

TO: JAMES L. APP, CITY MANAGER

FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: ZONING CODE AMENDMENT 07-002/CITY INITIATED  
TRANSIENT OCCUPANCY TAX ORDINANCE

DATE: JULY 17, 2007

Needs: For the City Council to consider a Zoning Code Amendment to define “Transient Occupancy”.

Facts:

1. Chapter 5.06 of the Municipal Codes includes provisions for the City to collect transient occupancy taxes (TOT) for hotels, campgrounds, and recreational vehicle park occupancies. (The definition of “hotels” includes several different types of accommodations.)
2. The TOT ordinance allows the City to collect TOT taxes for occupancies up to 30 continuous days or less.
3. In the past, the City has continuously interpreted and implemented the reference to the length of occupancy (30 days) to be the definition of “transient occupancy”, however, this land use term is not specifically defined in any of the City’s codes, including the City’s Zoning Regulations.
4. Staff proposes to add to the City’s Zoning Regulations a definition of “transient occupancy” (as a land use) which will be occupancy of lodging facilities for 30 continuous days or less. Continuous occupancy beyond 30 days would be determined to be residential or prohibited depending on specific circumstances.
5. The Planning Commission considered a 2-part code amendment including the proposed definition of “transient occupancy”, and for the definition of “vacation rentals” and associated regulations several times. The Commission has not come to consensus on regulating vacation rentals, but did recommend moving the definition of transient occupancy (as proposed) forward to the City Council.
6. As a legislative act, per the California Environmental Quality Act (CEQA), an environmental review of the proposed Code Amendment is required. The environmental review was prepared based on a project description that included both the definition of transient occupancy, and for the definition of vacation rentals and associated regulations. The proposed draft Negative Declaration (ND) includes evaluation of both items. It is acceptable to adopt an ND with a broader project description.

Analysis  
And

Conclusions: The fundamental distinction between a residence and transient occupancy is the tenancy or duration of stay of an occupant. Tenancies beyond a 30 day length of stay in a lodging facility, would be characterized as residential in nature. In most

cases the Planning Commission will limit the length of stay through conditions of approval to guarantee the lodging facility will serve the traveling public.

The reason this proposed Code Amendment is being proposed is to provide for clarification of when a use is residential or transient, and the applicable regulations that would apply.

Policy

Reference: City of Paso Robles General Plan Update and EIR, 2003, Municipal Code, Airport Land Use Plan, and Zoning Ordinance.

Fiscal

Impact: No fiscal impacts identified with this request.

Options: After considering the public testimony received, the City Council will be asked to select one of the following options:

a. By separate actions:

(1) Adopt Resolution No. 07-xx adopting a Negative Declaration for Zoning Code Amendment 07-002.

(2) Introduce for first reading Ordinance XXX N.S. approving Zoning Code Amendment 07-002; and set August 7, 2007 as the date for adoption of said Ordinance.

b. Amend, modify or reject the noted option.

Staff Report Prepared By: Susan DeCarli, AICP, City Planner

Attachments:

1. Resolution Approving Negative Declaration for ZC 07-002
2. Draft Ordinance Approving ZC 07-002

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF PASO ROBLES  
ADOPTING A NEGATIVE DECLARATION  
FOR A ZONING ORDINANCE AMENDMENT  
TO ADD A DEFINITION OF TRANSIENT OCCUPANCY

WHEREAS, the City Council of the City of El Paso de Robles adopted an updated General Plan in December 2003; and

WHEREAS, this Zoning Ordinance Amendment is consistent with the General Plan; and

WHEREAS, the General Plan Environmental Impact Report (EIR) considered and evaluated programmatically potential impacts that may result from implementation of the General Plan, and includes mitigation measures as appropriate; and

WHEREAS, an Initial Study was prepared pursuant to the California Environmental Quality Act (CEQA) to evaluate whether this project would result in environmental impacts, and the City has determined that this project will not result in significant environmental impacts; and

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), and the City's Procedures for Implementing CEQA, an Initial Study and a Draft Negative Declaration was prepared and circulated for public review and comment; and

WHEREAS, no public comments or responses were received in regard to the Draft Negative Declaration and Initial Study; and

WHEREAS, Public Notice of the proposed Negative Declaration was posted as required by Section 21092 of the Public Resources Code; and

WHEREAS, a public hearing was conducted by the Planning Commission on March 27<sup>th</sup>, May 22<sup>nd</sup>, and June 12, 2007 and City Council on July 17, 2007 to consider the Initial Study, the proposed Negative Declaration prepared for the proposed project, and to accept public testimony on the Zoning Ordinance Amendments and environmental determination; and

WHEREAS, based on the information and analysis contained in the Initial Study included in Exhibit A prepared for this project and testimony received as a result of the public notice, the City Council finds that there is no substantial evidence that there would be a significant impact on the environment as a result of the proposed project. This finding is based on the Mitigation Monitoring Program included in the General Plan Environmental Impact Report.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso de Robles, based on its independent judgment, that it does hereby recommend adoption of a Negative Declaration and in accordance with the Statutes and Guidelines of the California Environmental Quality Act (CEQA) and the City's Procedures for Implementing CEQA.

PASSED AND ADOPTED THIS 17th day of July, 2007 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Frank R. Mecham, Mayor

ATTEST:

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Deborah Robinson, Deputy City Clerk

# CITY OF PASO ROBLES – PLANNING DIVISION INITIAL STUDY

## 1. GENERAL PROJECT INFORMATION

**PROJECT TITLE:** Code Amendment 07-002

**LEAD AGENCY:** City of Paso Robles - 1000 Spring Street, Paso Robles, CA 93446

**Contact:** Susan DeCarli, AICP, City Planner  
**Telephone:** (805) 237-3970

**PROJECT LOCATION:** City-wide

**PROJECT PROPONENT:** City-Initiated Code Amendment

**LEAD AGENCY CONTACT/  
INITIAL STUDY PREPARED BY:** Susan DeCarli, AICP, City Planner

**Telephone:** (805) 237-3970  
**Facsimile:** (805) 237-3904  
**E-Mail:** sdecarli@prcity.com

**GENERAL PLAN DESIGNATION:** Not applicable.

**ZONING:** Not applicable.

## 2. PROJECT DESCRIPTION

The proposed project is an amendment to the City of Paso Robles Zoning Ordinance to: 1) add a definition of “transient occupancy” to include hotels, motels, vacation rentals, villas, cabins, cottages, etc; 2) add a definition of “vacation rentals”, and 3) add vacation rental regulations including permit requirements and development standards; and 4) add Vacation Rentals to Section 21.16.200 Use Table.

## 3. **OTHER AGENCIES WHOSE APPROVAL MAY BE REQUIRED (For example, issuance of permits, financing approval, or participation agreement):**

None.

## 4. **EARLIER ENVIRONMENTAL ANALYSIS AND RELATED ENVIRONMENTAL DOCUMENTATION:**

This Initial Study incorporates by reference the City of El Paso de Robles General Plan Environmental Impact Report (EIR) (SCH#2003011123).

## **5. CONTEXT OF ENVIRONMENTAL ANALYSIS FOR THE PROJECT:**

This Initial Study relies on expert opinion supported by the facts, technical studies, and technical appendices of the City of El Paso de Robles General Plan EIR. These documents are incorporated herein by reference. They provide substantial evidence to document the basis upon which the City has arrived at its environmental determination regarding various resources.

## **6. PURPOSES OF AN INITIAL STUDY**

The purposes of an Initial Study for a Development Project Application are:

- A. To provide the City with sufficient information and analysis to use as the basis for deciding whether to prepare an Environmental Impact Report, a Mitigated Negative Declaration, or a Negative Declaration for a site specific development project proposal;
- B. To enable the Applicant of a site specific development project proposal or the City as the lead agency to modify a project, mitigating adverse impacts before an Environmental Impact Report is required to be prepared, thereby enabling the proposed Project to qualify for issuance of a Negative Declaration or a Mitigated Negative Declaration;
- C. To facilitate environmental assessment early in the design of a project;
- D. To eliminate unnecessary EIRs;
- E. To explain the reasons for determining that potentially significant effects would not be significant;
- F. To determine if a previously prepared EIR could be used for the project;
- G. To assist in the preparation of an Environmental Impact Report if one is required; and
- H. To provide documentation of the factual basis for the finding of no significant effect as set forth in a Negative Declaration or a Mitigated Negative Declaration prepared for the a project.

## **7. EXPLANATION OF ANSWERS FOUND ON THE ENVIRONMENTAL CHECKLIST FORM**

### **A. Scope of Environmental Review**

This Initial Study evaluates potential impacts identified in the following checklist.

### **B. Evaluation of Environmental Impacts**

1. A brief explanation is required for all answers to the questions presented on the following Environmental Checklist Form, except where the answer is that the proposed project will have “No Impact.” The “No Impact” answers are to be adequately supported by the information sources cited in the parentheses following each question or as otherwise explained in the introductory remarks. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to the project. A “No Impact” answer should be explained where it is based on project-specific factors and/or general standards. The basis for the “No Impact” answers on the following Environmental Checklist Form is explained in further detail in this Initial Study in Section 9 (Earlier Environmental Analysis and Related Environmental Documentation) and Section 10 (Context of Environmental Analysis for the Project).
2. All answers on the following Environmental Checklist Form must take into account the whole action involved with the project, including implementation. Answers should address off-site as well as on-

site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. “Potentially Significant Impact” is appropriate, if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of insignificance. If there are one or more “Potentially Significant Impact” entries when the determination is made, preparation of an Environmental Impact Report is warranted.
4. “Potentially Significant Impact Unless Mitigated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level. Mitigation Measures from Section 9 (Earlier Environmental Analysis and Related Environmental Documentation) may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). See Section 4 (Earlier Environmental Analysis and Related Environmental Documentation) and Section 11 (Earlier Analysis and Background Materials) of this Initial Study.
6. References to the information sources for potential impacts (e.g., general plans, zoning ordinances) have been incorporated into the Environmental Checklist Form. See Section 11 (Earlier Analysis and Related Environmental Documentation). Other sources used or individuals contacted are cited where appropriate.
7. The following Environmental Checklist Form generally is the same as the one contained in Title 14, California Code of Regulations; with some modifications to reflect the City’s needs and requirements.
8. Standard Conditions of Approval: The City imposes standard conditions of approval on Projects. These conditions are considered to be components of and/or modifications to the Project and some reduce or minimize environmental impacts to a level of insignificance. Because they are considered part of the Project, they have not been identified as mitigation measures. For the readers’ information, the standard conditions identified in this Initial Study are available for review at the Community Development Department.
9. Certification Statement: The statements made in this Initial Study and those made in the documents referenced herein present the data and information that are required to satisfy the provisions of the California Environmental Quality Act (CEQA) – Statutes and Guidelines, as well as the City’s Procedures for Implementing CEQA. Further, the facts, statements, information, and analysis presented are true and correct in accordance with standard business practices of qualified professionals with expertise in the development review process, including building, planning, and engineering.

**8. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The proposed project may potentially affect the environmental factors checked below, and may involve at least one impact that is a “Potentially Significant Impact” or is “Potentially Significant Unless Mitigated,” if so indicated on the following Environmental Checklist Form (Pages 8 to.15)

- Land Use & Planning
- Transportation/Circulation
- Public Services
- Population & Housing
- Biological Resources
- Utilities & Service Systems
- Geological Problems
- Energy & Mineral Resources
- Aesthetics
- Water
- Hazards
- Cultural Resources
- Air Quality
- Noise
- Recreation
- Mandatory Findings of Significance

**9. ENVIRONMENTAL DETERMINATION:** On the basis of this initial evaluation: I find that:

The proposed project could not have a significant effect on the environment; and, therefore, a **NEGATIVE DECLARATION** will be prepared.

Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. Therefore, a **MITIGATED NEGATIVE DECLARATION** will be prepared.

The proposed project may have a significant effect on the environment; and, therefore an **ENVIRONMENTAL IMPACT REPORT** is required.

The proposed project may have a significant effect(s) on the environment, but one or more effects (1) have been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) have been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a “potentially significant impact” or is “potentially significant unless mitigated.”

Therefore, an **ENVIRONMENTAL IMPACT REPORT** is required, but it will analyze only the effect or effects that remain to be addressed.

\_\_\_\_\_  
Signature:

\_\_\_\_\_  
Date:

March 7, 2007

\_\_\_\_\_  
Susan DeCarli, AICP, City Planner



# 10 Environmental Checklist Form

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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## I. LAND USE AND PLANNING. Would the Proposal:

- a) Conflict with general plan designation or zoning? (Sources: 1 & 8)

*Discussion: The proposed code amendment would not conflict with the general plan or zoning, since it does not apply to a specific property. Transient land uses such as hotel and motels are already regulated by the Zoning Ordinance in specific zoning districts. This amendment will not change or conflict with the existing regulations.*

- b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project? (Sources: 1 & 3)

*Discussion: The proposed project complies with the EIR recently certified for the City General Plan Update, 2003.*

- c) Be incompatible with existing land uses in the vicinity? (Sources: 1 & 3)

*Discussion: The code amendment does not apply to specific properties and therefore would not incompatible with existing land uses..*

- d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible uses)?

*Discussion: The code amendment does not apply to specific properties and therefore could not affect agricultural resources.*

- e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? (Sources: 1 & 3)

*Discussion: The code amendment does not apply to specific properties and therefore the project will not disrupt or divide the arrangement of land uses in the community.*

## II. POPULATION AND HOUSING. Would the proposal:

- a) Cumulatively exceed official regional or local population projections? (Sources: 1 & 3)

*Discussion: This project could not affect population projections since it*

- b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)? (Sources: 1 & 3)

*Discussion: This project will not induce substantial growth.*

# 10 Environmental Checklist Form

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- c) Displace existing housing, especially affordable housing? (Sources: 1, 3, & 5)

*Discussion: This project will not displace existing housing since it is a vacant site.*

## III. GEOLOGIC PROBLEMS. Would the proposal result in or expose people to potential impacts involving:

- a) Fault rupture? (Sources: 1, 2, & 3)

*Discussion: The potential for and mitigation of impacts that may result from fault rupture in the project area are identified and addressed in the General Plan EIR, pg. 4.5-8. There are two known fault zones on either side of this valley. The Rinconada Fault system runs on the west side of the valley. The San Andreas Fault is on the east side of the valley and runs through the community of Parkfield east of Paso Robles. The City of Paso Robles recognizes these geologic influences in the application of the Uniform Building Code to all new development within the City. Review of available information and examinations indicate that neither of these faults is active with respect to ground rupture in Paso Robles. Soils reports and structural engineering in accordance with local seismic influences would be applied in conjunction with any new development proposal. Based on standard conditions of approval, the potential for fault rupture and exposure of persons or property to seismic hazards is not considered significant. In addition, per requirements of the Alquist-Priolo Earthquake Fault Zones, only structures for human habitation need to be setback a minimum of 50 feet of a known active trace fault. The proposed structures are not intended for human habitation.*

- b) Seismic ground shaking? (Sources: 1, 2, & 3)

*Discussion: The City is located within an active earthquake area that could experience seismic ground shaking from the Rinconada and San Andreas Faults. The proposed structure will be constructed to current UBC codes. The General Plan EIR identified impacts resulting from ground shaking as less than significant and provided mitigation measures that will be incorporated into the design of this project including adequate structural design and not constructing over active or potentially active faults.*

- c) Seismic ground failure, including liquefaction? (Sources: 1, 2 & 3)

*Discussion: See a. & b.*

- d) Seiche, tsunami, or volcanic hazard? (Sources: 1, 2, & 3)

*Discussion: There are no water or volcanic hazards that could affect this property, thus potential impacts are less than significant.*

- e) Landslides or Mudflows? (Sources: 1, 2, & 3)

*Discussion: There are no landslide or mudflow hazards that could affect this property, thus potential impacts are less than significant.*

## 10 Environmental Checklist Form

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill? (Sources: 1, 2, 3, & 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Discussion: There are no erosion or soil conditions that could affect this property, thus potential impacts are less than significant.</i>				
g) Subsidence of the land? (Sources: 1, 2, & 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Discussion: Refer to a. above.</i>				
h) Expansive soils? (Sources: 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Discussion: Refer to a. above.</i>				
i) Unique geologic or physical features? (Sources: 1 & 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Discussion: Refer to a. above.</i>				

### IV. WATER. Would the proposal result in:

a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Discussion: Items a – i) As a rezone for plan consistency purposes, this project could not affect water resources.</i>				
b) Exposure of people or property to water related hazards such as flooding? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Discussion: See above.</i>				
c) Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Discussion: See above.</i>				
d) Changes in the amount of surface water in any water body? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Discussion: See above.</i>				
e) Changes in currents, or the course or direction of water movement? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 10 Environmental Checklist Form

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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*Discussion: See above.*

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability? (Sources: 1,3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

*Discussion: See above.*

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Altered direction or rate of flow of groundwater? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

*Discussion: See above.*

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| h) Impacts to groundwater quality? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

*Discussion: See above.*

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| i) Substantial reduction in the amount of groundwater otherwise available for public water supplies? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

*Discussion: See above.*

### V. AIR QUALITY. Would the proposal:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Violate any air quality standard or contribute to an existing or projected air quality violation? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

*Discussion: Items a –d) As a rezone for plan consistency purposes, this project could not affect air quality or resources.*

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Expose sensitive receptors to pollutants? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

*Discussion: See above.*

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Alter air movement, moisture, or temperature? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

*Discussion: See above.*

- |                                |                          |                          |                          |                                     |
|--------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Create objectionable odors? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

**10 Environmental Checklist Form**

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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*Discussion: See above.*

**VI. TRANSPORTATION/CIRCULATION.** Would the proposal result in:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Increased vehicle trips or traffic congestion?<br>(Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

*Discussion: Items a –g) As a rezone for plan consistency purposes, this project could not affect transportation or circulation.*

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

*Discussion: See above.*

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Inadequate emergency access or inadequate access to nearby uses? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

*Discussion: See above.*

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Insufficient parking capacity on-site or off-site?<br>(Sources: 1, 3, 7, & 8) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

*Discussion: See above.*

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Hazards or barriers for pedestrians or bicyclists?<br>(Source: 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

*Discussion: See above.*

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?<br>(Sources: 1 & 8) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

*Discussion: See above.*

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Rail, waterborne or air traffic impacts? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

*Discussion: See above.*

**BIOLOGICAL RESOURCES.** Would the proposal result in impacts to:

## 10 Environmental Checklist Form

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Endangered, threatened or rare species or their habitats (including but not limited to: plants, fish, insects, animals, and birds)?

*Discussion: a-e) This code amendment does not pertain to these resources.*

b) Locally designated species (e.g., heritage trees)?

*Discussion: See above.*

c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?

*Discussion: See above.*

d) Wetland habitat (e.g., marsh, riparian and vernal pool)?

*Discussion: See above.*

e) Wildlife dispersal or migration corridors?

*Discussion: See above.*

### VIII. ENERGY AND MINERAL RESOURCES. Would the proposal:

a) Conflict with adopted energy conservation plans? (Sources: 1 & 7)

*Discussion: This project could not affect or conflict with energy conservation plans.*

b) Use non-renewable resources in a wasteful and inefficient manner? (Sources: 1 & 7)

*Discussion: The project will not use non-renewable resource in a wasteful and inefficient manner.*

c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State? (Sources: 1 & 7)

*Discussion: The project is not located in an area of a known mineral resources that would be of future value to the region and the residents of the State.*

**10 Environmental Checklist Form**

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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**IX. HAZARDS.** Would the proposal involve:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) A risk of accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

*Discussion: No development is proposed with this project therefore it could not result in hazard related impacts.*

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Possible interference with an emergency response plan or emergency evacuation plan? (Sources: 1 & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

*Discussion: Refer to item a.*

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) The creation of any health hazard or potential hazards? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

*Discussion: Refer to item a.*

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Increased fire hazard in areas with flammable brush, grass, or trees? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

*Discussion: Refer to item a.*

**X. NOISE.** Would the proposal result in:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Increases in existing noise levels? (Sources: 1, 7, & 8) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

*Discussion: No development is proposed with this project, therefore it could not result in noise related impacts.*

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Exposure of people to severe noise levels? (Source: 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

*See item a.*

**XI. PUBLIC SERVICES.** Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Fire protection? (Sources: 1, 3, 6, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Police Protection? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

- |                                  |                          |                          |                          |                                     |
|----------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Schools? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Maintenance of public facilities, including roads? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**10 Environmental Checklist Form**

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Other governmental services? (Sources: 1,3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*Discussion: a.-e) No development is proposed with this project, therefore it could not result in public service related impacts.*

**XII. UTILITIES AND SERVICE SYSTEMS.** Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:

a) Power or natural gas? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Communication systems? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Local or regional water treatment or distribution facilities? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Sewer or septic tanks? (Sources: 1, 3, 7, & 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Storm water drainage? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Solid waste disposal? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Local or regional water supplies? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*Discussion: a.-g. The project will not result in the need for new systems or supplies, or result in substantial alterations to utilities and service systems.*

**XIII. AESTHETICS.** Would the proposal:

a) Affect a scenic vista or scenic highway? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a demonstrable negative aesthetic effect? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Create light or glare? (Sources: 1, 3, 7, & 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*Discussion: a – c) No development is proposed with this project, therefore it could not result in aesthetics related impacts.*

*Discussion: see a. above.*

*Discussion: See a. above.*

**XIV. CULTURAL RESOURCES.** Would the proposal:



**10 Environmental Checklist Form**

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Disturb paleontological resources? (Sources: 1, 3, & 7) <i>Discussion: There are no known paleontological or other cultural resources on site and the project does not proposed new development; therefore these resources could not be impacted.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Disturb archaeological resources? (Sources: 1, 3, & 7) <i>Discussion: Refer to item a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Affect historical resources? (Sources: 1, 3, & 7) <i>Discussion: see item a. above..</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have the potential to cause a physical change which would affect unique ethnic cultural values? (Sources: 1, 3, & 7) <i>Discussion: Refer to item a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Restrict existing religious or sacred uses within the potential impact area? (Sources: 1, 3, & 7) <i>Discussion: Refer to item a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XV.RECREATION.** Would the proposal:

a) Increase the demand for neighborhood or regional parks or other recreational facilities? (Sources: 1, 3, & 7) <i>Discussion: This project does not include development thus it could not result in impacts related to recreation resources.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Affect existing recreational opportunities? (Sources 1, 3, & 7) <i>Discussion: The project will not affect existing recreational opportunities.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XVI.MANDATORY FINDINGS OF SIGNIFICANCE.**

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Sources: 1 & 3)  <i>Discussion: This project does not include development and it could not result in impacts that would degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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## 10 Environmental Checklist Form

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	Potentially Significant No Impact
--	--------------------------------------	--	------------------------------------	---

range of a rare or endangered plant or animal or eliminate important history or prehistory.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Does the project have the potential to achieve short-term, to the disadvantage of long-term environmental goals?<br>(Sources: 1 & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

*Discussion: This project will not result in significant environmental impacts and therefore will not result in short term or long term environmental goals.*

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) (Sources: 1 & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

*Discussion: This project will not result in cumulative environmental impacts.*

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? (Sources: 1 & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

*Discussion: This project does not have the potential to result in substantial adverse effects on human beings either directly or indirectly.*

## 11. EARLIER ANALYSIS AND BACKGROUND MATERIALS

Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D). The earlier documents that have been used in this Initial Study are listed below.

<b>Reference Number</b>	<b>Document Title</b>	<b>Available for Review At</b>
1	City of Paso Robles General Plan	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
2	Seismic Safety Element for City of Paso Robles	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
3	Final Environmental Impact Report City of Paso Robles General Plan	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
4	Soil Survey of San Luis Obispo County, California Paso Robles Area	USDA-NRCS, 65 Main Street-Suite 108 Templeton, CA 93465
5	Uniform Building Code	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
6	City of Paso Robles Standard Conditions of Approval For New Development	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
7	City of Paso Robles Zoning Code	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
8	City of Paso Robles, Water Master Plan	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
9	City of Paso Robles, Sewer Master Plan	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
10	Federal Emergency Management Agency Flood Insurance Rate Map	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES  
AMENDING TITLE 21, ZONING, OF THE MUNICIPAL CODE  
CITY-INITIATED ZONING ORDINANCE AMENDMENT  
ADDING A DEFINITION FOR TRANSIENT OCCUPANCY

WHEREAS, the City's General Plan and Economic Strategy supports economic growth and Paso Robles as a tourist destination; and

WHEREAS, it is the intent to enable tourist-oriented economic development interests to have a clear understanding of the applicable regulations regarding the definition of transient occupancy and applicable permit requirements; and

WHEREAS, this Zoning Ordinance Amendment establishes the definition of transient occupancy; and

WHEREAS, at its meetings on March 27, May 22, and June 12, 2007, the Planning Commission took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this Ordinance;
- b. Conducted public hearings to obtain public testimony on the proposed ordinance;
- c. Recommended that the City Council approve the proposed Ordinance; and

WHEREAS, based on consideration of information received at its meeting of July 17, 2007, the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Considered the Commission's recommendation from the Planning Commission's June 12, 2007 public meeting;
- d. Introduced said ordinance for the first reading; and

WHEREAS, on August 7, 2007, the City Council held second reading of said ordinance.

NOW, THEREFORE, the City Council of the City of El Paso de Robles does hereby ordain as follows:

SECTION 1. The zoning ordinance amendment is hereby established in the Zoning Ordinance as shown in Exhibits A.

SECTION 2. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 3. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this Ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 5. Inconsistency. To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof, such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

Introduced at a regular meeting of the City Council held on July 17, 2007, and passed and adopted by the City Council of the City of El Paso de Robles on the 7th day of August, 2007 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Deborah Robinson, Deputy City Clerk

Exhibit A

Chapter 21.08        DEFINITIONS

Section: 21.08.444    Transient Occupancy

“Transient Occupancy” (land use), means lodging for the purpose of overnight accommodations for a period of not less than one night and not more than 30 consecutive days. Transient occupancies are subject to the transient occupancy tax requirements of Municipal Code, Chapter 5.06. Examples of transient occupancy accommodations include but are not limited to: hotels, motels, vacation rentals, timeshare vacation clubs, villas, cottages, casitas, hostel, bed and breakfast inns.