



City of El Paso de Robles

“The Pass of the Oaks”

PLANNING COMMISSION MINUTES

April 26, 2022

A. Planning Commission Meeting Call to Order at 6:30PM

B. Pledge of Allegiance

C. Roll Call

Present: Commissioners Christensen, Gibson, Neel, Davis, and Jorgensen, and Chairperson Koegler

Absent: Commissioner Covarrubias

D. Staff Introductions

Present: Warren Frace, Darren Nash, Katie Banister, Lori Wilson, Isaac Rosen, Ashleigh Peterson, Marci Reynoso, and David Athey

E. General Public Comments Regarding Matters not on the Agenda: none

F. Agenda Items Proposed to be Tabled or Re-Scheduled: none

G. Public Hearings

1. Pioneer Park Subdivision - Tentative Parcel Map (PR17-0133)

Applicant – City of Paso Robles

2010 Riverside Avenue / APN 008-254-002

Subdivision of an approximately 7.35-acre parcel into two parcels, and abandonment of the southerly 25 ft of Gregory Ave, east of Victoria Place

Staff report given by Darren Nash and David Athey

Questions from Commissioners to staff.

Open Public Comment

Speakers: Dale Gustin, 945 Spring Street
Thomas Hardwick

Close Public Comment

Planning Commissioners deliberated.

Action: A motion was made by Commissioner Neel seconded by Commissioner Gibson and passed 6-0-1 (Commissioner Covarrubias absent) to approve Resolution PC 22-009, approving Tentative Parcel Map 17-0133, with findings amended to read,

Section 2. Tentative Parcel Map Findings: In accordance with the California Subdivision Map Act and the City Subdivision Ordinance, and based upon the facts and analysis presented in the staff report, public testimony received and subject to the conditions listed below; the Planning Commission makes the following findings:

1. As conditioned, the proposed tentative subdivision map is consistent with the adopted General Plan for the City of El Paso de Robles; and
2. As conditioned, the design of lots, streets, open space, drainage, sewers, water and other improvements is consistent with the General Plan and Zoning Ordinance; and
3. ~~The site is physically suitable for the type of development; and~~
4. ~~The site is physically suitable for the proposed density of development; and~~
5. The proposed tentative subdivision map is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat because it is a previously developed infill site; and
6. ~~The design of the subdivision or type of improvements is not likely to cause serious public health problems; and~~
7. ~~The proposed tentative subdivision map will not conflict with easements acquired by the public at large, for access through or use of property within the proposed subdivision. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision."~~

2. **Olsen South Chandler Specific Plan – Planning Area 3 & 8 - Vesting Tentative Tract 3176 and Development Plan 21-07 (P21-0070)**

Applicant – Olsen Ranch 212, LLC / Mike Naggar & Danny Brose

North of Linne Road and East of Fontana Road / APNs 025-382-003, 009-798-002, and 009-798-001

Establishing a 61-lot single-family residential subdivision that would include an additional 5 common/access lots over an 8.7-acre site within the Olsen-South Chandler Specific Plan.

Staff report given by Darren Nash

Questions from Commissioners to staff.

Open Public Comment

Speakers: Brad Brekwald (Applicant)
Mike Naggar (Applicant)
Dale Gustin

Close Public Comment

Planning Commissioners deliberated.

Action: A motion was made by Commissioner Neel seconded by Commissioner Jorgensen and passed 5-1-1 (Commissioner Christensen voting no and Commissioner Covarrubias absent) approving Resolution PC 22-010, approving

Vesting Tentative Tract Map 3176 and PD21-07, with the following amendments:

A. Amend findings to read,

Section 3. Findings for Recommended Approval of Vesting Tentative Tract Map 3176 and PD 21-07

07. Based on the facts and analysis presented to it, including all written and oral testimony and staff presentations, and subject to the Conditions of Approval and attachments hereto, the Planning Commission finds as follows:

- a. The VTTM 3176 & PD 21-07 subdivision, as conditioned, is consistent with the Olsen-South Chandler Ranch Specific Plan, and is consistent with: (1) the goals and policies established by the General Plan; (2) the policies and development standards established by the Zoning Ordinance; (3) all other adopted codes, policies, standards, and plans of the City.
- b. The VTTM 3176 & PD 21-07 includes the transfer of 13 residential units from PA 10 (Our Town) consistent with Policy 2.1.6 of the Olsen South Chandler Specific Plan.
- c. VTTM 3176 & PD 21-07 would be consistent with the surrounding neighborhood development pattern and land uses.
- d. VTTM 3176 & PD 21-07 will not be detrimental to the health, safety, morals, comfort, convenience, or general welfare of the residents living in or near the proposed neighborhoods, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city.
- e. VTTM 3176 & PD 21-07 accommodates the aesthetic quality of the City as a whole, and will fit in with the established surrounding quality of development, especially where development will be visible from public views, gateways to the City, and scenic corridors.
- f. VTTM 3176 & PD 21-07 is compatible with, and is not detrimental to, surrounding land uses and improvements, circulation system; it provides an appropriate visual appearance, and contributes to the mitigation of any environmental impacts through implementation of the Mitigation Monitoring and Reporting Program recommended for adoption per PC Resolution 20-XXX, and participation in the Development Impact Fee Program.
- g. Pursuant to Government Code 66474, a legislative body of a city shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:
 - (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
 - (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
 - (c) That the site is not physically suitable for the type of development.
 - (d) That the site is not physically suitable for the proposed density of development.
 - (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
 - (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.”

B. Amend Exhibit A, Condition 3 to strike the phrase, “and consistent with the development Agreement for the Specific Plan.”

C. Amend Exhibit A to strike Conditions 5 and 6.

- D. Amend Exhibit A to include a condition to require the completion of the transfer of development rights from Our Town (PA-10) to PA3/PA-8 prior to approval of final map.
- E. Amend Exhibit A to include a condition to require DRC review of safety fences for the common open space near the roundabout.

3. **Amendment to Short Term Rental Ordinance 1082**

Applicant – City of Paso Robles

Amendment to Table 21.16.200 and Chapter 21.34 of the Zoning Code regulating short-term rentals in all zoning districts.

Commissioner Christensen declares conflict of interest and leaves the room.

Staff report given by Warren Frace

Questions from Commissioners to staff.

Open Public Comment

Speakers: Coraline McMillian
Tim Gillis
Thomas Hardwick
Monte Jones
Elisa Becerra
Claire Datella
Dale Gustin
Beth Burke
Jennifer Halls
Amanda Hat
Ty Christensen (re-enters the room to speak as an individual and leaves the room again after delivering comments)
Dan Hurdle
Carolyn Dismuke
Jeremiah Seacrest
Jason Hartling
Katrina Keats
Mitchell Culver
Kirk McConough
Linda Colwell
Kathy Bonelli

Close Public Comment

Planning Commissioners deliberated.

Action: A motion was made by Commissioner Neel, seconded by Commissioner Gibson, and passed 5-0-2 (Commissioner Christensen abstains, Commissioner Covarrubias absent) to approve the Resolution PC 22-011 included as Attachment 1, recommending the City Council adopt Ordinance XXXX amending Paso Robles Municipal Code Table 21.16.200 and Chapter 21.34, with the following changes:

- A. Increasing neighbor noticing distance to 300ft.

- B. Swimming pool use hours from 8am-10pm, but eliminating staff recommendation for limiting the number of hours pools can be used.
- C. Restricting permit transferability to only the TC-1 and TC-2 zoning districts.
- D. Extending sunset clause 3 more years

Action: A second motion was made by Commissioner Neel, seconded by Commissioner Gibson, and passed 5-0-2 (Commissioner Christensen abstains and Commissioner Covarrubias absent) for a non-binding recommendation to have the City Council consider the following as part of any changes to the Council’s Short-Term Rental Policy Resolution:

- A. Require permit holders to re-notify neighbors upon permit renewal or more often
- B. Track complaints received by the Police Department
- C. Explore alternate hotline service providers
- D. Require permit holders to include permit number in advertisements
- E. Investigate unused permits and consider a “use-it or lose-it” policy
- F. Review short-term rental concentration policies
- G. Do not increase the number of permits available in any category

Commissioner Christensen rejoins the meeting 10:43pm

H. Discussion Items: none

I. Consent Calendar

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

March 21, 2022

5. **Planning Commission Minutes (for approval):**

March 8, 2022 (to be amended)

April 12, 2022

Action: A motion was made by Commissioner Jorgensen, seconded by Commissioner Davis, and passed 6-0-1 (Commissioner Covarrubias absent) to approve the consent agenda as proposed.

J. Other Reports

6. **Paso Robles Street Ad Hoc Committee Report**

Next meeting will be May 5, 2022 at 11am.

7. **Housing Constraints and Opportunities Committee (HCOC) / Zoning Code Update Report**

None

8. **Development Review Committee Rotation Schedule**

Month	Commissioners		
April	Koegler	Neel	Christensen 4/11 - Davis

May	Gibson	Jorgensen Neel & Davis will be on standby.	Christensen
June	Koegler	Jorgensen	Davis
July	Covarrubias	Neel	Davis
August	Covarrubias	Neel	Gibson
September	Jorgensen	Christensen	Gibson
October	Covarrubias	Christensen	Davis
November	Jorgensen	Koegler	Davis
December	Jorgensen	Koegler	Davis

K. Planning Commissioners' Comments

May 10, Commissioner Jorgensen will be absent from Planning Commission meeting
May 24, Commissioner Koegler will be absent from Planning Commission meeting

L. Staff Comments

M. Adjournment at 10:49pm

Attachments

1. Resolution PC 22-011

Attachment 1

RESOLUTION NO. PC 22-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EL PASO DE ROBLES RECOMMENDING THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES ADOPT AN ORDINANCE AMENDING ZONING ORDINANCE TABLE 21.16.200 AND CHAPTER 21.34 REGARDING SHORT-TERM RENTALS

(City of Paso Robles)

WHEREAS, between 2015 and 2019, the City conducted 35 separate public meetings evaluating short-term rentals; and

WHEREAS, on August 6, 2019, the City Council adopted Ordinance 1082, regulating short-term rentals, and known as the Short-Term Rental Ordinance. The ordinance differentiates between homeshares and non-hosted accommodations, establishes permit requirements and conditions, sets occupancy limits and parking requirements, and requires the City to maintain a short-term rental hotline; and

WHEREAS, concurrent with the Short-Term Rental Ordinance, the City Council approved Resolution 19-077, which established numerical limits for non-hosted short-term rental permits available in the city and fees for short-term rental permits; and

WHEREAS, on August 8, 2020 and October 19, 2021, City staff presented annual reviews of the short-term rental program to the City Council as required by Resolution 19-077; and

WHEREAS, on October 9, 2019, the City reached the R1 numerical limit of 75 non-hosted short-term rental permits and on May 24, 2021, the City reached the citywide numerical limit for non-hosted short-term rental permits; and

WHEREAS, the Short-Term Rental Ordinance will expire August 6, 2022 unless the City Council adopts an amendment to extend the ordinance; and

WHEREAS, on March 25, 2022, City staff conducted a public workshop, where staff presented potential amendments to the Short-Term Rental Ordinance and received comments from the community; and

WHEREAS, a duly noticed public hearing was conducted on April 26, 2022 by the Planning Commission to consider the facts as presented in the staff report prepared and to accept public testimony regarding proposed zoning ordinance amendments related to short-term rentals.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF EL PASO DE ROBLES DOES HEREBY FIND AND RECOMMEND AS FOLLOWS:

Section 1: Recitals. All of the above recitals are true and correct and incorporated herein by reference.

Section 2: Environmental Determination. The Ordinance is exempt from the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment. The Ordinance extends the existing Short-Term Rental Ordinance, and thus maintains the status quo, while making minor amendments. None of these amendments have the possibility of having a significant effect on the environment. For example, the

Attachment 1

Ordinance would amend the Short-Term Rental Ordinance by limiting swimming pool and hot tub use at Short Term Rentals, reduces the amount of time the Owner of a Homeshare may be absent from the property during the time a Renter is occupying the Short-Term Rental unit from 30 days to 10 days, and increases the number of neighbors entitled to notification that a Short-Term Rental Permit has been obtained. These amendments have no possibility of having a significant effect on the environment. Additionally, and in the alternative, the Ordinance is exempt from CEQA under the Class 1 exemption, which applies to the operation, permitting, or licensing of existing structures involving negligible or no expansion of existing or former use. The Ordinance does not expand the scope of the Short-Term Rental Ordinance; it merely extends the existing Short-Term Rental Ordinance, with limited amendments that have no possibility of a significant impact the environment. For all of the foregoing reasons and based on substantial evidence in the record of proceedings, the Ordinance is exempt from CEQA.

Section 3: Approval. . The Planning Commission hereby recommends the City Council adopt the draft ordinance included as Exhibit A attached hereto, and incorporated herein by reference.

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
A	Draft Ordinance No. XXXX N.S.

PASSED AND ADOPTED THIS 26th day of April 2022 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CHAIRPERSON MARK KOEGLER

ATTEST:

WARREN FRACE, PLANNING COMMISSION SECRETARY