

# Carr, Jeff

## Item Q2. Public Comment

### Public Comments

#### City of Paso Robles Council Meeting—September 17, 2024

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#### **Item Q-2; Public Hearing: Rezone 23-02 (P23-0063) Comprehensive Zoning Code Update**

From: Jeff Carr—Paso Robles, CA

#### **Recommendations**

- 1. Pull the Home Occupation section from the update and propose a Home Occupation Zoning Code Update Ad Hoc Committee be placed on the December 17, 2023 City Council agenda after the seating of the new city council.** As one of my first efforts as the new District 3 City Council member on December 17, 2024--I will propose and offer to lead a Home Occupation Zoning Code Update Ad Hoc Committee.

The Home Occupation section as proposed is not clear and it's overly complicated. It needs work. It will not be repaired completely and correctly via this City Council meeting item.

- 2. As a witness of the Comprehensive Zoning Code Update development process, as someone that has attempted to participate, and after reviewing this final draft result---I cannot recommend approval for the following reasons:**
  - a. This was not a public process
  - b. Public questions and comments were left unanswered and ignored
  - c. It's not clear the document is written for its intended audiences
  - d. The document is not 'reader-friendly'.
  - e. Use and dependence on the Housing Constraints and Opportunities Committee (HCOC)

Yes, there are some improvements, but it has not been handled as an open and public process. It has not proven to be a 'reader-friendly' document. The hyperlinks aren't even active.

My recommendation is to send this document back to staff for improvements.

I elaborate on these recommendations in the following Discussion section. The discussion on Home Occupations is in a section titled [Home Occupation Zoning Code Update](#) while the reasons why I would not approve the zoning code update are in the section titled [General](#).

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### Discussion

#### Home Occupation Zoning Code Update

The Home Occupation section is not well written and contains a number of contradictions and ambiguities. Instead of encouraging a home occupation, it discourages and in some cases—completely ‘disallows’ them. The city already has, in my opinion, a problem with too many unlicensed businesses. There are a number of reasons why someone might not want to get a city business license or home occupation license—but let’s not build that reason into our zoning code. There is advantage to having a city business or home occupation license.

The city initially ‘disallowed’ pet sitting with overnight stays. The city tells us now, they meant to write “kennels”. So that’s good news for Janice the ‘The Pet Nanny’ and others.

I believe there are other businesses being affected by these rules—that just don’t know it yet. This example and others here show us that the city staff does not understand the home occupation and those businesses currently operating as home occupations. Let’s get together people that know and work in these businesses to help develop sensible home occupation requirements.

#### Regarding the city’s explanation of new ‘disallowed’ home occupations---

The following, in italics, is from the staff report, page 7 of 36. My comments follow labeled as from “JDC:”.

*Additional concerns have been raised by the public since the August 13, 2024 Planning Commission meeting, specifically that some of the excluded home occupations will negatively impact small business owners. Therefore, staff has provided additional analysis to justify the exclusion of the following uses:*

JDC: In fact, the ‘concerns from the public’ began with my February 16, 2024 email to the Planning Division, repeated numerous times including in [Planning Commission public comments on July 9 2024](#). Those comments are included at the end of this section.

*Massage Services: Allowing massage services in residential areas can raise concerns about inappropriate or illegal activities, which can compromise the safety and well-being of the community. By restricting massage services outside of residential areas, the City aims to ensure these services are provided in a safe, controlled environment that protects both practitioners and clients while maintaining the residential character of neighborhoods. A masseuse can obtain a home occupation for a home office and perform massage at locations other than their personal residence.*

JDC: One has to ask exactly who is having these “concerns about inappropriate or illegal activities”. Is this coming from 2 or 3 city staff members in the Planning Division? Or is this a real and documented concern that the city can share with us? I do not share these concerns, but I’d like to better understand why someone else does. These concerns do not match my perception and personal experience with home occupation massage therapy services.

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JDC: Regarding the ability for a ‘masseuse’ using their home as a home office and performing massage at other locations---What do we call this business? It’s still a ‘massage’ home occupation—or would it be a ‘mobile massage’ home occupation. The zoning document is not clear that one type is allowed, while the other is disallowed.

*Wine Tasting: Wine tasting businesses require a State Alcohol Beverage Control license from the California Department of Alcoholic Beverage Control that requires commercial zoning, thereby precluding wine tasting operations as a business eligible for home occupation.*

JDC: Then, if a license is not available, it would be the State of California that is ‘disallowing’ the wine tasting business, and not the City of Paso Robles. That is an important distinction, because I’m not so sure that a state license could not be acquired now or in the future for a Short Term Rental or Homeshare in a commercial district—and still be a home occupation. And then, what would you call a Home Occupation that provided ‘wine tasting’ capabilities at commercial venues? Would that be called a ‘mobile wine tasting’ home occupation? The zoning code is not clear and does not discriminate when ‘disallowing’ this business as a home occupation.

*Auto Repairs: The exclusion of automotive repair from home occupations is mostly based on concerns related to environmental impact, noise, parking and enforcement challenges. Repairs conducted at a residence can produce significant noise and hazardous waste, which are difficult to regulate in residential settings and detrimental to the surrounding neighborhood.*

JDC: First, as I mentioned in my comments to the Planning Division—there is not a definition for “automotive repairs” in the zoning update document. If there was a clear definition, that might help explain the noise and waste the city references. Regardless, I’ll mention that the city has a noise ordinance and there are accepted ways to dispose of hazardous waste in the city. **No one is promoting the idea of a full service auto repair facility in a residential neighborhood.** But--many automotive repair activities can occur separate from an actual automobile or vehicle, and produce little to no hazardous waste.

*Mobile Car Repair: Regarding mobile (tire and oil change) car repair, the exclusion is in place due to potential environmental concerns. Mobile services can lead to issues like improper disposal of hazardous materials and increased noise when performed in residential areas. These services are better suited to commercial zones where proper facilities and oversight are available.*

JDC: I have to wonder if the people that wrote this explanation have ever changed the oil in a car or any other vehicle? It’s not a noisy activity and hazardous waste (i.e., the used oil and filters) can be easily managed, temporarily stored, and then disposed of at a proper dump site. Is there something inherently untrustworthy about a person running a mobile oil change company vs. a oil change company at a fixed location? Of course not; and in fact, they could be the same company.

JDC: In addition, remember that this is a mobile oil change company. That is, the actual work is not taking place at the home occupation location. The ultimate work location could be either a residential address or a commercial address. As it is legal to change one’s own car oil at home, I

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see no reason why a mobile oil change business couldn't do business at a residential address unless specifically prohibited by a Home Owners Association (HOA).

JDC: There are currently companies listed on the city's list of business licenses that are doing automotive repair including, mobile mechanics, windshield repair and replacement, and mobile oil change.

*Ultimately, the Home Occupation Permit allows an exception for hardship (Section 21.21.030(B)). If an applicant can demonstrate a unique hardship outside of the scope of these provisions, this Exception for Hardship provision may be appropriate and is subject to review by the Planning Commission and, if approved, would be subject to a conditional use permit and annual review*

JDC: What is a "hardship". I've been asking this question as far back as February 2024 and have yet to receive an answer. I do see a definition of "Exceptional Hardship" on page 8-4 with respect to Floodplain Management. Regardless—why must one have to claim a hardship to work in these home occupations? If acceptable under 'hardship' conditions, then why not always allowed?

### **Parking of Commercial Vehicles**

There are concerns from one resident business owner regarding the requirements for trucks used by home occupations. I understand the council may have received public comment about this.

When compared to parking restrictions on other business vehicles, Home Occupations appear to be an exception with more restrictive vehicle parking requirements.

### **Specialized Repairs**

The city added this section as 8.e. -- types of businesses considered allowable as home occupations.

*Specialized repairs for household items for small mechanical components, including, but not limited to, cell phones, laptops, power tools, kitchen appliances, and small automotive parts **that do not produce hazardous waste, provided any item can be mailed/shipped in a box not to exceed 12 inches x 12 inches x 12 inches.** Additionally, all specialized repairs **shall not produce noise, dust, odor, light, or vibration detrimental to occupants of adjoining dwellings;***

Why the requirement of "small"? I don't see the need for a size restriction.

Specifying the box size isn't necessary. Some of the 'small mechanical components' examples listed in the specification would not fit in a box 12 inches x 12 inches x 12 inches.

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### General

In this section, I elaborate on why I would not approve the Comprehensive Zoning Code Update document.

**This was not a public process.** The document includes inputs from anonymous sources and those sources should be made visible to the public. All questions and comments from the public and committee members (i.e., Planning Commission and HCOC) should be made public. That includes the documentation of oral comments. Not all inputs and changes were publicly reviewed at Planning Commission meetings. More time is needed for adequate public review of this final document.

**Public questions and comments were left unanswered and ignored.** My questions and comments went unanswered and ignored, and I assume that questions and comments from other members of the public may have also been left unanswered and ignored.

**It's not clear the document is written for its intended audiences.** The document does not identify its intended audiences—and it should. But during development, it was stated that the document audiences include local architects, builders, homeowners, and the general public. However, I question whether some sections are written for the average reader.

**The document is not 'reader-friendly'.** Aside from the document text, the formatting of the document does not help the reader. I find that sections start abruptly and are not properly introduced to the reader. The overall assembly of sections does not make intuitive sense. And there is no introduction section to explain this assembly and how the reader might best use the document for their needs. Also—there are no hyperlinks assigned or enabled. If not for the PDF search function, one would have a difficult time finding anything.

**The use and dependence on the Housing Constraints and Opportunities Committee (HCOC)** puts the integrity of the document in question. The HCOC has been operating under questionable conditions including: not formed per city policy and council direction; no committee bylaws; no term periods for members

This conflict goes back to at least October 13, 2022 when I stumbled in on them. Read more here: [City Council General Public Comments dated October 3, 2023](#)--also included at the end of these comments.

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**Sent in email to Planning Division on July 9, 2024 -----**

### **Public Comments- Planning Commission Agenda, July 9 2024; Item H-1 Comprehensive Zoning Code Update**

I've commented numerous times during this zoning code update process regarding problems with the overall construction of this document, specifically with respect to 'ease of use' and readability. I don't notice improvement in these areas--or any explanation that might show how the city believes it is meeting its stated goals (like 'ease of use') in this update.

During the process, I've also submitted comments regarding the handling of public comment. Where are the public comments and how have they been addressed by the city staff? I see no indication that my public comments have been considered. And I'm very eager to see all the comments from others--including those from the public, the planning commission, other city departments, and other interested parties--to see how they have or have-not influenced this update.

In the past, I've also requested a full draft review of up to 90 days or more before a planning commission approval. The time provided now that has overlapped a holiday week is not adequate. Because of this short review, I will continue my review and accumulate my comments for later hearings and the city council. In addition, as I see no indication that my previous comments have been considered--it would seem a waste of time to provide the planning department with more.

Included in my past comments, are specific comments related to Article 2; Chapter 21.21 Home Occupations Permits, submitted to the planning department via email on 02/16/2024. The text of this email is included at the end of these comments. From what I can tell, these past comments have been ignored without explanation as I find no reflective change in Chapter 21.21 and have received no feedback on my comments from 'planning'. Chapter 21.21 is still in need of significant change.

The most disturbing part of the Home Occupations Permits section is the arbitrary and conflicting nature of "allowable" and "not permitted" home applications. Items have been added to this list without explanation and items on this list are not adequately defined. These changes will significantly affect current home occupation businesses, and from what I can tell from some initial polling--the city has not notified these current home occupations of these changes. In addition, these sections generally discourage many appropriate and viable home businesses from ever being started.

Jeff Carr--Paso Robles, CA

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### ***Comments Sent to Planning on 02/16/2024:***

Hi--I know this is a lot--and might be somewhat jumbled. Many questions too along with comments.

#### Article 2; Chapter 21.21 Home Occupations Permits

##### 21.21.010 A. Purpose--

3. Are there any 'notification' requirements as part of acquiring a home occupation permit? e.g., I've lived in areas where the applicant had to post a letter size notice in front of the home for so many weeks--as notice to neighbors.

5. "Prevent the use of home occupations from transforming a residential neighborhood into a commercial area." --- This seems vague. Can you be more specific how this might occur? e.g.,

Traffic? I've lived in areas where home occupations were not allowed to receive clients or customers at the home. It appears that you allow this.

Noise? There are noise standards

Toxic or dangerous chemicals? More industrial than strictly commercial--but I believe some of this should be acceptable if limited to what can be safely managed.

Shipping/delivery truck traffic? --- I see more specifics later; i.e., regarding "noise, dust, odor, light, or vibration detrimental to occupants of adjoining dwellings" that might make sense moved up here.

##### 21.21.020 B. Required Standards

Overall--I feel this could be written to be more clear. It seems piecemeal in a way that is confusing. There are many steps and paths to an approval, that could be outlined up top.

That is,--there are:

allowed

allowed if similar

allowed with site plan modification

excluded

exception with hardship.

Whew! --- Perhaps a paragraph and/or diagram at top to explain the possible process of approval.

8. 'Allowable businesses' -- This is confusing as it is not complete, is it? Of course "i. Similar uses as determined by the Zoning Administrator" opens the door to more allowable uses.

##### C. Modifications to these standards

1. "Types of businesses not listed as an allowed home occupation. . ." But then--it's not "similar uses" as described above.

##### 21.21.030 Excluded Operations

###### A. Prohibited Businesses

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Some of these items seem arbitrary. And some do not have definitions that I can find.

3. Massage? -- why is massage excluded? It was added new to this code revision. Visitors to home occupations are obviously allowed; e.g., one in the premises at a time. This is where a 'note' would have been helpful to explain why this has been added.

Most times I've had a professional massage--it was in a home occupation setting. --- I request that 'massage' be removed from the list.

4. Pet sitting with overnight stays --- Why has this been added? Again, a 'note' would have helped. I request it be removed.

5. Automotive repair? -- I can't find a definition of 'automotive repair'. There is something in Article 9 listed as 'auto repair' but I *can't* find an *accompanying* definition. I assume TBD. (*note: italics here indicate a clarification edit made to original email*)

This exclusion may be too broad, so I feel a detailed definition is required. The fears of course are that cars will be dismantled during repair and sit immobile at the residence. I assume too there are noise and hazardous waste concerns. However there are aspects of automotive repair where these concerns do not exist or can be managed.

Perhaps some automotive repair being allowable but written in a manner similar to 8d of 'allowable as home occupations'.

At the meeting I brought up the example of 'fuel injector' cleaning and test. Fuel injectors are small items (about the size of a spark plug) that can be removed from the vehicle by the customer and sent into the home occupation for service. Cleaning and testing requirements are simple with the right rig; and these rigs are mostly small and compact in size. Hazardous waste from cleaning and testing is limited and manageable.

Other examples might be specialized repairs such as ABS (anti-lock braking system) control units. These can be removed from the vehicle and sent in for repair. They too result in minimal and manageable hazardous waste. Many other motorcycle or automotive parts can be managed similarly for rebuilding or repair once they are removed from the vehicle. The source vehicle is never present at the work premises. I've mentioned a couple of examples that I've run across because I own an old motorcycle with specialized needs.

The demand for these services is growing as people that restore or own older vehicles and motorcycles use them and have DIY capabilities to remove the parts from the main vehicle. Regular dealers and service centers don't want to work on them. These specialized services are best served with small or home occupations because demand is limited locally and general auto repair houses don't want to bother with them unless it's part of a larger service requirement. Parts can be shipped to the home occupation location--and shipped back when work is completed.

7. Mobile (tire and oil change) car repair. Why was this added? I don't understand it.



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These typically don't do the work at the residence of the person with the occupation. Work occurs at another location. Are these mobile services prohibited in the city? What about surrounding cities? I see mobile car wash services being performed in the city.

11. Wine tasting? -- This exclusion surprises me, so I would like to hear more explanation. Honestly, in this town, I'd expect 'wine tasting' parties to be the modern version of the 1960s Tupperware party home business.

B. Exception for Hardship

OK--another way around requirements. Is this because of a 'hardship'? Because you don't describe what a 'hardship' might be. What are hardships and how does one prove it?

It looks more like 'proving' that the business could be operated in a proper manner so not to disturb the neighborhood. This is something that I assume would be a requirement of 'similar uses' or 'modifications' via Site Plan Modification Process. BTW: you reference this on pg 61 as 21.70.020. Do you mean 21.17.020?

Jeff Carr---Paso Robles, CA

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# Carr, Jeff

## Item Q2. Public Comment

### General Public Comments

#### City of Paso Robles Council Meeting--October 3, 2023

From: Jeff Carr—Paso Robles, CA

#### Housing Constraints & Opportunities Committee (HCOC)

For a year now, I've been trying to resolve questions with the city related to the Housing Constraints & Opportunities Committee (HCOC).

I've addressed my concerns with the HCOC (public comments October 13, 2022) and in a subsequent meeting with Mayor Martin and Warren Frace on October 24, 2022. This later meeting was simply a restating of the concerns with no answers or resolutions provided. The last words I heard then were, *"I'll get back to you"*. No one has got back to me on these concerns.

The HCOC was originally formed as an ad hoc, but quickly evolved into an advisory committee in 2015. Even in an item on tonight's agenda (Item L3), it is still being referred to as an ad hoc--though the city website currently has it listed as a committee among 'Boards and Commissions'--<https://www.prcity.com/257/Boards-Commissions>. From my investigation, I find it has not been operating per council direction or city policies for committees.

My recent observations of HCOC meetings have me concerned about HCOC operation and its discrepancies from policy. I feel it is the best interest of the city and the public that the HCOC be immediately aligned with city policy for standing committees. I hope the city will finally answer my questions and clarify this matter.

#### Key concerns:

##### **The HCOC has no established bylaws.**

At the October 17, 2015 Council Meeting, the council's direction was to form an "advisory committee" consisting of members of the City Council, Planning Commission, and members of the public. The council also directed staff to prepare bylaws. Council policy requires the council's adoption of committee bylaws prior to convening a standing committee. In October 2022, the city told me: *"There have been no established bylaws for the HCOC"*. A year later, I've still not seen HCOC bylaws.

Excerpt from: "City of Paso Robles Council Policies & Procedures" (revision no.6),

#### *3.2 COMMITTEE ORGANIZATION & CONDUCT*

*3.2.1 Standing committees are established by resolution of the City Council and are organized under Council adopted by-laws specific to each.*

btw: I find no resolution of the City Council establishing the HCOC.

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**The HCOC has no term periods defined for its members.**

Term periods for the HCOC have been shown on the city website as "TBD" and I know of no effort, past or present, to change this. After 8 years, it's time to set term periods and additionally, reevaluate the HCOCs current membership.

**The HCOC includes 2 council members that are acting as voting members.**

Excerpt from: "City of Paso Robles Council Policies & Procedures" (revision no.6),

*Chapter 1 - Council Powers & Responsibilities*

*1.1.5 No Councilmember may serve as a voting member of any standing City commission, board, or committee composed solely of citizen volunteers, city employees, or a combination of both as commissioned pursuant to Chapter 3 of these policies*

**I ask that the city resolve this confusion with the HCOC and request that staff properly align it as a standing committee according to city policy--including but not limited to establishing bylaws, member term limits, and council members that act only as liaisons and not voting members.**