - REAR ELEVATION
SCALE 1/4" = 1'-0"



4 PROPOSED NORTH - SIDE ELEVATION
SCALE 1/4" = 1'-0"

ELEVATION MATERIAL LEGEND

1	ROOF TITLE-"EAGLE"(BEL AIR-4503 SIERRA MADRE)	6	EXT.STUCCO-"BEHR"(MIDSUMMER BXC-31)
2	WOOD FASCIA-"BEHR"(PICKET FENCE WHITE BXC-32)		
3	WINDOW TRIP FOAM MOLDING-"BEHR"(PICKET FENCE WHITE BXC-32)		
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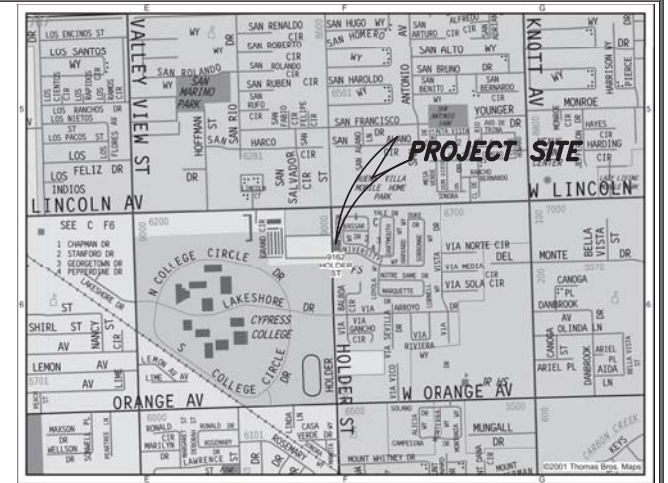
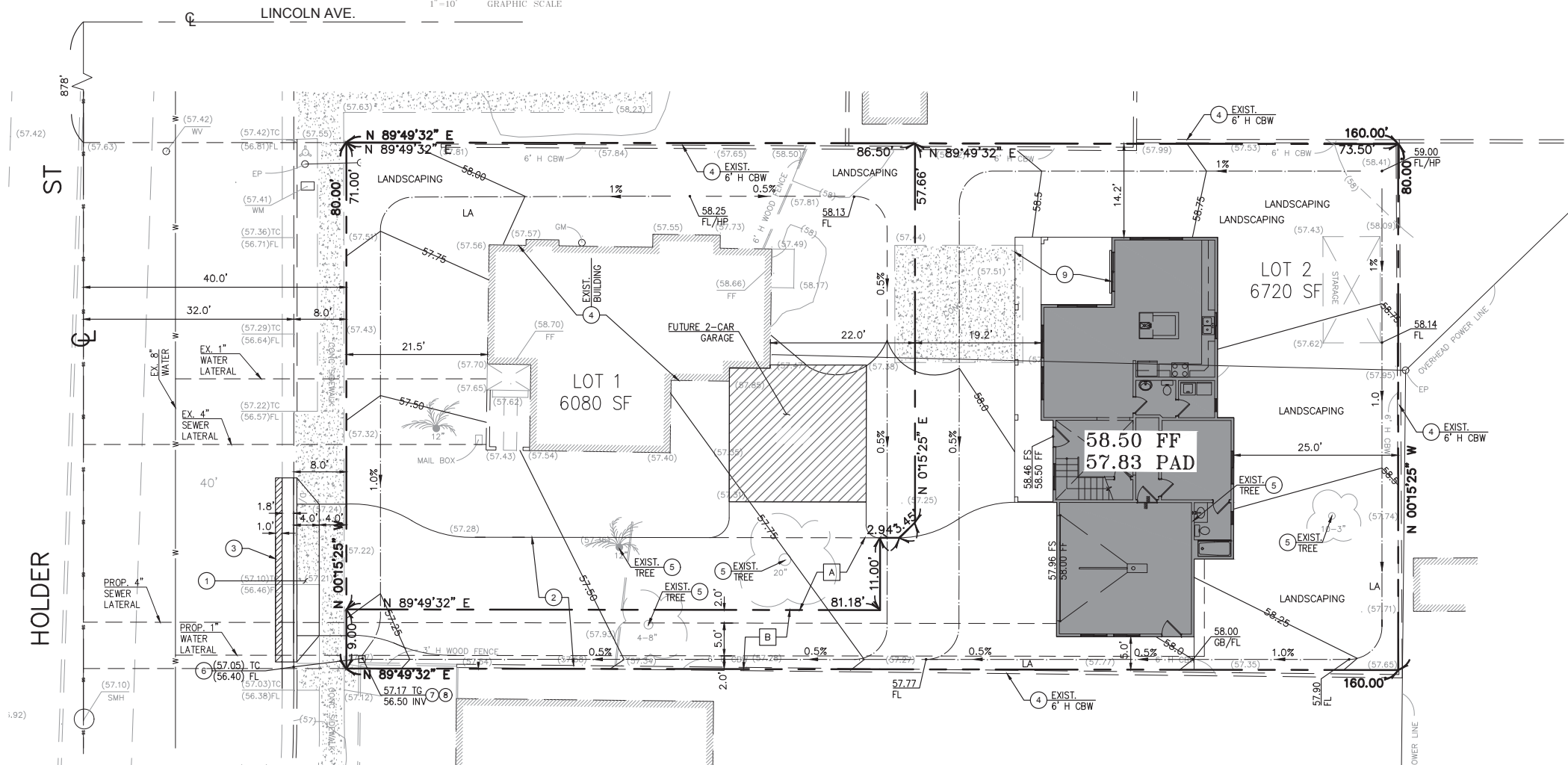
Project Name	SUBDIVIDE NEW SINGLE FAMILY RESIDENCE 9162 HOLDER ST, BUENA PARK, CA 90620
Date	08/2019
Scale	AS SHOW
Drawn	D.L.
Job	
Sheet	
Of	A-3.01 Sheets

REVISIONS	BY

TENTATIVE PARCEL MAP NO. 2017-129

IN THE CITY OF BUENA PARK, COUNTY OF ORANGE
STATE OF CALIFORNIA
BEING A SUBDIVISION PORTION OF THE S.W. 1/4 OF
THE N.W. 1/4 OF THE N.E. 1/4 SECTION 15, T. 4S,
R. 11 W, S.B.B. & M.,

JANUARY 23, 2017



VICINITY MAP
T.G. # 767-F6 N.T.S.

PROJECT DESCRIPTION

- PROJECT: TWO LOTS SUBDIVISION PROJECT. SUBDIVIDE EXIST. LOT INTO TWO LOTS, AND REMAIN EXIST. HOUSE AT THE FRONT, BUILD A NEW ATTACHED TWO CAR GARAGE FOR FRONT HOUSE, AND BUILD A TWO STORY SINGLE FAMILY HOUSE AT THE BACK.
- PROJECT ADD: 9162 HOLDER ST. BUENA PARK, CA 90620
- APN: 134-041-05
- LOT SIZE: LOT 1, 6440 SF AND LOT 2, 6360 SF
- BUILDING HEIGHT: LOT 1, ONE STORY, LOT 2, TWO STORY.
- EXISTING ZONING: SFR
PROPOSED ZONING: RS-6

LEGAL DESCRIPTION:

SEC 15 T 4 R 11 N 80 FT S 499.18 FT W 200
FT NW 1/4 NE 1/4

BASIS OF BEARING:

THE CENTER LINE OF HOLDER STREET BEING
S0°15'25"W., AS PER R. S. 24-28, RECORDS OF
ORANGE COUNTY, CALIFORNIA.

EASEMENT NOTES:

- A A VEHICULAR ACCESS EASEMENT RESERVED FOR LOT 1
B A VEHICULAR ACCESS EASEMENT RESERVED FOR LOT 2

LEGEND:

PROPERTY LINE	---
CENTERLINE	---
EASEMENT LINE	---
CATCH BASIN	□
EX. STRUCTURE	▒
FLOWLINE	---
EDISON POLE	o
PROPOSED BUILDING	▒

ABBREVIATIONS:

AC.	ASPHALT CONCRETE
APN	ASSESSOR'S PARCEL NUMBER
AVE	AVENUE
CBW	CONC. BLOCK WALL
CIP	CAST IRON PIPE
CONC	CONCRETE
CONS.	CONSTRUCT
CL	CENTERLINE
D/A	DRIVEWAY APRON
DWY	DRIVEWAY
EX/EXIST.	EXISTING
EL. ELEV	ELEVATION
FF	FINISH FLOOR ELEVATION
FL	FLOW LINE ELEVATION
H	HEIGHT
HP	HIGHEST POINT
LA	LANDSCAPE AREA
PCC	PORTLAND CONCRETE CEMENT
TC	TOP GRADE ELEVATION
TC	TOP OF CURB ELEVATION
INV	INVERT ELEVATION
WH	WATER HEATER
SMH	SEWER MANHOLE
SF	SQUARE FEET

PROJECT SITE:

9162 HOLDER ST.
BUENA PARK, CA 90620

CIVIL ENGINEER/LAND SURVEYOR:

APPLE ENGINEERING GROUP
9080 TELSTAR AVE, SUITE 309
EL MONTE, CA 91731
Tel. (626) 552-9818
EMAIL: INFO@APPLEENGINEERING.NET
WEB: WWW.APPLEENGINEERING.NET

OWNER/DEVELOPER:

HE JIANZHONG/CASHFLOW INVESTMENTS LLC
126 CALDERON
IRVINE, CA 92618
(949) 390-3178

OWNER/DEVELOPER STATEMENT:

I, HE JIANZHONG OF CASHFLOW INVESTMENTS LLC.,
HEREBY CONSENT TO THE SUBMISSION OF THIS
MAP TO THE CITY OF BUENA PARK

CONSTRUCTION NOTES:

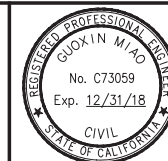
- CONST. 4" THICK PCC DRIVEWAY APPROACH ON COMPACTED SOIL
W=20', X=4', Y=4'.
- CONST. PERMEABLE DRIVEWAY PER COUNTY LID REQUIREMENT.
- SAWCUT 12" FROM EDGE OF GUTTER.
- PROTECT IN PLACE.
- REMOVE EXISTING.
- CONST. 4" CURB DRAIN, PER SPPWC, STD. 150-3, N=3.
- CONST 12"x12" CATCH BASIN, DETAIL PER BROOKS PRODUCTS.
- CONST. FILTER INSERT.
- CONST. CONCRETE PATIO

Plan Prepared By:

GUOXIN MIAO 1/23/2018
Date

Apple Engineering Group

Subdivision, Engineering Design & Survey
9080 TELSTAR AVENUE, SUITE 309
EL MONTE, CA 91731
Tel: (626) 552-9818 EMAIL: info@appleengineering.net



TENTATIVE PARCEL MAP NO. 2017-

SCALE: 1"=10'	APN: 134-041-05	DRAWN BY: YAV
DATE: 1/23/2018	9162 HOLDER ST., BUENA PARK, CA 90620	REVISED: MIKE
SHEET 1 OF 1	JOB NO. P17016	

CASE SUMMARY:

Case Number:	Text Amendment C19-1
Application Request:	Zoning Ordinance text amendment to Division 9, Chapter 19.904 Sign Regulations
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: August 16, 2019
Presenter:	John Lam, Assistant City Attorney

AGENDA ITEM NUMBER: 3

MEETING DATE: August 28, 2019

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

APPLICATION REQUEST: Amend BPMC Chapter 19.904 to enact a content-neutral regulatory scheme establishing reasonable time, place, and manner restrictions and regulations for temporary signs located on public property or in the public rights-of-way

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the attached Resolution recommending that the City Council approve Zoning Text Amendment No. C19-1.

APPLICATION ANALYSIS:Background:

Over the years, the City Council of the City of Buena Park has enacted comprehensive sign regulations under the Title 19, Zoning of the Buena Park Municipal Code ("BPMC"). Because sign regulations inherently implicate First Amendment rights, laws governing the regulation of signs have evolved and continue to do so whenever new court decisions clarify or interpret sign regulation laws. Within this context, and through multiple other court decisions, municipalities have been granted the authority to regulate the location, time, and manner of signage without reference to the content of the message.

In the 2015 United States Supreme Court decision of *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015), the Supreme Court invalidated a municipal sign ordinance that imposed more stringent restrictions on certain types of signs based on the content of the sign, which the Supreme Court held was an unconstitutional “content-based regulation.” Under *Gilbert*, a local sign regulation that creates categories of signs based on information conveyed (e.g. real estate signs, political signs, religious signs), and applies different restrictions on each category, may be challenged as an unconstitutional content-based speech regulation. Unless a content-based regulation is supported by a “compelling governmental” interest, and unless that regulation is “narrowly tailored” to further that interest, it is unconstitutional. This test is rarely, if ever, satisfied in context of traditional public forums like sidewalks and other public rights of way.

The City’s regulations for temporary signs in the public rights-of-way in BPMC Chapter 19.904 have not been updated since the *Gilbert* Decision. Accordingly, the City proposes to make content-neutral clarifications to ensure consistency with recent case law.

Proposal:

The proposed ordinance amends BPMC Chapter 19.904 to enact a content-neutral regulatory scheme establishing reasonable time, place, and manner restrictions and regulations for temporary signs located on public property or in the public rights-of-way.

Discussion:

As discussed above, federal and state law prohibits the City from regulating temporary signs based on subject matter or content. Cities, however, may enact reasonable content-neutral time, place, and manner restrictions that apply to all temporary signage on public property or in public rights-of-way.

The City’s existing temporary sign regulations codified under Section 19.904.030(F) prohibit all signs on public property and public rights-of-way, with the exception of signs pertaining to political campaigns, real estate signs, and certain city-related signs. Moreover, each of these “exempt sign categories” is subject to specific standards and requirements.

The attached ordinance proposes an alternative, content-neutral regulatory scheme that is intended to have a similarly “regulatory effect”: prohibit obstructions to travel and visual clutter on public property and public rights of ways, while allowing limited and unobtrusive signs to be located. To that end, the proposed ordinance would – like the existing code – prohibit all temporary commercial signs on public property and in the public rights-of-way, but with limited exceptions for certain types of signs based on form factor, size, and location; as opposed to content.

Specifically, the Zoning Text Amendment No. C19-1 proposes to prohibit all temporary signs on public property and public rights-of-way, with the following exceptions:

1. **Official Signs** – Temporary signs associated with the City or other governmental agency, such as: traffic control / directional signs; public notices or signs required by law; signs related to governmental functions; signs about public projects, developments, and events; and banners for special community events.
2. **Temporary Special Event Signs** – Any temporary sign identifying, displaying, directing, or conveying information, idea, or message related to an event or occasion occurring in the

City, which does not invite members of the public to attend for the primary purpose of completing a commercial transaction at the location or site. Examples of permitted special events signs include, but are not limited to, signs related to social gatherings, open houses, model home showings, support groups, religious services, and educational meetings.

3. **Noncommercial signs** – Temporary signs that are not commercial in nature are permitted (subject to the below standards).

Additionally, all temporary signs (including special event and noncommercial signs) are subject to the standards and restrictions, including:

- **Design and Size** – Only “A-Frame” or “T-Frame” style signs permitted, with a maximum standing height of 36 inches from the ground, and maximum width of 24 inches, and display panel no more than 4 square feet in area. (See Attachment No. 1 for examples).
- **Placement** – Signs may not obstruct pedestrian movement and:
 - o May not be placed on sidewalks measuring less than 60 inches in width;
 - o maintain a minimum of 48 inches of clearance from any obstruction;
 - o May not obstruct pedestrian or handicap accessibility, curb ramps, emergency exits, transit stops, or parking spaces;
 - o Shall not be placed on any medians;
 - o Shall not be placed within or project over any street, alley, roadway, or highway intended for vehicular traffic;
 - o Shall not be placed, affixed, or attached to any landscaping or public infrastructure;
 - o Shall not project over any public walkway, alley, or public property;
 - o No more than four (4) A-Frame or T-Frames signs (or any combination thereof) may be placed by any person or entity, and only one (1) sign may be placed on each side of a block.
- **Permitted Hours of Display / Time Limitations** – Signs are only permitted during the hours of 7:00 a.m. through 7:00 p.m., and at all other times shall be removed from public property or public rights-of-way and stored out of the view of the public. Additionally, special event signs are not permitted more than 30 days prior to that date of the event or occasion, and must be removed 10 days after.
- **Violations; Removal; and Penalties** – The City is authorized to immediately remove any sign in violation of the Ordinance. Signs may be retrieved upon payment of a fee established by resolution of the City Council to cover the City's costs associated with sign removal and storage. If the signs are not retrieved after 21 days, the City may dispose of the signs. In addition to immediate removal, signs violating the Ordinance may also be subject to criminal, civil, and administrative remedies set forth under the Municipal Code.

Aside from clarifying the City's existing regulations consist with the Gilbert Decision, Zoning Text Amendment No. C19-1 furthers various governmental interests, including: accommodating the need for orderly expression in traditional public forum areas; preserving and enhancing the appearance of the City; serving public safety interests; and advancing the goals, policies and programs of the City's General Plan.

Staff recommends that the Planning Commission take public testimony on the proposal, and following any questions of staff, adopt a Resolution recommending the City Council approve Zoning Text Amendment No. C19-1.

ENVIRONMENTAL ASSESSMENT:

The Resolution recommending approval of Zoning Text Amendment No. C19-1 is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, 14 California Code of Regulations, sections 15060, subdivision (c)(2) 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) because there is no possibility the activity in question may have a significant effect on the environment.

NOTIFICATION:

Notice of this public hearing was published in the Orange County Register and posted ten (10) days in advance, as required by law.

Prepared by: John Lam, Assistant City Attorney
Approved by: Joel W. Rosen, AICP, Community Development Director
Presented by: John Lam, Assistant City Attorney

ATTACHMENTS:

1. A- and T-Frame Sign Examples
2. Proposed PC Resolution: Recommending City Council Approval of Zoning Text Amendment No. C19-1
3. Proposed CC Ordinance: Amending Chapter 19.904 of Title 19 of the Buena Park Municipal Code

SRC19-1

ATTACHMENT “1”



Figure A - Sample A-Frame Sign



Figure B – Sample A-Frame Sign

ATTACHMENT “1” (Cont.)



Figure C – Sample T-Frame Sign

RESOLUTION NO. ____**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUENA PARK RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING TEXT AMENDMENT NO. C19-1 AMENDING CHAPTER 19.904, DIVISION 9, TITLE 19 OF THE BUENA PARK MUNICIPAL CONCERNING SIGNS ON PUBLIC PROPERTY AND PUBLIC RIGHTS-OF-WAY****A. Recitals**

(i) On July 23, 2019 and August 13, 2019, the City Council of the City of Buena Park ("City Council") held a study session to review the City's existing regulations affecting temporary commercial and noncommercial signs displayed on public property and public rights-of-way, during which the City Council provided direction to City Staff to prepare an amendment to the City's Sign Ordinance to regulate signs located in on public property and public rights-of-way in a content neutral manner consistent with recent changes in the law.

(ii) On August 28, 2019, the Planning Commission of the City of Buena Park conducted and concluded a duly noticed Public Hearing to consider Zoning Text Amendment No. C19-1 amending Chapter 19.904 to establish content neutral temporary sign regulations for signs located on public property and public rights-of-ways.

(iii) All legal prerequisites to the adoption of this Resolution 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. C19-1 amending Chapter 19.904 regulating temporary signs located on public property and public rights-of-way conforms to and 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. C19-1, as set forth in the draft City Council Ordinance attached hereto and incorporated by reference herein, will promote and accommodate the orderly expression within traditional public forum areas and will promote and protect the public health, safety, welfare, and quality of life.

4. The Planning Commission finds that Zoning Text Amendment No. C19-1 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 Zoning Text Amendment No. C19-1 is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, 14 California Code of Regulations, sections 15060, subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061, subdivision (b)(3) (there is no possibility the activity in question may have a significant effect on the environment).

6. The Planning Commission finds that facts supporting findings 1 through 5, above, are contained in the record of the August 28, 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 approving Zoning Text Amendment No. C19-1.

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. C19-1. This Resolution shall go into effect immediately upon its adoption.

PASSED AND ADOPTED this 28th day of August, 2019 by the following called vote:

AYES: COMMISSIONER:

NOES: COMMISSIONER:

ABSENT: COMMISSIONER:

ABSTAINED: COMMISSIONER:

Larry Barstow
Chair

ATTESTED:

Joel W. Rosen, AICP
Secretary

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF BUENA PARK,
CALIFORNIA CONCERNING SIGN REGULATIONS AND
AMENDING CHAPTER 19.904, DIVISION 9, TITLE 19 OF THE
BUENA PARK MUNICIPAL CODE**

WHEREAS, the City of Buena Park ("City") is a charter city, incorporated under the laws of the State of California;

WHEREAS, the City adopts this Ordinance pursuant to the City's general and police powers and property rights set forth under Government Code Sections 65850(b), 38774 and 38775, Business and Professions Code Section 5200 *et seq.*, and Penal Code Section 556 *et seq.*;

WHEREAS, the placement of signs on public property and public rights-of-way have a substantial impact on the character and quality of the environment;

WHEREAS, the placement of signs may create traffic hazards, pedestrian hazards on sidewalks and other public spaces, and be potentially detrimental to property values, thereby adversely affecting the public health, safety, and welfare;

WHEREAS, the regulations of signs within the City has positive impacts on vehicular and pedestrian safety and improves the aesthetic appearance of the community;

WHEREAS, the City desires to amend its sign regulations to promote an attractive environment by minimizing visual clutter and confusion, to minimize adverse effects on nearby property, and to protect the public health, safety and welfare while also respecting the orderly expression of information and ideas;

WHEREAS, on August 28, 2019, the Planning Commission conducted a duly noticed public hearing to consider Zoning Text Amendment No. C19-1;

WHEREAS, on September 9, 2019, the City Council conducted a duly noticed public hearing to consider Zoning Text Amendment No. C19-1; and

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

THE CITY COUNCIL OF THE CITY OF BUENA PARK DOES ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct and incorporated herein as part of the findings.

SECTION 2. The purpose and intent of this Ordinance is as follows:

1. To accommodate the need for orderly expression in traditional public forum areas, such as streets, parks, and sidewalks;
2. To preserve and enhance the aesthetic appearance and natural beauty of the City;

3. To serve the public interest in safety, both pedestrian and traffic;
4. To safeguard and protect the public health, safety, and welfare through appropriate prohibitions, regulations, and controls on the design, location, and maintenance of signs on public property and public rights-of-way;
5. To minimize blown litter, damage to public property, and to enhance the visual attractiveness of the City for residents and visitors;
6. To advance the goals, policies and programs of the General Plan; and
7. To allow noncommercial speech through the placement of temporary signs on certain areas public property, subject to the content-neutral rules and policies stated herein.

SECTION 3. Section 19.904.020 entitled “Definitions” is hereby amended to add the following words in alphabetical order:

Sign, A-Frame.

“A-Frame” sign means a portable or movable sign made of wood, cardboard, plastic, or other lightweight and rigid material having the capability to stand on its own support(s) and consisting of one or two panels connected and hinged at the top. A-Frame signs are commonly referred to as sandwich board signs.

Sign, Commercial.

“Commercial Sign” means a sign containing a message on behalf of any entity, company, or individual for the intent of making a profit.

Sign, Noncommercial.

“Noncommercial Sign” means any sign that is not a commercial sign.

Sign, T-Frame.

“T-Frame” sign means a portable or movable sign of wood, cardboard, plastic, or other lightweight and rigid material capable of standing on its own consisting of a stabilizing base and having no more than one (1) panel capable of displaying information on one or both sides and resembling an inverted letter “T.” T-Frame signs are also referred to as T-Board signs.

SECTION 4. Subsection F of Section 19.904.030 of the Buena Park Municipal Code is hereby amended to read as follows:

F. Signs on Public Property and in Public Rights-of-Way.

1. With the exceptions to the temporary signs listed in paragraph 2 of this subsection, placing, mounting, installing, affixing, erecting, maintaining, or displaying any temporary commercial sign on public property or in the public rights-of-way is prohibited.

2. Subject to the limitations set forth in this paragraph, the following temporary signs are permitted to be displayed on parkways, public property and public rights-of-way:

a. Official Signs. The following signs associated with the City or other governmental agency are permitted:

(i) Traffic control or traffic directional signs placed or erected by the City or another governmental agency.

(ii) Public notices or signs required by local, state, or federal regulations.

(iii) Signs placed or erected by the City in furtherance of its governmental functions.

(iv) Signs providing information about a public or public-private project, development site, or event. For purposes of this subsection, "public event" means an event organized by the City or other governmental agency. "Public-private event" means any event that is issued a temporary use permit or special permit pursuant to Division 10 of Title 19 of this Code or an event located on City owned property pursuant to a valid agreement approved by the City such as a license or lease agreement. Project and development site signs shall not be over 32 square feet in area. For event signs under this subsection, signs shall comply with any conditions and restrictions contained in the temporary use permit, special permit, license, or lease agreement, whichever is applicable.

(v) Banner signs advertising special community benefit events at specific locations stated below when both the event and the signs are approved by the City. The specific locations for the placement of such banner signs are:

(1) across Beach Boulevard on the south of the intersection of Beach Boulevard and Franklin Avenue,

(2) across Orangethorpe Avenue, approximately 430 feet east of its intersection with Valley View Street,

(3) across Orangethorpe Avenue, approximately 75 feet east of the northerly extension of Indiana Avenue,

(4) across La Palma Avenue, approximately 675 feet east of its intersection with Valley View Street,

(5) across Knott Avenue, approximately 185 feet north of Houston Street,

(6) across Beach Boulevard on the south of the intersection of Beach Boulevard and Melrose Avenue, and

(7) such other locations as approved by resolution of the City Council

b. Temporary Special Event Signs. For purposes of this subsection, a “special event” sign is any sign identifying, displaying, directing, or conveying information, idea, or message related to an event or occasion occurring within the City that does not invite members of the public to attend for the primary purpose of completing a commercial transaction at the site or location of the event or occasion. Examples of permitted special events signs include, but are not limited to, signs related to social gatherings (provided entry does not require a cover fee or the purchase of any food or drink), real estate open houses, support groups, religious services, and educational meetings. The examples listed in this subsection are not intended to create content-based regulations, but rather assist for purposes of interpretation and application. Special event signs shall comply with the sign restrictions set forth under subsection 3.

c. Noncommercial signs. Temporary signs that are not commercial signs are permitted subject to the sign restrictions set forth under subsection 3.

3. Sign Standards and Restrictions. All temporary signs permitted under Sections 19.904.030(F)(2)(b) and (c) shall comply with the following standards and restrictions:

(a) Design and Size.

(i) Signs shall be in the form of an A-Frame or T-Frame sign only, which shall not exceed a maximum standing height 36 inches measured from the pavement to the highest point of the sign and 24 inches in width measured between the outer most edges of the sign or frame, whichever is greater.

(ii) Sign display panels shall not be larger than four (4) square feet in area.

(b) Placement. Signs shall be placed in a manner that does not obstruct pedestrian movement and shall comply with the following:

(i) Signs may not be placed on sidewalks measuring less than 60 inches in width.

(ii) Signs shall be placed so as to maintain a minimum of 48 inches of clearance from any obstruction.

(iii) Signs shall not obstruct pedestrian or handicap accessibility to curb ramps, buildings, emergency exits, transit stops, or parking spaces.

(iv) Signs shall not be placed on any medians.

(v) Signs shall not be placed projecting over, into, or within any street, alley, roadway, or highway intended for vehicular traffic.

(vi) Signs shall not be placed, affixed, or attached to any trees, shrubbery, utility poles, traffic control signs or devices, newsracks, trash receptacles, bus stops, signs, or any other objects or structures installed or located in the public rights-of-way.

(vii) No more than four (4) A-Frame or T-Frames signs (or any combination thereof) may be placed by any person or entity, or in association with any person or entity, or in connection with any particular idea, message, or event and shall not be placed in the on public property or public rights-of-way more than 30 days prior to that date of the event or occasion.

(viii) A person or entity placing signs in on the public rights-of-way is permitted to place no more than one (1) sign on each side of any single block. For purposes of this subsection, "block" shall mean that portion of a street or highway lying between the nearest 2 intersecting or intercepting street(s), highway, railroad right-of-way, terminus or dead-end street or highway, or city boundary.

(c) Permitted Hours of Display. The display of signs is only permitted during the hours of 7:00 a.m. through 7:00 p.m., and at all other times shall be removed from public property or public rights-of-way and stored out of the view of the public. Storage of the signs on Public Property or on the Rights-of-Way is prohibited.

(d) Maintenance. Signs shall be kept neat, clean, and in good repair. Signs which are faded, torn, damaged or otherwise unsightly or in a state of disrepair shall be immediately replaced, repaired, or removed.

(e) Signs Projecting into Public Rights-of-way. No sign shall project over any public walkway, sidewalk, alley, street, or public property except as may be expressly permitted pursuant to this Code. On private property, in any outdoor areas open to the public, no portion of any sign attached to a building and extending below a height of 7 feet above ground level shall project more than 6 inches from the face of the building.

4. The City shall remove signs violating this subsection and shall store the signs for 21 days and provide notice to the party responsible for displaying the sign(s), if reasonably known. During this time persons may retrieve the signs from the City upon payment of associated storage fees in an amount established by resolution of the City Council. If the removed signs have not been retrieved after the 21 days, the City may dispose of the removed signs in any manner deemed appropriate by the City.

5. Each sign in violation of this subsection shall constitute a separate and distinct violation and every day a violation of this subsection exists shall constitute a separate and distinct offense. The removal of any sign under this subsection is cumulative and supplemental to the remedies authorized under Chapter 1.04 of this

Code. Abatement of signs in violation of this subsection shall not constitute a defense to any remedy or proceeding that may be employed simultaneously under Chapter 1.04 of this Code. Moreover, nothing in this Chapter shall be construed to limit any right or remedy otherwise available to the City in law or equity, nor shall this subsection be construed to create a duty or obligation on the part of the City to enforce this subsection.

SECTION 5. Subsection I.2.b of Section 19.904.080 entitled "Off-site signing" pertaining to off-site open house signs is hereby deleted.

SECTION 6. Section 19.904.080 is hereby amended by adding a new sub-section J to read as follows:

"J. **Signs Permitted Under Section 19.904.030(F)(2).** Signs in compliance with paragraph 2 of subsection F, Section 19.904.030."

SECTION 7. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end, the provisions of this Ordinance are declared to be severable.

SECTION 8. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 9. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published or posted according to law.

[Signatures on the following page]

PASSED AND ADOPTED this _____ day of _____ 2019, by the following called vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Mayor

ATTEST:

City Clerk

I, Adria M. Jimenez, City Clerk of the City of Buena Park, California, 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.

TO: Chair Barstow and Planning Commissioners

FROM: Joel W. Rosen, AICP, Community Development Director

DATE: August 28, 2019

**SUBJECT: PLANNING COMMISSION STUDY SESSION AND COMMUNITY WORKSHOP
REGARDING PROPOSED RESIDENTIAL SHORT-TERM RENTAL
REGULATIONS**

Renting of residential units for a period of less than 30 days are 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. A summary of comments received during all the above mentioned City Council meetings is available as Attachment 1.

Working with the City Attorney's office, staff prepared a preliminary draft ordinance (Attachment 2). Key features of the draft ordinance include the following:

Date: 8/28/2019

Subject: PLANNING COMMISSION STUDY SESSION AND COMMUNITY WORKSHOP
REGARDING PROPOSED RESIDENTIAL SHORT-TERM RENTAL
REGULATIONS

1. Annual permit requirements
2. STRs must be hosted by the residential property owner and provide proof that the property is their primary residence.
3. Operating regulations addressing occupancy, noise, parking, trash,
4. Separation requirement of 300 ft.
5. Inspections for compliance with Building and Fire Codes.
6. Public notice prior to permit issuance
7. Payment of Transient Occupancy Taxes (TOT) at the same rate as hotels.
8. Permit revocation process

The preliminary draft ordinance was made available to all stakeholders via the City website on August 16, 2019, and via Planning Commission Agenda packet on August 22, 2019. Staff also created a dedicated email account (STRComments@buenapark.com) to collect any comments received prior to this study session/workshop.

The purpose of this study session/workshop is to solicit community and Planning Commission input on the proposed regulations. All comments received will be considered prior to review of the ordinance by the Planning Commission and City Council at noticed public hearings.

It should be noted that to assure compliance with the final ordinance requirements for STR regulations, increased staff resources will be required for monitoring and enforcement. A proposed fee schedule for permitting and inspection will be developed and presented to Council in conjunction with the proposed ordinance. Those fees will be developed to offset staff and/or consultant enforcement costs.

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) Community comments received during May 14, June 25, July 9, and August 13 Council meetings
- 2) Draft Ordinance dated 8.16.19

ATTACHMENT 1

COMMENTS FROM MAY 14, 2019 CITY COUNCIL PUBLIC HEARING

TITLE: CONSIDERATION OF EXTENDING THE MORATORIUM ON SHORT-TERM RENTALS; AND URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CLARIFYING THE CITY'S EXISTING PROHIBITION ON SHORT-TERM RENTALS BY ENACTING A MORATORIUM THEREON PURSUANT TO GOVERNMENT CODE SECTION 65858

NO COMMENTS RECEIVED

COMMENTS FROM JUNE 25, 2019 CITY COUNCIL PUBLIC HEARING

TITLE: CONSIDERATION OF THE CITY COUNCIL ON AN EXTENSION OF THE MORATORIUM ON THE OPERATION OF RESIDENTIAL SHORT-TERM RENTALS IN THE CITY.

NAME	FOR STR BAN/Reasons	AGAINST STR BAN/Reasons
Janeane Robbins	Spoke in support of moratorium	
Todd Zelcer		Spoke against moratorium - property rights as a fundamental right of home ownership; legal outcomes of attempted ban by other cities
Aldo Schindler	Via e-mail, supporting moratorium	
Monica Wagner	Via e-mail, supporting moratorium	
Pat and Larry Wieck		Via e-mail, opposing moratorium, requesting regulations for short-term rentals
Buena Park Short-Term Rental Coalition		Via e-mail, opposing moratorium. Complaints against STRs not immediate threat to public health, safety, and welfare as STRs comprise less than 1% of City households; STR goal is to operate home-based businesses, bring more visibility and accessibility to the City; urged City to

		allow STRs with regulations; submitted binder justifications for their opposition of the moratorium
Dennis Heroux	Spoke in support of moratorium – disturbances to the neighborhood	
Teresa Guzman		Spoke against moratorium – moved to the City because STR allows her to financially support her family from her home
Kathy Roston		Spoke against moratorium; urged City Council to move forward with an Ordinance to allow and regulate STRs
Cassandra Elliott		Requested City Council to work with Buena Park Short-Term Rental Coalition to find a solutions to allow short-term rentals
Nancy Castaneda	Spoke in support of moratorium – its effects on her quality of life; additional foot traffic; damage to residents' vehicles; City losing revenue while using City resources to respond to emergency service requests	
Debra Lesenbee		Spoke against moratorium - imposing a ban on STRs because of one of two properties will cause financial burden to many homeowners
Rey Lesenbee		Spoke against moratorium – City has very little proof that short-term rentals are harmful to the public; urged City Council to regulate short-term rentals
Nahian Taha		Spoke against moratorium; police calls for service on STRs vs long-term rentals; supports short-term rentals
Kelly Schooner		Spoke against moratorium – STRs help make ends meets; she and her husband helped their son buy a home to use as STR to help with mortgage; urged City Council to regulate STRs
Brandon Schooner		Spoke against moratorium and extension of moratorium; STR helps pay mortgage; long-term

		rental more challenging; urged City to allow and regulate STRs
Bill Noe	Spoke in favor of the moratorium - non owner-occupied STRs are used for the day, week, or weekend; parties with 30 to 100 guests, sometimes with vendors and caterers; urged City to either regulate or prohibit.	
Mark Richards		Spoke in favor of allowing STRs – if allowed with regulations, will be difficult to regulate; urged City to research Anaheim
Robin Depaul		Spoke against moratorium – neighbor with STR received good reviews and comments; urged City to allow STRs with regulations
Paula Lee		Spoke against moratorium – STR helps her generate extra income, provide for her family while visitors spend their money in the City
Del Lampkin		Spoke against moratorium – supports STRs; urged Council to adopt ordinance regulating STRs
Mark Rasile	Spoke in favor of moratorium – if STRs unlawful in City, the law should be enforced	
Kiana Navarro		Spoke against moratorium – most STRs have strict house rules; urged Council to allow STRs but with regulations

COMMENTS FROM JULY 09, 2019 CITY COUNCIL STUDY SESSION MEETING

TITLE: DISCUSS AND PROVIDE DIRECTION REGARDING OPTIONS FOR REGULATING RESIDENTIAL SHORT-TERM RENTALS

NAME	FOR STR BAN/Reasons	AGAINST STR BAN/Reasons
Dennis Heroux	In favor of extending the moratorium for 60 days –	

	STR on Via Balboa continues to operate, people coming and going at all hours, excessive parking and traffic problems, current Code Enforcement violations, disrupting way of life of existing residents; urged Council to ban STRs	
Larry Wieck		Against moratorium – has been a resident for 40 years, after reading Municipal Code and not finding anything prohibiting STRs, operated STR for a few months; in favor of allowing regulated STRs; STRs showcase the City- customers go to eateries and attractions in City; STRs allow tourists affordable vacations vs hotels where they spend \$100 to \$300 a night.
Kevin Dinh		Against moratorium – resulting financial burden to STR owners; in favor of allowing STRs with regulations such as renewable permits, regular inspections with affordable fees and reasonable time to correct violations; avoid business interruptions due to paperwork; electronic processing to avoid delays.
Alvaro Avalos		Against moratorium – STRs improve look of homes because of remodeling, good for overall look of neighborhood; serial complaints must have hard evidence of the violation/s; when complaint is resolved, put resolution of complaints on public record and notify complainant; if permit revoked, allow STR owner to reapply after 12 months.
Cassandra		Against moratorium – When regulating, keep records for auditing purposes, including records of compliance; reasonable application and business license fees; discussed advertising and tax percentage, revenues, tot – quarterly? Annual?; limit number of STRs allowed in unit, special events permits; would like to discuss logistics with City

Dan Eldridge		Against moratorium – banning STRs will cause financial burden; in favor of regulating STRs - limiting number of renters
Kiana Navarro		Against moratorium – allow STRs but regulate so as not to change character of the neighborhood; talked about family's STR with shuttle service; if STRs banned, business will move to surrounding cities and make our City attractions less visible to visitors.
Nahim Taha		Against moratorium – privacy concerns about making STR information public; against background searches for STR owners as there are no background searches for homebuyers, hotel customers; regulations will place undue burden on STR owners and guests; in favor of noticing neighbors within reasonable distance, in the immediate vicinity – within a 100 ft. radius only, with contact information for complaints.
Del		Against moratorium – regulating STRs is unreasonable; regulating number of residents hanging out in the backyard of STRs, number of individuals coming in and out early or late vs a non-STR home with same number of occupants? How about those in non-STR who do not have a 9 to 5 job? Regulating parking in a public street? Noise complaint in STRs vs non-STR homes?

COMMENTS FROM AUGUST 13, 2019 CITY COUNCIL PUBLIC HEARING

TITLE: CONSIDERATION OF EXTENDING A MORATORIUM ON RESIDENTIAL SHORTTERM RENTALS (STR), AND RECEIPT OF REPORT OF ACTIONS TAKEN TO ADDRESS CONDITIONS GIVING RISE TO MORATORIUM, PURSUANT TO GOVERNMENT CODE SECTION 65858

NAME	FOR STR BAN/Reasons	AGAINST STR BAN/Reasons
Bryan K. Nguyen		Via email, against moratorium – STR gives them financial sustainment; bought second home as STR near their home so they can regulate because he did research and did not find ban on STRs; invested money in improving the second home which was an eyesore; neighbors happy, expressed they were happy that STR was an option for them to earn extra money if they need to; guests enjoyed friendliness of neighbors, expressed their desire to move to City; STRs good for families of 5 or 6, better than motels or hotels; guests planned to go to Disneyland but added Knott's Berry Farm and other City restaurants to their itinerary; finds comment from anti STR speaker about someone running 35 STRs laughable as there is no proof (of someone owning 35 STRs); STRs help financially support stay-at-home mothers who homeschool their kids, the ban will force those mothers to leave home to get a job.
Cassie Smith/Cassandra Elliott		Via email, against moratorium – cited that the ban on STRs 1) does not have legal merit, quoted CA Government Code Section 65858 subsection f – “notwithstanding subdivision (e), upon termination of prior interim ordinance, the legislative body may adopt another interim ordinance pursuant to this section provided that the new interim ordinance is adopted to protect the public safety, health, and welfare from an event, occurrence, or set of circumstances different from the event, occurrence, or set of circumstances that led to the adoption of the prior interim ordinance.” 2) extension of the ban...a way for City Attorney to change Zoning to

		<p>prohibit STRs;</p> <p>3) Superior Court of OC denied injunction from City against a resident, court stating that STRs not prohibited by zoning laws in Buena Park;</p> <p>4) Ban will cause financial burden to STR owners</p>
"Disillusioned Resident"		<p>Via e-mail, against the moratorium – STRs help young homeowners pay mortgage and huge debts after graduation; questioned the need to extend the moratorium – to decrease the adverse impact of the ban on residents?; house prices in City lower compared to other cities, therefore, additional revenue from STRs will help City budget deficits; City of Long Beach smart in allowing STRs; City of Santa Monica is rich and does need additional revenue from STRs; STRs help parents earn income from home allowing more time to rear their children; visited Via Balboa area with STR, did not observe parking , noise, trash problems; STRs will continue to thrive due to the economy, why waste time on litigation costs when past cases have been struck down in court; read poorly drafted ordinance; vested rights issue, concerns of negative effect on affordable housing and the homeless problem are extremely weak; ban on STRs will increase homelessness and affordable housing crisis; urged City to adopt ordinance that is fair and reasonable to STR hosts while preventing potential adverse impacts of STRs.</p>
Paula Lee		<p>Via e-mail, against the moratorium. STR a means to supplement income; favorable experience with house guests who expressed to her that they would return to STRs instead of hotels; suggests case-by-case regulation instead of all-out ban on STRs; Questions extension of moratorium</p>

Debra		Spoke against the moratorium – feels STR owners are not appreciated; her home is all that she has left and the ban would result in loss of income; said her STR is not a threat to public health and safety, asked to lift the ban.*
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RESIDENTIAL VACATION RENTALS

1. **Scope, purpose and findings.**

A. The purposes of this chapter 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 vacation 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 vacation rental permit pursuant to this section.

B. 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.

C. The City Council hereby finds that the adoption of a comprehensive ordinance regulating the issuance of and operating conditions attached to vacation rental permits is necessary to protect the public health, safety and welfare. The purpose of this section 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 vacation 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.

D. 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 Section 5 of this chapter, 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 chapter.

E. The City Council hereby finds that the City's regulation of vacation rental uses in accordance with this chapter is a valid exercise of the City's police power in furtherance of the legitimate governmental interests documented in this chapter.

2. Definitions.

"Adequate Documentation" means drivers license, utility bills and property tax records showing name of the host(s) and the vacation rental property address.

"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, firm, partnership, association, joint venture, corporation, or an entity, combination of entities or consortium who seeks or seek approval of a vacation rental permit under the authority of this section.

"Authorized agent" means the person specifically authorized by an host to represent and act on behalf of the host and to act as an operator, manager and contact person and to provide and receive any notices identified in this section on behalf of the host, applicant, permittee, or authorized agent.

"Bedroom" is as defined by Section 19.104.080 of this Code.

"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 chapter.

"Guest" means an invitee of a renter or other person visiting a renter of a vacation rental unit who does not rent the unit.

"Hosted accommodation" means a vacation rental business for which the host resides at the vacation rental unit. The hosted accommodation must be the sole domicile residence of the host in Buena Park.

"Host" means a person or **persons** holding fee title to the real property that is the subject of a vacation rental permit

"Owner" means the same as Host, a person or persons holding fee title to the real property that is the subject of a vacation rental permit.

"Permittee" means the person to whom a vacation rental permit is issued pursuant to this section. To the extent that this chapter identifies requirements of a permit, or obligations of the permittee, the host and any identified authorized agent shall be jointly and severally liable for compliance with this chapter and all permit conditions.

"Renter" means a person, not a host, renting or occupying a vacation rental unit in accordance with the terms of this section.

"Reside," as used in this section, means the "domicile" of a person, as defined by California Elections Code Section 349, which generally means the place in which the person's habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is

absent, the person has the intention of returning. At a given time, a person may have only one domicile.

"Sign" shall have the same meaning as the term used in Chapter 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.

"Vacation rental" means any transient occupancy use for which the City has issued a vacation rental permit pursuant to this section.

"Vacation rental unit" means the structure in which the vacation rental use is permitted to operate, pursuant to a permit issued in accordance with this chapter.

3. Vacation rental permit application.

A. The Director shall accept written applications for vacation rental permits in accordance with this section. The Director shall make a decision within a reasonable amount of time and provide that decision in writing within six (6) weeks of the date of receipt of a complete application.

B. Each application for a vacation 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:

1. Identity of the host of the real property on which the vacation rental is proposed (include the name, mailing address, email address, and telephone number).
2. Provide adequate documentation that establishes the host resides at the vacation rental unit as their primary domicile residence for a minimum of six months.
3. The number of bedrooms and approximate square footage in the vacation rental unit, and the maximum number of overnight renters under the limitations imposed under Section 5. E.2 of this chapter.
4. Documentation that all designated bedrooms meet all local building and safety code requirements.
5. The number and location of designated on-site parking spaces, and the maximum number of vehicles allowed for overnight occupants, including host's vehicles.
6. Written acknowledgement and agreement that the owner(s) have read and agree(s) to all regulations pertaining to the operation of a vacation rental, including this chapter, the City's business license requirements (Chapter 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 chapter.
7. Copy of the form rental agreement, rental rules and regulations, and any associated materials as required by Section 5. E. of this chapter.

8. Any other information that the Director deems reasonably necessary to administer this chapter.
9. Written acknowledgement and agreement that claims, requests, objections and arguments not timely set forth in the vacation rental permit application are and shall be deemed waived to the maximum extent permitted by law.
10. Written agreement that any and all use of the property for vacation rental/transient occupancy purposes shall cease upon the expiration or revocation of the vacation rental permit.
11. 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 vacation rental permit, to the maximum extent permitted by law.
12. 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 chapter.
13. 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.
14. Documentation that the property that is the subject of the application is not within 300 feet of the nearest property line of any other vacation rental (approved or conditionally approved by the Director pursuant to this chapter).
15. The name and website address of any company or other third party being used to facilitate a rental of the vacation rental unit.
16. Previous active or expired vacation rental permits on the property.
17. Letter of No Objection from the Home Owner's Association (if applicable)

4. Decision on application.

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

- A. If the Director determines that an applicant has failed to satisfy the application requirements of Section 3. of this chapter, the Director shall provide written notice to the applicant that the application has been denied and the basis for the denial.
- B. 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 thirty (30) days of the mail of the notice, in his or her decision on the application.

C. 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 3.B.14., 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.

C. If the Director determines that an applicant has satisfied the application requirements of Section 3. of this chapter, and that the host has borne the burden of proving that the host will adequately mitigate potential adverse impacts on the public health, safety, and welfare, the Director shall provide written notice to the applicant that the vacation rental permit is approved or conditionally approved, subject to compliance with the conditions identified by the Director in the notice. The conditional vacation 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 chapter and such date shall be set forth in the permit.

D. The applicant shall comply, and provide documentation that the host agrees to comply, with all requirements of this section and the permit, including the rules set forth in Section 5. of this chapter.

E. Upon the Director's receipt of the signed agreement, the Director shall provide written notice to all property hosts within 300 feet of the conditional or otherwise, approval of the vacation rental, which shall include the following:

1. A concise summary of the terms of the permit, including: (i) the maximum number of occupants permitted to stay in the vacation rental unit; (ii) the maximum number of vehicles which are allowed to be parked on the property; (iii) any special conditions or restrictions applied to the vacation rental permit; and (iv) how to obtain a complete copy of the permit and this section.
2. The City's Code Enforcement telephone number at which members of the public may report violations of this chapter, the vacation rental permit, and any permit conditions.

F. Each vacation rental permit issued pursuant to this chapter shall be effective as of the date set forth in the permit.

5. Conditions applicable to permits.

- A. Each vacation rental permit issued pursuant to this section shall be subject to all of the following requirements:
- B. Only hosted accommodations in single family units are permitted. Use of portions of a unit for 'day-use' which does not meet the definition of transient occupancy as described in Chapter 3.16, shall not be permitted. All bookings must be hosted stays where the host or authorized agent is present.
- C. Each vacation rental permit shall be valid for one (1) year after the effective date, unless approved by the Director for a longer period under the terms of Sections 7. and 8. of this

chapter. Upon expiration or lapse of any vacation rental permit, it shall be of no further force, validity or effect, and use of the property for transient occupancy purposes shall cease.

- D. The host shall comply with all requirements of the Business License Ordinance (Chapter 5.00 of this Code) and the Transient Occupancy Tax Ordinance (Chapter 3.16 of this Code) for the vacation rental use. The tax may be remitted by the hosting platform on behalf of the permittee. The permittee shall have the duty and liability party to ensure timely remittance of the tax to the City on a monthly basis.
- E. The host shall comply with each of the requirements of this paragraph E. The host shall permit the Enforcement Officer to conduct an annual inspection of the vacation rental premises to confirm compliance with this chapter. The City shall notify the permittee of the scheduled inspections at least 2 (two) weeks in advance, and will schedule the inspection at least 90 days prior to expiration the permit.
 - 1. The property address shall be visible from the street and in contrasting colors for quick identification by emergency responders.
 - 2. Smoke detectors shall be installed per the California Building Code.
 - 3. No double keyed dead bolts may be installed on exit doors.
 - 4. A fully charged, portable fire extinguisher shall be provided.
 - 5. Exit doors may not be obstructed and/or prohibited from fully opening.
 - 6. Clearance from ignition sources such as luminaries, heaters and flame- producing devices shall be maintained in an approved manner.
 - 7. 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.
 - 8. BBQs and open fires must be in an approved appliance or enclosure.
 - 9. No electrical wiring may be exposed or open in any outlet, switch or junction
 - 10. The electrical breaker box shall be labeled for distribution to appliances and may not contain any open slots.
 - 11. The garage firewall shall not have any penetrations in sheet rock.
 - 12. An informational packet of emergency numbers shall be prepared for renters to direct them in the event of an emergency.
 - 13. All units must have a survival kit, including water, food, radio, batteries and other common equipment for the maximum number of guests allowed in the unit. This kit must be maintained in good order and must be clearly identified.
 - 14. All pools and bathtubs must meet all State of California requirements and Swimming Pool Safety Act.

- F. Each vacation rental permit will be subject to the house rules set forth in this paragraph. The permittee shall provide the Director with a copy of the house rules prior to rental of the vacation rental unit, and shall promptly notify the Director in writing identifying any changes to the house rules. Prior to each rental of a vacation rental unit, a copy of the house rules, the rental agreement, and the vacation rental permit shall be posted in a prominent location inside the vacation rental unit, and shall further comply with the following:
1. As part of the application for rental, the prospective renter shall sign an agreement acknowledging the house rules and promising to comply with them.
 2. The permittee shall limit overnight occupancy of the vacation rental to the specific number of renters designated in the permit, with the number of renters not to exceed two persons per bedroom which must meet building and fire code requirements, plus two additional persons per vacation rental unit. Each bedroom that is a part of the vacation rental use shall have an emergency escape or rescue exit and shall comply with all applicable provisions and requirements of Title 15 of this Code. In no case may more than 8 persons be allowed to sleep at the vacation rental unit at any one time.
 3. The permittee shall limit the number of vehicles of overnight renters to the maximum number of parking spaces designated in the permit.
 4. 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.
 5. 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.
 6. The permittee shall provide separate refuse and recycling container or receptacles for the vacation rental guest. Property shall be 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.
 7. Quiet times shall be from 10:00 p.m. to 7:00 a.m. Entrance or exit into the house shall be from front door, and outdoor gathering of more than four people shall not be permitted during quiet hours. All bookings must be hosted stays where the host or authorized agent is present during quiet hours.
 8. The permittee shall ensure that the renters and/or guests of the vacation rental do 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; provided, however, that the permittee shall contact the Police Department in the event renters or guests fail to comply with this subsection.

9. The permittee shall, upon notification that renters and/or guests of his or her vacation rental have violated any house rules (including causing any unreasonable noise or disturbances, disorderly conduct, or violations of this Code or state law) promptly act to stop the violation and prevent a recurrence of the violation.
10. 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 5.F.7.
11. Exterior lighting shall be adequately shielded from adjacent properties to minimize light pollution impacts.
12. No vacation 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.
13. Pets may be permitted by the vacation rental business host, provided the pet is attended to at all times and has current vaccinations.

F. Each written advertisement (paper and/or electronic form) for a vacation rental use shall include the "City of Buena Park Certified Vacation Rental" permit number as part of the rental offering. Advertisement shall be only listed in the home-sharing platform listed on the approved permit, unless the permittee has submitted a written request and received written approval from the Director to use another hosting platform. 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 vacation rental permit for the property.

G. There shall be no signs or other structures except those permitted for a dwelling use in the zone.

H. 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 vacation rentals or to satisfy the host occupant requirement of this chapter.

I. Guest Registration Requirements—All vacation rental hosts must have at least one guest sign in, provide a verified name, address, contact information, vehicle license number(s), and a copy of a driver's license. This information must be made available to the City upon request.

J. All vacation rental hosts must maintain a detailed and accurate record of their activity, guest information, hosting dates, and financial documentation available to relevant authorities upon request. Hosts must keep this record for five years and may be audited to ensure tax compliance.

M. For each vacation rental use:

1. The host and/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 vacation rental is rented.

2. All bookings must be hosted stays where the host or authorized agent is present during quiet hours. Outside of quiet hours, the host or authorized agent must be on the premises of the vacation 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.
3. Only one rental agreement per vacation rental unit shall be in effect at any time.
4. Only one vacation rental permit per individual shall be in effect at any time.
5. It is a violation of this section for any accessory dwelling unit (as defined by Section 19.104.080 of this Code) to be used for transient occupancy purposes including use as a vacation rental, or host accommodations while the primary unit is being used for transient occupancy purposes.

6. Restrictions on permit transfer.

Each vacation rental permit issued in accordance with this section shall be personal to the host to whom the permit is issued (hereinafter "permitted host"), 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 vacation rental permit, or use a transferred vacation rental permit, that is not transferred in accordance with this section shall be void, and shall constitute a violation of this Code.

- A. A vacation rental permit shall not be transferred by any person.
- B. If the residence is sold to a new owner, the permit is void and the new owner will need to apply for a new vacation rental permit in their own name.
- c. 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.

7. Permit renewal and annual review.

In order to renew a vacation rental permit, an annual permit review shall first be conducted. No later than the end of the ninth (9) month following the effective date of the permit, 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. The host inspection shall document compliance with the requirements of Section 5.
- B. The host shall document compliance with all requirements of the Business License Ordinance (Chapter 5.00 of this Code).

C. 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 vacation rental was rented during the previous term of the permit. If the host fails to document rentals of at least 10 days during the permit term, the Director may determine that the permit is inactive and ineligible for approval of an extended term.

D. The host shall identify any notices of violation, complaints, and/or concerns (including any compliance order or citation issued by the City, and any concern or complaint identified by a neighbor) issued for the vacation rental use during the permit term, and shall document how the violation, complaint, or concern has been addressed. If the Director determines that any past violation or concern has not been adequately addressed, or that there is a history of past violations that is detrimental to the public health, safety, or welfare, the Director may determine that the permit is ineligible for renewal.

E. The Director shall automatically extend the permit expiration date for 30 days if the City cannot perform the inspection, approve, or deny the renewal prior to the expiration date of the permit. The Director shall send written notice to the applicant of this extension.

8. Director's action following annual permit review.

Following an annual permit review:

A. If the Director determines that the permittee is in compliance with all requirements of this section and the permit, the Director shall provide written notice to the permittee that the permit term is extended for one year, and the notice shall identify the newly established "effective date" of the permit.

If the Director determines that the permittee has failed to comply with this section or the permit conditions, the Director shall provide written notice to the permittee that the renewal is denied, listing what defects were found. The applicant shall be allowed to remedy any defect as identified by the Director, by submitting proof of remedy within 30 days upon which section 8. shall be followed. If the applicant does not submit proof of remedy within 30 days, the permit shall expire effective immediately.

B. Upon expiration of any vacation rental permit, it shall be of no further force, validity or effect, and use of the property for transient occupancy purposes shall cease.

C. No application for a vacation rental permit shall be accepted or acted upon less than one (1) year after the date any vacation rental permit for the same property was deemed expired following an annual permit review.

9 Permit modification and revocation.

At any time during the term of a vacation rental permit, the Director is authorized to initiate proceedings to revoke or modify the permit (or pursue any other remedy set forth in Title 1 of this Code), if the Director determines in his or her discretion that: (1) a vacation rental use is detrimental to the public health, safety, or welfare; (2) the permittee has provided materially false or misleading information in any submittal required under this chapter; or (3) the permittee is in violation of, or has failed to comply with, any requirements of this chapter or permit

conditions. In the event that the Director determines that any of the conditions described above exists, the Director or Enforcement Officer is authorized to issue a compliance order in accordance with the procedures set forth in Section 1.04.250 of this Code. If the permittee fails to cure the violations identified in the order within the time frame specified in the compliance order (which cure may include the Director's approval of a modification to the terms or conditions of the permit), the Director or the Enforcement Officer may either:

A. Pursue any of the remedies set forth in this Code or notice a public hearing of the Planning Commission to consider a revocation or modification of the permit.

B. Pursue any of the remedies set forth in Chapter 1.04 of this Code, including, but not limited to, issuance of an administrative citation.

10. Violation and penalties.

It is a violation of this Code, subject to enforcement pursuant to Chapter 1.04 of this Code, for any person to establish or operate a transient occupancy use in any residential or nonresidential zoning district unless: (1) the use is in compliance with a hotel-motel use in a nonresidential zoning district approved by the City pursuant to Title 19; or (2) the use is in compliance with a vacation rental permit pursuant to this chapter. In addition to the fines and enforcement costs set forth in Chapter 1.04 of this Code, the amount of the fine imposed for each violation of this section shall be:

A. \$100 for a first violation;

B. \$200 for a second violation of the same code section within 12 months;

C. \$500 for each day of each additional violation of the same code section within 12 months.

D. Three violations of the same code section within 12 months will result in automatic revocation of the permit. The Director shall inform the host of such revocation in writing.

E. Three verifiable complaints received by the City about the vacation rental operation result in automatic revocation of the permit. The Director shall inform the host and adjacent property owners of such revocation in writing.

F. Life threatening conditions will result in automatic and immediate termination of the permit. The Director shall inform the host of such revocation in writing.

11. Appeals.

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

A. Any determination by the Director to: approve, conditionally approve, or deny a permit application, to transfer a permit to a purchaser, to extend the term of a permit or to determine that a permit has expired following an annual review, or to modify 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 a timely appeal, 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.

B. Failure to file a timely appeal 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 chapter.

C. In addition to the penalties set forth in the Chapter adopted herein, any violation of this Ordinance or the Chapter adopted herein may be punished in accordance with the provisions of Chapter 1.04 of the Buena Park Municipal Code.

D. Civil remedies available. The violation of any of the provisions of this Ordinance or the Chapter hereby adopted shall constitute a nuisance and may be abated by the City through civil process by means of restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of such nuisances.

E. The City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance or the Chapter hereby adopted 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 and the Chapter adopted herein shall remain in full force and effect.