



*"Placerville, a Unique Historical Past Forging into a Golden Future"*

## Planning Commission Staff Report

**Meeting Date:** April 6, 2021

**Prepared By:** Pierre Rivas, Development Services Director

### ITEM 4: Zoning Interpretation (ZON) 21-01: Short-Term Rental Use Within the Central Business District Zone

#### REQUEST

Adopt a resolution that would define the use, short-term rental; deem that a short-term rental use be permitted subject to a special temporary use permit within the Central Business District (CBD), while the City completes the process authorized by City Council under Resolution No. 8530 to establishing the regulations of short-term rentals; and, establish that a short-term rental use shall provide a minimum of one parking space, consistent with other transient occupancy uses defined under the Placerville Zoning Code.

#### BACKGROUND

This item is a follow-up to the action taken by the Planning Commission at their Regular Meeting on March 16, 2021, upon conclusion of a public hearing on the consideration of the request by property owner Blue Bell Building LLC, of 326, 328 and 330 Main Street (APN 003-121-005), that the Planning Commission render a zoning interpretation to consider transient short-term rental (thirty (30) or fewer consecutive nights) uses within the CBD (Central Business District Zone, Zoning Ordinance Section 10-5-14), including property owned by the Applicant located at 328 Main Street, Placerville. The Commission found that short-term rental uses are similar to a hotel or motel use listed in the CBD Zone. The Commission directed staff to return at its next meeting, April 6, 2021, with a draft resolution for consideration and possible adoption regarding to establish a short-term rental use that would be subject to the Special Temporary Use Permit process under City Code 10-4-7.

#### REQUEST LOCATION

Within the Central Business District (CBD) Zone: Boundary of the CBD Zone is U.S. 50 to the north; stretching on both sides of Main Street from the lower westerly end of Main Street to generally the intersection of Main Street and Cedar Ravine Road to the east; stretching south to include portions of Cedar Ravine Road, and Sacramento and Pacific Streets. See Figure 1.

#### DECISION MAKING AUTHORITY

##### Planning Commission Administration Provisions

Per Placerville Zoning Code (PZC) 10-3-1(E), the Planning Commission by resolution, minute order request or on its own initiative, adopt rules implementing the general zoning regulations of this Ordinance by:

1. *Setting forth additional specific uses allowed by right and by use permit which are in the opinion of the Commission similar or accessory to those listed in the Ordinance and conform to the purposes of the zone regulations.*

- 2. *Setting forth additional specific uses for which parking space is required which are in the opinion of the Commission similar or accessory to those listed in the Ordinance.*

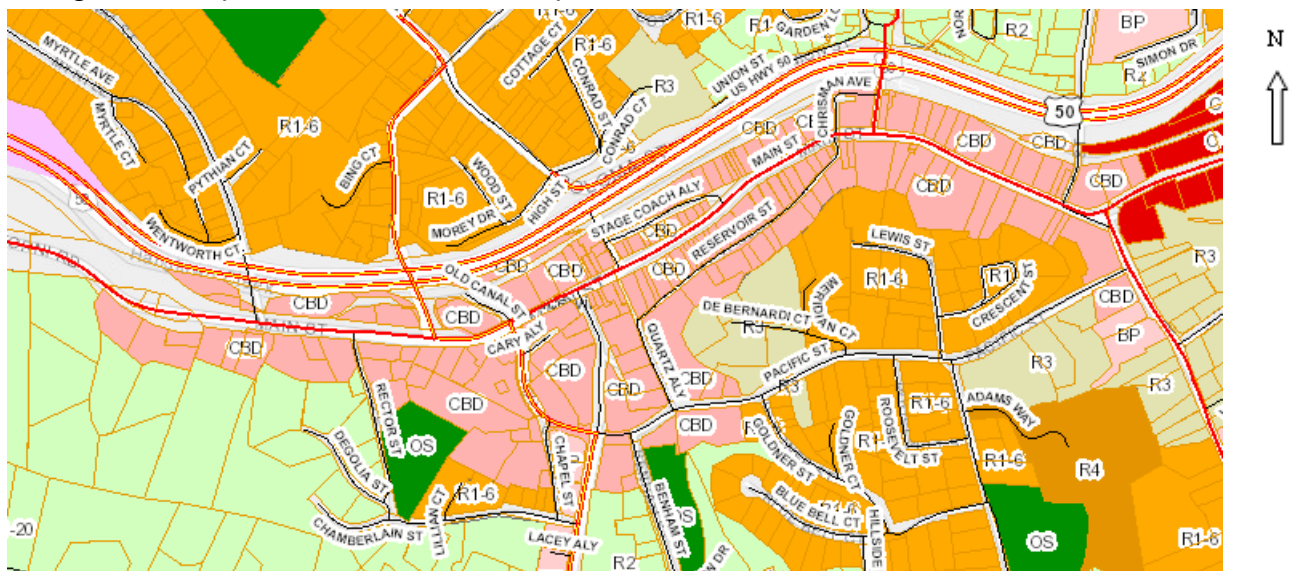
**Special Temporary Use Permit Provisions**

Per the Special Temporary Use Permit (TUP) provisions under PZC 10-4-7(A) 5, the Planning Commission may by resolution deem uses to be within the intent and purpose of this section which are required for the property functioning of the community, or are temporarily required in the process of establishing a permitted use, or constructing a public facility.

**Parking Regulations for Transient Lodging Uses**

Existing PZC parking requirements under 10-4-4(E) would require that the transient occupancy uses, rooming or boarding house, motel or hotel, provide a minimum of one parking space for each rental unit. Under its authority under PZC 10-3-1(E)2, the Commission may set parking space requirements for additional specific uses.

**Figure 1 CBD (Central Business District Zone) Location**



**DRAFT RESOLUTION**

Staff’s draft resolution defines the use term, short-term rental; it authorizes the addition of short-term rental uses within the Central Business District to the list of uses subject to the Special Temporary Use Permit (TUP) provisions and requirements; and, it sets a minimum of one parking space for a short-term rental use consistent with other transient occupancy uses defined in the Zoning Code. Full text of the draft resolution is provided as Attachment 1.

**Defining Short-Term Rental Use**

A “short-term” or “vacation rental” is defined as a single dwelling unit, containing five or fewer rooms, providing complete living facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking, and sanitation, which may be rented for transient occupancy for periods of thirty (30) or fewer consecutive nights.

This definition distinguishes a short-term rental facility from a hotel or motel that is defined as a “building or group of buildings containing six or more rental units with or without meals

providing for guests” (City Code 10-1-4). A short-term rental facility could contain multiple buildings as long as the numbers of rooms do not exceed five (for example, five single-room cabins) wherein the facility would be treated as a hotel or motel at six or more rental units. A motel has additional requirements such as 24/7 on-site management and additional building code requirements.

Other concerns would be the attempt to convert a storage room or wall off a portion of an existing commercial space containing a bathroom into a short-term rental. Therefore, each short-term rental must meet the minimum requirements for a dwelling unit containing its own independent cooking and eating area. A “hotplate” or microwave in lieu of a full kitchen facility would not suffice under this requirement.

#### **Addition of Short-Term Rental Use to Uses Subject to TUP**

The TUP process for a short-term rental use affords the Development Services Department (DSD) the ability to place conditions of approval, such as requirements to obtain a business license, pay appropriate transient occupancy tax, comply with the California Building Code, and limit the maximum occupancy of the unit. The period of time an approved TUP use may be carried out is set by the DSD Director, not to exceed one year from date of issuance of the permit. The draft resolution adds short-term rental uses within the Central Business District to the list of uses subject to the Special Temporary Use Permit (TUP) provisions and requirements.

#### **Set Parking Requirements for Short-Term Rental Uses**

In that existing PZC parking requirements under 10-4-4(E) mandate that the transient occupancy uses, rooming or boarding house, motel or hotel, provide a minimum of one parking space for each rental unit. Short-term rental uses are deemed similar to other transient lodging. To require a transient short-term rental use provide a minimum of one parking space, consistent with other transient occupancy uses, would be appropriate. The draft resolution would set a minimum of one parking space for each rental unit requirement for this additional specific use, under the Commission’s authority under PZC 10-3-1(E)2.

#### **ENVIRONMENTAL REVIEW**

As a result of an adoption of the proposed resolution, a conversion of an existing structure from a residential use to a transient occupancy short-term rental use, when the new use is consistent with the current zoning and General Plan land use designation of the site, is generally an action that would qualify as a Class 3 categorical exemption pursuant to Guideline 15303 of the California Environmental Quality Act (Conversion of an Existing Structure from One Use to Another).

#### **RECOMMENDATION**

Adopt a resolution that would define the use, short-term rental; deem that a short-term rental use be permitted subject to a special temporary use permit within the Central Business District (CBD), while the City completes the process authorized by City Council under Resolution No. 8530 to establishing the regulations of short-term rentals; and, establish that a short-term rental use shall provide a minimum of one parking space for each rental unit, consistent with other transient occupancy uses defined under the Placerville Zoning Code.

**Attachments:**

- A. Planning Commission Resolution No. 2021-01

**The decision of the Planning Commission is final unless the project or project conditions are appealed to the City Council within ten calendar days.**

**Attachment A**

**[Planning Commission Draft Resolution No. 2021-01](#)**