

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION

FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR

**SUBJECT: ZONING CODE AMENDMENT 07-002/CITY INITIATED
TRANSIENT OCCUPANCY AND VACATION RENTAL DEFINITIONS,
AND VACATION RENTAL REGULATIONS**

DATE: MARCH 27, 2007

Needs: For the Planning Commission to consider and recommend approval of amendments to the Zoning Ordinance to add definitions for Transient Occupancy and Vacation Rentals, and regulations for Vacation Rentals.

Facts:

1. The City Zoning Ordinance does not currently include a definition of either “transient occupancy” or “vacation rentals”, or provide regulations for vacation rentals.
2. The City received several inquiries this last year regarding the time limitations of transient occupancies (lodging), and also to allow the establishment of vacation rentals in residential neighborhoods.
3. The Municipal Code regulates the collection of transient occupancy taxes, whereby business owners that offer lodging are required to submit transient occupancy taxes for overnight stays of 30 days or less.
4. The City Council has established a policy through the review of resort applications to limit the maximum stay to 30-days or less to correspond to the City’s Transient Occupancy Tax Regulations.
5. The establishment of vacation rentals, which is a type of transient occupancy, have been proposed in several residential neighborhoods. Vacation rentals are typically single family dwellings where the property owner chooses to rent them out on a short-term basis in lieu of living in them, or maintaining them as rental housing. It is important to maintain the character of neighborhoods so that residents are not negatively impacted by this use.
6. An environmental review was conducted for this project, which is a legislative action, in accordance with the California Environmental Quality Act (CEQA), and a draft Negative Declaration has been prepared for consideration.

**Analysis
and**

Conclusions:

Transient Occupancy

The fundamental distinction between a residence and transient occupancy is the tenancy or duration of stay of an occupant. As noted above, the City collects transient occupancy taxes (TOT) for tenancies 30 days or less. This has been continuously interpreted and applied over time as the time limitation policy for all forms of overnight lodging for transient occupants. It has also been interpreted that overnight accommodations that allow occupancy for more than 30 days is a residential use. This

is supported by the regulations in the Municipal Code whereby occupancies over 30 days would not be subject to TOT. The proposed amendment to define transient occupants is proposed to clarify potential confusion between when accommodations are transient and when they are residential. See Attachment 1, Proposed Ordinance.

Vacation Rentals

There are many types of lodging that come under the classification of transient occupancy. Vacation rental businesses are a growing industry, and are usually proposed in residential zones. As a commercial land use, there is concern that this use should be regulated so that potential impacts or over-infiltration into neighborhoods do not occur. Therefore, a definition of vacation rentals is proposed as well as standards to control potential overcrowding of vacation rentals so that they do not change the residential character of neighborhoods, or significantly affect the availability of homes for residential use. Additional standards are proposed to control the number of occupants per vacation rental, parking requirements, noise, vacation rental management, and permit requirements. See Attachment 1, Proposed Ordinance.

Reference: Paso Robles General Plan and EIR, Paso Robles Zoning Ordinance, 2006 Paso Robles Economic Strategy and CEQA.

Fiscal

Impact: None.

Options: After opening the public hearing and taking public testimony, the Planning Commission is requested to take one of the actions listed below:

By separate motions:

- a. (1) Adopt the attached Resolution recommending approval to the City Council of a Negative Declaration for Zoning Code Amendment 07-002; and (2) recommend to the City Council adoption of the attached Ordinance No. XX.
- b. Amend, modify, or reject the above-listed action.
- c. Request additional information and analysis.

Staff Report Prepared By: Susan DeCarli

Attachments:

1. Proposed Ordinance
2. Initial Study
3. Resolution to recommend approval of the Negative Declaration
4. Ordinance No. XX
5. Newspaper Notice

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.

Section: 21.08.465 Vacation Rental

“Vacation rental” (land use), means a transient occupancy of a residential structure in either a single-family, multi-family or mixed-use facility.

Exhibit B

Chapter 21.34

VACATION RENTALS

Sections:

- 21.34.10 Purpose
- 21.34.20 Definition
- 21.34.30 Permit Requirements
- 21.34.40 Regulations

21.34.10 Purpose.

The purpose of this chapter is to establish regulations for the operation of vacation rental businesses. Vacation rentals are recognized as being a desirable type of tourist accommodations. It is also important to the residents of Paso Robles to protect the residential character of neighborhoods, and necessary to ensure an adequate supply of housing stock for residents. If an over-concentration of vacation rentals were to occur in a residential neighborhood, impacts to the general residential character of a neighborhood could occur and/or the amount of housing stock could be reduced that would otherwise be available for permanent residents. Therefore, it is the intent of these provisions is to control potential impacts or unintended consequences that could result from the establishment of vacation rental businesses.

21.34.20 Definition.

“Vacation rental” (land use), means a transient occupancy of a residential structure in either a single-family, multi-family or mixed-use facility.

21.34.30.1 Permit Requirements.

The permit requirements for establishment of a vacation rental business requires approval of a Conditional Use Permit by the Zoning Administrator, per Section 21.23.090 of the Zoning Ordinance, and a Business License application. Vacation rental business operators shall also be subject to Municipal Code, Chapter 5.06, Transient Occupancy Tax requirements.

21.34.40 Regulations.

Vacation rentals shall be a conditionally permitted land use in any residential, commercial or parks and open space district. Property located in the Airport Planning Area is subject specific airport regulations in compliance with the Airport Land Use Plan.

Rental of a residence as a vacation rental shall not exceed one individual consecutive tenancy over 30 days. The number of occupants allowed in an individual vacation rental shall not exceed two persons per bedroom plus two persons. The maximum number of occupants for each individual vacation rental shall be specified in the approved Conditional Use Permit and Business License. In residential zones, a minimum distance of 1000 feet shall be provided between vacation rentals and/or no more than two vacation rentals shall be permitted to be located on the same block.

Each vacation rental shall provide two off-street parking spaces per residence. No vacation rental signs shall be permitted on a vacation rental site, including window signs and flags. No exterior alterations shall be permitted that would alter the residential character of each vacation rental unit, including lighting, colors, materials, etc. Landscaping shall be maintained in a manner consistent with the surrounding character. Gatherings such as weddings or parties that would result in an excess of the number of occupants permitted at each vacation rental shall be prohibited.

All residential vacation rentals shall comply with the City’s noise standards, per Municipal Code, Chapter 9.07. All residential vacation rentals shall designate a local property manager (or property owner). The local property manager shall be available 24 hours a day to respond to tenant and neighborhood questions or complaints. Contact information shall include: name of contact person, address, and phone number.

Exhibit C

Table 21.16.200
PERMITTED LAND USES IN ALL ZONING DISTRICTS

TABLE 21.16.200
(As amended through Ordinance 902 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
A. Agriculture & Animal Keeping																		
1. Animal Hospitals, veterinary clinics (includes overnight boarding as an accessory use) *Note – See Section 21.18.040, allowed in OP zone with CUP in the Gateway Center and Creston Road Corridor (small animals only)	P	C	N	N	N	N	N	N	N*	C	C	C	C	N	C	N	N	N
2. Animal Keeping																		
a. Bee keeping	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
b. Cattle, horse & sheep grazing	P	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P
c. Commercial poultry, goat, rabbit farms & dairies	P	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

As amended through Ordinance 902 N.S. adopted July 19, 2005: effective August 20, 2005

LAND USE	ZONING DISTRICT																		
	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS	
d. Hogs, pig keeping or farming	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
e. Equestrian facilities.	C	C	N	N	N	N	N	N	N	N	N	N	C	N	N	N	C	C	
f. Exotic animals (other than dogs, cats, horses, cattle, sheep, pigs, poultry & rabbits)	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	
g. Horse, cattle, sheep keeping accessory to residential use per Section 21.20.100 * C if lot size is less than 1 acre.	P	P	P*	P*	P*	P*	P*	P*	N	N	N	N	N	N	N	N	N	P*	
h. Kennels, pet boarding	P	C	N	N	N	N	N	N	N	N	N	C	C	N	C	N	N	N	
i. Poultry & rabbit keeping accessory to residential use per Section 8.04.150	P	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N	P	
3. Crop processing & packaging (does not include wineries food processing involving cooking or similar activities)	C	N	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P	N	
4. Crop production (includes dry and irrigated farming, orchards, vineyards * P if conforming to Section 21.16E.040	P	P	P*	N	N	N	N	N	N	N	N	N	C	C	C	C	P	P	
5. Feed lots, livestock auctions/sales yards	C	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
6. Fisheries, game preserves	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
7. Outdoor sales of agricultural products:																			
a. Year-round roadside produce stands and Certified Farmers Markets	C	N	N	N	N	N	N	N	N	N	N	C	C	C	C	C	C	C	
b. Seasonal stands (including Christmas trees and pumpkins)	P	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	
c. Seasonal stands with a caretakers unit	T	N	N	N	N	N	N	N	N	T	T	T	T	T	T	T	T	T	

As amended through Ordinance 902 N.S. adopted July 19, 2005: effective August 20, 2005

LAND USE	ZONING DISTRICT																	
	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS
8. Wineries	P	C	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P	C
9. Wine-tasting Rooms	P	C	C	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P
B. Residential																		
1. Boardinghouse, roominghouse	N	N	N	C	C	C	C	C	N	N	N	N	N	N	N	N	N	N
2. Caretaker residence accessory to a business																		
a. one per business	P	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P
b. more than one per business	C	N	N	N	N	N	N	N	C	C	C	C	C	N	C	C	C	C
3. Convalescent care facilities/nursing homes	N	N	N	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N
4. Detached accessory buildings:																		
a. Second units for related senior citizens per Chapter 21.16D (accessory to single family only)	P	P	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N	P
b. Guest house without kitchen facilities (accessory to single family only)	P	P	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N	P
c. Non-dwelling accessory buildings (garages, storage sheds, etc.) as primary uses on a lot. Exception: a common lot with accessory structures may be created for condominium development	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
d. Recreational Vehicle Shelters within interior side yard or rear yard setback and/or within building separation per Section 21.20.240	N	N	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N	N
5. Group homes (convents, fraternities, sororities)	N	N	N	C	C	C	C	C	N	N	N	N	N	N	N	N	N	N
6. Home occupation business per Section 21.23.070	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

LAND USE	ZONING DISTRICT																		
	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS	
7. Mobile homes (1 per lot):																			
a. As permanent dwellings	N	N	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
b. As temporary caretaker units during construction of a permanent building	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
8. Mobile home parks	N	N	N	N	N	N	C	C	N	N	N	N	N	N	N	N	N	N	N
9. Multiple family (2 or more residential units per lot as a primary land use) * C in the area between 18th and 24th Streets and between Highway 101 and railroad.	N	N	N	P	P*	P	P	P	C	N	N	N	N	N	N	N	N	N	N
10. Residential care facilities (for elderly, handicapped, etc.):																			
a. 6 and fewer residents	P	P	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N	P
b. More than 6 residents	N	N	C	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N	N
11. Single family dwelling (detached, attached, condominium/townhouse unit) * DRC approval required (See Section 21.18.090) ** C if lot less than 1 acre (See Section 21.16F.020)	P	P	P	P	P	P	P	P	P*	N	N	N	N	N	N	N	N	N	P**
12. Temporary farm labor housing	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
13. Domestic violence center	N	N	N	P	P	N	P	P	N	N	N	N	N	N	N	N	N	N	N
C. Institutional, Public & Quasi-Public																			
1. Cemeteries (including pet cemeteries) * In Airport Clearzone only.	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P*	N
2. Churches (including meeting halls & Sunday schools)	C	C	C	C	C	C	C	C	C	N	C	C	C	C	C	N	N	N	N
3. Day care centers:																			
a. 6 children or fewer	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
b. More than 6 children	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

As amended through Ordinance 902 N.S. adopted July 19, 2005: effective August 20, 2005

LAND USE	ZONING DISTRICT																	
	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS
4. Libraries, museums and art galleries (private) * See Section 21.18.020(e)	C	C	C	C	C	C	C	C	P*	P	P	P	P	P	P	P	P	C
5. Convention centers (private)	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P
6. Public facilities (government offices, community centers, libraries, recreation buildings, equipment yards, etc.)	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P
7. Public parks, playgrounds, ballfields	N	C	C	C	C	C	C	C	N	P	P	P	P	P	P	P	P	P
8. Public utilities facilities:																		
a. Wells, pump stations, switching and relay boxes	P	C	C	C	C	C	C	C	N	P	P	P	P	P	P	P	P	P
b. Pipelines & power transmission lines	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P
c. Water tanks, electrical substations	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P
9. Schools:																		
a. Public, all levels	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
b. Private, all levels	N	N	C	C	C	C	C	C	N	C	C	C	C	N	C	C	C	N
c. Business, trade, dance schools	C	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N
10. Social halls, clubs, lodges, scout huts and fraternal organizations * See Section 21.18.020	N	N	C	C	C	C	C	C	P*	C	P	P	P	C	P	P	P	C
D. Communications																		
1. Broadcasting studios	C	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N
2. Transmission & receiving stations (not including ham operators, private microwave and radio dispatch)	P	N	N	N	N	N	N	N	N	N	C	C	C	C	C	C	C	N

	ZONING DISTRICT																		
LAND USE	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	N	P	P	P	P	P	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	
c. Card rooms	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	N	N	N	
d. Dance halls, dance schools	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	N	N	N	
e. Gyms, health spas, etc.	N	N	N	N	N	N	N	N	N	N	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	N	N	N	N	
g. Racquetball, handball courts	N	N	C	C	C	C	C	C	N	N	P	P	P	P	P	P	P	N	
h. Shooting Range	N	N	N	N	N	N	N	N	N	N	N	N	P	N	P	N	P	N	
i. Skating Rink (ice, roller)	N	N	N	N	N	N	N	N	N	N	P	P	P	P	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	
2. Outdoor facilities:																			
a. Amusement parks (permanent)	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	N	N	
b. Ballfields, playgrounds, stadiums and amphitheaters *Can be accessory use to a hotel/resort development, subject to approval of a Conditional Use Permit	C*	C	C	C	C	C	C	C	C	N	N	N	C	C	C	C	N	C	C
c. Carnivals, circuses, fairs, festivals, concerts, etc.	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	
c. Golf course, driving ranges *Can be accessory use to a hotel/resort development, subject to approval of a Conditional Use Permit	C*	C	C	N	N	N	N	N	N	N	C	P	P	P	P	P	P	C	

As amended through Ordinance 902 N.S. adopted July 19, 2005: effective August 20, 2005

LAND USE	ZONING DISTRICT																	
	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS
d. Hot springs resort/spa *Can be accessory use to a hotel/resort development, subject to approval of a Conditional Use Permit	C*	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C
f. Miniature auto/go-cart courses	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N
g. Miniature golf *Can be accessory use to a hotel/resort development, subject to approval of a Conditional Use Permit	C*	N	N	N	N	N	N	N	N	N	P	P	P	P	C	N	C	N
h. Off-road vehicle courses	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
h. Pools, waterslides *Can be accessory use to a hotel/resort development, subject to approval of a Conditional Use Permit	C*	N	C	C	C	C	C	C	N	N	N	C	C	C	C	N	C	N
j. Shooting ranges	N	N	N	N	N	N	N	N	N	N	N	N	C	C	N	N	C	N
k. Tennis courts *Can be accessory use to a hotel/resort development, subject to approval of a Conditional Use Permit	C*	C	C	C	C	C	C	C	N	N	N	P	P	P	P	P	C	C
l. Rural recreation & camping	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
F. Retail Commercial																		
1. Automobiles, motorcycles, recreational vehicles, trucks, boats, farm equipment:																		
a. Parts sales (indoors, without installation)	C	N	N	N	N	N	N	N	N	N	P	P	P	P	P	N	P	N
b. Vehicle Sales (including auto service as accessory use):																		
(1) New and 25 percent or less used	C	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	P	N
(2) More than 25% used	C	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	C	N

LAND USE	ZONING DISTRICT																	
	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS
2. Building Materials	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	C	N
3. Cocktail Lounges & bars	N	N	N	N	N	N	N	N	N	C	C	C	C	C	C	N	C	N
4. Florist	N	N	N	N	N	N	N	N	C	P	P	P	P	P	P	N	P	N
5. Food & beverage sales (groceries, supermarkets, mini-marts, delis, liquor stores, bakeries, specialty food stores)	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N
6. Fuel Dealers (propane, butane, fuel oil, gasoline, diesel fuel)	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	C	N
7. Furniture, appliances, home furnishings	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N
8. General merchandise (includes department stores, drug stores, discount stores, specialized retail, artisans, manufacturing incidental to retail use, etc.) Note: For commercial buildings with greater than 90,000 square feet of gross floor area, non-taxable merchandise floor area shall not exceed eight (8) percent of the total gross floor area of the building.	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	P	N
9. Mobile home sales	N	N	N	N	N	N	N	N	N	N	N	N	C	C	P	N	C	N
10. Nurseries:																		
a. retail	C	N	N	N	N	N	N	N	C	P	P	P	P	P	P	P	P	N
b. wholesale (not open to public)	P	P	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P
11. Outdoor sales:																		
a. Peddlers	N	N	N	N	N	N	N	N	N	C	C	C	C	C	C	N	N	N
11. Outdoor sales (cont'd):																		
b. Parking lot sales and other promotional events where only on-site businesses are participating (if longer than 7 days)	N	N	N	N	N	N	N	N	N	T	T	T	T	T	T	T	T	N

As amended through Ordinance 902 N.S. adopted July 19, 2005: effective August 20, 2005

LAND USE	ZONING DISTRICT																	
	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS
c. Parking lot sales and other promotional events where only on-site business are participating (7 days or less)	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N
12. Pet stores	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N
13. Restaurants:																		
a. Drive-through (* P if more than 300 feet from the nearest residential zone; C if 300 feet or less from the nearest residential zone.	N	N	N	N	N	N	N	N	N	N	C	P*	P*	P*	P*	P*	P*	N
b. Sit-down and/or walk-up * P if 5,000 sq ft or less in gross floor area or if more than 5,000 gross sq ft and located between 6th and 16th Streets and between Riverside Avenue and Vine Street; C if more than 5,000 sq ft with a finding that such a restaurant will not be detrimental to the City's efforts to revitalize the downtown. ** Spring Street only.	C	N	N	N	N	N	N	N	C**	P*	P*	P*	P*	P*	P*	P*	P*	N
c. Outdoor seating * Spring Street only.	C	N	N	N	N	N	N	N	C*	P	P	P	P	P	P	P	P	N
d. Where liquor is served	C	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N
e. Accessory to a golf course or resort/spa (outdoor seating and liquor service included)	C	N	C	N	N	N	N	N	N	N	C	P	P	P	P	P	P	P
f. Temporary food service (e.g. barbecues) when located at the business' permanent location or in conjunction with a non-profit fundraising event (greater than seven days)	T	N	N	N	N	N	N	N	N	T	T	T	T	T	T	T	T	N

LAND USE	ZONING DISTRICT																	
	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS
g. Temporary food service (e.g. barbecues) when located at the businesses' permanent location or in conjunction with a non-profit fundraising event (seven days or less)	P	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N
14. Secondhand merchandise:																		
a. Antiques	N	N	N	N	N	N	N	N	N	N	P	P	P	N	P	N	N	N
b. Clothing, furniture and household goods:																		
(1) Without donation drop-off	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	N	N
(2) With donation drop-off * One facility per 20 acres, facilities shall be located no closer than 1000 feet from each other, with the distance of the separation subject to approval by the property owner / operator.	N	N	N	N	N	N	N	N	N	N	N	C	C	C*	C	N	N	N
c. Swap meets, flea markets	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	N	N
15. Service Stations:																		
a. Without auto service uses	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	P	N
b. With auto service uses	N	N	N	N	N	N	N	N	N	C	C	C	C	C	C	N	C	N
G. Service Commercial																		
1. Appliance repair	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N
2. Automobiles, motorcycles, recreational vehicles, trucks, boats, farm equipment:																		
a. Body and paint (primary use)	N	N	N	N	N	N	N	N	N	N	N	C	C	N	C	N	C	N
b. Carwashes	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	C	N
c. Detailing	N	N	N	N	N	N	N	N	N	N	N	P	P	C	P	N	P	N
d. Rental and accessory services	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	P	N

As amended through Ordinance 902 N.S. adopted July 19, 2005: effective August 20, 2005

LAND USE	ZONING DISTRICT																		
	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS	
e. Repair, parts installation (primary use) * Auto Repair prohibited in C1 zones west of Highway 101	N	N	N	N	N	N	N	N	N	N	C*	C	C	C	C	N	C	N	
3. Contracted services (plumbing, heating & air conditioning, janitorial, pest exterminating, construction trades)	N	N	N	N	N	N	N	N	N	N	N	P	P	N	P	N	P	N	
4. Equipment rental (includes outdoor storage)	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	N	C	N	
5. Financial services (banks, savings & loans, credit unions)	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	P	N	
6. Health care services:																			
a. Clinics, social services facilities	N	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	N	
b. Emergency/urgent care centers including outpatient services * See Chapter 21.18.040, emergency/urgent care centers are permitted in the OP district with approval of a CUP for the Creston Road Corridor and the Gateway Office Center located on the southeast corner of 1 st Street and South Vine Street	N	N	N	N	N	N	N	N	N*	N	P	P	P	P	P	P	P	N	
c. Hospitals	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	
d. Offices for physicians, dentists, chiropractors, psychiatrists, etc * Subject to a limitation that the floor area shall not exceed 10 percent of the total floor area of a commercial center.	N	N	N	N	N	N	N	N	P	P	P	P	P	P*	P	C	P	N	
7. Laundries and dry cleaning plants (does not include	N	N	N	N	N	N	N	N	N	N	N	C	P	N	P	N	P	N	

As amended through Ordinance 902 N.S. adopted July 19, 2005: effective August 20, 2005

LAND USE	ZONING DISTRICT																		
	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS	
laundromats or non-plant laundries)																			
8. Offices (general: including insurance, real estate, administrative, consulting professions such as accountants, architects, attorneys, engineers, etc.) * Subject to a limitation that the floor area shall not exceed 10 percent of the total floor area of a commercial center.	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P*	P	P	P	N
9. Real estate sales offices (within approved development projects)	N	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	N
10. Personal services:																			
a. Barber/beauty shops, nails & tanning salons, massage	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	P	N
b. Laundries, non-plant	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	P	N
c. Laundromats	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N	N
d. Locksmiths	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	P	N
e. Mortuaries (* if located within 300 feet of existing cemetery)	N	N	N	C*	C*	C*	C*	C*	N	N	C	C	C	C	C	N	C	N	
f. Parcel services	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N
g. Tailor/dressmakers, alterations, shoe repair	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	P	N
11. Printing, publishing, blueprinting, duplicating	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N
12. Recycling																			
a. Collection centers for aluminum glass, paper, plastic, etc. (does not include collection of hazardous/toxic items)	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	C	N	C	N
b. Composting, green waste	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
13. Small motor repair (electrical																			

As amended through Ordinance 902 N.S. adopted July 19, 2005: effective August 20, 2005

LAND USE	ZONING DISTRICT																	
	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS
motor rewinding lawnmower repair, etc.)	N	N	N	N	N	N	N	N	N	N	N	P	P	N	P	N	P	N
14. Upholstery (includes Auto Upholstery)	N	N	N	N	N	N	N	N	N	N	N	C	P	N	P	N	P	N
H. Transient Lodgings																		
1. Bed & breakfast inns (* See Chapter 21.15A)	C	C	C*	C*	C*	C*	C*	C*	C*	N	P	P	P	P	P	N	P	C
2. Hotels & motels * Requires a finding that a hotel or motel will not be detrimental to the City's efforts to revitalize the historic downtown	C	N	N	N	N	N	N	N	N	N	P	P	P	C*	P	N	P	C
3. Recreational vehicle parks	N	N	N	N	N	N	N	N	N	N	N	P	P	C	P	N	C	C
4. <i>Vacation Rentals (* CUP may be approved by Zoning Administrator)</i>	N	C*	C*	C*	C*	C*	C*	C*	N	N	N	N	N	N	N	N	N	N
I. Wholesale & Storage																		
1. Mini-storage facilities Mini-storage facilities are prohibited along Spring Street and Creston Road. * Requires findings to assure protection of the City's economic vitality and maintenance of positive community image. See findings in Section 21.21.080.	N	N	N	N	N	N	N	N	N	N	N	C*	C	N	C	C	C	N
2. Temporary construction yards in conjunction with valid building permit on the site of the building permit or on the immediately adjacent property	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
3. Temporary off-site construction yards in conjunction with a valid building (unless on the immediately adjacent property)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T

LAND USE	ZONING DISTRICT																	
	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS
4. Warehousing	N	N	N	N	N	N	N	N	N	N	N	P	P	N	P	P	P	N
5. Wholesale & distribution (not including truck terminals and fuel dealers)	N	N	N	N	N	N	N	N	N	N	N	P	P	N	P	P	P	N
6. Vehicle storage lots (autos, recreational vehicles, boats, trailers, trucks, construction and farm equip. as freestanding, commercial businesses) Vehicle storage lots are prohibited along Spring Street and Creston Road.	N	N	N	N	N	N	N	N	N	N	N	N	C	N	C	N	C	N
J. Manufacturing & Processing																		
1. Apparel manufacturing	N	N	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P	N
2. Chemical products manufacturing and processing	N	N	N	N	N	N	N	N	N	N	N	N	C	N	C	C	C	N
3. Concrete, gypsum & plaster products manufacturing and processing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	P	N
4. Electrical equipment, electronic & scientific instruments manufacturing and assembly	N	N	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P	N
5. Food & kindred products processing (includes wholesale bakeries; does not include crop processing & packaging or meat packing/slaughterhouse)	N	N	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P	N
6. Furniture & fixtures manufacturing (does not include cabinet shops)	N	N	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P	N
7. Glass products manufacturing (does not include stained glass and glassblowing by artisans)	N	N	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P	N
8. Lumber & wood products manufacturing, processing &																		

As amended through Ordinance 902 N.S. adopted July 19, 2005: effective August 20, 2005

LAND USE	ZONING DISTRICT																		
	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS	
assembly:																			
a. Cabinet shops	N	N	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P	N	
b. Prefabricated walls & trusses, firewood, plywood & veneer mills	N	N	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P	N	
9. Machinery, motor vehicle and transportation equipment manufacturing & assembly	N	N	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P	N	
10. Meat Packing, slaughterhouse	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
11. Metal industries: primary (includes foundries, smelting, refining, extruding, casting and plating)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	N	
12. Metal fabrication (indoors only, includes sheet metal, machine shops, welding)	N	N	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P	N	
13. Mobile home & modular building manufacturing & assembly (indoors only)	N	N	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P	N	
14. Outdoor manufacturing and assembly	N	N	N	N	N	N	N	N	N	N	N	N	C	N	C	C	C	N	
15. Paper products manufacturing & assembly	N	N	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P	N	
16. Paving materials manufacturing & processing (including roofing tar creosoted wood)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	N	
17. Plastics, fiberglass, and rubber products manufacturing, processing & assembly	N	N	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P	N	
18. Recycling & scrap processing (includes auto dismantlers)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	C	N	
19. Small scale manufacturing & assembly (includes artisans, jewelry, toys, brooms &	N	N	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P	N	

LAND USE	ZONING DISTRICT																		
	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS	
brushes, etc.)																			
20. Stone & cut stone products processing	N	N	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P	N	
21. Structural clay & pottery-related products manufacturing	N	N	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P	N	
22. Testing laboratories (soils & materials testing, research and development)	N	N	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P	N	
23. Textile mills	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	N	
K. Resource Extraction																			
1. Sand & gravel mining	C	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	C	
2. Fill dirt mining	C	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	C	
L. Transportation																			
1. Airport, landing strip, helicopter operations	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N	
2. Bus stations:																			
a. Public	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N	
b. Private	N	N	N	N	N	N	N	N	N	N	C	C	C	C	C	C	C	N	
3. Parking lots:																			
a. Public (including park & ride lots)	N	N	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	N	
b. Private off-street parking for commercial and industrial uses	N	N	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	N	
4. Truck terminals	N	N	N	N	N	N	N	N	N	N	N	N	C	N	C	N	C	N	
5. Truck stops	N	N	N	N	N	N	N	N	N	N	N	C	C	N	C	N	N	N	
M. General Accessory Uses Common To Most Zones																			
1. Canopies & structures which project into the public right-of-way (subject to approval of an encroachment permit)	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N	N	N	
2. Outdoor storage of materials and equipment (as an accessory use):																			
a. If property and adjacent streets are improved and storage is	P	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N	

As amended through Ordinance 902 N.S. adopted July 19, 2005: effective August 20, 2005

LAND USE	ZONING DISTRICT																		
	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS	
screened as specified in Section 21.21.110																			
b. If property and adjacent streets are <u>not</u> improved and storage is screened as specified in Section 21.21.110	P	N	N	N	N	N	N	N	N	C	C	C	C	C	C	C	C	N	
3. Outdoor display of merchandise for sale or rental in accordance with Section 21.21.120	C	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	N	
4. Non-conforming uses and buildings (in conformance with Sections 21.20.340 and 21.20.350):																			
a. Replace existing non-conforming use with a new, less non-conforming use	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
b. Additions to existing buildings containing a non-conforming use	N	N	N	N	N	N	N	N	C	C	C	C	C	C	C	C	C	N	
c. Restoration of destroyed residential non-conforming use	N	N	N	N	N	N	N	N	C	C	C	C	C	C	C	C	C	N	
d. Restoration of destroyed residential non-conforming building to previous state of non-conformity	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
e. Lot line adjustment between two buildings with non-conforming setbacks	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
5. Trailer/temporary building use:																			
a. For a construction office (within approved development projects)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
b. For a place of business/office:																			
(1) in conjunction with an																			

LAND USE	ZONING DISTRICT																	
	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS
existing on-site business (two year maximum)	T	T	N	N	N	N	N	N	N	T	T	T	T	T	T	T	T	T
(2) in conjunction with the construction of a building and with available paved parking (maximum of one year)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
(3) permanent	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
6. Drive-through sales/services: Banks, pharmacies, coffee kiosks and other similar uses as determined acceptable by the Development Review Committee. Excludes drive- through restaurants	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N

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
--	--------------------------------	--	------------------------------	-----------

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
--	--------------------------------	--	------------------------------	-----------

- 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) <i>Discussion: There are no erosion or soil conditions that could affect this property, thus potential impacts are less than significant.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Subsidence of the land? (Sources: 1, 2, & 3) <i>Discussion: Refer to a. above.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expansive soils? (Sources: 4) <i>Discussion: Refer to a. above.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Unique geologic or physical features? (Sources:1 & 3) <i>Discussion: Refer to a. above.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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
--	--------------------------------	--	------------------------------	-----------

Discussion: See above.

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

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Increased vehicle trips or traffic congestion?
(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?
(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?
(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)?
(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
--	--------------------------------	--	------------------------------	-----------

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
--	--------------------------------	--	------------------------------	-----------

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"/>
--	--------------------------	--------------------------	--------------------------	-------------------------------------

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?
(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.

Reference Number	Document Title	Available for Review At
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

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 DEFINITIONS OF TRANSIENT OCCUPANCY AND VACATION RENTALS
AND ADDING VACATION RENTAL REGULATIONS

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, 2007 and City Council on April 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 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 April, 2007 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Frank R. Mecham, Mayor

ATTEST:

Deborah Robinson, Deputy City Clerk

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 DEFINITIONS FOR TRANSIENT OCCUPANCY AND VACATION
RENTALS, AND ADDING VACATION RENTAL REGULATIONS

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 definitions of transient occupancies, vacation rentals and applicable permit requirements; and

WHEREAS, this Zoning Ordinance Amendment establishes the definitions of transient occupancy and vacation rentals, and establishes the permit requirements and regulations applicable to vacation rentals; and

WHEREAS, at its meeting of March 27, 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 project;
- b. Conducted a public hearing 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 April 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 March 27, 2007 public meeting;
- d. Introduced said ordinance for the first reading; and

WHEREAS, on May 1, 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, B, and C.

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 March 27, 2007, and passed and adopted by the City Council of the City of El Paso de Robles on the 17th day of April, 2007 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

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.

Section: 21.08.465 Vacation Rental

“Vacation rental” (land use), means a transient occupancy of a residential structure in either a single-family, multi-family or mixed-use facility.

Exhibit B

Chapter 21.34

VACATION RENTALS

Sections:

- 21.34.10 Purpose
- 21.34.20 Definition
- 21.34.30 Permit Requirements
- 21.34.40 Regulations

21.34.10 Purpose.

The purpose of this chapter is to establish regulations for the operation of vacation rental businesses. Vacation rentals are recognized as being a desirable type of tourist accommodations. It is also important to the residents of Paso Robles to protect the residential character of neighborhoods, and necessary to ensure an adequate supply of housing stock for residents. If an over-concentration of vacation rentals were to occur in a residential neighborhood, impacts to the general residential character of a neighborhood could occur and/or the amount of housing stock could be reduced that would otherwise be available for permanent residents. Therefore, it is the intent of these provisions is to control potential impacts or unintended consequences that could result from the establishment of vacation rental businesses.

21.34.20 Definition.

“Vacation rental” (land use), means a transient occupancy of a residential structure in either a single-family, multi-family or mixed-use facility.

21.34.30.1 Permit Requirements.

The permit requirements for establishment of a vacation rental business requires approval of a Conditional Use Permit by the Zoning Administrator, per Section 21.23.090 of the Zoning Ordinance, and a Business License application. Vacation rental business operators shall also be subject to Municipal Code, Chapter 5.06, Transient Occupancy Tax requirements.

21.34.40 Regulations.

Vacation rentals shall be a conditionally permitted land use in any residential, commercial or parks and open space district. Property located in the Airport Planning Area is subject specific airport regulations in compliance with the Airport Land Use Plan.

Rental of a residence as a vacation rental shall not exceed one individual consecutive tenancy over 30 days. The number of occupants allowed in an individual vacation rental shall not exceed two persons per bedroom plus two persons. The maximum number of occupants for each individual vacation rental shall be specified in the approved Conditional Use Permit and Business License. In residential zones, a minimum distance of 1000 feet shall be provided between vacation rentals and/or no more than two vacation rentals shall be permitted to be located on the same block.

Each vacation rental shall provide two off-street parking spaces per residence. No vacation rental signs shall be permitted on a vacation rental site, including window signs and flags. No exterior alterations shall be permitted that would alter the residential character of each vacation rental unit, including lighting, colors, materials, etc. Landscaping shall be maintained in a manner consistent with the surrounding character. Gatherings such as weddings or parties that would result in an excess of the number of occupants permitted at each vacation rental shall be prohibited.

All residential vacation rentals shall comply with the City’s noise standards, per Municipal Code, Chapter 9.07. All residential vacation rentals shall designate a local property manager (or property owner). The local property manager shall be available 24 hours a day to respond to tenant and neighborhood questions or complaints. Contact information shall include: name of contact person, address, and phone number.

Exhibit C

Table 21.16.200
PERMITTED LAND USES IN ALL ZONING DISTRICTS

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

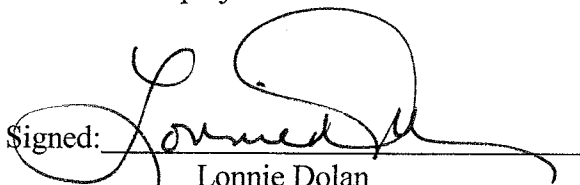
Newspaper: Tribune

Date of Publication: March 7, 2007

Meeting Date: March 27, 2007
(Planning Commission)
April 17, 2007
(City Council)

Project: Code Amendment 07-002
(City initiated – Defining Transient
Occupancy)

I, Lonnie Dolan, employee of the Community
Development Department, Planning Division, of the City
of El Paso de Robles, do hereby certify that this notice is
a true copy of a published legal newspaper notice for the
above named project.

Signed: 
Lonnie Dolan

forms/newsaffi.691

**CITY OF EL PASO DE ROBLES
NOTICE OF PUBLIC HEARING**

**NOTICE OF INTENT TO CONSIDER A
CODE AMENDMENT (07-002) AND TO
ADOPT A NEGATIVE DECLARATION**

NOTICE IS HEREBY GIVEN that the City of El Paso de Robles will hold two Public Hearings to consider a Code Amendment and a draft Negative Declaration.

The Planning Commission will consider this item at a Public Hearing on Tuesday, March 27, 2007, and the City Council will consider this item and introduce the Zoning Code Amendment at a Public Hearing on April 17, 2007. Both meetings will be held at 7:30 p.m. at the City of El Paso de Robles, 1000 Spring Street, Paso Robles, California, in the City Council Chambers.

The two hearings will consider the following project and associated draft Negative Declaration:

Code Amendment 07-002: A City-initiated Code Amendment to add the definition of the term Transient Occupancy to the Zoning Ordinance. The definition of Transient Occupancy shall include identifying the time limits for transient occupants as it applies to a range of occupancies including hotels, motels, vacation rentals, timeshares, villas, casitas, cottages, and other types of lodging.

The draft Negative Declaration to be considered is a statement that there will be no significant environmental impacts resulting from the proposed project, in accordance with the provisions of the California Environmental Quality Act (CEQA).

The public review period for this project is March 7th through March 27, 2007. The proposed project and Negative Declaration may be reviewed at the Community Development Department, 1000 Spring Street, Paso Robles, California. Copies may be purchased for the cost of reproduction.

Written comments on the proposed Code Amendment and corresponding Negative Declaration may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446, 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 application, please call Susan DeCarli at (805) 237-3970.

If you challenge the Code Amendment or Negative Declaration application in court, you may be limited to raising only those issues you or someone else raised at the public hearings described in this notice, or in written correspondence delivered to the Planning Commission or City Council at or prior to the public hearing.

Susan DeCarli, AICP
City Planner
March 7, 2007

6548631