

**RESOLUTION NO. 2021-02**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACERVILLE INTERPRETING THAT A SHORT-TERM RENTAL USE IS A USE PERMITTED SUBJECT TO A SPECIAL TEMPORARY USE PERMIT UNDER SECTION 10-4-7(A) OF THE ZONING ORDINANCE WITHIN THE HIGHWAY COMMERCIAL ZONE (HWC)**

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

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

**WHEREAS**, Section 10-4-7(A) of the Zoning Ordinance authorizes the Planning Commission to deem by resolution uses other than those specified under said Section, that are within the intent and purpose of said Section; and

**WHEREAS**, Section 10-4-7 of the Zoning Ordinance Special Temporary Use Permits specifies that the uses permitted subject to a special temporary use permit are those temporary uses that are required for the proper functioning of the community or are temporarily required in the process of establishing a permitted use, or constructing a public facility; and

**WHEREAS**, Section 10-4-7 of the Zoning Ordinance, Special Temporary Use Permits, furthermore specifies that such special temporary uses shall be so conducted that they will not be detrimental in any way to the surrounding properties or to the community; and

**WHEREAS**, on June 27, 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; and

**WHEREAS**, the Development Services Department has received a request by property owners David Ross and Amber Ross, of 3038 Orchard Lane (APN 004-191-053), located within the Highway Commercial Zone (HWC), that the Planning Commission render a zoning interpretation to consider transient short-term rental (thirty (30) or fewer consecutive nights) uses within the HWC Zone; and

**WHEREAS**, Section 10-3-1(E)2 of the Zoning Ordinance authorizes the Planning Commission to set forth additional specific uses for which parking space is required, which are in the opinion of the Planning Commission similar or accessory to those listed in the Zoning Ordinance; and

**WHEREAS**, the purpose and intent of the HWC General Plan land use designation and zone classification is to provide for freeway-oriented uses and provide for 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; and

**WHEREAS**, the request was considered by the Planning Commission at a duly noticed public hearing held on April 6, 2021; 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).

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Placerville, after hearing testimony, considering the public record, and due deliberation of the matters presented, hereby makes the following interpretation of Section 10-4-7(A)5 of the Placerville Zoning Ordinance regarding short-term rental uses:

**Section 1:** The foregoing recitals are true and correct.

**Section 2:** A short-term or "vacation rental" is defined 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 thirty (30) or fewer consecutive nights.

**Section 3:** In order to process the establishment of the short-term rental as a permitted use within the HWC Zone, short-term rental uses within the HWC Zone are deemed to be within the intent and purpose of the Special Temporary Use Permit provisions under City Code 10-4-7. Such use is added to the uses subject to TUPs under City Code 10-4-7(A).

**Section 4:** 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, therefore the minimum number of parking spaces for each short-term rental use shall be one (1) parking space. Such use is added to the uses for which parking space is required under Section 10-4-4(E)17, subject to the requirements under Subsections (B) and (C) of Section 10-4-4: Parking and Loading of the Zoning Ordinance for parking spaces.

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of Placerville on the 6<sup>th</sup> day of April 2021 on motion by Commissioner Member Frenn, seconded by Commissioner Member List, and by the following roll call vote:

<b>AYES:</b>	Frenn, Kiehne, Lepper, List
<b>NOES:</b>	Gotberg
<b>ABSTAIN:</b>	None
<b>ABSENT:</b>	None

  
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**Amy Lepper, Planning Commission Chair**

**ATTEST:**   
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**Andrew Painter, Executive Secretary**