

TO: JAMES L. APP, CITY MANAGER
FROM: ED GALLAGHER, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: CODE AMENDMENT 14-003: PASO ROBLES CARD ROOM
DATE: JULY 1, 2014

Needs: For the City Council to consider a request by Don Ezzell to amend the Zoning Code to allow for card rooms in the Manufacturing (M) zoning district.

Facts:

1. Mr. Ezzell owns and operates the Paso Robles Casino card room located at 1124 Black Oak Drive and would like to relocate the card room to a new location at 1649 Ramada Drive.
2. The Ramada Drive area is zoned Manufacturing (M), and Table 21.16.200 of the Zoning Code, does not allow card rooms in the M zoning district.
3. The request is to amend Table 21.16.200 to allow card rooms in the M zone, with a Conditional Use Permit (CUP).
4. Attached is a matrix that compares many of the common permitted, non-permitted, and conditionally permitted uses between the C3 and M zoning districts (see Attachment 2).
5. The Planning Commission considered the proposed amendments on June 10, 2014 and unanimously recommended Council approval of the amendment as proposed.
6. This application is categorically exempt from environmental review per Section 15061(b)(3) (General Rule) of the State's Guidelines to Implement CEQA.

Analysis and Conclusion:

This Code Amendment would apply to all properties within the M zoning district. The only other area of the City with M zoning besides the Ramada Drive/Vendels Circle area is the area on the west side of North River Road, just north of the 13th Street Bridge.

Currently, card rooms are allowed in the C-1, C-2, C-3, and RC zoning districts with the approval of a CUP. If approved, this code amendment would allow card rooms in the M zone, subject to the approval of a CUP. The CUP process would review the card room on a site-by-site basis, and take in consideration issues such as but not limited to neighborhood compatibility, hours of operation, security requirements, and whether alcohol is served.

The attached matrix of permitted, non-permitted, and conditional uses shows that the M zone already permits or conditionally-permits many uses allowed in the C-3 zone (which uses the zoning for the existing card room prior to adoption of the Uptown Town Centre Specific Plan). The issue of whether card rooms would be acceptable uses in either the Ramada Drive or North River Road areas will be at the discretion of the Planning Commission and ultimately the City Council.

Reference: Zoning Code, 2003 General Plan, 2006 Economic Strategy

Fiscal Impact: There are no fiscal impacts associated with the proposed amendments.

Options: After opening the public hearing and taking public testimony, that the City Council take one of the actions listed below:

- a. Introduce for first reading Ordinance No. 14-XXX Amending the Zoning Code to Allow Cardrooms as Conditional Uses in the M Zone, and set July 15, 2014 as the date for adoption of said Ordinance.
- b. Amend, modify, or reject the foregoing option.

Attachments:

1. Ezzell Letter
2. Ordinance Amending the Table 21.16.200
3. Newspaper Notice Affidavit

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MAY 09 2014

TELEPHONE: +1 (805) 226-0500
WWW.PASOROBLESPOKER.COM

PASO ROBLES CENTRAL COAST CASINO

1124 BLACK OAK
PASO ROBLES, CALIFORNIA 93446

City of Paso Robles
Community Development Dept.

Re: CUP Amendment/Zoning Designation—PROJECT DESCRIPTION

Proposal: Relocate the Paso Robles Card Room Casino to 1649 Ramada Drive by approving an amendment to their current CUP and a zoning modification/designation allowing operation at that location.

Background: Gordon and Sheryl Knight have operated their carpet and flooring business for many years within the city, most recently at 1649 Ramada Drive. Their business has changed and they need to relocate/downsize to accommodate those changes. Don Ezzell (together with his brother Rob Ezzell and sister in-law Amy Ezzell) has operated the Paso Robles Card Room Casino at 1124 Black Oak since purchasing it in May 2011. They cleaned up the business and have operated without a single crime, vandalism, or nuisance incident for three consecutive years. As we like to see in Paso Robles, Ezzell and Knight found each other, they have a purchase contract whereby Ezzell is buying 1649 Ramada Drive, and they are working together to relocate their respective businesses.

CUP Amendment: Applicant Paso Robles Card Room Casino already operates at its current address with a CUP. It seeks an amendment that will allow it to operate at 1649 Ramada Drive. No big changes are planned at the new location; only minor interior alteration, some new exterior signage and perhaps painting and landscaping upgrades and maintenance.

Zoning: A zoning change is not requested, but a zoning modification and designation is requested to allow card room operation in M-PD. There are many good reasons for the City to consider the modification.

Reasons: Although designated “manufacturing” there are other compatible businesses of various types operating in the Ramada corridor in services, hospitality, restaurant, etc., and the card room represents another compatible operation. There is ample parking and adequate city services. The Ramada corridor remains in flux, but it is on the upswing and there is an opportunity to locate another compatible and complimentary business there. Most

Attachment 1

Don Ezzell Letter

CA 13-003

(Ezzell Card Room)

importantly, there is community benefit through jobs, growth, and sales tax revenue. At least ten local families are presently affected and with even moderate growth another 10-20 jobs could be created. There is significant risk and investment involved, but the current operator is willing to take that risk and make that investment with City and community support. And such support is present and demonstrable. For example, card rooms are measured by "tables operated" and when the card room presented its request to expand from 4 tables to 12 tables, more than a dozen residents took the time to appear in person at City Council hearings and give their various independent reasons for supporting the growth agenda. Plus, as it turns out, the card room business need not be judged as slimy or sleazy as in the past. It is primarily a hosting/hospitality business with fewer of the dark elements of other gaming establishments. This is, in part, because the operator does not "take" or "win" money from customers who must in turn lose it as in the traditional model used in Las Vegas or Indian casinos. Rather, the majority of the business involves hospitality as patrons test their skills against each other rather than the house.

TABLE 21.16.200
(PERMITTED LAND USES FOR ALL ZONING DISTRICTS)

LAND USE	C3	M
Agricultural Uses		
Animal Hospitals, veterinary clinics	C	C
Wineries, wine-tasting	P	P
Indoor Recreation Facilities:		
Amusement arcades	P	N
Bowling alleys	P	N
Card rooms	C	N
Dance halls, dance schools, gyms, health spas, etc.	P	P
Pool/billiard halls	P	N
Racquetball, handball courts	P	P
Shooting Range	P	P
Skating Rink (ice, roller)	P	N
Theaters	C	N
Retail Commercial		
Automobiles parts sales	P	P
Auto Sales & service as accessory use (new)	P	P
Building Materials	P	P
Cocktail Lounges & bars	C	C
Food & beverage sales	P	P
Furniture, appliances, home furnishings	P	P
General merchandise, furniture	P	P
Pet stores	P	N
Restaurants: drive thru and sit-down	P	P
Service Station without auto service	P	P
Service Station without auto service	C	C
Service Commercial		
Appliance repair	P	P
Auto repair, body	C	C
Equipment rental	C	C
Financial services (banks)	P	P
Health care clinics	C	N
Offices	P	P
Personal services (barber, non-plant laundries, locksmiths, tailors)	P	P
Personal services: laundromats	P	N
Printing, publishing, blueprinting, duplicating	P	P
Upholstery (includes Auto Upholstery)	P	P
Wholesale & Storage		
Mini-storage facilities	C	C
Warehousing	P	P
Manufacturing & Processing		
Apparel, electrical equipment, food, furniture, glass, paper products, plastics	P	P
Machinery, motor vehicle equipment, metal fabrication	P	P
Testing laboratories (soils & materials testing, research and development)	P	P

← REQUEST TO CHANGE FROM 'N' TO 'C'.

Attachment 2
Permitted Use Matrix
CA 13-003
(Ezell Card Room)

As amended through Ordinance 988 N.S. adopted February 5, 2013: effective March 8, 2

Exhibit A

TABLE 21.16.200
(As amended through Ordinance 988 N.S.)
PERMITTED LAND USES FOR ALL ZONING DISTRICTS

EXPLANATION OF CODES USED IN THIS CHART

- P (permitted use) denotes a land use which is permitted.
- C (conditional use) denotes a land use which requires approval of a conditional use permit (CUP).
- N (non-permitted use) denotes a land use which is not permitted.
- T (temporary use permit) denotes a land use which requires approval of a temporary use permit per Chapter 21.23C.

NOTES:

1. All uses are subject to compliance with the general regulations and performance standards contained within Chapters 21.20 and 21.21, and specific limits and/or restrictions contained in chapters for specific zoning districts. Additionally, there may be limits and restrictions within overlay zoning districts and specific plan areas.
2. Any use not specifically listed below is not permitted unless the Planning Commission determines a particular land use to be similar to another permitted, conditional or temporary use within a particular zoning district.

LAND USE	ZONING DISTRICT																		
	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS	
E. Private Club and Commercial Recreation																			
1. Indoor Facilities:																			
a. Amusement arcades (video games, pinball, etc.) 4 or more games constitutes an arcade.	N	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N	N
b. Bowling alleys	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N	N
c. Card rooms	N	N	N	N	N	N	N	N	N	N	C	C	C	N	CN	N	N	N	N
d. Dance halls, dance schools	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N
e. Gyms, health spas, etc.	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N
f. Pool/billiard halls	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N
g. Racquetball, handball courts	N	N	C	C	C	C	C	C	N	N	P	P	P	P	P	P	P	P	N
h. Shooting Range	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N
i. Skating Rink (ice, roller)	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N	N
j. Theaters (* Requires a finding that a theater will not be detrimental to the City's efforts to revitalize the downtown.)	N	N	N	N	N	N	N	N	N	C*	P	C*	C*	C*	N	N	N	N	N

As amended through Ordinance 988 N.S. adopted February 5, 2013; effective March 8, 2013

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING TITLE 21 (ZONING) OF THE MUNICIPAL CODE TO
MODIFY TABLE 21.16.200 PERMITTED LAND USES FOR ALL ZONING DISTRICTS
(CODE AMENDMENT 14-003 - EZZELL)

WHEREAS, Code Amendment 14-003 has been filed by Don Ezzell on behalf of the Paso Robles Casino, requesting to amend Table 21.16.200 of the City of El Paso de Robles Zoning Ordinance, to allow card rooms in the Manufacturing (M) zoning district with the approval of a Conditional Use Permit; and

WHEREAS, Mr. Ezzell owns and operates the Paso Robles Casino which is currently located at 1124 Black Oak Drive and would he would like to relocate the card room to a new location at 1649 Ramada Drive; and

WHEREAS, the Ramada Drive area is zoned Manufacturing (M), and Table 21.16.200 of the Zoning Code does not allow card rooms in the M zone; and

WHEREAS, this application is categorically exempt from environmental review per Section 15061(b)(3) (General Rule) of the State's Guidelines to Implement CEQA; and

WHEREAS, at its meeting on June 10, 2014, the Planning Commission conducted a public hearing on the proposed Code Amendment and 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 a public hearing to obtain public testimony on the proposed ordinance;
- c. Recommended that the City Council adopt the proposed ordinance; and

WHEREAS, at its meeting of July 1, 2014, the City Council conducted a public hearing on the proposed Code Amendment and took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this ordinance;
- b. Considered the recommendation of the Planning Commission regarding this ordinance amendment and concurred with the Planning Commission's recommendation.
- c. Conducted a public hearing to obtain public testimony on the proposed ordinance amendment;

NOW, THEREFORE, BE IT KNOWN that the Paso Robles City Council, based upon the substantial evidence presented at the above referenced public hearing, including oral and written staff reports, hereby finds as follows:

1. The above stated facts of this ordinance amendment are true and correct.
2. This ordinance amendment is consistent with the City's General Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Table 21.16.200 is hereby amended to incorporate the changes as shown in Exhibit 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 4. Inconsistency. To the extent that the terms of 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 and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 5. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Introduced at a regular meeting of the City Council held on July1, 2014, and passed and adopted by the City Council of the City of El Paso de Robles on the 15th day of July 2014 by the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk

THE *Newspaper of the Central Coast*
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In The Superior Court of The State of California
In and for the County of San Luis Obispo
AFFIDAVIT OF PUBLICATION

AD # 7052583
CITY OF PASO ROBLES

STATE OF CALIFORNIA

ss.

County of San Luis Obispo

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen and not interested in the above entitled matter; I am now, and at all times embraced in the publication herein mentioned was, the principal clerk of the printers and publishers of THE TRIBUNE, a newspaper of general Circulation, printed and published daily at the City of San Luis Obispo in the above named county and state; that notice at which the annexed clippings is a true copy, was published in the above-named newspaper and not in any supplement thereof – on the following dates to wit; JUNE 20, 2014, that said newspaper was duly and regularly ascertained and established a newspaper of general circulation by Decree entered in the Superior Court of San Luis Obispo County, State of California, on June 9, 1952, Case #19139 under the Government Code of the State of California.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.



(Signature of Principal Clerk)

DATED: JUNE 20, 2014
AD COST: \$120.22

CITY OF EL PASO DE ROBLES

**NOTICE OF PUBLIC HEARING
CODE AMENDMENT 14-003**

NOTICE IS HEREBY GIVEN that the City Council of the City of El Paso de Robles will hold a Public Hearing on Tuesday, July 1, 2014, at 7:30 p.m. at the City of El Paso de Robles, 1000 Spring Street, Paso Robles, California, in the City Council Chambers, to consider adopting an ordinance to amend the Zoning Code to address the following issue:

• **Code Amendment 14-003:** a request filed by Don Ezzell on behalf of the Paso Robles Central Coast Casino, for a Code Amendment to allow Card Rooms subject to approval of a Conditional Use Permit, in the Manufacturing (M) zoning district.

At its meeting of June 10, 2014, the Planning Commission conducted a public hearing on this code amendment and unanimously recommended that the Council adopt it as proposed.

The proposed Code Amendment may be reviewed at the Community Development Department, 1000 Spring Street, Paso Robles, California. Copies may be purchased for the cost of reproduction. The staff report for this code amendment may be viewed online beginning June 26, 2014 at the following link: <http://www.prcity.com/government/citycouncil/agendas.asp>.

Written comments on the proposed Ordinance may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 or emailed to the City provided that the comments are received prior to the time of the public hearing. Oral comments may be made at the hearing. Should you have any questions regarding this project, please contact Ed Gallagher at (805) 237-3970 or ed@prcity.com.

If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

Ed Gallagher, Community Development Director
June 20, 2014 7052583

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City of Paso Robles
Community Development Dept.