



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

PLANNING COMMISSION MINUTES

April 23, 2019

6:30 P.M.

A. Planning Commissioners Roll Call:

Present: Davis, Jorgensen, Barth, Donaldson, Neel, Castillo and Koegler

Absent: None

B. 6:30 P.M.: Planning Commission Meeting Called To Order

C. General Public Comments Regarding Matters Not On The Agenda: None

D. Agenda Items Proposed To Be Tabled Or Re-Scheduled: None

E. Public Hearings

1. Rezone 19-02 – Medical Cannabis Delivery Services Zoning Code Amendment Ordinance (RZN19-02)

Open Public Comment

Speakers: Cliff Branch
Grace Hall
Ernst Hall
Francisco Ramirez
Jerry Donavan

Closed Public Comment.

Action:

- A.** A motion was made by Commissioner Barth, seconded by Commissioner Neel and passed 7-0-0 to approve Resolution A as presented.

2. Rezone 15-006 - Short-Term Rental Ordinance Zoning Code Amendment (ZC 15-006)

An Amendment to the Zoning Code to add provisions regulating short-term rentals in all zoning districts throughout the City.

- **Ex Parte Communications:** Commissioners Donaldson, Koegler, Castillo and Jorgensen all disclosed being contacted by members of the public regarding the item.
- Commissioner Barth declared a conflict of interest and left the room.
- Director announces the City Attorney's determination that any Commissioner owning property within 500 ft of a Short-Term Rental Business License has a conflict.
- Commissioners Koegler, Jorgensen, Neel and Davis had a conflict resulting in no-quorum for hearing.
- Commissioners draw straws to determine which Commissioners would be selected to establish a quorum to hear the item.
- Commissioners Jorgensen and Koegler are selected to hear the item with Commissioners Donaldson and Castillo.
- Commissioners Davis and Neel leave the room.
- Commissioner Jorgensen takes Chairperson's seat and resumes the hearing.

Open Public Comment

Speakers: Dana Stroud
 Dan Jones
 Gary Donovan
 Craig Sturges
 Dale Steiner
 Scott Smith
 Katrina Keats
 Zach Ulberry
 Sharon Roden
 Mitch Culver
 Tim Joannes – Submitted comments (See attachment 1)
 Jill Copeland
 Lynn Gambel
 Cordine Dismuck
 Harmon Madari
 Francisco Ramirez
 Eric Smith
 Jan Albin
 Tony & Kim Gaspar
 Faye Donovan
 Tom Frutchey

Closed Public Comment.

Action:

- A. A motion was made by Commissioner Donaldson, seconded by Commissioner Koegler and passed 4-0-3 (Abstain and left the room: Commissioners Barth, Davis and Neel) to refer the item back to staff to review the items listed below and continue the item to date certain of May 14, 2019.
1. Revisit more restrictive on-street parking restrictions with different R-1 requirements.
 2. Revisit more restrictive occupancy standards.
 3. Expand the neighborhood noticing requirement to 300 feet.
 4. Establish fines for 1st and 2nd violations.
 5. Prohibit exterior signs for short-term rentals.
 6. Consider options to force a reduction of the number of R-1 short-term rentals and analyze the logic of the 100 permit cap in the R-1 zone.

Commissioners Barth, Davis and Neel did not rejoin the meeting and are considered absent.

F. **Other Scheduled Matters:** None

G. **Consent Calendar**

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

April 1, 2019

April 8, 2019

4. **Planning Commission Minutes (for approval)**

April 9, 2019

Action:

- A. A motion was made by Commissioner Donaldson, seconded by Commissioner Castillo and passed 4-0-3 (Absent: Commissioners Barth, Davis, and Neel) to approve Items # 3 & # 4 as presented.

5. **Other Committee Reports:**

- a. Housing Constraints Advisory Committee: Director Report.
- b. Specific Plan Ad Hoc Committee: City Planner Report.
- c. Short Term Rental: Liaison Report.

H. **Planning Commissioners' Comments:**

I. **Staff Comments:**

J. **Director's Comments:**

K. **Regular Meeting Adjourned at: 8:40 PM**

YAHOO! MAIL

From Nitzi Joannes <nitzij@yahoo.com>
To: Nitzi Joannes <nitzij@yahoo.com>
Date Tue, Apr 23, 2019 at 5:20 PM

4/23/19 PC submittal
Tim Johanna
Public Comment Received
4/23/19
Planning Commission Meeting
Item 2

1: Zoning check

Q: Would members of the commission please define their understanding of zoning?

Check 1A.

Q: Would members of the commission please define their understanding of "Transient lodging", as outlined by the Calif. Building Code?

Q: Would members of the commission please define their understanding of "Place of public accomodation" pg.26 of 345, as outlined by the Calif. Building Code?

Q: Would members of the commission please define their understanding of "Residential dwelling unit" pg. 29 of 345, as outlined by the Calif. Building Code?

Q: Would members of the commission please define their understanding of "Transient Lodging table 21.16.200 Item H #2 pg. 14?

(Paso Robles permitted land uses for all zoning districts.)



The City of Paso Robles

Public Comment Received
4/23/19
Planning Commission Meeting
Item 2



Launch

Turn your business into a reality.



1. Zoning Check

1A: Certain business types are permitted in designated parts of the city and it is prohibited to run a business in a building that is not permitted or zoned for that type of activity.

Step 1:

Review Table 21.16.200 of the City's Municipal Code to find your business type (referred to as 'Land Use'). Note which Zoning Districts your business type is permitted in.

Step 2:

Compare the Zoning Districts your business is permitted in to the City's Zoning Maps. Need Assistance? Contact the City of Paso Robles Community Development Department at (805) 237-3970.

3. Negotiate a Lease

Do not sign a lease until you've checked with the city to make sure the building can be used for your type of business. You'll most like choose to retain a commercial broker to help find a space and negotiate lease terms like rent and other important items. Have the broker prepare a Letter Of Intent (LOI) memorializing the deal terms. Visit the Paso Robles Chamber of Commerce website and search the business directory that includes a number of commercial brokers. pasorobleschamber.com

5. Apply For a Business License

Licenses are the city's way of keeping track of businesses. They establish a legal connection between businesses and their owners, and regulate certain types of commerce. Business licenses can be obtained from the City's Administrative Services Department: (805) 237-3999 or online at businesslicense.prcity.com

6. Site Plan

Navigating construction rules and city code can be complicated. A professional architect, civil engineer, or contractor may be able to offer helpful advice and planning assistance, as well as create necessary plans which include site plan drawings and construction documents (CDs). For large projects, you may need a licensed architect to "draw and stamp" your plans before showing them to city staff.

2. Site Selection

Location! Location! Location! Find the right spot for your business by visiting the Paso Robles Chamber website and using their interactive web-based property search, called OppSites. This tool shows some of the commercial properties available for sale in Paso Robles. You can also visit OppSites oppsites.com. Looking for a location in downtown Paso Robles? The Paso Robles Downtown Main Street Association offers a list of available properties pasoroblesdowntown.org. If you plan to make tenant improvements, renovations, or install equipment, call the Building Division at the City of Paso Robles to determine if you need to submit plans and/or obtain building permits (805) 237-3850.

4. Register Your Business

Most new businesses will need to create a Fictitious Business Name or DBA (Doing Business As). This can be completed at the County Clerk's Office in person or online at slocounty.ca.gov. A north county office is located within the Atascadero Library on the 2nd floor at 6555 Capistrano Avenue, Atascadero. If you are considering becoming a corporation, a limited liability company, or a partnership, you must file with the California Secretary of State's Office: (916) 657-5448 sos.ca.gov

DEFINITIONS

TEMPORARY HOLDING CELL, ROOM or AREA. [BSCC and SFM] Temporary Holding cell, room or area shall mean a room for temporary holding of inmates, detainees or in-custody individuals for less than 24 hours.

TEMPORARY HOLDING FACILITY [SFM] A building or portion of a building, operated by law enforcement personnel, with one or more temporary holding cells or rooms.

TENABLE ENVIRONMENT [SFM] Tenable environment shall mean an environment in which the products of combustion, toxic gases, smoke and heat are limited or otherwise restricted to maintain the impact on occupants to a level that is not life threatening.

TENT. A structure, enclosure or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported in any manner except by air or the contents it protects.

TERMINALLY ILL. As termed for an individual, means the individual has a life expectancy of six months or less as stated in writing by his or her attending physician and surgeon.

TESTING AGENCY. (HCD 1 & HCD 2) An agency approved by the department as qualified and equipped for testing of products, materials, equipment and installations in accordance with nationally recognized standards. For additional information, see Health and Safety Code Section 17920(m).

TEXT TELEPHONE. Machinery or equipment that employs interactive text-based communications through the transmission of coded signals across the standard telephone network. Text telephones can include, for example, devices known as TTYs (teletypewriters) or computers.

[E] THERMAL ISOLATION. A separation of conditioned spaces, between a sunroom and a dwelling unit, consisting of existing or new walls, doors or windows.

THERMOPLASTIC MATERIAL. A plastic material that is capable of being repeatedly softened by increase of temperature and hardened by decrease of temperature.

THERMOSETTING MATERIAL. A plastic material that is capable of being changed into a substantially nonreformable product when cured.

THROUGH PENETRATION. A breach in both sides of a floor, floor-ceiling or wall assembly to accommodate an item passing through the breaches.

THROUGH-PENETRATION FIRESTOP SYSTEM. An assemblage consisting of a fire-resistance-rated floor, floor-ceiling, or wall assembly, one or more penetrating items passing through the breaches in both sides of the assembly and the materials or devices, or both, installed to resist the spread of fire through the assembly for a prescribed period of time.

[BS] TIE-DOWN (HOLD-DOWN). A device used to resist uplift of the chords of shear walls.

[BS] TIE, WALL. Metal connector that connects wythes of masonry walls together.

[BS] TILE, STRUCTURAL CLAY. A hollow masonry unit composed of burned clay, shale, fire clay or mixture thereof, and having parallel cells.

[F] TIRES, BULK STORAGE OF. Storage of tires where the area available for storage exceeds 20,000 cubic feet (566 m³).

TORQUE-CONTROLLED POST-INSTALLED ANCHOR. [DSA-SS, DSA-SS/CC & OSHPD 1, 2 & 4] A post-installed anchor that is set by the expansion of one or more sleeves or other elements against the sides of the drilled hole through the application of torque, which pulls the cone(s) into the expansion sleeve(s); after setting, tensile loading can cause additional expansion (follow-up expansion).

[A] TOWNHOUSE. A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides.

[F] TOXIC. A chemical falling within any of the following categories:

1. A chemical that has a median lethal dose (LD₅₀) of more than 50 milligrams per kilogram, but not more than 500 milligrams per kilogram of body weight when administered orally to albino rats weighing between 200 and 300 grams each.
2. A chemical that has a median lethal dose (LD₅₀) of more than 200 milligrams per kilogram, but not more than 1,000 milligrams per kilogram of body weight when administered by continuous contact for 24 hours (or less if death occurs within 24 hours) with the bare skin of albino rabbits weighing between 2 and 3 kilograms each.
3. A chemical that has a median lethal concentration (LC₅₀) in air of more than 200 parts per million, but not more than 2,000 parts per million by volume of gas or vapor, or more than 2 milligrams per liter but not more than 20 milligrams per liter of mist, fume or dust, when administered by continuous inhalation for 1 hour (or less if death occurs within 1 hour) to albino rats weighing between 200 and 300 grams each.

TRANSFER DEVICE. [DSA-AC] Equipment designed to facilitate the transfer of a person from a wheelchair or other mobility aid to and from an amusement ride seat.

TRANSIENT. Occupancy of a dwelling unit or sleeping unit for not more than 30 days.

TRANSIENT AIRCRAFT. Aircraft based at another location and that is at the transient location for not more than 90 days.

TRANSIENT LODGING. A building or facility containing one or more guest room(s) for sleeping that provides accommodations that are primarily short-term in nature (generally 30 days or less). Transient lodging does not include residential dwelling units intended to be used as a residence, inpatient medical care facilities, licensed long-term care facilities, detention or correctional facilities, or private buildings or facilities that contain no more than five rooms for rent or hire and that are actually occupied by the proprietor as the residence of such proprietor.

[DSA-AC] See also the definition of Place of Public Accommodation.

PLACE OF PUBLIC ACCOMMODATION. [DSA-AC] A facility operated by a private entity whose operations affect commerce and fall within at least one of the following categories:

1. Place of lodging, except for an establishment located within a facility that contains not more than five rooms for rent or hire and that actually is occupied by the proprietor of the establishment as the residence of the proprietor. For purposes of this code, a facility is a "place of lodging" if it is
 - (i) An inn, hotel, or motel; or
 - (ii) A facility that
 - (A) Provides guest rooms for sleeping for stays that primarily are short-term in nature (generally 30 days or less) where the occupant does not have the right to return to a specific room or unit after the conclusion of his or her stay; and
 - (B) Provides guest rooms under conditions and with amenities similar to a hotel, motel, or inn, including the following:
 - (1) On- or off-site management and reservations service;
 - (2) Rooms available on a walk-up or call-in basis;
 - (3) Availability of housekeeping or linen service; and
 - (4) Acceptance of reservations for a guest room type without guaranteeing a particular unit or room until check-in, and without a prior lease or security deposit.
2. A restaurant, bar, or other establishment serving food or drink;
3. A motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment;
4. An auditorium, convention center, lecture hall, or other place of public gathering;
5. A bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment;
6. A Laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment;
7. A terminal, depot, or other station used for specified public transportation;
8. A museum, library, gallery, or other place of public display or collection;
9. A park, zoo, amusement park, or other place of recreation;
10. A nursery, elementary, secondary, undergraduate, or postgraduate private school, or other place of education;
11. A day care center, senior citizen center, homeless shelter, food bank, adoption agency, or other social service center establishment;
12. A gymnasium, health spa, bowling alley, golf course, or other place of exercise or recreation;
13. A religious facility;
14. An office building; and

DSA

Advisory Definition of REASONABLE PORTION. The term is intended to mean that the building or facility provides equitable opportunities, advantages, and ease of use for people with disabilities as is otherwise being made available to the general public. It is not intended to mean reasonable from a cost point of view. ■

RECOMMEND. [DSA-AC] Does not require mandatory acceptance, but identifies a suggested action that shall be considered for the purpose of providing a greater degree of accessibility to persons with disabilities.

REMODELING. [DSA-AC] See "Alteration."

REPAIR. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

RESIDENTIAL DWELLING UNIT. [DSA-AC] A unit intended to be used as a residence that is primarily long-term in nature. Residential dwelling units do not include transient lodging, inpatient medical care, licensed long-term care, and detention or correctional facilities.

RESTRICTED ENTRANCE. An entrance that is made available for common use on a controlled basis but not public use and that is not a service entrance.

RISER. [DSA-AC] The upright part between two adjacent stairs treads.

RUNNING SLOPE. [DSA-AC] The slope that is parallel to the direction of travel. (As differentiated from the definition of "Cross Slope".)

SELF-SERVICE STORAGE. [DSA-AC] Building or facility designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

SERVICE ENTRANCE. An entrance intended primarily for delivery of goods or services.

SHALL. [DSA-AC] Denotes a mandatory specification or requirement.

SHOPPING CENTER (or SHOPPING MALL). [DSA-AC] One or more sales or rental establishments or stores. A shopping center may include a series of buildings on a common site, connected by a common pedestrian access route on, above or below the ground floor, that is either under common ownership or common control or developed either as one project or as a series of related projects. For the purposes of this section, "shopping center" or "shopping mall" includes a covered mall building.

DSA

Advisory Definition of SHOPPING CENTER (or SHOPPING MALL). The California definition for *SHOPPING CENTER* is quite different from the federal definition. Federal ADA Regulations defines a shopping center or shopping mall as a building housing five or more sales or rental establishments. However, California accessibility provisions define a shopping center as only one or more sales or rental establishments or stores. ■

SHOULD. [DSA-AC] Denotes an advisory specification or recommendation.

SIDEWALK. [DSA-AC] A surfaced pedestrian way contiguous to a street used by the public. (As differentiated from the definition of "Walk".)

compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

TEEING GROUND. [DSA-AC] In golf, the starting place for the hole to be played.

TEMPORARY. [DSA-AC] Buildings and facilities intended for use at one location for not more than one year and seats intended for use at one location for not more than 90 days.

DSA
Advisory Definition of TEMPORARY. Temporary buildings and facilities must be accessible to the same degree as permanent facilities per CA Gov. Code §4451(e). ■

TEXT TELEPHONE. [DSA-AC] Machinery or equipment that employs interactive text-based communications through the transmission of coded signals across the standard telephone network. Text telephones can include, for example, devices known as TTYs (teletypewriters) or computers.

TRANSFER DEVICE. [DSA-AC] Equipment designed to facilitate the transfer of a person from a wheelchair or other mobility aid to and from an amusement ride seat.

TRANSIENT LODGING. [DSA-AC] A building or facility containing one or more guest room(s) for sleeping that provides accommodations that are primarily short-term in nature (generally 30 days or less). Transient lodging does not include residential dwelling units intended to be used as a residence, inpatient medical care facilities, licensed long-term care facilities, detention or correctional facilities, or private buildings or facilities that contain no more than five rooms for rent or hire and that are actually occupied by the proprietor as the residence of such proprietor. [DSA-AC] See also the definition of Place of Public Accommodation.

TRANSIT BOARDING PLATFORM. [DSA-AC] A horizontal, generally level surface, whether raised above, recessed below or level with a transit rail, from which persons embark/disembark a fixed rail vehicle.

TRANSITION PLATE. [DSA-AC] A sloping pedestrian walking surface located at the end(s) of a gangway.

TREAD. [DSA-AC] The horizontal part of a step.

TTY. [DSA-AC] An abbreviation for teletypewriter. Machinery that employs interactive text-based communication through the transmission of coded signals across the telephone network. TTYs may include, for example, devices known as TDDs (telecommunication display devices or telecommunication devices for deaf persons) or computers with special modems. TTYs are also called text telephones.

UNREASONABLE HARDSHIP. [DSA-AC] When the enforcing agency finds that compliance with the building standard would make the specific work of the project affected by the building standard infeasible, based on an overall evaluation of the following factors:

1. The cost of providing access.
2. The cost of all construction contemplated.
3. The impact of proposed improvements on financial feasibility of the project.
4. The nature of the accessibility which would be gained or lost.

ZONING DISTRICT																		
LAND USE	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS
10. Personal services:																		
a. Barber/beauty shops, nails & tanning salons, massage	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	P	N
b. Laundries, non-plant	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	P	N
c. Laundromats	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	P	N
d. Locksmiths	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	P	N
e. Mortuaries (* if located within 300 feet of existing cemetery)	N	N	N	C*	C*	C*	C*	C*	N	N	C	C	C	C	C	N	C	N
f. Parcel services	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N
g. Tailor/dressmakers, alterations, shoe repair	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	P	N
11. Printing, publishing, blueprinting, duplicating	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N
12. Recycling																		
a. Collection centers for aluminum glass, paper, plastic, etc. (does not include collection of hazardous/toxic items)	N	N	N	N	N	N	N	N	N	N	N	N	C	N	C	N	C	N
b. Composting, green waste	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
13. Small motor repair (electrical motor rewinding lawnmower repair, etc.)	N	N	N	N	N	N	N	N	N	N	N	P	P	N	P	N	P	N
14. Upholstery (includes Auto Upholstery)	N	N	N	N	N	N	N	N	N	N	N	C	P	N	P	N	P	N
H. Transient Lodgings																		
1. Bed & breakfast inns (* See Chapter 21.15A)	C	C	C*	C*	C*	C*	C*	C*	C*	N	P	P	P	P	P	N	P	C
2. Hotels & motels * Requires a finding that a hotel or motel will not be detrimental to the City's efforts to revitalize the historic downtown	C	N	N	N	N	N	N	N	N	N	P	P	P	C*	P	N	P	C
3. Recreational vehicle parks	N	N	N	N	N	N	N	N	N	N	N	P	P	C	P	N	C	C