



# CITY OF EL PASO DE ROBLES

*"The Pass of the Oaks"*

## SHORT-TERM RENTAL TASK FORCE AGENDA

**10:00 AM MEETING**

**Wednesday, April 10, 2019**

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**Library/Conference Center Council Chamber  
1000 Spring Street, Paso Robles**

**Members:** Kathy Bonelli, Bill Hass, Dan Jones, Scott Laycock, Mark McConnell, Jill Ogorsolka, Danna Stroud,

**Please refrain from cell phone use and turn ringer off during the meeting**

- 1. 10:00 AM – CALL TO ORDER**
- 2. Recommendations for Revisions to Draft Ordinance**
  - a. Cause for permit revocation
  - b. Owner/manager responsibilities
  - c. Enforcement
  - d. Occupancy limits
- 3. Public comment**
- 4. Adjourn**



<b>Table 1</b>					
<b>Exterior Noise Standards for Locally Regulated (non-transportation) Noise Sources</b>					
<b>Paso Robles Noise Control Ordinance</b>					
Receiving Land Use	Period <sup>11</sup>	Exterior Areas <sup>1</sup>		Interior Spaces <sup>2</sup>	
		Lmax <sup>9</sup>	Leq <sup>10</sup>	Lmax <sup>9</sup>	Leq <sup>10</sup>
11. Daytime hours = 7 am – 7 pm, Evening hours = 7 pm – 10 pm, Nighttime hours = 10 pm – 7 am.					

- b. It is unlawful for any person at any location within the City to create any noise which causes the noise levels on an affected property, when measured in the designated sensitive exterior or interior location, to exceed the noise standards specified above in Table 1.
- c. Each of the noise limits specified in subdivision (a) of this section shall be reduced by five dBA for recurring impulsive noise, simple or pure tone noise, or for noises consisting of speech or music.
- d. Noise level standards, which are up to 5 dBA less than those specified above, based upon determination of existing low ambient noise levels in the vicinity of the project site may be imposed.

**7. Noise Standards Applicable to Short-Term Vacation Rentals (STVR’s)**

STVR’s are becoming increasingly popular and prevalent within the City of Paso Robles. Persons utilizing STVR’s are typically visiting the area for a short time to attend festivals, events, family gatherings, etc. As such, they may be unfamiliar with the particular ambient noise environment of the neighborhood or the sensitivity of the full-time residents of the area in which the STVR is located. The following sections specifically pertain to the noise generation of STVR guests:

- a. The noise generation of STVR renters or their guests shall not exceed the Table 1 noise level standards at any identified noise-sensitive exterior or interior location during daytime and evening hours.
- b. During the nighttime hours of 10 pm to 7 am, noise generated by STVR renters and their guests shall not be audible beyond the property line of the STVR.
- c. The provisions of the STVR Ordinance shall also apply.

**8. Noise Standards Specifically Applicable to Outdoor Music Venues and Events**

The following policy is intended to provide event operators the ability to continue to operate while remaining cognizant of the sensitivity of residential and other noise-sensitive receptors located within the City.



Issue	Citation	Discussion	Recommended Action
Clarify the Use Table	21.34.030.1	BNB vs. Homeshare guest house vs. ADU	Revise table
Definitions of Apartments	21.34.030.1	Ensure that Apartment buildings do not become hotels	Clarify language
Homeshare Definition	B. 2. Application	Consensus around APN rather than Structure	Revise definition
Duplication of statements	B. 9&13	Remove 13	Remove 13 and renumber
Add revocation of permit to 11	B. 11.	Adding “teeth” to the ord.: grounds for permit revocation needs to be clear	TF discussion re: Cause and revocation of permit
Nuisance complaints	B.12	Verification of legitimate complaints needs to be clear	Add verification language to the Ord. to ensure that the hotline operator is able to verify validity of complaints.
Payment for City services	B. 12	Council and TF have stated that this needs to go away.	Remove from Ord.
Payment for Permitting	C. 1	TF would like to discuss the possibility of refunding partial payment for permit applications that are denied.	TF/Staff discussion regarding options
Permit Term	D. 1.	The TF expressed consensus that 3 years is appropriate.	
Good Neighbor Brochure	D.2.	The TF would like to see the GNB posted in the residence and required as part of the rental agreement.	Revise Ord. to include in applicable areas.
Occupancy	D.5.	There was a question as to the enforcement of the occupancy restrictions.	Discuss with TF options for enforcement/cause for permit revocation.
Refuse and Recycling cans	D. 8.	There was a question about leaving bins out longer than 24 hours.	Ensure consistency with the Muni Code and whether this is cause for a complaint that might count toward permit revocation.
Exterior Signage - Visually Impaired Signage	D. 9.	TF feels it is unnecessary.	Strike from Ord.
Responsibility to respond to complaints	D. 10 & 11	TF feels that there is a conflict in the language as to the role of the owner/manager.	Staff needs to prepare a bullet list of possible responses to clarify the expectations on the owner/managers.
Revocation for Cause	21.34.060 A	Bill submitted a definition of Cause	TF discussion of the definition of revocation for cause.



April 7, 2019

Paso Robles City Council  
Short Term Rental Task Force  
1000 Spring Street, Second Floor  
Paso Robles, CA 93446

Re: Short Term Rentals

Dear Council and Task Force Members

This letter is on behalf of myself and my wife. By way of introduction we live and work in Alaska and purchased a historic home on the west side of Paso Robles in 2012 with an eye towards retirement after having visited, and fallen in love with, the area in 2010.

Since we are not in a financial position to own a second home without it producing income, we looked into using VRBO, contacted the city, got our permit, figured out how to collect and pay taxes and have been operating as a VRBO since early 2013.

In the course of owning this property we have invested a lot of time, effort, love and money into making our home clean, attractive and enjoyable for ourselves when we visit and for our guests. We have – and continue to - employ numerous locals for renovations and for ongoing maintenance. The list of people we have hired includes painters, electricians, plumbers, pool contractors, house cleaners, lawn caretakers, fence installers, termite removers, a solar panel provider and an outfit to run an (expensive) new wastewater drain to from the house to the alley. In addition, we – and our guests – buy coffee, meals, wine and the like at numerous different establishments in the area. As such, our VRBO, combined with all the others, **provides employment for numerous people and has an enormous positive economic impact for the city of Paso and its residents.**

As such, we feel like we are part of this community and, up until the Short Term Rental Ordinance was dropped on us, we felt that we were valued economic partners with the City and that we have contributed a great deal to this community, directly and indirectly.

You might imagine our dismay when we read the Short Term Rental Ordinance which seemed to view all short term rental owners not as valuable partners but rather as “threats” to the community who are in dire need of onerous regulations. You might further imagine our dismay to learn that this effort is being driven by a small number of, apparently, influential individuals who have the unfortunate experience of living next to an irresponsible owner in an R1 district.

Surely all of us have had our share of unpleasant experiences with loud, obnoxious, inconsiderate people living next door, living in nearby apartments, camping nearby, or in an adjacent motel room. **Few of us would think that solution to such issues is to punish all the folks that who are considerate, are complying with the rules, are acting responsibly and who are not causing problems.** And yet, that is exactly what the proposed ordinances do. It is worth noting that, unlike a bad neighbor who buys the place next door and is problematic for years, bad short term renters go away after a few days.

It should be recognized that problems exist in every neighborhood and that the problems are often caused by the homeowners and long term renters. In our neighborhood there have been several domestic violence issues, singing drunks and teenage vandals, none of whom were the short term renters. Likewise, some of the nicest, best kept and best maintained homes are short term rental homes.

While the specific issues of the ordinance are addressed below, I would respectfully suggest that the tone of the ordinance is disheartening, disrespectful, and antagonizing to those of us who have made sincere efforts to be a positive part of this community and whose economic impacts are enormous and supportive of numerous individuals and business establishments in this community. Therefore, please consider this a request to not treat short term rental owners as the enemy and dial down the needless burden these proposed regulations seek to impose.

It would seem that the Council and the Task Force have an ethical obligation to match their solutions to identified problems, not just impose burdensome regulations on one group of people because a small number of that group have been irresponsible. For example, if the problem is unruly renters, the solution ought to target that problem; if the problem is unregistered rental units, the solution is to find them and deal with them. Further, if city is going to hold short term rental owners responsible for the conduct of their renters, they should also hold all long rental owners, responsible for their renters. Or, even better, instead of trying to make rental owners vicariously liable for the conduct of people to whom they rented in good faith (and whose conduct they have no control over), why not make the bad actors themselves responsible under existing laws?

All of that said, neither my wife, nor I, have any objection to reasonable regulations which set the proper tone and expectations for all involved. In our opinion, a number of the provisions, and the “whereas” section of the proposed ordinances are unduly burdensome and have an unnecessarily negative tone for what should be a positive relationship.

Our comments on specific provisions of the proposed ordinance are below:

- 1) Preamble (“WHEREAS” Section). This section is devoid of any recognition of the positives the short term rental market brings to the city, namely tax revenues, employment and direct/indirect economic impacts. These positives should be recognized.
- 2) Section 4 re Paragraph “O.” 15 calendar days is not a long enough appeal period. This should be changed to 30 days.
- 3) Chapter 21.34 “Findings” – Section B, states that the city finds that short term rentals are “threat to public welfare” and to the “character of the neighborhoods.” On what possible factual basis can the City make such findings? What threat does this even refer to? On what basis does the City find that employing locals, adding to the economic basis, helping visitors spend money and enjoy this beautiful community to be threatening, and to whom? How about replacing this inappropriate language with something more accurate and helpful, such as “the City Council finds that short term rentals provides numerous benefit to the city and that reasonable regulations are necessary to set expectations and guidelines for the benefit of owners, the city and other local residents.”
- 4) The Short Term Rental Permitting Table. This table fails to differentiate between the different zoning areas. In R1, for instance, only single family residences are allowed, so perhaps different regulations should apply there. In R2 areas, where duplexes and triplexes are allowed – and other apartment buildings already exist, the standards should be less restrictive and in accordance with existing uses.
- 5) Section B (under the Table referred to above, there are several troubling provisions.

(3) the address of the short-term rental. If this list is made public what is to stop any criminal elements from getting this list and targeting these properties?

(4) instead forcing everyone owner to spend more time and money drafting up a floor plan, why not ask a simple question, namely: “How many separate bedrooms, in excess of 70 sq. feet, does your home have.”

Items 5 through 14, with a couple of exceptions are needless and burdensome and request information is readily available to the city already. For example:

(5) Probably okay, though the city has all the lot info already.

(6) “Evidence satisfactory” that bedrooms meet codes? What is that exactly? Rather than purport to give the director unlimited discretion to invade people’s lives, why not have a section of the application state that the house meets codes?

(7) Okay

(8) Owner/agent contact okay and appropriate. Attempts to require someone be available 24/7/365 are ridiculous. A more reasonable approach is to have a contact person, call them first and give them a chance to address the situation, and if they are unable to do so (or don’t answer) send out the police, whose job it is in the first place. After all, the police are here for other property owners, why not for short term rentals?

(9) “Any other information” – how about not giving the Director unlimited discretion? Defining the scope is the job of the council, implementing it is the job of the director.

(10) Okay

(11) This provision is clearly illegal and unconstitutional and a violation of due process and equal protection provisions of the state and federal constitutions. This provision should be eliminated.

(12) Also illegal for the same reasons (11) is illegal. This provision should be eliminated..

(13) This purports to delegate powers which are reserved to the Council. As noted above, the Council’s job to legislate, the Director’s job is to implement. This delegation is not legally supportable.

(14) Certifying under penalty of perjury? Not legal. This application should be require the same sorts of signatures required on every other city permit application. A sort statement that the information provided is accurate to the best of the applicant’s knowledge and belief is fine, but unless folks are under oath in a court of law, this provision is over reaching and violative of the aforementioned constitutional provisions. It should be removed as noted above.

(3) Permit Renewal. This provision purports to withhold renewal based on unsubstantiated allegations. This would allow any vindictive neighbor to prevent renewal by merely calling into complain repeatedly, regardless of the validity of the complaint or whether the owner was given due process.

This provision should be rewritten to make clear that unsubstantiated complaints, regardless of number, may not be the basis of non-renewal. It should also make clear that if citations are issued, they don't count against an owner unless the owner concedes responsibility and fails to correct the issue; is found to have violated an enforceable standard in a court of law; or, otherwise admits responsibility and does not fix the problem. Finally, these provisions need to be the same for all owners and renters rather than just target short term rentals.

Occupancy Limits – fine, but they cannot apply when the rental is owner-occupied. While renters do not have a right to have a wedding party (or whatever) **there cannot be a prohibition from the owner having such an event on their own property for their family or friends.**

Parking Spaces. While the concept is sound, this section does not take into account differing lot sizes or corner lots or isolated properties. There should be an exception for properties on a larger than normal lots, for properties located on corner lots, and for lots where no neighbors would be impacted. This should be part of the application and the max number of vehicles should be specified on the permit based on the particular circumstances.

Two final suggestions:

- 1) Why don't you implement a program to inform the neighbors and provide the neighbors the phone number of the person managing each property and the "hotline." By doing so most issues would probably be dealt without any city involvement and the owners/managers would be aware of what is going on so they could ban bad renters and, hopefully, create a positive relationship with the neighbors; and,
- 2) Why don't you have the director's office draft an actual application for review so that the task force and council can make sure it is reasonable and covers the important points. Once you have that you can make sure the new ordinances dovetail with the application and thereby make this a solid ordinance which is easy to implement. By so doing the city is likely to avoid conflicts between what the council says, and the director does.

We would appreciate drafts of any further proposed ordinances.

Thanks for your consideration.

Ken and Helen Robertson  
Anchorage, Alaska and Paso Robles, California