



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

PLANNING COMMISSION MINUTES

October 10, 2017

6:30 P.M.

Planning Commissioners Roll Call:

Present: Davis, Agredano, Jorgensen, Donaldson, Barth, Rollins and Brennan.

Absent: None

6:30 P.M.: Planning Commission Meeting called to order

General Public Comments Regarding Matters Not On The Agenda:

Staff Briefing: None

Agenda Items Proposed to be Tabled or Re-Scheduled: None

Public Hearings

1. Conditional Use Permit 17-012 – Captain’s Garage

712 Paso Robles Street / APN 009-213-009

Applicant – Kirk Allen

A request to establish a used vehicle sales business within the existing building at 712 Paso Robles Street, Units C & D.

Open Public Comment

Speakers: None

Closed Public Comment.

Action:

- A.** A motion was made by Commissioner Rollins, seconded by Commissioner Barth and passed 7-0-0 to approve Resolution A as presented.

2. Conditional Use Permit 17-010 – Borjon Parking Lot

Southwest corner of Vanderlip Ct. and Mesa Rd. / APN 025-403-016 & 060

Applicant – Mark Borjon

A request for a Conditional Use Permit to establish an un-paved, interim overflow parking lot accessory to the Borjon Auto Center.

**Commissioner Agredano Steps down and leaves the room due to conflict
Public Correspondence Received – (See Attachment D)**

Open Public Comment

Speakers: Paul Viborg – Applicant
Tom Ryan
Franziska Bea

Continued to future agenda.

Closed Public Comment.

Action:

- A.** A motion was made by Commissioner Rollins, seconded by Commissioner Barth and passed 6-0-1 (Abstain: Commissioner Agredano) to approve Option 2 and refer it back to Staff.

3. Zoning Code Amendment (ZC 15-006) – Short-Term Rental Ordinance

Applicant: City of Paso Robles

Location: All residential and mixed use zoning districts in Paso Robles

Adoption of a code to regulate Short-Term Rentals (a.k.a. vacation rental homes) in all residential and mixed use zoning districts throughout the City. The code would include the following requirements:

- Ministerial permits for home-share and vacation rentals in all residential districts.
- Requirement to pay transient occupancy taxes and obtain business licenses.
- Requirement to comply with “Good Neighbor” guidelines
- Creation of a complaint hot-line system to resolve neighborhood issues.

Commissioner Barth steps down but remains in the room to represent personal views

Open Public Comment

Speakers: Doug Barth – Comment Letter (Attachment B)
Dan Jones
Andrea Brea
Tracy Betherman
Casey Sheppard
Maggie VanDame
Robert Hess
Betsy Amador
Bruce White
Mike Mandane
Tony Gaspar
John Hammon
Kathy Bonnell – (See Attachment C)
Travis Marx
Bill Hass
David Brae

Closed Public Comment.

Action:

- A.** A motion was made by Commissioner Rollins, seconded by Commissioner Brennan and passed 6-0-1 (Abstain: Commissioner Barth) to approve Option 4 and refer the Item back to Staff for

additional analysis of items identified on Word Document screen edits (Attachment A).

Other Scheduled Matters:

4. Historic Resources – 2015 Ad Hoc Committee Review and Direction

Open Public Comment

Speakers: Bruce White

Closed Public Comment.

Action:

No formal action on report.

5. Wayfinding Stakeholder Group Appointment

Action:

The Planning Commission by consensus appointed Roberta Jorgensen to Wayfinding Stakeholder Group.

Consent Calendar

6. Development Review Committee Minutes (for approval)

September 25, 2017

October 02, 2017

7. Planning Commission Minutes (for approval)

September 26, 2017

Action:

- A.** A motion was made by Commissioner Rollins, seconded by Commissioner Brennan and passed 7-0-0 to approve Items # 6 & # 7 as presented.

8. Other Committee Reports:

- a. Housing Constraints Advisory Committee: Director Report.
- b. Specific Plan Ad Hoc Committee: City Planner Report.

Planning Commissioners' Comments

- The Planning Commission by consensus directed staff to add Specific Plan Ad Hoc Committee Report to Future Agendas.
- The Planning Commission by consensus directed staff to Agendize review of the 2015 Historic Ordinance Ad Hoc Committee for review.

Staff Comments:

Director's Comments:

- City manager Tom Frutchey gave an update on various City projects.

Regular Meeting Adjourned at: 10:30 PM

10/3/2017

Dear Planning Commission,

Comments and concerns for Conditional Use Permit (CUP 17-010), a request to establish an overflow parking lot for the Borjon Auto Center.

This property is zoned C3-PD. It is on the Southwest corner of Mesa Rd. and Vanderlip Ct.

I am the owner of 46 East Self Storage. I am concerned about this proposed employee parking lot. I replaced a completely fenced outdoor RV storage yard with a mini storage in 2004. I started the process in 2002 and was met by the strictest planners in the planning department. This will not be the case for this commercial corner property proposed as is. The following are main concerns:

1. Safety / Unsafe crossing for employees, customers and residents who walk up or down the street.
2. No curb, gutter and sidewalk. This should be standard on all commercial properties.
3. No adequate fencing to screen.
4. Not compatible with surrounding commercial area and residential neighborhood.
5. It backs up to a residential lot on the West side. There are tougher restrictions for this type of abutment.
6. Observe how they maintain the South facing side of the Borjon Auto Center Property.
7. Weather/rain on a lot that is DG. This will cause issues for City streets upon ingress and egress. Therefore, if proposed lot is constructed, it should be paved.
8. Currently have an outdoor storage yard on the backside of the Auto Center. This appears it can be used for parking.
9. There is no employee parking at the dealership or on the commercial lot.

In conclusion if this lot is approved, the following items should be considered: complete paving of site, installation of curb, gutter, sidewalk, and installation of maintained landscaping to City standards with a wall or fence high enough to screen the property.

I believe the City of Paso Robles should hold this commercial corner piece of land to the highest of standards because once you okay something like this; you will never be able to go back.

Thank you,

Franziska Bea, Owner

46 East Self Storage



ATTACHMENT D

Agenda Item 2

10/10/17 PC - Public Comments

Darren Nash

From: Peter S. Lopez <peter@remaxsr.onmicrosoft.com>
Sent: Tuesday, October 10, 2017 5:58 PM
To: Darren Nash
Cc: 'Tom S. Lopez'
Subject: Prospect and Mesa Ave

Hello Darrin,

Can we submit the following written correspondence to the planning commission regarding the CUP for the overflow parking project adjacent to 2230 Prospect Ave? Please confirm receipt, thank you in advance.

Honorable Commissioners,

As the owner of the property [REDACTED] (adjacent to the west boundary of the project), we'd like to request that the commission consider a buffer between this commercial project and the residential zoned property to the east. The request is that the buffer contain a block wall and landscaping as the project may never have to fully develop. We plan on developing the project in the future and are worried that the value of our property could be affected without this buffer. We humbly request that you take our comments into consideration for consideration of the CUP.

My Best,

Peter Lopez
Property Owner [REDACTED]

Best Regards,

Peter S. Lopez

Principal Broker
RE/MAX Superstar Realty
201 W. Main Street
Santa Maria, CA 93458
Office: (805) 925-9080
Fax: (805) 832-6708
Email: peter@remaxsr.com

PS: If you know of anyone that is looking to buy, sell or refinance, please contact me with their information so we can provide them exceptional service in their real estate needs. Your referrals and business are the finest compliments I can receive. Thank you for your business!

ATTACHMENT D

Agenda Item 2
10/10/17 PC - Public Comment

City of Paso Robles
Planning Commission

Subject: Conditional Use Permit 17-010 – Borjon Parking Lot

We live at 1911 Mesa Road next door to the 46 East Self Storage located at 2025 Mesa Road. It has been brought to our attention that Mark Borjon who owns the Borjon Auto Center has requested a Conditional Use Permit to establish an unpaved, interim overflow parking lot accessory to the Borjon Auto Center. As a resident of Mesa Road we were not notified of the intention of making this vacant lot into an employee parking lot.

Some concerns we have are:

1. No curb, gutter and sidewalk.
2. The lot should be paved. There would be excessive dust.
3. Mesa Road is a speedway and there is a safety concern for employees crossing the street.
4. We don't understand why the dealership couldn't arrange parking for their employees on their backside of the dealership.
5. We are considered a residential area and will a parking lot across the street from us be a concern for any prospective buyers of our house. The parking lot does not seem to fit in with the surrounding business/residential area.
6. The employee parking lot would eventually become an extension of Borjon's Used Car lot.

We would like to see Borjon provide parking for their employees on their dealership property.

Sincerely,

Jim and Lela Blair



- 1) Pg 46. Section 2 This section deals with Hotels. Do not understand why are we using a short term rental ordinance to amend a Hotel license tax? **Delete this section** from this ordinance.
- 2) Pg 49 N Add "**agent**" behind Authorized
- 3) Pg 50 B-2 Asks to specify if a permit is **Homeshare or Non-Hosted**. Some properties do both. Will they be required to obtain 2 permits? This wording needs to be cleaned up as terminology runs through the entire ordinance. You may need to send this one back to staff.
- 4) Pg 50 B-5 Houses do not have trash enclosures. They do have trash bins. Strike "enclosures". Replace with "**bins**"
- 5) Pg 51 C2 No timeline is specified on how long the city has to respond back to an applicant. I recommend the city have a **30 day time limit**.
- 6) Pg 52 C-4 **Transferring of permits**. This section is confusing as Permits run with a property not a person. The ordinance attempts to regulate the transferring of a permit to another person. What happens on the death of a spouse, a change in the method of holding title for tax purposes, refinancing forcing someone to take their property out of a trust, or maybe estate planning purposes whereby someone places the property in a family LLC. This section is **not enforceable and should be deleted**.
- 7) Pg 52 D-1 3 year term of permit. Why 3 years? As I said, permits run with the property. If there are complaints, there is a process to revoke a permit. The property owner has to renew a business license every year. If there are complaints, the business license can be revoked. Making someone redo the entire permit process every 3 years is burdensome on the city and the applicant. Permits should be treated like a CUP and be complaint driven not term driven. **Delete the 3 year term**.
- 8) Pg 52 D-5 This section refers to parking limits specified in a permit, yet there are no parking standards in the ordinance. This creates a difficult unenforceable issue for staff. On City Council's direction earlier this year, parking standards were removed from the ordinance. The only parking remaining was on-street parking in the Good Neighbor Brochure. I would delete the following sentence "~~shall limit the number of vehicles parked overnight to the number specified in the permit~~".
- 9) Page 53 D9 . This section refers to unreasonable noise. It is prudent to reference "the Good Neighbor Brochure" in this section for consistency (other sections do this). I would add this within the sentence ".....the noise regulations contained in Chapter 9.07 (Prohibited Conduct) **and as set for in the Good Neighbor Brochure**, or any state law.....".
- 10) Page 54 21.34.050 B. This section refers to the Short Term Rental Hotline and the responsibility for maintaining the record of complaints, etc. As the Hotline will likely be a 3rd party entity, add **Hotline Contact** behind City
- 11) Page 54 21.34.050 B (1-5) The purpose of this section should be to have everything regarding complaints in one file when it comes time to review a short term rental permit. Item #B5 refers to the "Actions taken by the Hotline attendant in response to the complaint. Item #C on pg 55 requires "the owner/agent to notify Hotline of the corrective action". **Item #B6 "The corrective actions reportedly taken by the owner/authorized agent in response to the complaint**, should be added so the Hotline service knows they also need to document the corrective actions.

10/10/17 PC Addendum 1 - Public Comments

PC Minutes Attachment C

From: Doug Barth
To: [Planning Commission](#)
Subject: Zoning Code Amendment (ZC15-006) - Short Term Rental Ordinance
Date: Friday, October 06, 2017 12:04:54 PM

To: Paso Robles Planning Commission
From: Doug Barth
RE: Zoning Code Amendment (ZC15-006)
Short Term Rental Ordinance

The FPPC is in the process of determining whether or not this ordinance presents a financial conflict of interest to public officials who rent out property on a short term basis, as the ordinance affects all property owners. As I own a short term rental property and the determination regarding a potential for a conflict is still unresolved, I will be abstaining in the discussion and vote on this matter. Even if there was a conflict, it is still legally permissible for me to make a statement in my personal capacity as a concerned citizen of Paso Robles. I offer the following comments as a private citizen.

As an owner of a short term rental property, I agree with the need to establish regulations to create a level playing field for property owners who wish to rent their properties on a short term basis, as well as create an enforceable ordinance for the protection of existing residents within the residential areas of our community.

I commend the City Manger's Short Term Rental Task Force for listening to the community's input and drafting an ordinance that balances the need to protect our residential neighborhoods while allowing property owners to reasonably rent their properties on a short term basis.

No recommendation was made as to limiting density and numbers of Short Term Rentals (Item #4 Page 42), citing issues with enforcement, cumbersome administration and equity. I agree. The County limited density & location of short term rentals on the coast. This created a false economy with permitted short term rental properties selling for more than the same house without a permit. Let's not create that. If density & numbers become a problem, the city can always craft an appropriate amendment to deal with it at a later date.

I agree with the majority of the ordinance, however, I would like the Planning Commission to consider adding the following "clean-up" language.

1. Trash "enclosures". Residential houses are not required to have trash "enclosures". Better wording would be "location of trash **bins**". Table 21.34.030.1 B5 Page 50
2. Table 21.34.030.1 D9 Page 53. This section refers to unreasonable noise. It is prudent to reference "the Good Neighbor Brochure" in this section for consistency (other sections do this). I would add this within the sentence ".....the noise regulations contained in Chapter 9.07 (Prohibited Conduct) **and as set for in the Good Neighbor Brochure**, or any state law.....".
3. 21.34.050 B Page 54. This section refers to the Short Term Rental Hotline and the

10/10/17 PC Addendum 1 - Public Comments

PC Minutes Attachment C

responsibility for maintaining the record of complaints, etc. As the Hotline will likely be a 3 party entity, this section should state the “City **/Hotline Contact** shall maintain a record of complaints”.

4. 21.34.050 B Page 54. Item #B5 refers to the “Actions taken by the Hotline attendant” in response to the complaint. Item #C requires “the owner/agent to notify Hotline of the corrective action”. The purpose of this section should be to have everything regarding complaints in one file when it comes time to review a short term rental permit. **Item #B6 “The corrective actions reportedly taken by the owner/authorized agent in response to the complaint,** should be added so the Hotline service knows they also need to document the corrective actions.

Respectfully submitted

Doug Barth



Paso Robles, CA

10/10/17 PC Addendum 1 - Public Comments

PC Minutes Attachment C

From: Sharon Roden
To: [Planning](#)
Cc: [Kitty Hoffman](#)
Subject: Meeting vacation rentals October 10, 2017
Date: Saturday, October 07, 2017 10:26:58 AM

Members of the Planning Commission,

I am not able to attend the Hearing for Zoning Code Amendment (ZC 15-006) Short Term Rental Ordinance. I have a couple of questions that may or may not be addressed at the meeting. The Notice states that the City is seeking to “include the following requirements” then continues, listing four items. My questions relate to mostly clarification of these items.

1. What are Ministerial permits? Is there an added cost? How do these permits differ from a business license?
2. I see that there is a requirement to pay what we have come to know as TOT. When I asked the city attorney a month or so ago where this requirement is codified, since it was our understanding through discussions at prior City Council meetings that this was already a mandate, she gave me a specific code. So my question is if we already have this requirement, why is it being included in this Zoning Code?

If this “requirement” was not codified previously, we would request that all taxes that we have paid over the last year pertaining to our rentals be refunded to us.

3. Please specify “Good Neighbor” guidelines. I would hope these include limiting the amount of cars to the property boundaries (i.e. most houses lots could accommodate 2 cars parked parallel on the street in front of homes and off street parking usually accommodates 2 cars as well). Most importantly I feel including a specific “quiet” time of 10:00 p.m. is necessary.
4. I concur that a complaint hot- line can be quite useful, but only if the “Good Neighbor” guidelines are specific as to content and solutions. For instance, just because someone may not like vacation rentals, the coming and going of different individuals, this is not a valid reason for calling the hot- line. However, a valid complaint could be vehicles pertaining to that rental taking up parking in front of their home or blocking driveways. Or is parking on city streets available to everyone without prejudice. Clarity of purpose and intent are imperative when creating guidelines. I caution that “guidelines” are sometimes more frustrating in solving disputes than definite rules of law.

I look forward to your response on these issues.

Thank you,
Sharon L. Roden

PC Minutes Attachment C

From: Kathy Bonelli
To: [Planning](#); [Doug Barth](#); [Steve Gregory](#)
Cc: [Bryan Bonelli](#); [Becky Allwine](#); [Beth](#); [Nixon Hazard](#); [Craig Bonelli Sr.](#); [Kathy Bonelli](#)
Subject: Short-term Rental Ordinance Planning Notes 10/10/17
Date: Monday, October 09, 2017 9:11:02 PM
Attachments: [PR City STR Ordinance 10_10_17.pdf](#)

Attached are my notes on sections I think need to be improved on as the city planners attempt to make recommendations on the short term rental ordinance. My thoughts are in text boxes (must download PDF to view). Any questions please feel free to call me directly. Thanks in advance for all your consideration.

Kathy



Kathy Bonelli

[805-423-9174](tel:805-423-9174) (reservations)

[805-586-2564](tel:805-586-2564) (fax)



PC Minutes Attachment C



Planning Commission Agenda Report

From: Warren Frace, Community Development Director

Subject: **Zoning Code Amendment² (ZC 15-006) – Short-Term Rental Ordinance**

Applicant: City of Paso Robles

Location: All residential and mixed use zoning districts in Paso Robles

Adoption of a code to regulate Short-Term Rentals (a.k.a. vacation rental homes) in all residential and mixed use zoning districts throughout the City. The code would include the following requirements:

- Ministerial permits for home-share and vacation rentals in all residential districts.
- Requirement to pay transient occupancy taxes and obtain business licenses.
- Requirement to comply with “Good Neighbor” guidelines
- Creation of a complaint hot-line system to resolve neighborhood issues

Date: October 10, 2017

Facts


1. ³ Short-Term Rentals ⁵ (“Vacation Rentals”) refer to the practice of renting rooms or houses for a ⁶ period of less than 30 days. ⁷
2. Short-Term Rentals fall under the Transient Occupancy lodging definition of the City Municipal Code (21.08.444), which requires the payment of transient occupancy tax (TOT) and a business license.
3. ⁸ The City does not have any additional policies or codes that regulate Short-Term Rentals.
4. Due to the growing popularity of short-term rental websites such as Airbnb and VRBO there are estimated between 200 and 300 short-term rentals operating in Paso Robles.
5. In December 2014, the City had issued 71 business licenses for Short-Term Rentals.
6. As of March 2017, the City had issued 182 business licenses (135% increase from 2014) for Short-Term Rentals with the requirement to pay TOT to the City.
7. In spring 2015, as a result of increasing public complaints, the City Council requested staff analyze the operation and impacts of short-term rentals within the City.
8. On May 4, 2015, the Administrative Services Department prepared a memo to the Council summarizing the fiscal impacts of short-term rentals on the City. The memo stated that 54 licensed short-term rentals paid \$122,000 in TOT for FY2014. The memo estimated that an additional \$330,000 could be collected if 200 short-term rentals were licensed.
9. In August 2015, the Assistant City Manager prepared a Short-Term Rental Outreach Plan that called for; (1) a Focus Group meeting of short-term rental operators; and (2) a public workshop.
10. On September 23, 2015, staff hosted a “focus” group at the EOC that was attended by five (5) local short-term rental operators. The theme of the operator comments was that limited regulations creating a level playing field for short-term rental operators was a good idea, and short-term rentals were an important tourism and economic development resource. The group preferred voluntary “good neighbor” guidelines rather than strict City standards.
11. On November 4, 2015, the City hosted a short-term rental community workshop in the Council Chambers that was attended by a standing-room-only crowd that appeared to be a balance of operators

Summary of Comments on October 10, 2017 Planning

PC Minutes Attachment C

Commission Agenda Item 3

Page: 1

 Number: 1 Author: kathy Subject: Sticky Note Date: 10/09/2017 8:57:13 PM


 Author: kathy Subject: Sticky Note Date: 10/09/2017 8:15:08 PM


Thank you for reviewing my concerns and thoughts on this ordinance. Please see my comments in yellow text boxes by highlighted text.


Kathy Bonelli


Task Force member


Owner of Paso Robles Vacation Rentals

 Number: 2 Author: kathy Subject: Highlight Date: 10/09/2017 6:42:06 PM

 Number: 3 Author: kathy Subject: Highlight Date: 10/09/2017 7:15:13 PM

 Number: 4 Author: kathy Subject: Highlight Date: 10/09/2017 7:15:08 PM

 Number: 5 Author: kathy Subject: Highlight Date: 10/09/2017 7:15:07 PM

 Number: 6 Author: kathy Subject: Highlight Date: 10/09/2017 8:12:38 PM

 Number: 7 Author: kathy Subject: Sticky Note Date: 10/09/2017 8:30:49 PM
any lodging in city for rent under 30 days is short term rental. What about trailers, motor home, tiny houses, glamping tent, RV?

 Number: 8 Author: kathy Subject: Highlight Date: 10/09/2017 7:17:26 PM

PC Minutes Attachment C

and concerned neighbors. The theme of the meeting comments was balanced between the need to protect residential neighborhoods while promoting tourism and economic development.



November 4, 2015 Community Workshop

12. On March 1, 2016, the Council approved a new Assistant Planner position, to provide staff resources to track short-term rentals in the City and ensure compliance with the City's transient occupancy tax provisions.
13. On March 15, 2016, the City Council considered a Short-Term Rental Policy update report and authorized the City Manager to form an advisory panel consisting of operators and neighbors to work collaboratively with staff on policy recommendations for the City Council's consideration.
14. On April 21, 2016, following a public application process, the following people were appointed to the Short-Term Rental Task Force:
 - Kathy Bonelli
 - Bill Haas
 - Stacie Jacob
 - Dan Jones
 - Meridith Maas
 - Mark McConnell
 - Jill Ogorsolka

PC Minutes Attachment C

15. From May to September 2016, the Short-Term Rental Task Force met eight separate times to review Short-Term Rental issues and explore potential policy options.



May 4, 2016 Short-Term Rental Task Force kick-off meeting

16. On September 9, 2016, the Short-Term Rental Task Force recommended a draft Short-Term Rental Ordinance (Attachment 1) and a Statement Concerning Density of Short-Term Rentals (Attachment 2) to the City Manager for consideration.



January 31, 2017 Council Workshop

17. On January 31, 2017, the City Council held a public workshop to review the short-term rental task force recommendation. The City Council was in general agreement with the Task Force's recommendation but

PC Minutes Attachment C

requested a number of refinements. The primary changes were to streamline the requirements and move the occupancy and parking limits to the Good Neighbor Brochure as guidelines.

18. Staff and the City Attorney worked together to revise the draft ordinance to address the City Council's concerns and consistency issues with other Code sections.
19. On September 9, 2017, the Short-Term Rental Task Force was reconvened to review the revised draft ordinance. The Task Force considered the draft, along with public comments, and asked staff to make some minor adjustments to the ordinance, which are incorporated in the Attachment 2.

Options

1. Recommend the City Council approve the Draft Short-Term Rental Ordinance;
2. Recommend the City Council approve the Draft Short-Term Rental Ordinance with changes;
3. Recommend the City Council not approve the Draft Short-Term Rental Ordinance;
4. Refer back to staff and/or the Short-Term Rental Task Force for additional analysis of items identified by Planning Commission.

Analysis and Conclusions

1. Background

The November 4, 2015 Short-Term Rental Community Workshop revealed the complexity of the issues related to Short-Term Rentals. There are equally compelling points in favor of promoting Short-Term Rentals and the need to protect the residential character of single-family neighborhoods.

The "word clouds" below highlight the frequency of different words and terms raised during the November 2015 Community Workshop. A separate word cloud was prepared for short-term rental operator comments and for concerned neighbors. The key terms identified by the operators were: **tourism, owner responsibility, and no change**. The key terms identified by concerned neighbors were: **protect residential character, safety and parking**. The proposed short-term rental ordinance is written to address and balance both sides concerns.



PC Minutes Attachment C

2. Short-Term Rental Task Force Process

The Goal of appointing a Short-Term Rental Task Force representing all of the interests in the issue, was to find a balanced policy solution that was acceptable to all stakeholders.

The Task Force identified the following principles to guide development of the Short-Term Rental policy:

- Protection of residential neighborhoods and quality of life
- Encouraging compliance
- Maximize Transient Occupancy Tax collections
- ¹ Ensure a “Level Playing Field” for all ² lodging businesses regardless of size and type
- Create realistic and enforceable regulations
- Provide rules that “fit” Paso Robles

Over the course of eight meetings that included significant public input, the Task Force created a draft Ordinance organized around the following sections:

- Definitions
- Licensing Requirements
- Responsible Party Designation
- Operational Requirements
- Violation Enforcement

This draft Ordinance was reviewed by the City Council in January and has been revised based on City Council direction. The Short-Term Rental Task Force met in September to review the final version of the ordinance. The final draft includes comments from the Task Force.

3. Summary of the Proposed Ordinance


Definitions


The Definitions section lists all of the terms and processes used in the Ordinance. This section has been simplified since many definitions are addressed in other sections of the Paso Robles Municipal Code.


Licensing Requirements

This section identifies all of the different types of land uses that are included under the definition of short-term rental and the licensing requirement and City review process. Short-term rentals permits would be ministerial permits (no discretionary approvals or hearings required) that would be issued by staff if an applicant complied with the short-term rental ordinance requirements. This section also identifies the application requirements and ability of the City to charge cost recovery fees. Bed and Breakfasts are nearly identical in use to a short-term rental home share with the exception of the requirement of a County Health permit for food service. For this reason the existing Bed and Breakfasts code provisions will be repealed and combined with the short-term rental requirements. Bed and Breakfasts will continue to require a conditional use permit which could be approved with allowances for special events like weddings.

PC Minutes Attachment C

| | | | |
|--|---------------|--------------------|-----------------------------|
|  Number: 1 | Author: kathy | Subject: Highlight | Date: 10/09/2017 7:18:59 PM |
|--|---------------|--------------------|-----------------------------|

| | | | |
|--|---------------|--------------------|-----------------------------|
|  Number: 2 | Author: kathy | Subject: Highlight | Date: 10/09/2017 7:18:53 PM |
|--|---------------|--------------------|-----------------------------|

| | | | |
|--|---------------|--------------------|-----------------------------|
|  Number: 3 | Author: kathy | Subject: Highlight | Date: 10/09/2017 7:18:53 PM |
|--|---------------|--------------------|-----------------------------|

PC Minutes Attachment C

Table 21.34.030.1. Short Term Rental Permitting Table

| Rental Type | Homeshare Permit | Non-Hosted Accommodation Permit |
|--------------------------------|--|---|
| Short-Term Rental | <p>Short-Term Rental Permit may be issued for the following:</p> <ul style="list-style-type: none"> Primary dwelling Second Units Guest Houses Multi-family residential apartments | <p>Short-Term Rental Permit may be issued for the following:</p> <ul style="list-style-type: none"> Primary dwelling Second Unit <p>(multi-family residential apartment units may <u>not</u> be used as a Non-Hosted Short-Term Rental - No more than two (2) Non-Hosted Short-Term Rental permits per legal parcel.)</p> |
| Bed & Breakfast - Food Service | <p>Conditional Use Permit</p> <p>San Luis Obispo County health permit</p> | Not permitted |

Permit Conditions

One of the key issues the Task Force identified was the need for both short-term rental owners and guests to be respectful of residential neighborhoods. The ordinance requires the Permittee (owner or agent) by take full responsibility for ensure all renters are aware of and follow City rules. .




Good Neighbor Brochure

The City Council removed the occupancy limits for the number of people that can occupy a short-term rental and off-street parking requirements from the draft ordinance and moved them to the Good Neighbor Brochure as guidelines. The Good Neighbor Brochure (refer to Attachment 1) will be provided by the permittee to all renters who must comply with its requirements. A third party Hotline Response would be established to notify permittees of neighborhood complaints prior to involving the Police Department. Short-Term Rental licensing fees would fund the Hotline.

Good Neighbor Occupancy Guidelines

| Number of Bedrooms (sleeping rooms) | Off-street parking requirement | Total of Overnight Occupants (9 p.m. to 7 a.m.) | Additional Daytime Occupants (7:00 a.m. to 9:00 p.m.) | Total Daytime Occupants |
|-------------------------------------|--------------------------------|---|---|-------------------------|
| 0 | 1 | 2 | 2 | 4 |
| 1 | 1 | 4 | 2 | 6 |
| 2 | 2 | 6 | 3 | 9 |
| 3 | 2 | 8 | 4 | 12 |
| 4 | 3 | 10 | 5 | 15 |
| 5 | 3 | 12 | 6 | 18 |

PC Minutes Attachment C

-
-  Number: 1 Author: kathy Subject: Sticky Note Date: 10/09/2017 8:52:09 PM
why can an apt have hosted homeshare? and not non hosted. There is no guarantee host will be on premise at all times when guest is in apt? Hard to enforce!
-
-  Number: 2 Author: kathy Subject: Sticky Note Date: 10/09/2017 8:57:55 PM
Bed and breakfast will sometimes rent whole house (non hosted as well as hosting by room.) Seasonal decisions. Permit should allow both activities as long as subject to same rules.
-
-  Number: 3 Author: kathy Subject: Sticky Note Date: 10/09/2017 8:56:23 PM
There is no option for over 5 bedrooms. If there is legally built 6 or more bedroom home with ample offstreet parking why is this home not allowed to utilized their bedrooms as a full un hosted home?




PC Minutes Attachment C

Violations and Enforcement

This section provides an escalating process for addressing violations to the Short-Term Rental Ordinance ranging from administrative citations, revocation of permit, criminal prosecution. Any enforcement action of the Director may be appealed to the Planning Commission by the Applicant or any interested.

4. Statement Concerning Density of Short-Term Vacation Rentals

The Task Force discussed the idea of limiting the density or distribution of Short-Term Rentals throughout town. After lengthy discussions and research, the Task Force determined there were numerous issues with enforcement, equity, and cumbersome administration of density requirements. Consequently, a density restriction or a separation requirement is not included in the draft Ordinance. However, the Task Force wanted to bring this issue to the Planning Commission and City Council's attention, since many cities have decided to adopt this requirement in response to neighborhood compatibility issues. The Task Force included the following statement:

 Therefore,  the Task Force  recommends that both the Planning Commission and the City Council thoroughly examine the pros and cons of limiting density and numbers, and decide if density and numbers language should be included proactively in the final ordinance or retroactively through an amendment process if required.

Fiscal Impact

The collection of transient occupancy tax from short-term rentals is revenue positive to the City. In FY 15-16 the City collected \$247,000 from short-term rentals. Implementation of the Ordinance will require increased staff resources to administer, which could be offset by licensing fees and increased transient occupancy tax collections.

Recommendation

Option 1. – Approve Draft Resolution A, recommending the City Council approve the Draft Short-Term Rental Ordinance and Good Neighbor Brochure


Attachments


1. Draft Good Neighbor Brochure
2. Resolution A - Short-term Rental Ordinance
3. Statement Concerning Density of Short-Term Vacation Rentals
4. Mailing Notice
5. Legal Notice

PC Minutes Attachment C

 Number: 1 Author: kathy Subject: Sticky Note Date: 10/09/2017 8:56:18 PM

The task force discussed this at their final meeting that was very short on attendance. The recommendation reads as if all were concerned and think density issue should be focused on.

 Number: 2 Author: kathy Subject: Highlight Date: 10/09/2017 7:27:38 PM

 Number: 3 Author: kathy Subject: Highlight Date: 10/09/2017 7:29:45 PM

PC Minutes Attachment C

Agenda Item 3

What else should I know?

It is important to be a good neighbor – whether you’re at home or on vacation. Please keep your neighbors in mind during your stay in Paso Robles. Compliance with these rules will assure that you and your neighbors will both enjoy your stay.

Disturbance or violations of the City’s Vacation Rental Ordinance could result in citations or fines from the City, or even eviction by the owner. Keep in mind, City residents have the right to call a 24-hour Vacation Rental Hotline to report violations of the rules outlined in this brochure.

Most importantly, we hope you enjoy your stay in beautiful Paso Robles! We are glad you are here! For information on things to do and see, please visit the following websites:

- www.travelpaso.com
- www.prcity.com/visit/
- www.pasowine.com/visit/

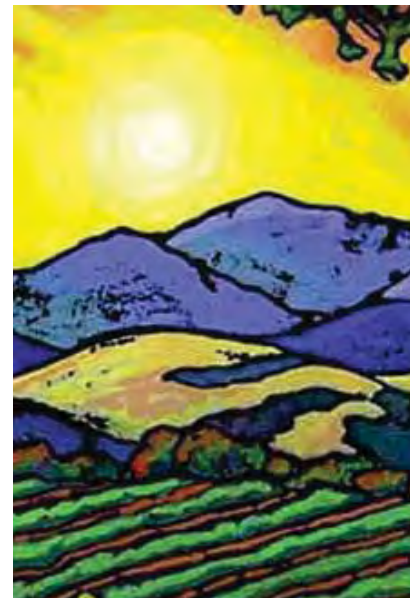


City of Paso Robles

1000 Spring Street
Paso Robles, CA 93446

Phone (805) 237-3970
www.prcity.com

Attachment 1



City of Paso Robles

Good Neighbor Brochure

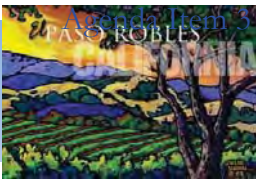
10/3/17 Draft

For Vacation Rentals

PC Minutes Attachment C

Attachment 1

Paso Robles Good Neighbor Guidelines -



Welcome to Paso Robles

The City of Paso Robles welcomes you! We encourage you to review the important information included within this Good Neighbor brochure regarding your stay in a vacation rental.

Please remember that you are vacationing among many permanent residents who chose Paso Robles as a quiet and safe place to live. They, and the City, are looking to you to help preserve that special sense of peace and quiet.

In short, being a vacation renter means simply being a good neighbor.

Occupancy Limits

Each short term/vacation rental is approved for a certain number of bedrooms, parking spaces and occupants. The following table reflects those limits. Your cooperation with these limits is an important part of being a good neighbor to the surrounding residents and will be taken into account in the event that a complaint is filed.

| Number of Bedrooms (sleeping rooms) | Cars allowed to Park on the street | Total of Overnight Occupants (9 p.m. to 7 a.m.) | Additional Daytime Occupants (7 a.m. to 9 p.m.) | Total Daytime Occupants (7 a.m. to 9 p.m.) |
|-------------------------------------|------------------------------------|---|---|--|
| 0 | 1 | 2 | 2 | 4 |
| 1 | 1 | 4 | 2 | 6 |
| 2 | 2 | 6 | 3 | 9 |
| 3 | 2 | 8 | 4 | 12 |
| 4 | 3 | 10 | 5 | 15 |
| 5 | 3 | 12 | 6 | 18 |

What you need to know

This brochure is intended to highlight a few ways you can be a good neighbor during your stay in Paso Robles. Please review these guidelines and make sure all your guest follow them.

Important Good Neighbor Guidelines

- Parking
- Occupancy Limits
- Noise
- Trash
- Dogs
- Complaint Hotline

Parking

Please use the parking designated for your rental only. If you need to park on the street, please park in front of the vacation rental. Never park in front of someone else's driveway or block a fire lane; your vehicle may be towed.

Dogs

If your vacation rental allows pets, make sure they are on their best behavior. Be aware that barking or wandering dogs disturb neighbors. Paso Robles requires that all dogs be on leashes when they are outside. Cleaning up after your dog is also required.

For a list of dog parks and pet-friendly wineries and restaurants, go to www.TravelPaso.com.

Trash and Recycling

During your stay, please keep the rental property clean and use the appropriate trash (black can) and recycling (blue can). Contact your owner if you run out of trash can space.

Noise

Enjoy your peaceful stay in the neighborhood and be mindful your neighbors who are not on vacation. Please do not create noise disturbances or engage in disorderly conduct and remember quiet hours are from 10:00 p.m. to 7:00 a.m. A little consideration goes a long way. Most vacation rental complaints are a result of noise disturbances.

Complaint Hotline

Please remember that your neighbors have access to a 24/7 hotline to file a complaint should anyone in your party violate any of the codes listed here.

The homeowner or an appointed agent will be expected to respond to any complaint within 30 minutes or the Paso Robles Police Department will be called. Our officers can issue you a citation if you violate the City's noise ordinance.

Please be a good neighbor and enjoy your visit!

PC Minutes Attachment C

 Number: 1 Author: kathy Subject: Sticky Note Date: 10/09/2017 8:32:12 PM
add that green waste is for green only

10/10/17 PC Addendum 1 - Public Comments
PC Minutes Attachment Attachment 2
Draft Resolution A

RESOLUTION PC 17-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF CITY OF PASO ROBLES RECOMMENDING AN ORDINANCE TO THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES AMENDING SECTIONS 5.04.310, 21.23A.010, 21.23A.020, 21.23A.030, AND 21.23A.050, REPEALING SECTIONS 21.15.210, 21.15.220, 21.15.230, and 21.15.240 OF CHAPTER 21.15, AND ADDING CHAPTER 21.34 TO THE PASO ROBLES MUNICIPAL CODE REGARDING SHORT-TERM VACATION RENTALS

(City of Paso Robles - Short-Term Rental Ordinance)

WHEREAS, the growing popularity of “home-sharing” and other short-term vacation rentals, through the use of websites such as Airbnb, VRBO, and Homeaway, allow individual homeowners, landlords, and tenants to list homes, apartments, and rooms for rent at the price and duration of their choosing; and

WHEREAS, the City Council finds that unregulated “home-sharing” and use of existing housing as short-term rentals can escalate the demand for City services and create adverse impacts in residential zones; and

WHEREAS, as of November, 2016, the City issued 167 business licenses for short-term rentals which are required to pay Transient Occupancy Tax (TOT) to the City; and

WHEREAS, the City has conducted several community workshops attended by operators of short-term rentals and concerned neighbors; and

WHEREAS, a Short-Term Rental Task Force met eight times to review issues related to short-term vacation rentals and explore potential policies; and

WHEREAS, there was a consensus that there should be a reasonable balance between the regulation of short-term rental operations and the recognized need to protect the character of residential neighborhoods; and

WHEREAS, the Short-Term Rental Task Force submitted an outline of items to be addressed in a short-term rental ordinance; and

WHEREAS, the Short-Term Rental Task Force also issued a statement that it felt it was beyond its scope of responsibility and expertise to address whether the ordinance should limit the number and location of short-term vacation rentals and recommended that the Planning Commission and City Council thoroughly examine those issues; and

WHEREAS, the proposed ordinance is beneficial to the public health, safety and general welfare of the community as it establishes performance standards to ensure the compatibility between

10/10/17 PC Addendum 1 - Public Comments
PC Minutes Attachment Attachment 2
Draft Resolution A

short-term vacation rentals and the residential character of neighborhoods in which they may be located;

NOW, THEREFORE, the Planning Commission of the City of El Paso de Robles does hereby recommend to the City Council:

Section 1. The Planning Commission hereby adopts the recitals of this Ordinance as true and correct and such recitals are hereby incorporated by reference as though fully set forth in the text of this Ordinance.

Section 2. Section 5.04 of the Paso Robles Municipal Code is here by amended to read in full as follows:

¹ 5.04.310 - License tax—Hotels.

² For the business of operating a hotel, as defined in Section 5.06.020, and not serving meals, the license tax shall be two dollars per year for each room.

Section 3. Part II (Bed and Breakfast Establishments) of Chapter 21.15 of the Paso Robles Municipal Code is hereby repealed in its entirety, specifically Sections 21.15.210, 21.15.220, 21.15.230, and 21.15.240.

Section 4. The following sections in Chapter 21.23A are hereby amended as follows:

Section 21.23A.010 - Purpose: Paragraph O. is hereby added to read as follows:

O. Short-Term Rental Permits

Section 21.23A.020 - Authority to make decisions:— Sub-paragraph l. to Paragraph C.1. is hereby added to read as follows:

- l. Appeals to modify or overrule decisions of the director of community development with respect to the issuance, denial or revocation of Short-Term Rental Permits, in accordance with Chapter 21.34.

Section 21.23A.030 – Hearing requirements: Paragraph O. is hereby added to read as follows:


- O. Appeal of Short-Term Rental Permits. Public hearings, noticed as prescribed by Section 21.23A.040(A) shall be conducted by the planning commission.

Section 21.23A.050 – Effective date of decisions: Paragraph O is hereby added to read as follows:

- O. Short-Term Rental Permit Appeals. Fifteen calendar days following planning commission adoption of a resolution specifying the decision made; provided, that an appeal has not been filed to the city council

PC Minutes Attachment C

 Number: 1 Author: kathy Subject: Highlight Date: 10/09/2017 7:32:49 PM

 Number: 2 Author: kathy Subject: Sticky Note Date: 10/09/2017 8:56:02 PM
What does this mean in relationship to short term rentals?

and that the city council has not called the Short-Term Rental Permit up for council hearing.


Section 4. Chapter 21.34 is hereby added to the Municipal Code of the City of El Paso de Robles as follows:

CHAPTER 21.34 SHORT-TERM RENTAL PERMITS

21.34.010 Scope, Purpose and Findings.

A. The purpose of this Chapter is to document the procedures and regulations that govern the application for, and the issuance and implementation of, permits for the operation of any short-term rental use within the City.

B. The City Council hereby finds that unregulated transient occupancy uses in residential and non-residential districts present a threat to the public welfare relating to compatibility with residential uses and preservation of the character of the neighborhoods in which they are located.

C.  The City Council hereby finds that the adoption of a comprehensive ordinance regulating the issuance of and operating conditions attached to short-term rental permits is necessary to protect the public health, safety and welfare. The purpose of this Chapter is to provide a permit system and to impose operational requirements to minimize the potential adverse impacts of transient uses in residential neighborhoods and zoning districts on traffic and noise, and to ensure the health, safety and welfare of renters and guests patronizing short-term rentals.

D. The provisions of this Chapter will also benefit the public welfare by providing an additional source of revenue to the City, as operators of short-term rentals are required to pay transient occupancy tax to the city, which will offset some of the additional costs of providing services to the renters.


E. The City Council hereby finds that the City's regulation of short-term rental uses in accordance with this Chapter is a valid exercise of the City's police power in furtherance of the legitimate governmental interests documented in this Chapter.


21.34.020 Definitions

A. "Applicant" means any person, firm, partnership, association, joint venture, corporation, or an entity, combination of entities or consortium, who seeks or seek approval of a Short-Term Rental Permit under the authority of this Chapter.

B. "Authorized Agent" means the person specifically authorized by an Owner, in writing, to represent and act on behalf of the Owner and to act as an

PC Minutes Attachment C

 Number: 1 Author: kathy Subject: Sticky Note Date: 10/09/2017 8:55:55 PM
No guarentee this ord. can do this. could make city liable.

 Number: 2 Author: kathy Subject: Highlight Date: 10/09/2017 7:33:46 PM

10/10/17 PC Addendum 1 - Public Comments
PC Minutes Attachment Attachment 2
Draft Resolution A

operator, manager and contact person of a Non-Hosted Accommodation, and to provide and receive any notices identified in this Chapter on behalf of the Owner.

C. “Bed and Breakfast” means a Homeshare with no more than five (5) bedrooms, a permit issued by the San Luis Obispo County Health Department for food service, and which may be used for special events only when special events are authorized by a conditional use permit issue in compliance with this Code.


D. “Bedroom” means any habitable room with no less than 70 square feet of floor area and no dimension less than seven (7) feet, in a dwelling, with at least one wall located along an exterior wall with a window that can be used for emergency egress, and equipped with ventilation, heating, smoke detector and carbon monoxide detector. Egress window requirements shall be based on the California Building Code requirements at the time of original construction of the room.

E. “Director” means the Director of Community Development of the City, or a designee of the Community Development Director or City Manager.

F. “Enforcement Officer” means the Director, Chief Building Official, Fire Marshal, City manager or any other City employee designated by the Director or City Manager to enforce this Chapter.


G. “Good Neighbor Brochure” means a handbook prepared by the City regarding the general rules of conduct to be followed by Renters and applicable provisions of the Paso Robles Municipal Code.

H. “Guest” means an invitee of a Renter or other person visiting a Renter of a Short-Term Rental unit who does not rent the unit.

 **“Homeshare”** means a Short-Term Rental structure in which the Owner both resides and remains during the time a Renter is occupying the Short-Term Rental unit.


J. “Hotline” means the telephonic service maintained by the City for the purpose of receiving complaints regarding the operation of any Short-Term Rental.


K. “Hotline Contact” means the person designated on the Permit who shall be available by telephone 24 hours a day, 7 days a week during the entire time a Short-Term Rental property is occupied by a Renter.


 **“Non-Hosted Accommodation”** means a Short-Term Rental structure which is not occupied by either the Owner or an Authorized Agent while it is being occupied by a Renter.

M. “Owner” means the person or entity holding fee title to the real property that is the subject of a Short-Term Rental Permit.



PC Minutes Attachment C

 Number: 1 Author: kathy Subject: Sticky Note Date: 10/09/2017 8:55:49 PM
Both homeshare and non hosted is done by many owners. they should not be treated differently. If owner decides half the year to be hosted do they need to get another whole permit?

 Number: 2 Author: kathy Subject: Highlight Date: 10/09/2017 7:35:27 PM

 Number: 3 Author: kathy Subject: Highlight Date: 10/09/2017 7:35:34 PM

10/10/17 PC Addendum 1 - Public Comments
PC Minutes Attachment Attachment 2
Draft Resolution A

N.  "Permit" means the permit issued by the City, in accordance with the procedures set forth in this Chapter, allowing an Owner or  Authorized to rent a Short-Term Rental unit at the specified location.

O. "Permittee" means the person or entity to whom a Permit is issued pursuant to this Chapter.



P. "Renter" means a person, not an Owner or Authorized Agent, renting or occupying a Short-Term Rental property in accordance with the terms of this Chapter. For purposes of Chapter 5.06, "Renter" shall have the same meaning as "Transient," as defined in Section 5.06.020.

Q. "Short-Term Rental" means the permanent structure constructed for residential occupancy under the California Building Code in which the Short-Term Rental use is permitted to operate, pursuant to a Permit.





21.34.030 Permit Requirements

A. No Owner may operate, or allow his or her property to be operated, as a Short-Term Rental unless and until it has been issued (1) a business license, pursuant to Chapter. 5.04 of the Paso Robles Municipal Code; and (2) a Permit issued by the City in accordance with this Chapter 21.34. The Owner or Owner's Authorized Agent shall be responsible for applying for and for renewing the business license and the Permit.

Table 21.34.030.1. Short Term Rental Permitting Table

| Rental Type | Homeshare Permit | Non-Hosted Accommodation Permit |
|--------------------------------|---|---|
| Short-Term Rental | Short-Term Rental Permit may be issued for the following: <ul style="list-style-type: none"> Primary dwelling Second Units Guest Houses Multi-family residential apartments  | Short-Term Rental Permit may be issued for the following: <ul style="list-style-type: none"> Primary dwelling Second Unit  (multi-family residential apartment units may not be used as a Non-Hosted Short-Term Rental - No more than two (2) Non-Hosted Short-Term Rental permits per legal parcel.) |
| Bed & Breakfast - Food Service | Conditional Use Permit | Not permitted |

PC Minutes Attachment C



| | | | |
|--|---------------|----------------------|-----------------------------|
|  Number: 1 | Author: kathy | Subject: Sticky Note | Date: 10/09/2017 8:55:42 PM |
| <hr/> | | | |
|  Number: 2 | Author: kathy | Subject: Highlight | Date: 10/09/2017 7:38:18 PM |
| <hr/> | | | |
|  Number: 3 | Author: kathy | Subject: Highlight | Date: 10/09/2017 7:39:59 PM |
| <hr/> | | | |
|  Number: 4 | Author: kathy | Subject: Sticky Note | Date: 10/09/2017 8:55:34 PM |
| <hr/> | | | |
| residential apt whould not allow any if that is cities goal. difficult unenforceable? | | | |

PC Minutes Attachment Attachment 2


Draft Resolution A


| | | |
|--|--------------------------------------|--|
| | San Luis Obispo County health permit | |
|--|--------------------------------------|--|


B. The application form for a Permit shall be available from the Community Development Department. The Owner (for a Homeshare) or the Owner and/or Authorized Agent (for a Non-Hosted Accommodation) shall be required to provide the following information on the Permit application:


1. Name and contact information (including telephone number(s)) of the Owner of the Short-Term Rental property.
2.  Specify whether the Short-Term Rental is a Homeshare or Non-Hosted Accommodation. If it is a Non-Hosted Accommodation, the application must include the contact information for the Authorized Agent (including telephone number(s)).
3. Address of the Short-Term Rental property.
4. Floor plan (to scale) showing all interior rooms and location of each Bedroom to be rented as part of the Short-Term Rental and approximate square footage in the Short-Term Rental property, and the maximum number of overnight Renters, subject to the limitations set forth in the Good Neighbor Brochure.
5.  Site plan showing entire property on which Short-Term Rental unit is located, including the number and location of designated on-site parking spaces available for use by Renter(s) and location of trash enclosures.
6. Evidence satisfactory to City that each Bedroom meets all local building and safety code requirements.
7. Acknowledge that the Owner or Authorized Agent, as the case may be, has read all regulations pertaining to the operation of a Short-Term Rental, including this Chapter, the City's business license tax requirements (Chapter 5.04), the City's transient occupancy tax requirements (Chapter 5.06), City Council Resolution 17-082 creating the Paso Robles Tourism Improvement District and the required assessments to be paid thereunder; and any additional administrative regulations promulgated by the Director to implement this Chapter.
8. The name and telephone number of the designated contact person (who may be the Owner or the Authorized Agent) who shall be available by telephone 24 hours a day, 7 days a week, while the Short-Term Rental property is occupied by a Renter.

PC Minutes Attachment C











 Number: 1 Author: kathy Subject: Sticky Note Date: 10/09/2017 8:55:15 PM
Once again specify both hosted and non hosted - same permit.

 Number: 2 Author: kathy Subject: Highlight Date: 10/09/2017 7:41:12 PM

 Number: 3 Author: kathy Subject: Sticky Note Date: 10/09/2017 8:55:11 PM
where are rules on residential homes needing trash enclosures?

 Number: 4 Author: kathy Subject: Highlight Date: 10/09/2017 7:43:47 PM
currently homes do not have to have trash enclosures? This should be that home should abide by good neighbor policy of orderly and if need it in legal what is city code for garbage/trash rules?

10/10/17 PC Addendum 1 - Public Comments
PC Minutes Attachment Attachment 2
Draft Resolution A

9. Provide any other information as the Director deems reasonably necessary to administer this Chapter.
 10. Acknowledge and agree that any and all use of the property for Short-Term Rental shall cease upon the expiration of the permit or upon revocation of the Permit, pursuant to Section 21.34.060.
 11.  ¹ Agree to hold harmless,  ² indemnify and defend the City against any claims or litigation arising from the issuance of the Permit.
 12.  ³  ⁴ Agree to pay any costs to enforce the conditions of the Permit, including, but not limited to inspections of the Short-Term Rental Property.
 13. Certify under penalty of perjury as to the accuracy of the information provided on the Permit application and agree to comply with all conditions of the Permit and this Chapter.
- C.  ⁵  ⁶ Permit Application Process.
1.  ⁷ Processing Fee. The City Council, by resolution, shall determine the amount of the Permit application and processing fee, based upon the City's reasonable estimated costs for processing and reviewing the Permit application materials and for maintaining the Hotline. The City Council shall establish the Permit application processing fee by resolution.
 2.  ⁸  ⁹ Review. Upon review of the materials submitted with the Permit application, the Director shall determine whether a Permit will be issued and notify the Applicant. If the Director determines that the Permit may be issued upon compliance with certain conditions, the Director shall notify the Applicant in writing of the nature of the conditions that must be satisfied in order to receive a Permit. If the Director determines that the Permit should be denied, the Director shall notify the applicant in writing of the reasons for the denial. The decision of the Director may be appealed to the planning commission pursuant to the procedures set forth in Chapter 21.23A.
 3.  ¹⁰ Permit Renewal. No earlier than one hundred and eighty (180) days and at least sixty (60) days prior to the expiration of a Permit, the Owner or Authorized Agent of a Short-Term Rental shall submit an application to renew the Permit on a form available from the City, along with a renewal fee in an amount to be established by resolution of the City Council. The Owner or Authorized Agent shall identify any notice of violation or concern (including any compliance or citation issued by the City) issued for the Short-Term Rental use during

PC Minutes Attachment C


| | | | |
|---|---------------|----------------------|-----------------------------|
|  Number: 1 | Author: kathy | Subject: Sticky Note | Date: 10/09/2017 8:54:55 PM |
| Indemnify? | | | |
|  Number: 2 | Author: kathy | Subject: Highlight | Date: 10/09/2017 7:44:59 PM |
|  Number: 3 | Author: kathy | Subject: Sticky Note | Date: 10/09/2017 8:54:57 PM |
| what should owner be expecting on costs? will it be the same for a 1 bedroom as compared to a 5 bedroom? | | | |
|  Number: 4 | Author: kathy | Subject: Highlight | Date: 10/09/2017 7:46:16 PM |
|  Number: 5 | Author: kathy | Subject: Sticky Note | Date: 10/09/2017 8:55:00 PM |
| does permit follow address or owner? | | | |
|  Number: 6 | Author: kathy | Subject: Highlight | Date: 10/09/2017 7:47:20 PM |
|  Number: 7 | Author: kathy | Subject: Sticky Note | Date: 10/09/2017 8:54:39 PM |
| cost estimate? | | | |
|  Number: 8 | Author: kathy | Subject: Sticky Note | Date: 10/09/2017 8:54:12 PM |
| there is no mention of time frame for the permit process? How can potential buyer of property find out before close of escrow if the home could be permitted? It could be decision on whether they can afford to buy home? Is it possible a letter of intent permit could be granted? | | | |
|  Number: 9 | Author: kathy | Subject: Highlight | Date: 10/09/2017 7:48:52 PM |
|  Number: 10 | Author: kathy | Subject: Sticky Note | Date: 10/09/2017 8:54:15 PM |
| Why wait and create this whole bureaucracy when city with hotline will have record of complaints at fingertips by address. Why wait for corrections and let things fester? | | | |

10/10/17 PC Addendum 1 - Public Comments

PC Minutes Attachment Attachment 2



Draft Resolution A



the Permit Term, and shall document how the violation or concern has been addressed. If the Director determines that any past violation or concern has not been adequately addressed, or that a history of past violations is detrimental to the public health, safety, or welfare, the Director may determine that the Permit is ineligible for renewal. The Applicant or any interested person may appeal the decision of the Director to the planning commission pursuant to the procedures set forth in Chapter 21.23A.

4.  Permit Transfer Prohibited. No Permittee shall transfer, or attempt to transfer, a Permit to any other person.

D. Permit Conditions. Each Permit issued pursuant to this Chapter shall be subject to all of the following conditions:






1. The term of each Permit issued pursuant to this Chapter shall be for Three (3) years. Upon the expiration or lapse of any Permit, it shall be of no further force or effect.
2. A copy of the Permit shall be posted in a prominent location inside the Short-Term Rental unit.
3. The Permittee shall require any Renter to sign an agreement acknowledging receipt of the Good Neighbor Brochure and agreement to comply with its terms. If the rental is through a third party hosted on-line platform, the Permittee shall require the third party to provide an on-line link to the Good Neighbor Brochure and a mechanism by which a Renter shall provide an acknowledgement of receipt of the Good Neighbor Brochure and agreement to comply with its terms.
4. The Permittee shall limit (i) overnight occupancy and (ii) daytime guests of the Short-Term Rental property to the numbers specified in the Good Neighbor Brochure.

5.   The Permittee shall limit the number of vehicles parked overnight to the number specified in the Permit and shall require Renters to utilize the designated on-site parking spaces to the maximum extent possible.

6.   The Permittee shall provide access to the garage of the Short-Term Rental if the garage has been included in the determination of the number of available on-site parking spaces.

7. It is the intent of the City to enforce sections of the Streets and Highways Code related to the provision for emergency vehicle access. Accordingly, no limousine or bus parking, and no stopping without the driver's presence, shall be allowed in any manner that would interfere with emergency vehicle access. In the event of an emergency,

PC Minutes Attachment C

-
-  Number: 1 Author: kathy Subject: Highlight Date: 10/09/2017 7:59:56 PM
-
-  Number: 2 Author: kathy Subject: Sticky Note Date: 10/09/2017 8:54:22 PM
The city if they find infractions should not be waiting 3 years to discuss or pull a permit. So why does one need to reapply if they have been good neighbor and law abiding for 3 years?
There is no info in ord to allow change in tittle of owner that could come from death in the family of spouse, inheritance or change in estate planning title (move to a trust or LLC etc) ?
-
-  Number: 3 Author: kathy Subject: Sticky Note Date: 10/09/2017 8:53:35 PM
How? to monitor It is unenforceable and should be left in the good neighbor brochure. If excess cars become public nuisance call permit holder in to speak with director.
-
-  Number: 4 Author: kathy Subject: Highlight Date: 10/09/2017 7:57:33 PM
-
-  Number: 5 Author: kathy Subject: Sticky Note Date: 10/09/2017 8:53:39 PM
this should be stated in good neighbor brochure. it is already in municipal code law that one can not block or double park?

PC Minutes Attachment **Attachment 2**

Draft Resolution A

the vehicle driver shall immediately move the vehicle from the emergency vehicle access area.

8. The Permittee shall provide appropriate refuse and recycling service for the Short-Term Rental property. ² Property shall be free of debris ³ both onsite and in the street. Refuse and recycling cans shall be maintained in a clean and sanitary condition.

9. ⁴ The Permittee shall ensure that the Renters and/or Guests of the Short-Term Rental property do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code, including but not limited to noise regulations contained in Chapter 9.07 (Prohibited Conduct), or any state law pertaining to noise or disorderly conduct; provided, however, that the City does not intend to authorize, and the ⁵ City does not authorize, the Permittee to act as a ⁶ peace officer or place himself or herself in harm's way.

10. The Permittee shall, upon notification that Renters and/or Guests of the Short-Term Rental property have violated any rules of the Good Neighbor Brochure, (including any unreasonable noise or disturbances, disorderly conduct, or violations of this Code or state law), promptly act to stop the violator(s) and prevent a recurrence of the violation.

11. The Permittee shall not allow the Short-Term Rental property for any gathering where the number of persons will exceed the permitted daytime occupancy limits, as set forth in the Good Neighbor Brochure absent an approved City use permit for a special event.

12. The Owner (for a Hosted Accommodation) and the Authorized Agent (for a Non-Hosted Accommodation) must be available by telephone at all times when the Short-Term Rental is rented, 24-hours a day.

14. The Permittee shall allow the City, upon written 24-hour notice from the City, to inspect the Short – Term Rental for compliance with the requirements of this Chapter. Permittee shall pay an inspection fee in an amount set by the City Council by resolution based on the estimated reasonable cost to perform the inspection.

E. Rental Agreements. The Permittee shall enter into a written rental agreement with the Renter of any Short-Term Rental property, or shall enter into an agreement provided by a third party hosted on-line platform, which agreement shall, at a minimum, include the following:

1. The name and address of the Renter.

PC Minutes Attachment C

| | | | | |
|---|-----------|---------------|----------------------|-----------------------------|
|  | Number: 1 | Author: kathy | Subject: Highlight | Date: 10/09/2017 7:59:56 PM |
|  | Number: 2 | Author: kathy | Subject: Highlight | Date: 10/09/2017 8:02:03 PM |
|  | Number: 3 | Author: kathy | Subject: Sticky Note | Date: 10/09/2017 8:53:15 PM |
| good neighbor brochure info not ordinance. | | | | |
|  | Number: 4 | Author: kathy | Subject: Highlight | Date: 10/09/2017 8:03:29 PM |
|  | Number: 5 | Author: kathy | Subject: Highlight | Date: 10/09/2017 8:02:58 PM |
|  | Number: 6 | Author: kathy | Subject: Sticky Note | Date: 10/09/2017 8:53:08 PM |
| guest should be subject to citation/fine as told in good neighbor brochure. This is confusing for when owner/agent can ask for city help without fear of permit revocation. | | | | |
|  | Number: 7 | Author: kathy | Subject: Highlight | Date: 10/09/2017 8:02:31 PM |

PC Minutes Attachment Attachment 2

Draft Resolution A

2. The terms and conditions of the rental agreement, including occupancy limits, noise prohibitions and vehicle parking requirements.
3. Acknowledgment by the Renter that he or she is legally responsible for compliance by all occupants of the Short-Term Rental and any guests with the conditions of the Good Neighbor Brochure and the terms of the rental agreement.
4. Acknowledgment by the Renter of receipt of a copy of the Good Neighbor Brochure.

21.34.040 Occupancy and Guest Limits for Short-Term Rentals.

The number of overnight occupants and guests for each Short-Term Rental property shall be limited in accordance with the guidelines set forth in the Good Neighbor Brochure and state law, based on the number of bedrooms identified in the Short-Term Rental Permit.

21.34.050 Short-Term Rental Hotline

A. The City shall establish and maintain a telephone number for a Hotline for the express purpose of receiving complaints regarding the operation of any Short-Term Rental property, and forwarding those complaints to the designated Hotline Contact for that Short-Term Rental property and/or, if necessary to the Paso Robles Police Department. The Hotline number shall be included in all Permits, the Good Neighbor Brochure and in all rental agreements for all Short-Term Rental properties. In addition, the City shall post the Hotline number on the City website, along with a list of the Short-Term Rental properties that have been issued Permits.

B. The City shall maintain a record of complaints received on the Hotline which shall include the following information:


1. Date and time of complaint;
2. Nature of complaint;
3. Address of the Short-Term Rental property that is the subject of the complaint;
4. Complainant's name, address and contact information; and
5. Actions taken by the Hotline attendant in response to the complaint including, but not limited to: persons contacted, including law enforcement, if applicable, and date and time of actions taken in response to complaint.

10/10/17 PC Addendum 1 - Public Comments
PC Minutes Attachment Attachment 2
Draft Resolution A

C. The Owner or Authorized Agent shall respond within thirty (30) minutes of being notified of a complaint and promptly thereafter notify the Hotline attendant of the corrective action taken and results obtained.

21.34.060 Enforcement

A. Revocation of Permit. At any time during the term of permit, the Director is authorized to initiate proceedings to revoke a Permit (or pursue any other remedy set forth in Title 1 of this Code), if the Director determines in his or her discretion that (i) the Permittee provided materially false or misleading information in any submittal required under this Chapter; or (ii) the Permittee is in violation of, or has failed to comply with, any requirements of this Chapter or the Permit. In the event the Director determines that any of the conditions described above exists, the Director is authorized to issue an order specifying the violations to be cured. If the Permittee fails to cure the violations identified in the order within the time frame specified, the Director may either pursue any of the remedies set forth in Title 1 of this Code, including but not limited to the issuance of an administrative citations, revocation of permit, criminal prosecution, and/or civil action in accordance with Chapter 1.03. The decision of the Director may be appealed to the Planning Commission by the Applicant or any interested person pursuant to the procedures set forth in Chapter 21.23A.

B. ¹Operating without a Permit. Operating at short-term rental without a permit is a violation of the Paso Robles Municipal Code and subject to the enforce process and penalties of Section 1.02.010. Each Owner and/or Authorized Agent is guilty of a separate offense for each and every day during any portion of which the violation of this chapter or any rule or regulation promulgated there under is continued. ²

C. Pursuant to California Government Code Section 38771, the City Council hereby declares the following condition to constitute a public nuisance: operating and/or maintaining a Short-Term Rental without a permit.

PC Minutes Attachment C

 Number: 1 Author: kathy Subject: Highlight Date: 10/09/2017 8:06:45 PM

 Number: 2 Author: kathy Subject: Sticky Note Date: 10/09/2017 8:37:03 PM

Is this penalty \$1000 a day or total not to exceed \$1000 max. fine?
Law without teeth or enforcability is a waste of everyones time.

10/10/17 PC Addendum 1 - Public Comments
PC Minutes Attachment Attachment 2
Draft Resolution A

Approved at a regular meeting of the Planning Commission held on the 10th day of October 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Donaldson, Chairperson

Attest:

Warren Frace, Community Development Director

PC Minutes Attachment C

Attachment 3

Recommended by short-Term Rental Task Force
September 7, 2016

¹Statement Concerning Density of Short Term Vacation Rentals²



The task force, at various times during our sessions, discussed the issues of density and overall numbers of vacation rental units in our community. While researching other communities' ordinances governing vacations rentals, we found that some communities have no density or number limitations, while others have very strict and specific restrictions. The decision to include or exclude such limits was guided by the needs and desires of each individual community.

In some communities, the inclusion of density and number limitations occurred through the amendment process *after* the initial ordinance governing vacation rentals was instituted, including several long-standing regulations. These decisions were the direct result of complaints and referendums by local residents and businesses. Noise, lack of parking, reduction in affordable housing, and loss of neighborhood identity were common themes of these community actions.


Some examples of these actions include the following:


1. In a news story aired 23 February 2016 on KXAN, the Austin, Texas NBC television affiliate reported: "In a special meeting on Tuesday, the Austin City Council voted 6-5 to stop the allowance of Type 2 short-term rentals. Type 2 short-term rentals are homes that are not occupied by the homeowner.

The ordinance stops licensing any future Type 2 STRs, but those already licensed will be allowed to continue operating, at least for the time being. The council said the plan is to ultimately phase out Type 2 STRs permanently." Availability of local housing to residents was the primary deciding factor in the majority vote.

2. Durango (CO), whose vacation rental ordinance dates back to 1989 has seen three revisions of its code, the most recent of which occurred in 2015, when the Durango City Council (from its Web site) "Following significant public outreach, research on the issue" decided an overall number of vacation rentals that will be allowed in its EN-1 and EN-2 zone districts. Additionally, the Council instituted a strict buffer to prevent clustering of vacation rentals.

PC Minutes Attachment C

 Number: 1 Author: kathy Subject: Highlight Date: 10/09/2017 8:08:40 PM

 Number: 2 Author: kathy Subject: Highlight Date: 10/09/2017 8:10:13 PM


 Number: 3 Author: kathy Subject: Sticky Note Date: 10/09/2017 8:37:17 PM

Please note dates on the following input. There are many follow ups if we are basing this ordinance on the following statements about these jurisdictions.

PC Minutes Attachment C

3. Carlsbad (CA) has approached community dissatisfaction with vacation rentals by limiting non-owner occupied rentals to its coastal zone, which already supports a robust tourist infrastructure.
4. Palm Springs (CA), after which our vacation rental ordinance was modeled is now considering an ordinance to prohibit converting apartments into vacation rentals while also imposing a moratorium on vacation rental homes. On 13 July 2016 the City Council voted 4-0 on an "urgency ordinance" to place a moratorium on apartment buildings of five or more units from becoming a vacation rental.

In one of our last sessions, the task force committee agreed that including language pertaining to density and numbers in the draft ordinance was beyond our responsibility and expertise. This discussion and subsequent decision should encompass accurate staff input concerning existing vacation rental numbers and locations, public input, and a study of comparable communities' actions when faced with similar issues.

Therefore, the task force committee recommends that both the Planning Commission and the City Council thoroughly examine the pros and cons of limiting density and numbers; and decide if density and numbers language should be included proactively in the final ordinance or retroactively through an amendment process if required. 

PC Minutes Attachment C

Number: 1 Author: kathy Subject: Sticky Note Date: 10/09/2017 8:39:47 PM

this recommendation was made by a very lightly attended task force meeting. Concern on density I feel is not proportionally or accurately portrayed in this recommendation from committee.

Attachment 1

Draft Resolution A

RESOLUTION PC 17-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF CITY OF PASO ROBLES RECOMMENDING AN ORDINANCE TO THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES AMENDING SECTIONS 5.04.310, 21.23A.010, 21.23A.020, 21.23A.030, AND 21.23A.050, REPEALING SECTIONS 21.15.210, 21.15.220, 21.15.230, and 21.15.240 OF CHAPTER 21.15, AND ADDING CHAPTER 21.34 TO THE PASO ROBLES MUNICIPAL CODE REGARDING SHORT-TERM VACATION RENTALS

(City of Paso Robles - Short-Term Rental Ordinance)

WHEREAS, the growing popularity of “home-sharing” and other short-term vacation rentals, through the use of websites such as Airbnb, VRBO, and Homeaway, allow individual homeowners, landlords, and tenants to list homes, apartments, and rooms for rent at the price and duration of their choosing; and

WHEREAS, the City Council finds that unregulated “home-sharing” and use of existing housing as short-term rentals can escalate the demand for City services and create adverse impacts in residential zones; and

WHEREAS, as of November, 2016, the City issued 167 business licenses for short-term rentals which are required to pay Transient Occupancy Tax (TOT) to the City; and

WHEREAS, the City has conducted several community workshops attended by operators of short-term rentals and concerned neighbors; and

WHEREAS, a Short-Term Rental Task Force met eight times to review issues related to short-term vacation rentals and explore potential policies; and

WHEREAS, there was a consensus that there should be a reasonable balance between the regulation of short-term rental operations and the recognized need to protect the character of residential neighborhoods; and

WHEREAS, the Short-Term Rental Task Force submitted an outline of items to be addressed in a short-term rental ordinance; and

WHEREAS, the Short-Term Rental Task Force also issued a statement that it felt it was beyond its scope of responsibility and expertise to address whether the ordinance should limit the number and location of short-term vacation rentals and recommended that the Planning Commission and City Council thoroughly examine those issues; and

WHEREAS, the proposed ordinance is beneficial to the public health, safety and general welfare of the community as it establishes performance standards to ensure the compatibility between

PC Minutes Attachment A - 10/10/17 PC hearing comments

Attachment 1

Draft Resolution A

short-term vacation rentals and the residential character of neighborhoods in which they may be located;

NOW, THEREFORE, the Planning Commission of the City of El Paso de Robles does hereby recommend to the City Council:

Section 1. The Planning Commission hereby adopts the recitals of this Ordinance as true and correct and such recitals are hereby incorporated by reference as though fully set forth in the text of this Ordinance.

Section 2. Section 5.04 of the Paso Robles Municipal Code is here by amended to read in full as follows:

5.04.310 - License tax—Hotels. ([Review with Iris - DB: why?](#))

For the business of operating a hotel, as defined in Section 5.06.020, and not serving meals, the license tax shall be two dollars per year for each room.

Section 3. Part II (Bed and Breakfast Establishments) of Chapter 21.15 of the Paso Robles Municipal Code is hereby repealed in its entirety, specifically Sections 21.15.210, 21.15.220, 21.15.230, and 21.15.240.

Section 4. The following sections in Chapter 21.23A are hereby amended as follows:

Section 21.23A.010 - Purpose: Paragraph O. is hereby added to read as follows:

O. Short-Term Rental Permits

Section 21.23A.020 - Authority to make decisions:– Sub-paragraph l. to Paragraph C.1. is hereby added to read as follows:

- l. Appeals to modify or overrule decisions of the director of community development with respect to the issuance, denial or revocation of Short-Term Rental Permits, in accordance with Chapter 21.34.

Section 21.23A.030 – Hearing requirements: Paragraph O. is hereby added to read as follows:

- O. Appeal of Short-Term Rental Permits. Public hearings, noticed as prescribed by Section 21.23A.040(A) shall be conducted by the planning commission.

Section 21.23A.050 – Effective date of decisions: Paragraph O is hereby added to read as follows:

- O. Short-Term Rental Permit Appeals. Fifteen calendar days following planning commission adoption of a resolution specifying the decision made; provided, that an appeal has not been filed to the city council

PC Minutes Attachment A - 10/10/17 PC hearing comments
Attachment 1
Draft Resolution A

and that the city council has not called the Short-Term Rental Permit up for council hearing.

Section 4. Chapter 21.34 is hereby added to the Municipal Code of the City of El Paso de Robles as follows:

CHAPTER 21.34 SHORT-TERM RENTAL PERMITS

21.34.010 Scope, Purpose and Findings.

A. The purpose of this Chapter is to document the procedures and regulations that govern the application for, and the issuance and implementation of, permits for the operation of any short-term rental use within the City.

B. The City Council hereby finds that unregulated transient occupancy uses in residential and non-residential districts present a threat to the public welfare relating to compatibility with residential uses and preservation of the character of the neighborhoods in which they are located.

C. The City Council hereby finds that the adoption of a comprehensive ordinance regulating the issuance of and operating conditions attached to short-term rental permits is necessary to protect the public health, safety and welfare. The purpose of this Chapter is to provide a permit system and to impose operational requirements to minimize the potential adverse impacts of transient uses in residential neighborhoods and zoning districts on traffic and noise, and to ensure the health, safety and welfare of renters and guests patronizing short-term rentals.

D. The provisions of this Chapter will also benefit the public welfare by providing an additional source of revenue to the City, as operators of short-term rentals are required to pay transient occupancy tax to the city, which will offset some of the additional costs of providing services to the renters.

E. The City Council hereby finds that the City's regulation of short-term rental uses in accordance with this Chapter is a valid exercise of the City's police power in furtherance of the legitimate governmental interests documented in this Chapter.

21.34.020 Definitions

A. "Applicant" means any person, firm, partnership, association, joint venture, corporation, or an entity, combination of entities or consortium, who seeks or seek approval of a Short-Term Rental Permit under the authority of this Chapter.

B. "Authorized Agent" means the person specifically authorized by an Owner, in writing, to represent and act on behalf of the Owner and to act as an

PC Minutes Attachment A - 10/10/17 PC hearing comments

Attachment 1

Draft Resolution A

operator, manager and contact person of a Non-Hosted Accommodation, and to provide and receive any notices identified in this Chapter on behalf of the Owner.

C. “Bed and Breakfast” means a Homeshare with no more than five (5) bedrooms, a permit issued by the San Luis Obispo County Health Department for food service, and which may be used for special events only when special events are authorized by a conditional use permit issue in compliance with this Code.

D. “Bedroom” means any habitable room with no less than 70 square feet of floor area and no dimension less than seven (7) feet, in a dwelling, with at least one wall located along an exterior wall with a window that can be used for emergency egress, and equipped with ventilation, heating, smoke detector and carbon monoxide detector. Egress window requirements shall be based on the California Building Code requirements at the time of original construction of the room.

E. “Director” means the Director of Community Development of the City, or a designee of the Community Development Director or City Manager.

F. “Enforcement Officer” means the Director, Chief Building Official, Fire Marshal, City manager or any other City employee designated by the Director or City Manager to enforce this Chapter.

G. “Good Neighbor Brochure” means a handbook prepared by the City regarding the general rules of conduct to be followed by Renters and applicable provisions of the Paso Robles Municipal Code.

H. “Guest” means an invitee of a Renter or other person visiting a Renter of a Short-Term Rental unit who does not rent the unit.

I. “Homeshare” means a Short-Term Rental structure in which the Owner both resides and remains during the time a Renter is occupying the Short-Term Rental unit.

J. “Hotline” means the telephonic service maintained by the City for the purpose of receiving complaints regarding the operation of any Short-Term Rental.

K. “Hotline Contact” means the person designated on the Permit who shall be available by telephone 24 hours a day, 7 days a week during the entire time a Short-Term Rental property is occupied by a Renter.

L. “Non-Hosted Accommodation” means a Short-Term Rental structure which is not occupied by either the Owner or an Authorized Agent while it is being occupied by a Renter.

M. “Owner” means the person or entity holding fee title to the real property that is the subject of a Short-Term Rental Permit.

PC Minutes Attachment A - 10/10/17 PC hearing comments
Attachment 1
Draft Resolution A

N. “Permit” means the permit issued by the City, in accordance with the procedures set forth in this Chapter, allowing an Owner or **Authorized Agent to** rent a Short-Term Rental unit at the specified location.

O. “Permittee” means the person or entity to whom a Permit is issued pursuant to this Chapter.

P. “Renter” means a person, not an Owner or Authorized Agent, renting or occupying a Short-Term Rental property in accordance with the terms of this Chapter. For purposes of Chapter 5.06, “Renter” shall have the same meaning as “Transient,” as defined in Section 5.06.020.

Q. “Short-Term Rental” means the permanent structure constructed for residential occupancy under the California Building Code in which the Short-Term Rental use is permitted to operate, pursuant to a Permit.

21.34.030 Permit Requirements

A. No Owner may operate, or allow his or her property to be operated, as a Short-Term Rental unless and until it has been issued (1) a business license, pursuant to Chapter. 5.04 of the Paso Robles Municipal Code; and (2) a Permit issued by the City in accordance with this Chapter 21.34. The Owner or Owner’s Authorized Agent shall be responsible for applying for and for renewing the business license and the Permit.

Table 21.34.030.1. Short Term Rental Permitting Table

| Rental Type | Homeshare Permit | Non-Hosted Accommodation Permit |
|--------------------------------|---|--|
| Short-Term Rental | Short-Term Rental Permit may be issued for the following: <ul style="list-style-type: none"> • Primary dwelling • Second Units • Guest Houses • Multi-family residential apartments | Short-Term Rental Permit may be issued for the following: <ul style="list-style-type: none"> • Primary dwelling • Second Unit <p>(multi-family residential apartment units may not be used as a Non-Hosted Short-Term Rental - No more than two (2) Non-Hosted Short-Term Rental permits per legal parcel.)</p> |
| Bed & Breakfast - Food Service | Conditional Use Permit | Not permitted |

PC Minutes Attachment A - 10/10/17 PC hearing comments
Attachment 1
Draft Resolution A

| | | |
|--|---|--|
| | San Luis Obispo County health permit | |
|--|---|--|

B. The application form for a Permit shall be available from the Community Development Department. The Owner (for a Homeshare) or the Owner and/or Authorized Agent (for a Non-Hosted Accommodation) shall be required to provide the following information on the Permit application:

1. Name and contact information (including telephone number(s)) of the Owner of the Short-Term Rental property.
2. Specify whether the Short-Term Rental is a Homeshare and/or Non-Hosted Accommodation. If it is a Non-Hosted Accommodation, the application must include the contact information for the Authorized Agent (including telephone number(s)).
3. Address of the Short-Term Rental property.
4. Floor plan (to scale) showing all interior rooms and location of each Bedroom to be rented as part of the Short-Term Rental and approximate square footage in the Short-Term Rental property, and the maximum number of overnight Renters, subject to the limitations set forth in the Good Neighbor Brochure.
5. Site plan showing entire property on which Short-Term Rental unit is located, including the number and location of designated on-site parking spaces available for use by Renter(s) and location of trash containers enclosures.
6. Evidence satisfactory to City that each Bedroom meets all local building and safety code requirements.
7. Acknowledge that the Owner or Authorized Agent, as the case may be, has read all regulations pertaining to the operation of a Short-Term Rental, including this Chapter, the City's business license tax requirements (Chapter 5.04), the City's transient occupancy tax requirements (Chapter 5.06), City Council Resolution 17-082 creating the Paso Robles Tourism Improvement District and the required assessments to be paid thereunder; and any additional administrative regulations promulgated by the Director to implement this Chapter.
8. The name and telephone number of the designated contact person (who may be the Owner or the Authorized Agent) who shall be available by telephone 24 hours a day, 7 days a week, while the Short-Term Rental property is occupied by a Renter.

PC Minutes Attachment A - 10/10/17 PC hearing comments
Attachment 1
Draft Resolution A

9. Provide any other information as the Director deems reasonably necessary to administer this Chapter.
10. Acknowledge and agree that any and all use of the property for Short-Term Rental shall cease upon the expiration of the permit or upon revocation of the Permit, pursuant to Section 21.34.060.
11. Agree to hold harmless, indemnify and defend the City against any claims or litigation arising from the issuance of the Permit.
12. Agree to pay any costs to enforce the conditions of the Permit, including, but not limited to inspections of the Short-Term Rental Property.
13. Certify under penalty of perjury as to the accuracy of the information provided on the Permit application and agree to comply with all conditions of the Permit and this Chapter.

C. Permit Application Process.

1. Processing Fee. The City Council, by resolution, shall determine the amount of the Permit application and processing fee, based upon the City's reasonable estimated costs for processing and reviewing the Permit application materials and for maintaining the Hotline. The City Council shall establish the Permit application processing fee by resolution.
2. Review. Upon review of the materials submitted with the Permit application, the Director shall determine whether a Permit will be issued and notify the **Applicant within 30 days**. If the Director determines that the Permit may be issued upon compliance with certain conditions, the Director shall notify the Applicant in writing of the nature of the conditions that must be satisfied in order to receive a Permit. If the Director determines that the Permit should be denied, the Director shall notify the applicant in writing of the reasons for the denial. The decision of the Director may be appealed to the planning commission pursuant to the procedures set forth in Chapter 21.23A.
3. Permit Renewal. No earlier than one hundred and eighty (180) days and at least sixty (60) days prior to the expiration of a Permit, the Owner or Authorized Agent of a Short-Term Rental shall submit an application to renew the Permit on a form available from the City, along with a renewal fee in an amount to be established by resolution of the City Council. The Owner or Authorized Agent shall identify any notice of violation or concern (including any compliance or citation issued by the City) issued for the Short-Term Rental use during

PC Minutes Attachment A - 10/10/17 PC hearing comments
Attachment 1
Draft Resolution A

the Permit Term, and shall document how the violation or concern has been addressed. If the Director determines that any past violation or concern has not been adequately addressed, or that a history of past violations is detrimental to the public health, safety, or welfare, the Director may determine that the Permit is ineligible for renewal. The Applicant or any interested person may appeal the decision of the Director to the planning commission pursuant to the procedures set forth in Chapter 21.23A.

4. Permit Transfer Prohibited. No Permittee shall transfer, or attempt to transfer, a Permit to any other person (PC: revise - should run with land).

D. Permit Conditions. Each Permit issued pursuant to this Chapter shall be subject to all of the following conditions:

1. The term of each Permit issued pursuant to this Chapter shall be for Three (3) years (more info: add new requirements? / different-longer timeframes). Upon the expiration or lapse of any Permit, it shall be of no further force or effect.
2. A copy of the Permit shall be posted in a prominent location inside the Short-Term Rental unit.
3. The Permittee shall require any Renter to sign an agreement acknowledging receipt of the Good Neighbor Brochure and agreement to comply with its terms. If the rental is through a third party hosted on-line platform, the Permittee shall require the third party to provide an on-line link to the Good Neighbor Brochure and a mechanism by which a Renter shall provide an acknowledgement of receipt of the Good Neighbor Brochure and agreement to comply with its terms.
4. The Permittee shall limit (i) overnight occupancy and (ii) daytime guests of the Short-Term Rental property to the numbers specified in the Good Neighbor Brochure.
5. The Permittee shall limit the number of vehicles parked overnight to the number specified in the Permit ~~and~~ shall require Renters to utilize the designated on-site parking spaces to the maximum extent possible: consistent with the GNB.
6. The Permittee shall provide access to the garage of the Short-Term Rental if the garage has been included in the determination of the number of available on-site parking spaces.
7. It is the intent of the City to enforce sections of the Streets and Highways Code related to the provision for emergency vehicle access.

PC Minutes Attachment A - 10/10/17 PC hearing comments
Attachment 1
Draft Resolution A

Accordingly, no limousine or bus parking, and no stopping without the driver's presence, shall be allowed in any manner that would interfere with emergency vehicle access. In the event of an emergency, the vehicle driver shall immediately move the vehicle from the emergency vehicle access area.

8. The Permittee shall provide appropriate refuse and recycling service for the Short-Term Rental property. Property shall be free of debris both onsite and in the street. Refuse and recycling cans shall be maintained in a clean and sanitary condition.
9. (refer to GNB) The Permittee shall ensure that the Renters and/or Guests of the Short-Term Rental property do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code, including but not limited to noise regulations contained in Chapter 9.07 (Prohibited Conduct), or any state law pertaining to noise or disorderly conduct; provided, however, that the City does not intend to authorize, and the City does not authorize, the Permittee to act as a peace officer or place himself or herself in harm's way.
10. The Permittee shall, upon notification that Renters and/or Guests of the Short-Term Rental property have violated any rules of the Good Neighbor Brochure, (including any unreasonable noise or disturbances, disorderly conduct, or violations of this Code or state law), promptly act to stop the violator(s) and prevent a recurrence of the violation.
11. The Permittee shall not allow the Short-Term Rental property for any gathering where the number of persons will exceed the permitted daytime occupancy limits, as set forth in the Good Neighbor Brochure absent an approved City use permit for a special event.
12. The Owner (for a Hosted Accommodation) and the Authorized Agent (for a Non-Hosted Accommodation) must be available by telephone at all times when the Short-Term Rental is rented, 24-hours a day.
14. The Permittee shall allow the City, upon written 24-hour notice from the City, to inspect, with cause, ~~the Short - Term Rental~~ for compliance with the requirements of this Chapter. Permittee shall pay an inspection fee in an amount set by the City Council by resolution based on the estimated reasonable cost to perform the inspection.

E. Rental Agreements. The Permittee shall enter into a written rental agreement with the Renter of any Short-Term Rental property, or shall enter into an

PC Minutes Attachment A - 10/10/17 PC hearing comments
Attachment 1
Draft Resolution A

agreement provided by a third party hosted on-line platform, which agreement shall, at a minimum, include the following:

1. The name and address of the Renter.
2. The terms and conditions of the rental agreement, including occupancy limits, noise prohibitions and vehicle parking requirements.
3. Acknowledgment by the Renter that he or she is legally responsible for compliance by all occupants of the Short-Term Rental and any guests with the conditions of the Good Neighbor Brochure and the terms of the rental agreement.
4. Acknowledgment by the Renter of receipt of a copy of the Good Neighbor Brochure.

21.34.040 Occupancy and Guest Limits for Short-Term Rentals.

The number of overnight occupants and guests for each Short-Term Rental property shall be limited in accordance with the guidelines set forth in the Good Neighbor Brochure and state law, based on the number of bedrooms identified in the Short-Term Rental Permit.

21.34.050 Short-Term Rental Hotline

A. The City shall establish and maintain a telephone number for a Hotline for the express purpose of receiving complaints regarding the operation of any Short-Term Rental property, and forwarding those complaints to the designated Hotline Contact for that Short-Term Rental property and/or, if necessary to the Paso Robles Police Department. The Hotline number shall be included in all Permits, the Good Neighbor Brochure and in all rental agreements for all Short-Term Rental properties. In addition, the City shall post the Hotline number on the City website, along with a list of the Short-Term Rental properties that have been issued Permits.

B. The City / Hotline shall maintain a record of complaints received on the Hotline which shall include the following information:

1. Date and time of complaint;
2. Nature of complaint;
3. Address of the Short-Term Rental property that is the subject of the complaint;
4. Complainant's name, address and contact information; and

PC Minutes Attachment A - 10/10/17 PC hearing comments
Attachment 1
Draft Resolution A

5. Actions taken by the Hotline attendant in response to the complaint including, but not limited to: persons contacted, including law enforcement, if applicable, and date and time of actions taken in response to complaint.

6. Corrective action taken by owner/agent in response to complaint.

- C. The Owner or Authorized Agent shall respond within thirty (30) minutes of being notified of a complaint and promptly thereafter notify the Hotline attendant of the corrective action taken and results obtained.

21.34.060 Enforcement

A. Revocation of Permit. At any time during the term of permit, the Director is authorized to initiate proceedings to revoke a Permit (or pursue any other remedy set forth in Title 1 of this Code), if the Director determines in his or her discretion that (i) the Permittee provided materially false or misleading information in any submittal required under this Chapter; or (ii) the Permittee is in violation of, or has failed to comply with, any requirements of this Chapter or the Permit. In the event the Director determines that any of the conditions described above exists, the Director is authorized to issue an order specifying the violations to be cured. If the Permittee fails to cure the violations identified in the order within the time frame specified, the Director may either pursue any of the remedies set forth in Title 1 of this Code, including but not limited to the issuance of an administrative citations, revocation of permit, criminal prosecution, and/or civil action in accordance with Chapter 1.03. The decision of the Director may be appealed to the Planning Commission by the Applicant or any interested person pursuant to the procedures set forth in Chapter 21.23A.

B. Operating without a Permit. Operating at short-term rental without a permit is a violation of the Paso Robles Municipal Code and subject to the enforce process and penalties of Section 1.02.010. Each Owner and/or Authorized Agent is guilty of a separate offense for each and every day during any portion of which the violation of this chapter or any rule or regulation promulgated there under is continued.

C. Pursuant to California Government Code Section 38771, the City Council hereby declares the following condition to constitute a public nuisance: operating and/or maintaining a Short-Term Rental without a permit.

PC Minutes Attachment A - 10/10/17 PC hearing comments
Attachment 1
Draft Resolution A

Approved at a regular meeting of the Planning Commission held on the 10th day of October 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Donaldson, Chairperson

Attest:

Warren Frace, Community Development Director