



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

Planning Commission Staff Report

Meeting Date: April 6, 2021

Prepared By: Andrew Painter, City Planner

ITEM 5: Zoning Interpretation (ZON) 21-02: Short-Term Rental Uses Within the Highway Commercial Zone

REQUEST

Consideration of request by property owner David Ross and Amber Ross, of 3038 Orchard Lane (APN 004-191-053), that the Planning Commission render a zoning interpretation to consider transient short-term rental (thirty (30) or fewer consecutive nights) uses within the Highway Commercial Zone (HWC), Placerville Zoning Code (PZC) Section 10-5-17, including property owned by the Applicant located at 3038 Orchard Lane, Placerville.

REQUEST LOCATION

There are two areas (western and eastern) within Placerville with the HWC classification. Within western Placerville, the HWC is located along Fair Lane and portions of Placerville Drive north of US 50, and along Forni Road and parts of Briw Road south of US 50. See Figure 1.

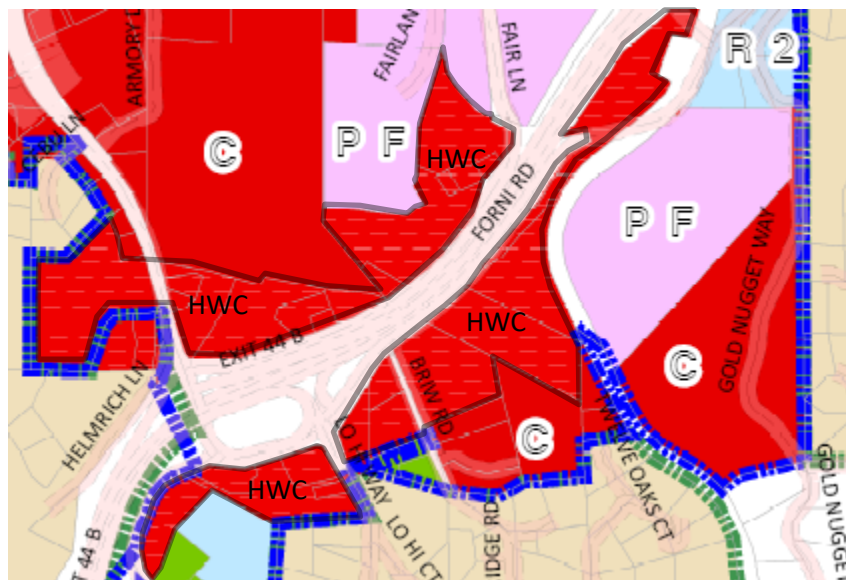
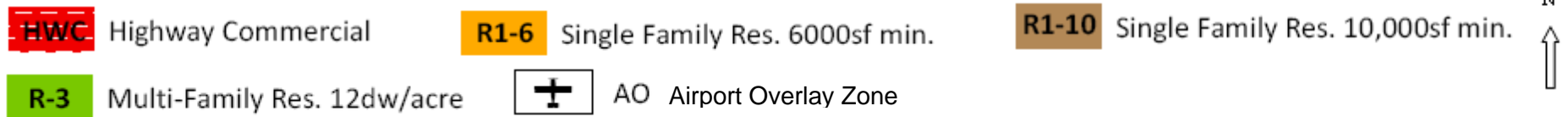
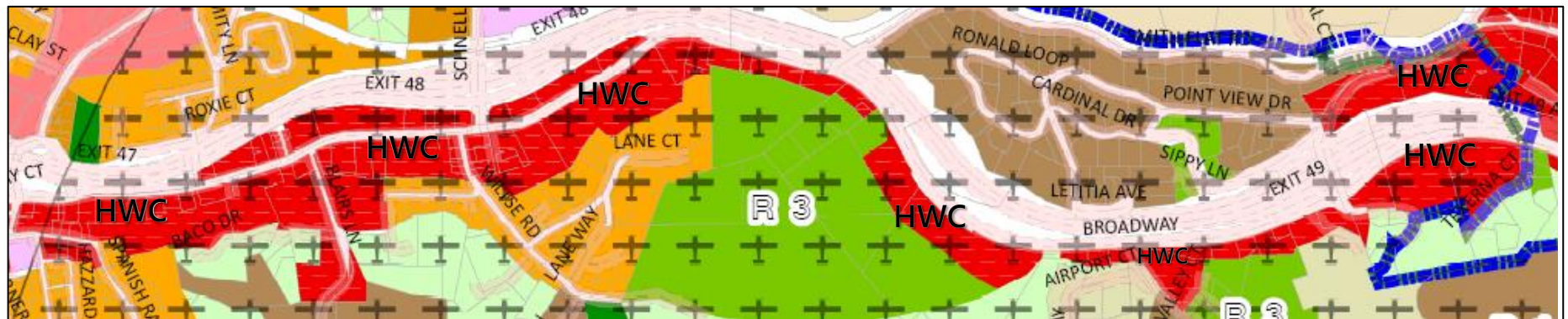


Figure 1. Western Placerville HWC



Within eastern Placerville the HWC is primarily south of US 50, along Broadway, stretching from Broadway's intersection with Mosquito Road in the west to Texerna Court and the City Limits to the east, including portions of Wiltse Road, Blairs Lane, and Airport Road. There is another small segment of HWC north of US 50, along Point View Drive and Jacquier Road to the City Limits to the north. See Figure 2.

Figure 2. Eastern Placerville HWC



APPLICANTS / PROPERTY OWNERS

David Ross and Amber Ross are the request Applicants. The Applicants' property is located within the eastern portion of the Placerville HWC Zone classification areas. Address is 3038 Orchard Lane. APN 004-191-053. It's location within the HWC is provided as Figure 3. The applicants' propose to utilize four existing multi-family residential units for short-term rental occupancy. These existing units consist of three attached units of 390 square feet each, and a detached fourth unit at 430 square feet. Parking for these uses currently exists on the approximately 12,200 square foot parcel. Access to the units is via Orchard Lane, a private road. Orchard Lane intersects with Broadway approximately 30 feet east of the intersection of Broadway and Schnell School Road.

The Applicants' Submittal Package (Attachment A) includes a detailed description of the site and apartment units, along with exhibits of the site and surroundings.

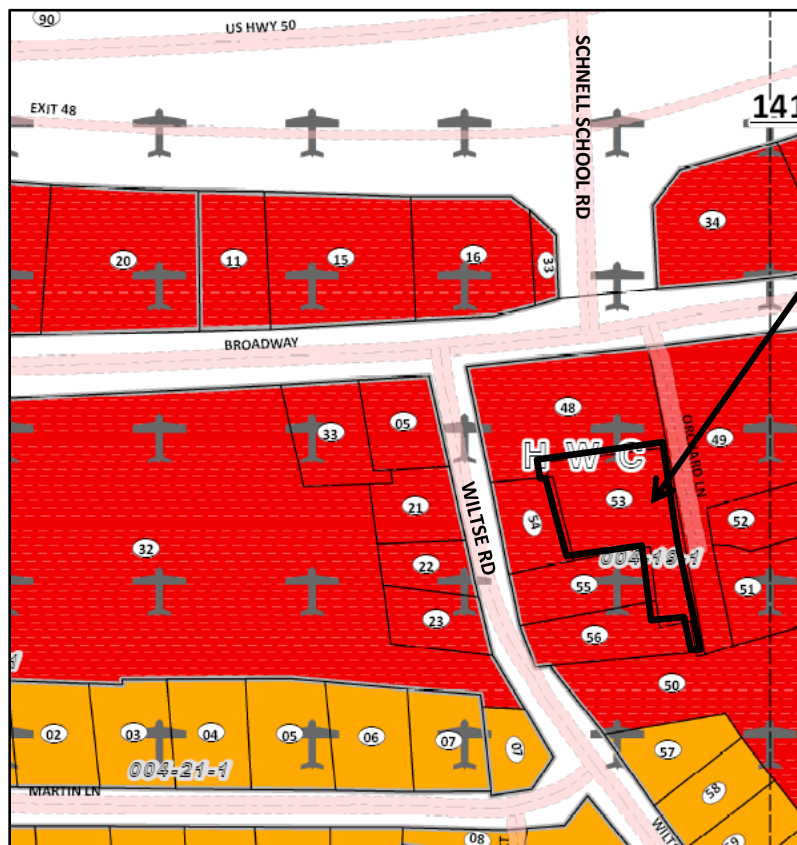


Figure 3. Location of Applicant Property 3038 Orchard Lane

Surrounding the Applicants' property are single-family and some multi-family residential uses located to the west, south and east. To the north, northeast and northwest are various commercial uses along Broadway.

BACKGROUND

Short-Term Rental Regulations

Due to complaints from neighbors and from other interested parties regarding short-term vacation rentals since 2013, and the City's concerns about the potential loss of affordable housing, in 2017 staff requested and received City Council authorization under Resolution No. 8530 to initiate amendments to the Zoning Ordinance regarding definitions of types of lodging facilities, and the regulation of short-term rentals. This work has not been completed. A timeframe for completion is not available at this time.

Special Temporary Use Permit Provisions (PZC 10-4-7(A)5)

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.

Zoning Interpretation 21-01: Consideration of short-term rental uses within the Central Business District Zone (CBD)

On March 16, 2021, the Planning Commission considered a request similar (ZON21-01) to that submitted under this request; however it involved short-term rental uses within the Central Business District Zone (CBD). The Commission found that short-term rental uses are similar to a hotel or motel use, a use listed in the CBD as a permitted use. The Commission directed staff to return to the Commission on April 6, 2021 with a resolution for consideration and possible adoption that would establish that a short-term rental use within the CBD would be subject to the Special Temporary Use Permit process under PZC 10-4-7. A draft resolution was prepared by staff. If adopted as drafted the resolution would:

- Define the term “short-term” or “vacation rental” as: A single dwelling unit, comprising one or more 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 less than 31 consecutive days;
- Deem that a short-term rental use be permitted subject to a special temporary use permit within the Central Business District (CBD) under PZC 10-4-7; 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.

General Plan Land Use Element – Highway Commercial Land Use Designation (HWC)

Purposes

1. *Provide for freeway-oriented uses, such as fast food restaurants, gas stations, and other uses which are necessary and convenient to the travelling public.*
2. *Provide for the development of highway commercial facilities concentrated in well-defined and well-designed areas.*
3. *Create conditions conducive to a convenient and desirable environment for customers and employees.*

4. *Protect areas in this designation from encroachment by unrelated and incompatible uses.*
5. *Differentiate freeway and travel-oriented uses from those of the downtown business district and other commercial areas.*

Allowable Uses

Hotels and motels, service stations, retail sales and services, eating and drinking establishments, other uses catering principally to highway travelers and tourists, public and quasi-public uses, and similar and compatible uses.

Density / Intensity Standards

Floor Area Ratio: 0.60

Consistent Zoning Districts

HWC (Highway Commercial Zone)

OS (Open Space)

Highway Commercial Zone (HWC) (PZC 10-5-17)

(A) *Purpose: The purpose of this Zone is to:*

1. *Provide for freeway-oriented uses, such as fast-food restaurants, gas stations and other uses which are necessary and convenient to the traveling public.*
2. *Provide for the development of highway commercial facilities concentrated in well-defined and designed areas.*
3. *Create conditions conducive to a convenient and desirable environment for customers and employees.*
4. *Protect areas in this designation from encroachment by unrelated and incompatible uses.*
5. *Differentiate freeway and travel-oriented uses from those of the downtown business district and other light commercial areas. (Ord. 1487, 14 Jan 1992)*

(B) *Permitted Uses: The following uses and their accessory uses are permitted outright:*

1. *Business professional and office uses. (Ord. 1506, 23 Nov 1993)*
2. *One emergency shelter. (Ord. 1650, 10 Jul 2012)*
3. *Hotels and motels, retail sales and services, eating and drinking and entertainment establishments, financial institutions, one- or multi-family dwellings, residential service facilities and employee housing-small, when above or below the ground floor. (Ord. 1667, 28 Oct 2014; Ord. 1666, 23 Sept 2014)*
4. *Reconstruction of single-family dwellings provided that the other regulations of this Title are met. (Ord. 1506, 23 Nov 1993)*

Nonconforming Uses, Structures and Lots (PZC 10-2-5)

The four existing multi-family residential units are legal uses within the HWC. These units are defined in subsection (B)1(b) of PZC 10-2-5, the City's *Nonconforming Uses, Structures and Lots* regulations, as a compatible nonconforming use within the HWC, in that they are residential

uses and structures located in other than a residential zones. Per PZC 10-2-5, compatible uses are generally not detrimental to the zone in which they are located.

The intent and purpose of the Nonconforming Uses, Structures and Lots code section is to declare uses, structures and lots that legally existed on the effective date of the Zoning Code, January 8, 1991, as nonconforming uses, structures and lots; and, to encourage those uses that that are incompatible into conformity within a reasonable period of time.

ANALYSIS

Residential uses like the Applicants' single floor buildings do exist with the HWC. It is estimated that there are 51 known existing residential units within the HWC, with 45 of them located in the eastern portion of the HWC along with the Applicants' units. They provide a valuable, affordable, long-term housing opportunity for the community with proximity to shops, restaurants, employment sources, transit, and that they contribute to the mixed-use vibrancy of the US 50 commercial corridor. Also, the HWC permits new residential dwelling uses when they are created above or below the ground floor, a mixed use development concept.

As provided above, the stated purpose of the HWC land use designation and zone classification is to provide for freeway-oriented uses and the development of highway commercial facilities such as fast-food restaurants, gas stations and other uses which are necessary and convenient to the traveling public. The HWC land use designation and zone classification permits hotel and motel uses. Hotel or motel lodging is a freeway-oriented use considered necessary and convenient to those traveling US 50.

The City's General Plan governs the direction of future land use in the City. When the City established the HWC land use designation and land use map as part of the adoption of the 1990 General Plan, and the subsequent creation of the HWC Zone and Zoning Map in 1991 when the PZC was comprehensively updated to implement the 1990 General Plan, those existing nonconforming uses at the time of adoption were anticipated to eventually change over time to the General Plan directed highway-oriented uses that are consistent with the HWC's purpose and intent.

The Applicants would like to convert their four existing apartment units located within the HWC to offer them as transient short-term rental units (30 days or less occupancy). A hotel or motel is defined under PZC 10-1-4 as: *A building or group of buildings containing six (6) or more rental units with or without meals provided for their guests.* The Applicants' four proposed short-term rental units would not meet this definition. HWC regulations therefore would not permit the use. A zoning interpretation is requested by the Applicants for the Commission to consider transient short-term rental (thirty (30) or fewer consecutive nights) uses within the HWC.

As mentioned, a draft resolution was prepared and is to be considered on April 6, 2021 at the same meeting as this ZON21-02 request. If adopted as drafted the resolution would define the term "short-term" or "vacation rental," it would add short-term rental uses within the CBD to the list of uses subject to a Special Temporary Use Permit (TUP), and would require a minimum of one parking space per rental unit. Due to the permitting of lodging uses within the HWC,

that lodging uses are uses that meet the intent and purpose of the HWC to develop uses that cater to the highway traveling public, and that in the interim of the City developing amendments to the Zoning Ordinance regarding and regulations of short-term rentals that short-term rental uses within the HWC be included in the list of uses subject to a TUP.

ENVIRONMENTAL REVIEW

Conversion of an existing structure from one use to another 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).

PUBLIC NOTICE AND PUBLIC COMMENT RECEIVED

Notice of Public Hearing for this project was published in accordance with legal requirements and mailed to the owners of record of properties within the project site vicinity, and those who have requested to be notified of public hearings. Notice was also posted on the City's website and in the window at Town Hall.

As of the deadline of March 31, 2021 for public comment to be included in the Agenda packet, staff has received public comment in opposition to the request, including a neighborhood petition containing thirty signatures. These comments are provided as Attachment C.

RECOMMENDATION

Staff recommends the Commission consider the request, staff's report, as well all public comment in the public record; then under the authority granted to the Planning Commission under City Code Section 10-4-7(A), by motion make a determination to adopt, or amend and adopt Resolution No. 2021-02 that would add short-term rental uses within the HWC to the list of uses subject to a Special Temporary Use Permit under City Code Section 10-4-7(A).

Attachments:

- A. Applicants' Submittal Package
- B. Draft Resolution No. 2021-02
- C. Public Comment Received

The decision of the Planning Commission is final unless it is appealed to the City Council within ten calendar days.

Attachment A

[Applicants' Submittal Package](#)

Attachment B

[Draft Resolution No. 2021-02](#)

Attachment C

[Public Comment Received \(by March 31, 2021\)](#)