



City of El Paso de Robles

“The Pass of the Oaks”

PLANNING COMMISSION AGENDA

Teleconference Only

May 12, 2020
6:30 P.M.

Please note that due to the **COVID-19 Emergency** and related public health officer orders, **Planning Commission meetings** will be held by **Teleconference Only** until further notice. In compliance with the State and County Shelter at Home Orders, and as allowed by the Governor’s Executive Order N-29-20, which allows for a deviation of teleconference rules required by the Ralph M. Brown Act, Planning Commission (PC) meetings will be held by teleconference only.

Rather than attending in person, **project applicants** and members of the **public** must **call (805) 865-7276** to participate via phone (the phone line will open just prior to the start of the meeting at 6:30 PM) **or** written public comments can be submitted via email to planning@prcity.com prior to 12:00 noon on the day of the PC meeting and will be posted as an addendum to the Agenda online. If submitting written comments in advance of the meeting, please note the agenda item.

A **video stream** of PC meetings **presentations** will be **live-streamed** and available to play later on **YouTube** by accessing the following link: www.prcity.com/youtube

PLANNING COMMISSION

Roberta Jorgensen
Chairperson

Ty Christensen
Commissioner

Leo Castillo
Commissioner

Field Gibson
Commissioner

Mark Koegler
Chairperson Pro-Tem

Sheree Davis
Commissioner

Joel Neel
Commissioner

CITY STAFF

Warren Frace
Community Development Director

Darren Nash
City Planner

Darcy Delgado
Associate Planner

David Athey, P.E.
City Engineer

Katie Banister
Assistant Planner

Lori Wilson
Assistant Planner

LEGAL COUNSEL

Kimberly Hood
Interim City Attorney

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- A. **Call to Order**
 - B. **Pledge of Allegiance**
 - C. **Roll Call**
 - D. **Staff Introductions**
 - E. **General Public Comments Regarding Matters not on the Agenda**
 - F. **Agenda Items Proposed to be Tabled or Re-Scheduled**

All items on the Planning Commission Agenda are scheduled for action unless explicitly otherwise stated. Planning Commission Action on General Plan Amendments, Rezones, Street and Public Easement Abandonments, Street Name Changes, Code Amendments and any legislative related action is a recommendation to the City Council; the City Council will hold a separate public hearing prior to taking final action. All Other Planning Commission action is final unless an appeal application, including the required fee, is filed with the Community Development Department within 15 calendar days of the date of the action. Any member of the public or the City Council may file an appeal. Please see last page of agenda for how to file an appeal.

G. PUBLIC HEARINGS

1. [Continued Public Hearing from April 28, 2020 – Variance 20-01 – Market Walk Short-Term Rentals](#)

Applicant – Paso Choice, LLC (Paso Market Walk)
1803 Spring Street / APN 008-234-010

A request to allow for a variance to the City's Short-Term Rental Ordinance 1082 to allow for 6 non-hosted short-term rental permits to be allowed on an individual parcel.

Options:

1. Approve draft Resolution A, allowing the six residential units within the Market Walk project to be short term rentals.
2. Approve Variance 20-01 with modifications to draft Resolution A.

3. Continue the item by referring it back to staff for additional analysis.
4. Deny the request with findings.

2. **Conditional Use Permit 20-02 – Tobin James Park**

Applicant – Tobin James

1745 Spring St. / APN: 008-283-012

To consider a request for a Conditional Use Permit to establish and operate a new public park.

Options:

1. Approve Draft Resolution A, approving Conditional Use Permit 20-02, subject to site specific conditions of approval.
2. Approve the CUP with modifications to draft Resolution A.
3. Refer the item back to staff for additional analysis.
4. Deny Conditional Use Permit 20-02 based on Findings to be specified in the Planning Commission motion.

3. **General Plan Annual Report 2019**

Recommendation to City Council regarding the 2019 Annual Report on the Implementation of the General Plan

Options:

1. Recommend approval of the 2019 General Plan Annual Report to the City Council.
2. Request modifications specified by the Planning Commission for staff to address in the Report.
3. Refer back to staff for additional analysis.

H. DISCUSSION ITEMS

I. CONSENT CALENDAR

4. **Development Review Committee Minutes (for approval)**

April 6, 2020

April 20, 2020

5. Planning Commission Minutes (for approval)

April 28, 2020

J. **OTHER REPORTS**

6. **Other Committee Reports:**

- a. Housing Constraints Advisory Committee / Housing Element Update Process:
- b. Specific Plan Ad Hoc Committee:

K. **PLANNING COMMISSIONERS' COMMENTS**

L. **STAFF COMMENTS**

M. **ADJOURNMENT**

Any writing or document pertaining to an open session item on this agenda which is distributed to a majority of the Planning Commission after the posting of this agenda will be available for public inspection at the time the subject writing or document is distributed. The writing or document will be available for public review in the Community Development Department, 1000 Spring Street, Paso Robles, CA, during normal business hours, and may be posted on the City's web site at <http://www.prcity.com/304/Planning-Commission>.

All persons desiring to speak on an agenda item are asked to fill out **Speaker Information Cards** and place them at the Staff Table prior to public discussion of that item. Each individual speaker will be limited to a presentation total of three (3) minutes per item.

AMERICANS WITH DISABILITIES ACT Any individual, who because of a disability needs special assistance to attend or participate in this meeting, may request assistance by contacting the City Clerk's Office (805) 237-3960. Whenever possible, requests should be made four (4) working days in advance of the meeting.

PLANNING COMMISSION GUIDELINES FOR PUBLIC HEARINGS

1. Staff presents overview of staff report.
2. Commissioners ask any questions they may have for staff on the report.
3. Commissioners report any “ex parte” conversations they have had prior to the hearing with the applicants or members of the public regarding the proposed project.
4. Public Hearing/Comment Period Opened.
5. Project applicant, including applicant team members, presents their project.
6. Commissioners ask any questions they may have for applicant on the project.
7. Members of the public may speak on the proposed project.
8. Commissioners ask any questions they may have of speakers regarding their comments on the project.
9. Applicant may clarify proposal or rebut statements made by the public.
10. Members of the public may add any new comments, but not repeat earlier comments on the proposed project in response to applicant’s clarification/rebuttal.
11. Public Hearing/Comment Period is closed.
12. The Chair will address questions posed by the public and look to staff to provide responses, which will be directed to the Chair. If commissioners have additional questions of the applicant at this point, such questions should be directed through the Chair.
13. Commissioners ask questions they may have for staff.
14. Commissioners discuss proposed project.
15. If commissioners believe additional information is needed, they may reopen the public hearing/comment and/or continue it to a future date.
16. Commissioners vote on proposed project.
17. If the Commission has the authority to approve a project, applicants and members of the public have 15 calendar days to file an appeal to the City Council. If the Commission only has authority to make a recommendation to the City Council on a project, the matter will be scheduled for a public hearing before the City Council at a future date.

NOTE: The Chair reserves the right to reopen the public hearing if he/she believes the applicant and/or public may have additional information pertinent to the discussion.

GROUND RULES FOR PUBLIC HEARINGS AND COMMENTS

1. Planning Commissioners desire to hear from all persons that wish to speak, regardless of their point of view on a proposed project.
2. All parties: commissioners, staff, applicants, and the public, are to be courteous and civil to each other during the meeting. Personal attacks and rude remarks will not be tolerated.
3. Conversations in the audience during public hearings, comment periods, and discussion are disruptive and are not welcome.
4. Cell phones and electronic devices are to be put in silent mode or turned off.
5. All testimony from applicants and the public is to be given, one person at a time, from the lectern. Meetings are recorded, and the microphone on the lectern is necessary for recordation of comments. No comments, other than from the lectern, will be made or accepted.
6. Applicants and members of the public are to address their questions and comments to the Chair of the Planning Commission and not to staff or other members of the audience.
7. Members of the public wishing to speak need to state their name and address before making comments. They are encouraged to fill out a speaker card so that their names may be accurately recorded in the minutes of the meeting.
8. Where it appears that several people may want to comment on a project, the Chair of the Planning Commission may set a time limit, such as 3 minutes, for each public comment.
9. Where it appears that several people may want to comment on a project, members of the public may be asked not to repeat comments provided by others. They may, however, state that they agree with certain prior comments.
10. Members of the public are not to ask other members of the public for a show of support for their position. They may, however, ask the Planning Commission Chair if they would accept a show of hands for support.
11. In general, applause from the audience for a position is not acceptable. At the close of the agenda item, following a vote of the commission on the project, members of the public may render a polite applause.

PLANNING RELATED APPEAL PROCESS

Decisions or determinations by the City's staff, Development Review Committee (DRC) or Planning Commission can be appealed by any interested person (applicant, neighbor, public official, or other interested party). The appeal process is described by Chapter 21.23.A of the City's Municipal Code, and is summarized as follows:

- a. An appeal of a staff determination or interpretation will be heard by the Planning Commission. There is no charge to the appealing party.
- b. The DRC is a subcommittee of the Planning Commission. Their role is to review design details as outlined in Chapter 21.23 B of the Municipal Code. Any decision, determination or recommendation of the DRC may be appealed to the full Planning Commission. There is no charge to the appealing party. In the absence of an appeal to the City Council, the Planning Commission is the final authority on Lot Line Adjustments, Parcel and Subdivision Maps, Conditional Use Permits, Planned Developments, design details and Zoning Code interpretations. Decisions and determinations by the Planning Commission are appeal able to the City Council. Appeals to the City Council require a \$200 fee deposit to be applied toward actual City costs to prepare the appeal (staff time to prepare a report that adequately responds to the appeal, report printing, and required public notices), as adopted by City Council Resolution No. 06-128. Appellants are hereby notified that the actual cost of an appeal may exceed the \$200 deposit and that they will be billed for any additional amounts necessary to cover actual City costs.

When must an appeal be filed?

An appeal must be filed within fifteen (15) calendar days of the decision. Upon receipt of an appeal, the matter will be scheduled for consideration before the appeal body as soon as feasible. Appeal applications can be obtained from the City's website at www.prcity.com, anyone in the Community Development Department or by calling (805) 237-3970.

What is the effect of filing an appeal?

If an appeal is filed, the body considering the appeal will consider the request as if it were a new application. Opportunities will be provided for all interested parties to speak and/or provide evidence to support approval or denial of the appeal.

There is no penalty for filing an appeal. The City cannot and will not penalize anyone for filing an appeal. Each application for a land use or other entitlement is handled on a "first-come-first-served" basis. (The City keeps a "log" of applications filed, and any of the public is welcome to confirm the order of processing for each application.)

How Can I Get More Information on Appeals?

Please check the City's website at www.prcity.com, call the Community Development Department at (805) 237-3970, or stop by City Hall at 1000 Spring Street, Paso Robles, CA 93446.

THE PASO ROBLES PLANNING ACRONYM GLOSSARY

ADT:	Average daily trips made by vehicles or persons in a 24-hour period
ALUP:	Airport Land Use Plan
APCD:	Air Pollution Control District
BMP:	Best Management Practice, Bike Master Plan
CAP:	Climate Action Plan
CC&Rs:	Covenants, Conditions, and Restrictions (private agreements among property owners; the City has no authority to enforce these)
CDBG:	Community Development Block Grant (a federal grant program designed to benefit low and moderate income persons)
CEQA:	California Environmental Quality Act
CFD:	Community Facilities District
SLOCOG:	San Luis Obispo Council of Governments
CUP:	Conditional Use Permit
DRC:	Development Review Committee (a subcommittee of the Planning Commission)
EIR:	Environmental Impact Report
Ex Parte:	Communication between Planning Commissioners and applicants outside of a public meeting
FEMA:	Federal Emergency Management Agency
GHG:	Greenhouse gas
Greenfield:	A large area, usually at the edge of the City, in which properties are either mostly vacant or in agricultural use, but is planned for urban or suburban development
HOME:	Home Investment Partnership Act (a federal program to assist housing for low and moderate income households)
HCP:	Habitat Conservation Plan
HCD:	State Department of Housing & Community Development
HUD:	U.S. Department of Housing and Urban Development
LAFCO:	Local Agency Formation Commission
LID:	Low Impact Development (measures to reduce rainwater runoff impacts)
LLA:	Landscaping and Lighting District
LOS:	Level of Service (a measurement of traffic efficiency used by CalTrans)
MOU:	Memorandum of Understanding
MND:	Mitigated Negative Declaration
NEG DEC:	Negative Declaration (a CEQA statement that a project will not have a significant effect on the environment)
NEPA:	National Environmental Policy Act
PD:	Planned Development/development plan
PUD:	Planned Unit Development (a type of condominium development in which the land beneath a residential unit is owned in fee, as opposed to air space ownership)
SOI:	Sphere of Influence
TOT:	Transient Occupancy Tax
Variance:	A form of relief from zoning development regulations based on physical constraints of a property that prevents development of the same type of buildings allowed on other properties within the same zone and in the same neighborhood
VMT:	Vehicle Miles Traveled