

**REGULAR MEETING MINUTES
PLACERVILLE PLANNING COMMISSION
TUESDAY, June 7, 2022, 6:00 P.M.
TOWN HALL, 549 MAIN STREET, PLACERVILLE, CALIFORNIA**

CLOSED SESSION: None Scheduled

6:00 P.M. OPEN SESSION

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE TO THE FLAG:

Chair Lepper called the meeting to order at 6:00 p.m. and the Pledge of Allegiance to the Flag was recited.

2. ROLL CALL:

Members Present: Chair Lepper, Vice Chair Gotberg, List, Frenn, Kiehne

Members Absent: None

Staff Present: Development Services Director Rivas, Associate Planner Hunter

3. CLOSED SESSION REPORT:

None scheduled.

4. ADOPTION OF AGENDA:

Motion: In a single motion Commissioner Gotberg, second by Commissioner List, moved to approve the Agenda . Motion carried 5-0.

5. CONSENT CALENDAR:

5.1. Approve the minutes of the Regular Planning Commission Meeting of April 5, 2022

Motion: In a single motion, Commissioner Gotberg, seconded by Commissioner Lepper, moved to approve the Consent Calendar; approving the May 17, 2022 minutes as presented. Motion carried 3-0 vote, Commissioners Frenn and Kiehne abstained.

6. ITEMS PULLED FROM CONSENT CALENDAR (if applicable):

None.

7. ITEMS OF INTEREST TO THE PUBLIC – NON-AGENDA ITEMS:

No comments were received from the public.

8. WRITTEN COMMUNICATIONS – NON-AGENDA ITEMS:

None received.

9. PRESENTATIONS AND EDUCATIONAL WORKSHOP SESSIONS:

None.

10. ENVIRONMENTAL ASSESSMENTS/PUBLIC HEARINGS:

- 10.1. Site Plan Review (SPR) 82-18-R:** Request to consider a revision to Site Plan Review (SPR) 82-18 to change building exterior from horizontal wood lap siding and vertical T-111 to stucco. ENVIRONMENTAL DETERMINATION: California Environmental Quality Act Categorical Exemption, Section 15301. LOCATION: 1008 Fowler Way, Zone: BP (Business Professional). Staff: Kristen Hunter.

Associate Planner Hunter presented the staff report dated June 7, 2022 and answered questions of the Commission.

Motion by Commissioner Gotberg, seconded by Commissioner List, to approve SPR 82-18-R as recommended in the staff report; and to:

- I. Adopt the staff report as part of the public record.*
- II. Make the following findings of fact in support of SPR 82-18-R request:*
 - 1. The request is exempt from the California Environmental Quality Act (CEQA) per CEQA Guideline 15301, which exempts projects involving, but not limited to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing structure (either private or public) resulting in negligible or no change in the former use.*
 - 2. The request is consistent and in harmony with the General Plan, in that it will encourage the restoration and reuse of an older structure.*
 - 3. The request would further Goal I Policy 3 of the Community Design Element through the use of materials that are suited to the area and are consistent with surrounding buildings.*
- III. Approve SPR 82-18-R located at 1008 Fowler Way, APN 004-051-041, based on the project information and findings included in the Staff Report, and subject to the recommended Conditions of Approval. Conditions of Approval from SPR 82-18 are included below, with the addition of Condition E:*
 - A. Sign and record an agreement with adjacent property owner(s) on the south for grading and maintenance of retaining walls on both properties.*
 - B. Submit detail of any additional signs for Planning Commission approval.*
 - C. Submit proposed retaining wall materials for staff approval.*
 - D. Extend the walkway to Fowler Way.*

E. *Project owner or his/her successors, heirs, assigns shall record a Landscaping Maintenance Agreement prior to the issuance of a Certificate of Occupancy for the site in accordance with City Code Section 10-4-9 (Site Plan Review).*

Action: *Motion approved 5-0 on roll call vote:*
Ayes: Gotberg, Lepper, List, Frenn, Kiehne
Nays: None
Absent: *N/A*

Chair Lepper informed the public that there is a 10-day appeal period.

11. CONTINUED ITEMS:

11.1. Zoning Text Change (ZC) 22-01-Short-Term Rental Uses Within the Central Business District (CBD), the Commercial Zone District (C), and the Highway Commercial Zone District (HWC): Request by the City to allow for the regulation and permitting process for the establishment of short-term rentals in the aforementioned commercial zone districts. ENVIRONMENTAL DETERMINATION: California Environmental Quality Act Categorical Exemption, Section 15303. LOCATION: City of Placerville, Zone: HWC (Highway Commercial Zone); C (Commercial Zone) and CBD (Central Business District). Staff: Pierre Rivas

Director Rivas presented the Staff Report dated May 17, 2022, reviewed staff's modifications to the Draft Short-Term Ordinance as directed by the Commission on June 7, 2022, and answered questions of the Commission.

Public comment was received by Julie Robinson, David Ross, and Celia Lux.

In a single motion, Commissioner Frenn, seconded by Commissioner List, recommended that the Draft Short-Term Rental Ordinance be presented to the City Council for approval to amend the Title 10 of the City Code (Zoning Ordinance) that would add short-term rental uses within the Central Business District (CBD), the Commercial Zone District (C), and the Highway Commercial Zone District (HWC) subject to approval and issuance of a Short-Term Rental Permit as follows:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLACERVILLE
AMENDING TITLE 10 (ZONING ORDINANCE) OF THE CITY OF PLACERVILLE
MUNICIPAL CODE ADDING DEFINITIONS, REGULATIONS, AND PROCEDURES
TO ALLOW FOR THE ESTABLISHMENT OF SHORT-TERM RENTALS WITHIN
THE CENTRAL BUSINESS DISTRICT (CBD), COMMERCIAL ZONE DISTRICT (C),
AND THE HIGHWAY COMMERCIAL (HWC) ZONE DISTRICT**

WHEREAS, Resolution No. 5133 (General Plan) was adopted by the City Council on January 23, 1990; and

WHEREAS, Ordinance No. 1474 (Zoning Ordinance) was adopted by the City Council on January 8, 1991, and became effective February 7, 1991; and

WHEREAS, the commercial use of residential dwelling units on an overnight transient basis of less than 30 days occupancy is currently a violation of the uses allowed in all zoning districts in the City of Placerville, unless specifically stated otherwise in Title 10 of the Placerville City Code; and

WHEREAS, the commercial use of residential dwelling units on an overnight transient basis of less than 30 days occupancy is a commercial activity often incompatible with maintaining the residential ambiance of the neighborhood in which they may be located and may create adverse impacts on surrounding residential uses, including but not limited to, increased demand for public services resulting from higher densities, impacts from noise generation, increased visitor traffic and parking, and the potential loss of needed available housing stock for City residents; and

WHEREAS, the purpose and intent of the Central Business District, the Commercial Zone District, and the Highway Commercial Zone Districts are to provide for commercial uses that serve the general public, including lodging facilities that allow for the establishment of hotels and motels which are permitted by-right in each of the affirmations zone districts; and

WHEREAS, the City has received requests from property owners to allow for the use of residences that are located within the CBD and HWC Zone Districts; and

WHEREAS, short-term rentals are considered commercial lodging facilities similar to a hotel or motel and are considered an appropriate and compatible use within the CBD, C, and HWC Zone Districts; and

WHEREAS, on June 17, 2017 the City Council adopted Resolution No. 8530 (ROI 17-03) establishing the City's intent to initiate amendments to the Zoning Ordinance regarding definitions of types of lodging facilities including the regulation of short-term rentals in commercial; and

WHEREAS, the request is categorically exempt from environmental review pursuant to Section 15303 of the California Environmental Quality Act Guidelines, (Conversion of an existing structure from one use to another); and

WHEREAS, this ordinance is exempt from environmental review per Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines under the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment. Because there is no possibility that the proposed ordinance may have a significant effect on the environment, this project is exempt from CEQA.

WHEREAS, the City Council finds and determines that the regulation of short-term rentals in accordance with the ordinance is a matter of City-wide importance and necessary for the preservation and protection of the public peace, health, safety, and welfare of the community and is

a valid exercise of City’s police power and in accord with the public purposes.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLACERVILLE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Purpose and Authority.

The purpose of this ordinance is to amend Title 10, of the City of Placerville Municipal Code to allow for the definition, regulations, and procedures for the establishment of short-term rentals in the CBD, C, and HWC Zone Districts while protecting the public health and safety, and welfare; and providing for additional commercial lodging facilities for the traveling public.

SECTION 2. Findings:

1. A short-term or “vacation rental” is defined as a single dwelling unit or aggregate of dwelling units of not more than five units in total where each unit comprises 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 thirty (30) or fewer consecutive nights.
2. In order to process the establishment of the short-term rental as a permitted use within the CBD, C, and HWC Zones, short-term rental uses within these Zone Districts are deemed to be within the intent and purpose of these commercial zone districts which allow for commercial lodging facilities such as hotels and motels by-right under City Code Sections 10-5-14(B)4, 10-5-15(B)4, and 10-5-17(B)3 respectively.
3. A short-term rental use is similar to other transient lodging defined under Section 10-1-4 of the Zoning Ordinance, such as a rooming or boarding house, motel or hotel.
4. That the amendments to Title 10 of the Placerville City Code are categorically exempt from environmental review per Section 15061(b) (3) of the California Environmental Quality Act (CEQA) Guidelines under the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment; when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.
5. That the public necessity, convenience, and general welfare require the adoption of the proposed amendments, in that, the proposed zoning ordinance amendments are necessary for the City to allow for short-term rentals in the CBD, C, and HWC providing the owners of properties containing residential units located within the stated commercial zone districts the option of engaging in commercial lodging activities and promoting the conversion of legal nonconforming residential uses to a compatible commercial use.

SECTION 3. Action: Make the following modifications to Title 10, Placerville Zoning Ordinance as follows: (Additions and deletions are shown as underline and ~~strikeout~~.)

10-1-4: DEFINITIONS is amended as follows:

COMMERCIAL LODGING FACILITIES: Establishments primarily engaged in the provision of commercial lodging on a transient basis (30 days or less) to the general public. Lodging may include the incidental provision of food, drink, sales, and services for the convenience of overnight guests. Types of lodging are further defined as follows:

BED AND BREAKFAST ESTABLISHMENTS. Any residence that provides guest rooms, without individual kitchens, for paying guests, as a transient lodging facility, where the owner(s) resides on-site. Bed and Breakfast Establishments shall be established subject to a conditional use permit in conformance the Section 10-4-11.

HOTEL OR MOTEL. Building or group of buildings containing six (6) or more rental units with or without meals provided for paying the guests and having on-site management.

SHORT-TERM RENTALS. A single-family residence, duplex, triplex, fourplex, or 5 unit building, or group of buildings that in aggregate contain no more than five (5) rental units, each unit containing accommodations for sleeping, sanitation, eating, and a full kitchen, meeting the requirements of the California Building Code, for paying guests, and are operated with or without on-site management.

10-4-7: SPECIAL TEMPORARY USE PERMITS – Subsection (A)⁹ is deleted as follows:

~~(A)⁹. Short-Term Rental in the CBD Zone (PC Res. 2021-01, 6 Apr 2021)~~

10-4-20: Short-Term Rentals is added as follows:

(A) Purpose: The purpose of this section is to provide for the establishment of short-term rental facilities in certain commercial zones and to set forth criteria and regulations of those short-term rentals units.

(B) Applicability of Regulations: The provisions of this Section shall apply to all parcels that are zoned CBD, C, and HWC.

(C) Permitted Use: Short-term rentals as defined in Section 10-4-1 are a permitted use in the specified commercial zone districts as commercial lodging facilities that is consistent with the City's General Plan, the specific zone district on which the short-term rental facility is to be located, and this Section, subject to issuance of a short-term rental (STR) permit.

The conversion of residential (long-term) units constructed pursuant to the mixed use provisions within the CBD, C, and HWC Zone Districts shall not be permitted as short-term rental units.

(D) Permit Required:

1. An application for a short-term rental (STR) shall be filed with the Development Services Department and shall be processed in accordance with Section 10-4-7 and shall be renewed annually.
2. The application for the STR permit shall be submitted on forms provided by the Development Services Department and shall, but not be limited to, the following:
 - (a) A site location map.
 - (b) A site plan drawn to scale showing the property boundaries, all structures labeled as to their use and dimensions, and parking areas showing the number of spaces provided with dimensions.
 - (c) A floor plan of all buildings to serve as a short-term rental with all rooms labeled as to their use.
3. Short-term rental permits shall only be issued to the owner(s) of the property and shall not be transferable.
4. Short-term rental permits shall be subject to renewal annually and be subject to site inspection by the City and El Dorado County Fire Marshal.

(E) Development and Operational Standards:

1. A City business license is required in accordance with City Code Section 5-1-4.
2. The name and phone number of a responsible person shall be posted. Said responsible person shall be available 24/7 and can be on site within one hour.
3. Payment of Transient Occupancy Tax shall be paid in accordance with Code Title 5, Chapter 16.
4. Maximum Occupancy and Parking. Occupancy of the short-term rental shall be limited by (1) the number of paved parking spaces on the short-term rental property as shown in Table One of this Subsection, and (2) the number of bedrooms in the property as shown in Table Two of this subsection, whichever is the lesser. For purposes of this Subsection, occupancy shall be calculated by the number of persons present at the vacation home rental property at any given time. Properties with multiple units shall be calculated in the aggregate.

<u>Table One (1). Number of Paved Parking Spaces Establishing Maximum Occupancy</u>	
<u>Number of parking Spaces</u>	<u>Maximum Occupancy</u>
<u>1</u>	<u>4</u>
<u>2</u>	<u>8</u>
<u>3</u>	<u>12</u>
<u>4</u>	<u>16</u>
<u>5</u>	<u>20</u>

Table Two (2). Number of Bedrooms

<u>Establishing Maximum Occupancy</u>	
<u>Number of bedrooms</u>	<u>Maximum Occupancy</u>
<u>Studio</u>	<u>4</u>
<u>1</u>	<u>6</u>
<u>2</u>	<u>8</u>
<u>3</u>	<u>10</u>
<u>4</u>	<u>12</u>
<u>5</u>	<u>14</u>

Where the maximum occupancy for a short-term rental is based upon the number of bedrooms, occupancy of a short-term rental with more than one bedroom shall be calculated by multiplying the number of bedrooms by two and adding four.

Maximum occupancy of a short-term rental located within the CBD Zone shall be in accordance with Table 2 only. New construction shall be in accordance with Code Sections 10-4-4 and 10-4-5.

5. New Construction: New construction shall be subject to all applicable development standards of the zone district and approval of a site plan review application by the Planning Commission in accordance with City Code Section 10-4-9, and this Section.
 6. The maximum occupancy of each short-term rental shall be clearly posted within the unit, and the host shall provide information to guests on how to sign up for CodeRED emergency notification system.
 7. All marketing and advertising of the short-term rental shall include the short-term rental permit number issued by the City.
 8. Noise. Excessive noise shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m.
 9. Record Keeping. Records of every night for which the short-term rental is rented, including the name and contact information of the occupant who has arranged to rent the unit(s), the rental rate, the number of occupants per night, and the number of vehicles, shall be maintained for a minimum period of three years before such records are discarded or otherwise destroyed. Such records shall be made available to the City within fifteen (15) business days upon written request from the City.
- (F) Enforcement. Any use or condition caused or permitted to exist in violation of any provision of the City Code or the STR permit shall be and hereby is declared a public nuisance and may be summarily abated by the City pursuant to Code of Civil Procedure

Section 731, City Code Sections 10-10-3-8, 10-3-9, and 10-3-10, or any other remedy available to the City.

(G) Revocation. A short-term rental permit issued under the terms of this Section shall be revoked by the Development Services Director at any time if he or she concludes that the permit has expired, not current on TOT taxes, found to be in violation of permit conditions, or found to be a nuisance to the community.

(H) No Property Rights Conferred. Short-term rental permits shall not be construed as providing property rights or vested interests and entitlements in continued operation of a short-term rental. Short-term rental permits are revocable licenses which expire annually. Short-term rental permits shall not run with the land.

10-5-14: CBD, CENTRAL BUSINESS DISTRICT ZONE is amended as follows:

(B) Permitted Uses:

10. Short-term rentals, subject to issuance of a STR permit in accordance with Code Section 10-4-20, and shall be subject to annual renewal and approval by the Development Services Director.

10-5-15: C, COMMERCIAL ZONE is amended as follows:

(B) Permitted Uses:

13. Short-term rentals, subject to issuance of a STR permit in accordance with Code Section 10-4-20, and shall be subject to annual renewal and approval by the Development Services Director.

10-5-17: HWC, HIGHWAY COMMERCIAL ZONE is amended as follows:

(B) Permitted Uses:

5. Short-term rentals, subject to issuance of a STR permit in accordance with Code Section 10-4-20, and shall be subject to annual renewal and approval by the Development Services Director.

10-5-4: RE, ESTATE RESIDENTIAL ZONE is amended as follows:

(B) Permitted Uses:

4. One-family dwelling, one guest house, ~~renting of not more than one room.~~

10-5-5: R-1A, SINGLE-FAMILY ACRE RESIDENTIAL ZONE is amended as follows:

(B) Permitted Uses:

3. One-family dwelling, one guest house, ~~renting of not more than one room.~~

10-5-6: R-1, 20,000 SINGLE FAMILY RESIDENTIAL ZONE is amended as follows:

(B) Permitted Uses:

3. One-family dwelling, one guest house, ~~renting of not more than one room.~~

10-5-7: R-1, 10,000 SINGLE-FAMILY RESIDENTIAL ZONE is amended as follows:

(B) Permitted Uses:

2. One-family dwelling, one guest house, ~~renting of not more than one room.~~

10-5-8: R-1, 6,000 SINGLE-FAMILY RESIDENTIAL ZONE is amended as follows:

(B) Permitted Uses:

2. One-family dwelling, one guest house, ~~renting of not more than one room.~~

SECTION 4. Effective Date.

This ordinance shall become effective on and after the thirtieth (30th) day following adoption.

INTRODUCED on _____, 2022, and **PASSED AND ADOPTED** on _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

Mayor Kara Taylor

ATTEST:

Regina O'Connell, City Clerk

*Action: Motion approved 5-0 on roll call vote:
Ayes: Gotberg, Lepper, List, Frenn, Kiehne
Nays: None
Absent: N/A*

12. NEW BUSINESS

12.1. Election of Officers for 2022 (Chair and Vice Chair): Per Article 5(b) of the Planning Commission By-Laws, at first regular meeting on or after March 1st, the Commissioners shall elect the officers of Chair and Vice Chair for one-year terms. The Chair and Vice Chair shall take office at the following meeting.

Commissioner Frenn, seconded by Commissioner Kiehne, nominates Vice Chair Gotberg for Chair of the Planning Commission. Vice Chair Gotberg indicates that she is willing to serve.

Action: Motion approved 4-1 on roll call vote:

Ayes: Gotberg, Lepper, Frenn, Kiehne

Nays: List

Absent: N/A

Commissioner Kiehne, seconded by Chair Lepper, nominates Commissioner Frenn as Vice Chair of the Planning Commission. Commissioner Frenn indicates that he is willing to serve.

Action: Motion approved 4-1 on roll call vote:

Ayes: Gotberg, Lepper, List, Kiehne

Nays: Frenn

Absent: N/A

12.2. 2021 Housing Element Annual Progress Report, Cycle 5: Receive and file the 2021 Annual Housing Element Progress Report and provide staff with comments, if any, to be forwarded to the City Council.

Director Rivas presented an overview of the 2021 Housing Element Annual Progress Report, Cycle 5 and answered questions of the Commission. Dwelling units included in the Progress Report tables are those that were issued and/or finalised in 2021.

Commissioners received and filed the Report. No further action required.

13. MATTERS FROM COMMISSIONERS AND STAFF:

Commissioner Frenn stated that a common theme in discussions around short-term rentals is the preservation of neighborhoods, a philosophy of the City.

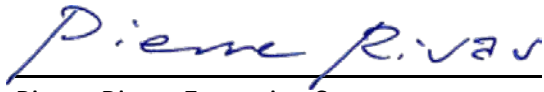
Director Rivas informed Commissioners of a property owner interested in utilizing SB 9 for a ministerial parcel split. Awaiting further contact from the property owner.

Director Rivas updated Commission on a possible joint future workshop with City Council for historic review. Search in progress for architect that specializes in rehabilitation of historic buildings to present. Commissioner Frenn recommended Director Rivas to reach out to Peter Wolfe.

*Next Planning Commission Meeting scheduled for June 21, 2022 at 6:00 p.m. at Town Hall,
549 Main Street, Placerville, CA.*

14. ADJOURNMENT

Chair Lepper adjourned the meeting at 7:46 p.m.

A handwritten signature in blue ink that reads "Pierre Rivas". The signature is written in a cursive style and is positioned above a horizontal line.

Pierre Rivas, Executive Secretary
Development Services Director