

5/12/20 PC Agenda - Addendum 1

From: [Sharon Roden](#)
To: [Darren Nash](#)
Subject: Short term rentals at Paso Market Walk
Date: Saturday, May 9, 2020 4:34:52 PM
Attachments: [documents_str_paso_market_walk.pdf](#)

To:
Darren Nash and Members of the Planning Commission

First, I want to thank Darren for his quick response in sending most of the supporting documents I had requested concerning this issue. Unfortunately, I was unable to access recorded meetings from 2017 which may or may not have given a clear indication as to the discussion of short term rentals by the applicant. I also did not receive the permitted floorpan or date of permit for this project. I have included excerpts of some of the documents that Darren made available to me and have **renumbered** them for ease of reference within this document.

On pages numbered 1 and 9 with dates varying from May 23, 2016 until August 1, 2017, the applicant refers to "...Residential units on the second story of the two 2-story buildings" (page 1) and lists land use as "restaurants, retail and residences" (page 9). On pages 1, 2, 4 and 7 the applicant states that these residences will be located in Building B and Building E. These were consistent statements. However, in Resolution PC 17-058 of May 23, 2017 (page 5) Exhibit B, the applicant states that there will be 5- 1 bedroom and 1 - 2 bedroom units and is consistent within the same document (page12). The inconsistencies more readily occur within the same document listed as Resolution No. 17-096 dated August 1, 2017. Page 15 states that there will be 3 - 1 bedroom residences and 2 - 2 bedroom. On Page 17, the residences are listed as 5- 1 bedroom and 1 - 2 bedroom. Furthermore, the floorpan is completely different from either statement. It indicates that there will be 2 - 2 bedroom residences in one building and 3 - 1 bedroom in the other building. I'm not sure what the final approved floor plans were for this site, but it is concerning that there are so many discrepancies between the assortment of earlier plans and the units as they exist today.

I understand that this is not the question before you all, but one of my concerns is the lack of consistency in how many and what type of residences were planned for this project . There seems to have been a tremendous amount of latitude that has been afforded this project by our planning department. As to the request for a variance, I refer you to Paso Robles Municipal Code **21.23.120 "Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated"**. I understand that the Paso Market Walk is zoned differently than the connecting properties or the neighborhood, but it was promoted as a neighborhood project and should have to comply with the same ordinances for the same purpose. As to a Variance's purpose, **21.23.130** states, "The variance procedure is to permit **minor** adjustments to the strict application of the provisions of this title when there are special or extraordinary circumstances which apply to a parcel of land or a building under such conditions that the land or building cannot be used to the extent intended by zoning". If the variance for 6 vacation rentals is given to the applicant, I for one would not consider 7 vacation rentals on one block a "**minor**" adjustment. This density does not exist anywhere else in our city, nor would it be allowed per our existing short term rental ordinance. Per Table 21.34.030 of the August 6, 2019 Short Term Rental Ordinance, column 3, item 2. is clear that "no more than 2 non-hosted short-term rental permits will be issued per legal parcel". Under this table, this Ordinance is also explicit stating, "No short-term rental permit for a Non-Hosted Accommodation shall be issued in conflict with this table."

I believe the argument by applicant and staff that, "it used to be 4 parcels so they could have had 8 vacation rentals on the property", fails as a false argument. There is one parcel, not 4 parcels. The applicant was very aware that a Lot Merger to combine the parcels had to be recorded prior to the issuance of a building permit (page 8) so clearly they had no intention of building on 4 separate parcels.

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I want to make clear that any issues or projects for which I have responded, either in person or in print, has never been out of a desire for that project to fail. I hold no animus towards a proposed project or applicant thereof. I do think it imperative to point out inconsistencies or issues that exist now or with future projects within the City of Paso Robles.

This being said, in reviewing documents for this project, it is clear to me that the applicant built the residences for a clear purpose as stated in Resolution No 17-096 August 1, 2017. The applicant included changes to the original plan and stated **“the second change is to allow market, retail sales and VRBO residential leasing to occur with the T3-F zone, similar to adjacent TC-1 zoning.”** Clearly the Planning Department was or should have been aware of this statement. We all know that plans are reviewed in detail. I think we would all be hard pressed to believe that this was a surprise to the Planning Department staff. Given plan approval and inspections of the 6 units without full kitchens clearly indicate use as the stated VRBO by applicants. As I recall, there were going to be 2 units designated as Short Term Rentals and the other residences were long term rentals. I believe they chose not to share this detail with the public or the City Council. This is the same staff that produced the guidelines for Short Term Rentals that were adopted by the City Council creating a “no more than 2 short term rental permits per parcel.” Whether the applicants expressed in their design the specific use for these residences or the use evolved through one on one discussions with staff, it is clear that staff has created an exemption from our Short term rental Ordinance that does not apply to anyone else in Paso Robles. It is also my view, given the Planning staffs full cooperation with this endeavor, that they have created a situation which compels the Planning Commission to approve Paso Market Walks request for 6 short term rentals on one parcel.

As to the parking issue..... Perhaps I am more optimistic in regards to the number of visitors expected to enjoy the Paso Market Walk than the applicants might be. As you know the number of parking spaces has been a concern from day one with this project. I cannot rely on the documents I received from Darren as I'm not certain there are any representative of the existing parking lot. I recall that through concerns expressed early on, diagonal parking was added on 18th and 19th streets and parallel parking was added on Spring Street. I don't recall the numbers originally proposed nor have these spaces been marked as of this date. I have also expressed my concern if the alley will be a one way or a two way street. A bidirectional alley will create, I believe, more congestion and difficulty in parking while driving in the northerly direction with on coming traffic. I would like to suggest the alley be a one way street. Also, though it may put an unnecessary cost burden on the owners, if the alley were one way, and the parking spaces changed to diagonal, I believe it would be easier and safer to enter and exit the parking spaces. Diagonal parking spaces may also afford a more narrow space creating the possibility for more spaces if needed for the project.

Thank you,
Sharon L. Roden

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Agenda Item 3



City of Paso Robles Planning Commission Agenda Report

From: Darren Nash, Associate Planner and Susan DeCarli, City Planner

Subject: **Zoning Code Amendment 17-001, Planned Development 17-003,
and Conditional Use Permit 17-007: Paso Market Place Mixed Use Specialty Retail**
1803 Spring Street / APNs 008-234-007, -008, and -009
Applicant – Deborah Longo
A request to develop “Paso Market Place” a 15,669 sf mixed-use development project
consisting of a restaurant, specialty retail and six (6) second floor residential units.

Date: May 23, 2016

Facts

1. The project site is located at 1803 Spring Street. See Vicinity Map, Attachment 1.
2. Request to establish and operate a 15,669 sf mixed-use development project. The project includes a restaurant, specialty retail and residential uses, as follows:
 - Building A – Restaurant
 - Building B – Retail and Residence
 - Building C – Retail
 - Building D – Retail, café, bar
 - Building E – Bar, retail and residence
3. The site is currently vacant (except for an existing historic building). The last use of the site was Hometown Nursery, which moved to another location several years ago and subsequently closed.
4. In accordance with the City’s Historic Resources Survey, there is an existing historic structure at the southeast corner of the property. The project proposes to rehabilitate exterior materials that have deteriorated over time with the same type of exterior siding, windows and other appurtenances in keeping with the existing historic architectural theme and consistent with the Secretary of the Interior’s Standards for Rehabilitation with the intention to repurpose this building for a restaurant (Building A). A breezeway is proposed to connect this structure on the west side of the building to a separate kitchen building designed to complement the historic theme and integrity of the historic building.
5. The project also includes a proposal for four new separate buildings connected together with three breezeways between buildings. Buildings B and E are proposed to include residential units on the second story of the two 2-story buildings. Both Building B and E would include three small residential units, with three 1-bedroom units in Building B, and one 1-bedroom and two 2-bedroom units in Building E.
6. The architectural theme of the new buildings integrate rural, agrarian design themes with minimal ornamentation, but with contemporary use of glazing, metal roofing, and natural wood siding. The new buildings are intended to complement the existing historic farmhouse-style building on the site, and regional agrarian themes and are consistent with the “Flex Shed” form type and “Warehouse Industrial” architectural type of the Uptown / Town Center Specific Plan.
7. The new buildings are proposed to be set deep into the property, and would exceed the building placement “build-to” (setback) maximum of 20 feet. The applicant’s Site Plan proposes to set buildings up to 75 feet deep from the front property line. The proposed building placements helps to maintain the existing healthy oak trees and provides outdoor use areas that would be

May 23rd, 2017

**CALIFORNIA ENVIRONMENTAL QUALITY ACT
INITIAL STUDY CHECKLIST FORM
CITY OF PASO ROBLES
PUBLIC REVIEW PERIOD – MAY 18, 2017 to JUNE 6, 2017**

- 1. PROJECT TITLE:** Paso Market Place
- Concurrent Entitlements:** Zoning Code Amendment (ZC) 17-001
Planned Development (PD) 17-003
Conditional Use Permit (CUP) 17-007
- 2. LEAD AGENCY:** City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446
- Contact:** Susan DeCarli, City Planner
Phone: (805) 237-3970
Email: sdecarli@prcity.com
- 3. PROJECT LOCATION:** 1803 Spring Street (APNs: 008-234-007, -008, and -009), See Vicinity Map, Attachment 1
- 4. PROJECT PROPONENT:** Deborah Longo
- Contact Person:** McShane Murnane
Phone: (323) 284-8921
Email: mcshane@projectmplus.com
- 5. GENERAL PLAN DESIGNATION:** Mixed Use (MU-8)
- 6. ZONING:** T-3 Flex (T-3F) Zone
- 7. PROJECT DESCRIPTION:** This is a proposal to establish a 15,669 sf mixed-use development project. The project includes restaurant, specialty retail, and residential uses, as follows:
- Building A – Restaurant - 1,200 sf
 - Building B – Retail and 3 residences – 4,080 sf
 - Building C – Retail, café – 1,162 sf
 - Building D – Retail - 3,653 sf
 - Building E – Bar/outdoor seating, retail, 3 residences – 4,660 building sf, and 1,150 patio sf

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May 23rd, 2017

RESOLUTION PC 17-058

**A RESOLUTION OF THE CITY OF EL PASO DE ROBLES
PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL
APPROVE PLANNED DEVELOPMENT 17-003 AND
CONDITIONAL USE PERMIT 17-007
FOR A SPECIALTY RETAIL DEVELOPMENT IN T3-F ZONE
(PASO MARKET PLACE – 1803 SPRING STREET)**

WHEREAS, McShane Murane of M+, on behalf of Deborah Longo, has submitted applications for the Paso Market Place project for PD 17-003 and CUP 17-007 to construct and operate a 15,669 sf mixed-use development project, including a restaurant, specialty retail and residential uses; and

WHEREAS, the project is proposed to be located on the site at 1803 Spring Street; and

WHEREAS, the existing historic residential structure located on the southeast corner of the site is proposed to remain and be re-purposed as a restaurant; and

WHEREAS, in accordance with the City's Historic Preservation Ordinance, a condition of approval has been added to the project that requires the applicant to submit for a Certificate of Appropriateness, which will require that the City Council based on specific findings in the ordinance that all exterior work proposed for this building would be in keeping with the Secretary of the Interior's Standards for Rehabilitation; and

WHEREAS, in conjunction with the PD & CUP a request is being made to amend the Uptown Town Centre Specific Plan to allow for specialty retail uses and allow for the Flex Shed building type in the T3-F zoning district; 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 was prepared for the project; and

WHEREAS, based on the information and analysis contained in the Initial Study, staff determined that the proposed project as designed, and with appropriate mitigation measures added as conditions of approval, will not result in significant environmental impacts, and a Mitigated Negative Declaration was prepared and circulated for public review and comment in full compliance with CEQA; and

WHEREAS, a duly noticed public hearing was conducted by the Planning Commission on May 23, 2017, on this project to accept public testimony on the Mitigated Negative Declaration and the proposed project; and

WHEREAS, a resolution was adopted by the Planning Commission recommending to the City Council approval of a Mitigated Negative Declaration status for this project, and a Mitigated Negative Declaration was prepared for the proposed Planned Development application in accordance with the California Environmental Quality Act; and

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Exhibit A-1: Conditions of Approval

Planning Division Conditions:

4. This project shall comply with the checked standard Conditions of Approval, attached hereto as Exhibit "A" and incorporated herein by reference.

NOTE: In the event of conflict or duplication between standard and site-specific conditions, the site-specific condition shall supersede the standard condition.

5. The project shall be constructed in substantial conformance with the Conditions of Approval established by this Resolution and it shall be constructed in substantial conformance with the following Exhibits:

EXHIBITS	DESCRIPTION
A-2.	Standard Conditions of Approval (Refer to Ex. A of Reso. B – Tract Res.)
B.	Survey / Project Description
C.	Demo Plan
D.	Site Plan
E.	Drainage Plan
F.	Storm Water Plan
G.	Landscape Plan
H.	First Floor Plan
I.	Second Floor Plan
J.	Exterior Elev.
K.	Ext. Elev. Area A
L.	Ext. Elev. Area B
M.	Ext. Elev. Area C
N.	Ext. Elev. Area D
O.	Ext. Elev. Area E
P.	Site Sections
Q.	Interior Rendering – Market
R.	Arborist Report

6. PD 17-003 and CUP 17-007 is approved to establish a 15,669 sf mixed-use development project. The project includes restaurant, specialty retail, and residential uses, as follows:

Building A – Restaurant - 1,200 sf

Building B – Retail and 3 residences – 4,080 sf

Building C – Retail, café – 1,162 sf

Building D – Retail - 3,653 sf

Building E – Bar/outdoor seating, retail, 3 residences – 4,660 building sf, and 1,150 patio sf

The project shall be designed and constructed to be in substantial conformance with Exhibits A-R, listed above and approved with this resolution.

7. Approval of this project is valid for a period of two (2) years from date of approval. Unless construction permits have been issued and site work has begun, the approval of Planned Development 17-003 and Conditional Use Permit 17-007 shall expire on _____.

Resolution PC 17-058
 May 23, 2017

5

Survey / Project Description
EXHIBIT - B

ARCHITECT
 Project M Plus
 2898 Rowena Ave
 Suite 102
 Los Angeles, CA 90039
 www.projectmplus.com

HISTORIC CONSULTANT
 CRMS
 829 Paso Robles Street
 Paso Robles, CA 93446

ARBORIST
 Chip Tamagni
 (805) 431-2402
 Certified Arborist WE 6436-A

PROJECT DESCRIPTION

The Paso Robles Walk is a mixed-use development that gives residents and seasonal travelers the opportunity to taste the distinctive flavor of the Central Coast.

Featuring a restored, architecturally significant Victorian home with short stay suites and two restaurants, a sophisticated marketplace of local purveyors, and family-friendly outdoor spaces, it's a place where community is woven, strengthened, and inspired.

Welcome to the gateway of Paso Robles.

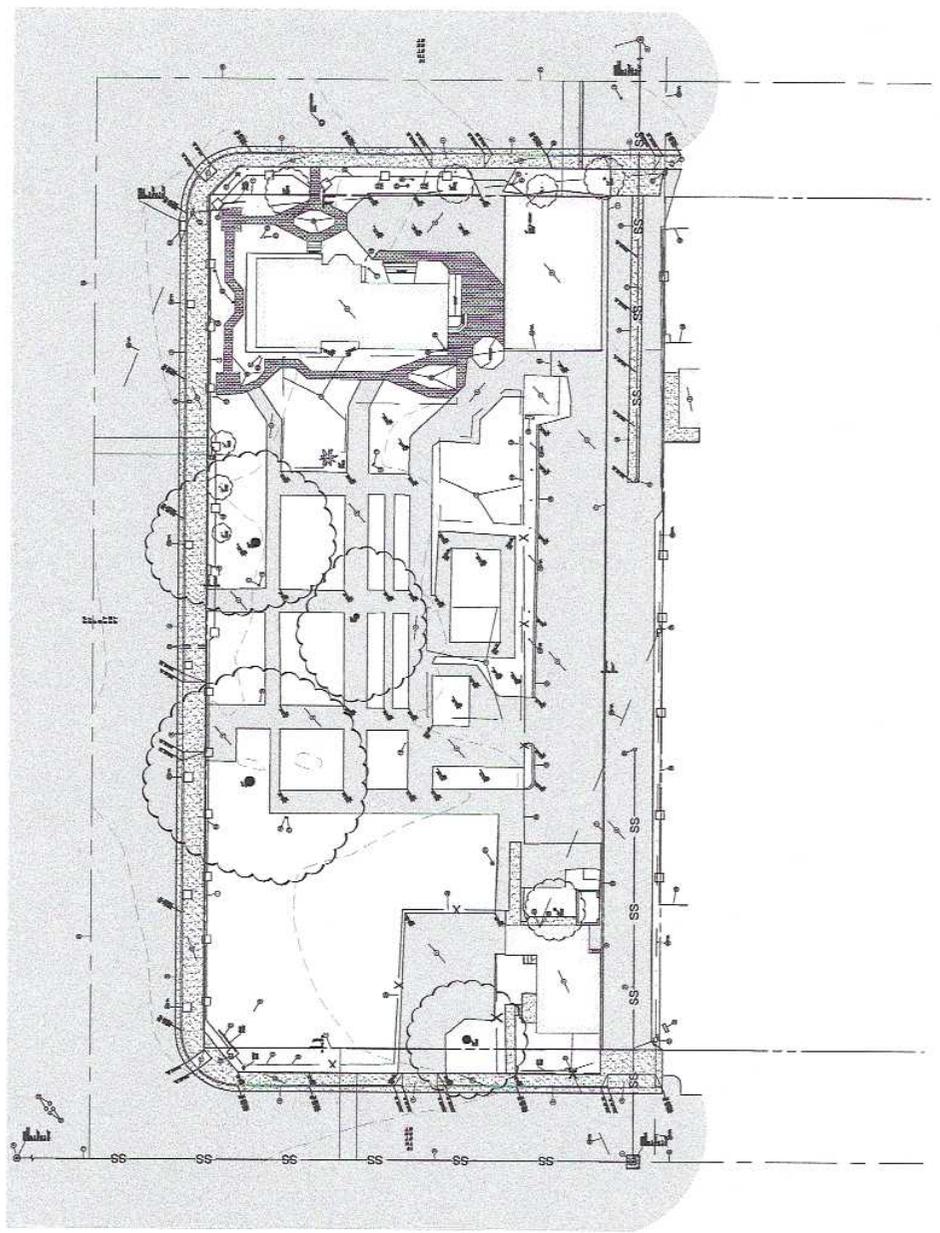
The application consists of a new building design adjacent to a historic renovation of an existing home. You will find in the following project that we are asking for two code amendments. The first is a change of height from 26' to 36' for a portion of the new building in the 13-F zone. The reasoning behind the height change is that because the site has three mature oak trees, we have been substantially compromised in the building planning and request the height variation because the location of the largest oak tree makes the size of the building smaller than what is desired or possible. The second change is to allow mature oak trees and VIBO residential housing to occur within the 13-F zone, similar to adjacent LC1 zoning. All other building and planning requirements will be met per code.

This project offers a direct benefit to the community with little modification of zoning. The site is zoned commercial and the infrastructure is currently able to accommodate a high quality building. Furthermore, the project will add tax revenue for the city of Paso Robles, create jobs, promote tourism, and further the growth of the city center Heart of Downtown City Park, creating a new urban zone for pedestrian, bikes and shoppers to travel along an established but underutilized commercial zone.

The proposed project consists of:

- Commercial:
 - Kitchen & Restaurant: 1764 sf
 - Bar/Club: 1802 sf
 - Cafe: 1,824 sf
 - Market: 3,653 sf
 - Deli: 1,114 sf
 - Crockerie: 1,114 sf
 - Mezanine: 928 sf
- Total Commercial: 12,997 sf
- Residential:
 - One bedroom: 5,300 sf
 - Two bedroom: 1,000 sf
- Total Residential: 4,000 sf
- Total Building SF: 16,997 SF
- New landscape:
 - Garden
 - Children's play area
 - Patio seating
 - Softscape
 - 16,035 sf

SCALE: 1"=20' 



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August 1, 2017

RESOLUTION NO. 17-095

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ADOPTING A MITIGATED NEGATIVE DECLARATION AND
MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PASO MARKET PLACE
(ZONE CHANGE 17-001, PLANNED DEVELOPMENT 17-003, AND
CONDITIONAL USE PERMIT 17-007)
1803 SPRING STREET, APN: 008-234-007, 008 & 009
APPLICANT – DEBORAH LONGO

WHEREAS, McShane Murane of Project M+, on behalf of Deborah Longo, has submitted applications for the Paso Market Place project for PD 17-003 and CUP 17-007 to construct and operate a 16,126 sf mixed-use development project, including a restaurant, specialty retail and residential uses; and

WHEREAS, the project is proposed to be located on the site at 1803 Spring Street, the block between 18th and 19th Streets, on the west side of Spring Street; and

WHEREAS, in conjunction with the PD & CUP a request is being made to amend the Uptown Town Centre Specific Plan to allow for specialty retail uses and allow for the Flex Shed building type in the T3-F zoning district; and

WHEREAS, on May 23, 2017 the Planning Commission on a 5-0 vote, recommended that the City Council approve the Mitigated Negative Declaration, Zone Change, Conditional Use Permit and Development Plan; and

WHEREAS, on June 20, 2017, after hearing the applicant's presentation and hearing public testimony, the Council on a 3-0 vote, continued the project to a future Council meeting, requesting that the applicant address the following concerns:

- a. Consider reducing the amount of metal siding used, and provide additional architectural details showing specific colors and materials for the buildings;
- b. Provide additional on-site parking and reduce the number of tandem spaces;
- c. Look at other areas on site to locate the trash dumpsters, besides one location on the alley;
- d. Request for applicants to hold meeting with the neighbors to discuss their concerns and ways to address their concerns;

WHEREAS, on July 10, 2017 the applicants submitted revised project information with changes to the project as suggested by the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on the proposed Zoning Ordinance amendment, Development Plan, Conditional Use Permit and associated Mitigated Negative Declaration on August 1, 2017, where it considered the staff report and public testimony; and

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), Public Resources Code, Section 21000, et seq., and the City's Procedures for Implementing CEQA, an Initial Study and a Draft Mitigated Negative Declaration (MND) was prepared and circulated for a 20-day public review period beginning on May 18, 2017 through June 6, 2017. No public comments were received on the MND prior to the Planning Commission meeting, a copy of the Draft MND/Initial Study is included in Exhibit A (Attachment 4 of the project staff report) of this Resolution, and it is on file at the Paso Robles Community Development Department; and

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- Contact Person:** McShane Murnane
Phone: (323) 284-8921
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- 5. GENERAL PLAN DESIGNATION:** Mixed Use (MU-8)
- 6. ZONING:** T-3 Flex (T-3F) Zone
- 7. PROJECT DESCRIPTION:** This is a proposal to establish a 15,669 sf mixed-use development project. The project includes restaurant, specialty retail, and residential uses, as follows:
- Building A – Restaurant - 1,200 sf
 - Building B – Retail and 3 residences – 4,080 sf
 - Building C – Retail, café – 1,162 sf
 - Building D – Retail - 3,653 sf
 - Building E – Bar/outdoor seating, retail, 3 residences – 4,660 building sf, and 1,150 patio sf

Exhibit A - Resolution A

exterior siding, windows and other appurtenances in keeping with the existing historic architectural theme and consistent with the Secretary of the Interior's Standards for Rehabilitation. The kitchen building proposed adjacent to the historic building, and is proposed to complement the historic theme and integrity of the historic building. In accordance with the City's Historic Preservation Ordinance, the City Council would need to approve a Certificate of Appropriateness based on specific findings in the ordinance that all exterior work proposed for this building would be in keeping with the Secretary of the Interior's Standards for Rehabilitation.

The project requires thirty-five (35) parking spaces for the development, which are located on the west side of the property, and are accessed via an existing 20-foot wide alley. Bike racks are also included on the site plan for bicycle parking. Mechanical equipment and garbage enclosures are proposed at the rear of buildings and along the alley. The site is designed with outdoor open space landscape and patio areas surrounding the buildings, where guests can walk around and/or sit outside. The 1,150 sf outdoor patio area near Building E is programed as outdoor seating area, and is calculated in the parking requirements for the project. The open space area also includes a children's play area. The buildings and outdoor areas are interconnected by a network of smooth, informal, decomposed granite walkways.

There three existing oak trees located on the site near the front of the property adjacent to Spring Street. One of the trees is diseased/dead and was previously approved for removal by the City. The other two oak trees are proposed to remain and be integrated into the site design. A new, large-sized oak tree replacement is proposed in the location where the dead tree was approved for removal. The site incorporates native landscape materials, and a small amount of turf.

Since the existing project site includes four separate parcels, prior to issuance of building permits in the future, the applicant will need to record a Lot Merger to combine the properties into one parcel

8. **SURROUNDING LAND USES AND SETTING:** The project site located in an existing urban infill development area on the west side of the City. There is existing development with a mix of residential and commercial land uses adjacent to all property boundaries. The nearest properties to the west across the alley are developed with single-family residences. There are low-scale commercial businesses and homes to the east, north and south of the project site.
9. **OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED (e.g., PERMITS, FINANCING APPROVAL OR PARTICIPATION AGREEMENT):** None.

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Attachment 10

Exhibit A - Resolution A

XII. NOISE: Would the project result in:

- a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: 1)

Discussion: The proposed project and land uses (e.g. restaurants, retail and residences), are not significant noise generating uses. Therefore, the project is not anticipated to expose persons in the vicinity to noise levels that would exceed adopted noise level standards in City codes and regulations.

- b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Discussion: Increases in groundborne vibration levels attributable to the proposed project would be primarily associated with short-term construction-related activities. Construction activities associated with the proposed project would likely require the use of various equipment. The use of major groundborne vibration-generating construction equipment, such as pile drivers, are not anticipated to be required for this project. Typical vibration levels associated with construction activities at the nearest offsite structures, which are located in excess of 25 feet from the project site, would not likely exceed the minimum recommended criterion for structural damage and/or human annoyance. As a result, this impact would be considered less than significant.

- c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Discussion: Since this project does not include future significant noise generating land uses, implementation of the proposed project would not result in a substantial increase in ambient noise levels in the project vicinity. As a result, this would be considered less than significant.

- d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Discussion: Construction noise typically occurs intermittently and varies depending upon the nature or phase of construction (e.g., land clearing, grading, excavation, and paving), resulting in short-term noise generation. However, construction activities would not occur during the more noise-sensitive nighttime hours, and as an urban infill site on a topographically flat property, the project will not require significant grading, pile-drivers or other particularly loud noise generating equipment. Therefore, the proposed project will not result in substantial temporary ambient noise levels.

- e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Sources: 1, 4)

Discussion: The proposed project site is located over five miles from the Paso Robles Municipal Airport, and would not be subjected to high levels of aircraft noise.

XV. RECREATION

- a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Discussion: (a & b) As a small-scale mixed-use development project, it will not encourage new housing demands and use of recreational facilities, it will not result in significant impacts to existing or create the demand for new recreational facilities.

XVI. TRANSPORTATION/TRAFFIC: Would the project:

- a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

Discussion: In accordance with the Institute of Transportation Engineers, Trip Generation Manual, (6th Edition), based on the square footage of the proposed land uses (e.g. restaurant, retail and residential), the proposed project would result in approximately 707 average daily trips into and out of the project site, with approximately 63 AM peak hour trips and 74 PM peak hour trips. This represents an increase of traffic on Spring Street of less than one percent, raising the capacity utilization from 82 percent to 82.98 percent. This demonstrates that the potential traffic impacts that may result from this project would not conflict with and would be consistent with the City's 2011 General Plan, Circulation Element, which is the City's plan and policy document for measuring circulation performance effectiveness.

The property would maintain the existing bike lane on Spring Street, adjacent to the project site. As noted in item III a., there are existing transit stops that will serve this project one block south, two blocks north and directly across the street on Spring Street. The property would also maintain existing sidewalks surrounding the project site on Spring, 18th and 19th Streets for pedestrian circulation. Therefore, this proposed project would not result in significant impacts to the City's circulation system and traffic impacts.

- b. Conflict with an applicable congestion management program, including but not limited to a level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

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Attachment 10 Exhibit A - Resolution A

Site Plan



DATA

Site Area: 41,977 SF
 Zoning: M-1
 008-234-007
 008-234-008
 008-234-009

Zone: T-3F

Building Area:
 1st Floor SF: 12,000 SF
 2nd Floor SF: 12,000 SF
 Total: 24,000 SF

Residential Use:
 (0)1 Bedroom - 600 SF each
 (0)2 Bedroom - 1,000 SF each
 4,000 SF

Commercial Use:
 12,597 SF

Exterior Patios:
 1,850 sf

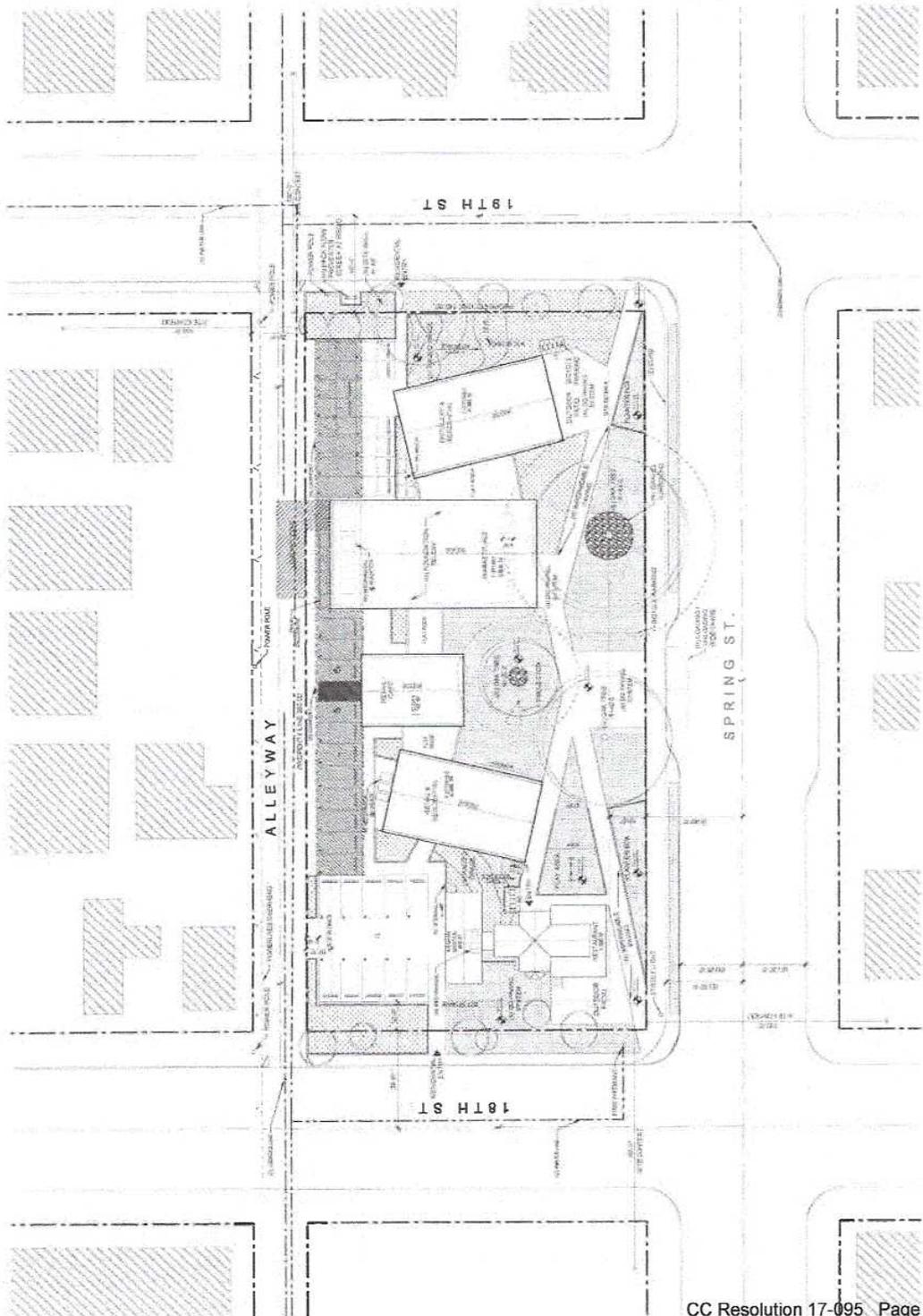
Parking: 35 spots provided including:
 12,597 SF / 400 = 31 spots
 1,850 SF / 400 = 3 spots
 1,850 SF / 400 = 3 spots

7 Bedroom = 7 shared spots residential/community use

1 Van Spaces
 2 Accessible Spaces

19 Standard Parking Spaces
 9 Compact Parking Spaces

Landscaped Area: 16,035 SF



Material	Area (sq. ft.)	Notes
Asphalt	1,200	1.000
Concrete	1,200	1.000
Grass	1,200	1.000
Gravel	1,200	1.000
Landscaping	1,200	1.000
Other	1,200	1.000
TOTAL	16,035	

SCALE: 1"=30'

Asst. Registrar



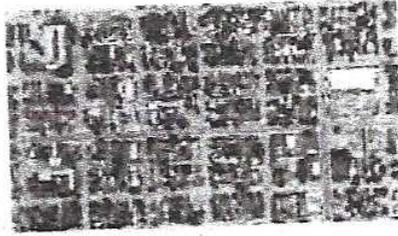
5/12/20 PC Agenda - Addendum 1

Expanded View

Attachment 10

Exhibit A - Resolution A

(page 29)



DATA

Site Area:
41,927 SF

Zoning Info:
008-234-007
008-234-008
008-234-009

Zone:
T-3F

Building Area:
1st Floor SF: 12,597 SF
2nd Floor SF: 4,000 SF
Total: 16,597 SF

Residential Use:
(5) 1 Bedroom - 600 SF each
(1) 2 Bedroom - 1,000 SF each
4,000 SF

Commercial Use:
12,597 SF

Exterior Patio:
1,150 sf

Parking: 35 spots provided including:
12,597 SF / 400 = 31 spots
1,150 SF / 400 = 3 spots
7 Bedrooms = 7 shared spots residential/community use
2 Accessible Spaces
1 Van Space
19 Standard Parking Spaces
9 Compact Parking Spaces

Landscaped Area: 16,035 SF

Build	Type	Area (sq ft)	Cost	Value
Multi-unit	Residential	16,597 SF	175 SF/sf	2,904,475
Market (Bldg)	Retail 1	12,597 SF	2,040 SF	25,697,820
	Residential 1	4,000 SF	1,000 SF	4,000,000
	Retail 2	1,150 SF	1,000 SF	1,150,000
	Office	1,000 SF	1,000 SF	1,000,000
	Market (Bldg)	2,540 SF	2,540 SF	2,540,000
Delivery	Residential 2	1,000 SF	1,000 SF	1,000,000
	Residential 3	100 SF	1,000 SF	100,000
Landscape	LANDSCAPE	16,035 SF	100 SF/sf	1,603,500
				5,670,000
TOTAL				84,530,000

SCALE: 1"=20'

Ratio of Market Value 4

Exhibit A - Resolution A
Attachment 10

5/12/20 PC Agenda - Addendum 1

August 1, 2017

RESOLUTION NO. 17-096

A RESOLUTION OF THE CITY OF EL PASO DE ROBLES CITY COUNCIL
APPROVING PLANNED DEVELOPMENT 17-003
AND CONDITIONAL USE PERMIT 17-007
FOR A SPECIALTY RETAIL DEVELOPMENT IN T3-F ZONE
(PASO MARKET PLACE – 1803 SPRING STREET)

WHEREAS, McShane Murane of M+, on behalf of Deborah Longo, has submitted applications for the Paso Market Place project for PD 17-003 and CUP 17-007 to construct and operate a 15,669 sf mixed-use development project, including a restaurant, specialty retail and residential uses; and

WHEREAS, the project is proposed to be located on the site at 1803 Spring Street; and

WHEREAS, the existing historic residential structure located on the southeast corner of the site is proposed to remain and be re-purposed as a restaurant; and

WHEREAS, in accordance with the City's Historic Preservation Ordinance, a condition of approval has been added to the project that requires the applicant to submit for a Certificate of Appropriateness, which will require that the City Council based on specific findings in the ordinance that all exterior work proposed for this building would be in keeping with the Secretary of the Interior's Standards for Rehabilitation; and

WHEREAS, in conjunction with the PD & CUP a request is being made to amend the Uptown Town Centre Specific Plan to allow for specialty retail uses and allow for the Flex Shed building type in the T3-F zoning district; and

WHEREAS, in conjunction with the PD & CUP a request is being made to allow for modifications to development standards outlined in the Uptown Town Centre Specific Plan in the T3-F zoning district related to building placement and parking lot setbacks; 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 was prepared for the project; and

WHEREAS, based on the information and analysis contained in the Initial Study, staff determined that the proposed project as designed, and with appropriate mitigation measures added as conditions of approval, will not result in significant environmental impacts, and a Mitigated Negative Declaration was prepared and circulated for public review and comment in full compliance with CEQA; and

WHEREAS, on May 23, 2017 the Planning Commission on a 5-0 vote, recommended that the City Council approve the Mitigated Negative Declaration, Zone Change, Conditional Use Permit and Development Plan; and

WHEREAS, on June 20, 2017, after hearing the applicant's presentation and hearing public testimony, the Council on a 3-0 vote, continued the project to a future Council meeting, requesting that the applicant address the following concerns:

- a. Consider reducing the amount of metal siding used, and provide additional architectural details showing specific colors and materials for the buildings;
- b. Provide additional on-site parking and reduce the number of tandem spaces;
- c. Look at other areas on site to locate the trash dumpsters, besides one location on the alley;

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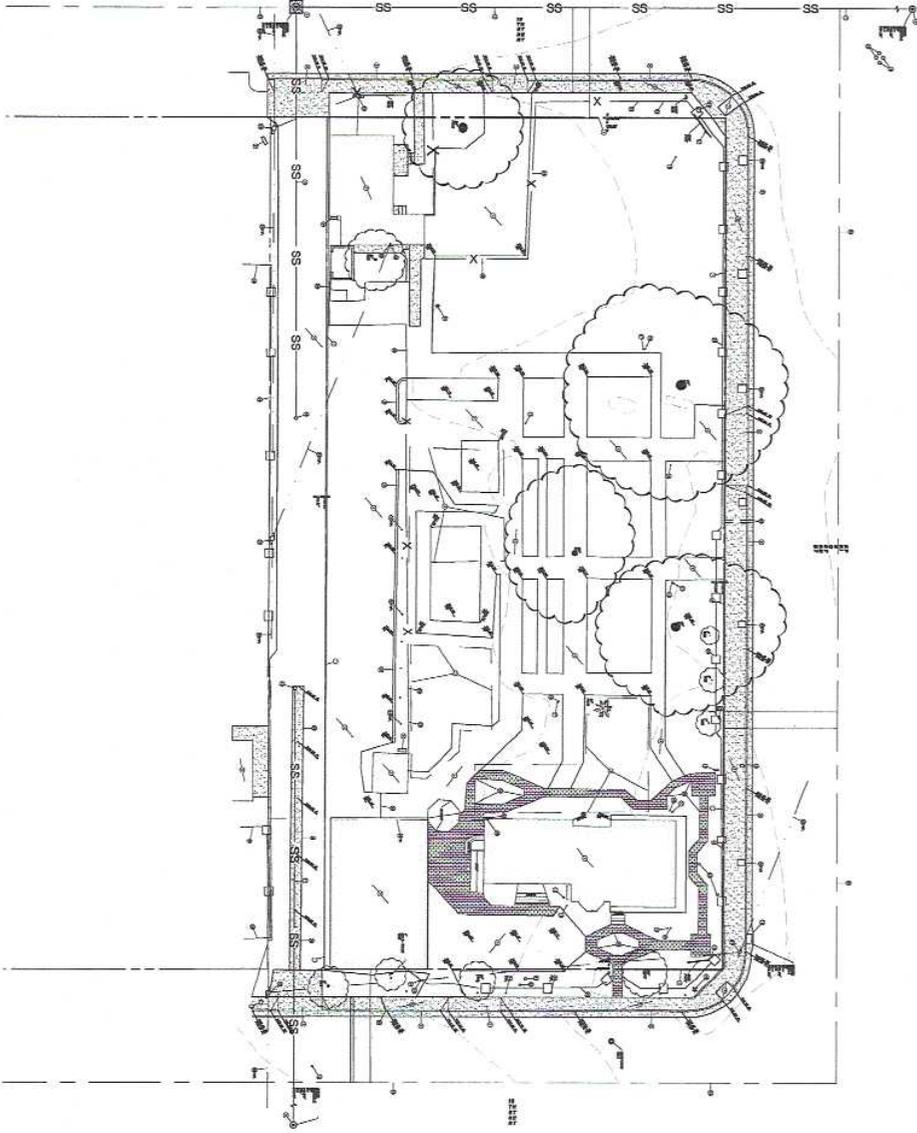


EXHIBIT - B

ARCHITECT
Project M Plus
2898 Rowena Ave
Suite 102
Los Angeles, CA 90008
www.projectmplus.com

HISTORIC CONSULTANTS
CRMS
829 Pass Robles Street
Pasadena, CA 91105

ARBORICULTURIST
Chip Leming
(805) 431-2602
Certified Arborist WE 6436-A

PROJECT DESCRIPTION
The Pass Market Walk is a mixed-use development that gives residents and seasoned travelers the opportunity to taste the distinctive flavor of the Central Coast.

Featuring a restored, architecturally significant Victorian home with short stay suites and bed and breakfast, a sophisticated marketplace of local purveyors, and family-friendly outdoor spaces, it's a place where community is woven, strengthened, and inspired.

Welcome to the gateway of Pass Robles.
This application consists of a new building design adjacent to a historic renovation of an existing building. You will find in the following pages that we are asking for two code amendments. The first is a change of height from 26' to 36' for a portion of the new building in the T3-F zone. The remaining behind the height change is that because the site has three mature oak trees, we have been substantially compromised in the building planning and request the height variation because the location of the largest oak tree makes the site of the building smaller than what is desired or possible. The second change is to allow market, retail sales and VRBO residential leasing to occur within the T3-F zone, similar to adjacent TCI zoning. All other building and planning requirements will be met per code.

This project offers a direct benefit to the community with little modification of zoning. The site is a commercial and residential structure in the T3-F zone. For the City of Pasadena, creating a new urban zone and further the growth of the city center North of Downtown City Park, creating a new urban zone for pedestrian's, bikes and shoppers to travel along an established but underutilized commercial zone.

The proposed project consists of:

- Commercial:
 - Kitchen & Restaurant: 1,754 SF
 - Retail: 1,802 SF
 - Cafe: 1,027 SF
 - Market: 342 SF
 - Public space: 1,172 SF
 - Circulation: 1,114 SF
 - Mechanical: 928 SF

- Total Commercial: 12,126 SF
- Residential:
 - One bedroom x 3: 3,000 SF
 - Two bedroom x 2: 1,000 SF
- Total Residential: 4,000 SF
- Total Building SF: 16,175 SF

- New landscape:
 - Garden: 1,000 SF
 - Children's play area: 1,000 SF
 - Patio seating: 1,000 SF
 - Softscape: 15,035 SF

SCALE: 1"=20'

5/12/20 PC Agenda Addendum 1

ARBORIS
Chip T. Mag
(951) 431-2602
Certified Arborist WE 6436-A

PROJECT DESCRIPTION

The Paso Market Walk is a mixed-use development that gives residents and seasoned travelers the opportunity to taste the distinctive flavor of the Central Coast.

Featuring a restored, architecturally significant Victorian home with short stay suites and two restaurants, a sophisticated marketplace of local purveyors, and family-friendly outdoor spaces, it's a place where community is woven, strengthened, and inspired.

Welcome to the gateway of Paso Robles.

This application consists of a new building design adjacent to a historic renovation of an existing home. You will find in the following pages that we are asking for two code amendments. The first is a change of height from 26' to 36' for a portion of the new building in the T3-F zone. The reasoning behind the height change is that because the site has three mature oak trees, we have been substantially compromised in the building planning and request the height variation because the location of the largest oak tree makes the size of the building smaller than what is desired or possible. The second change is to allow market, retail sales and VRBO residential leasing to occur within the T3-F zone, similar to adjacent TC-1 zoning. All other building and planning requirements will be met per code.

Expanded View

of Exhibit B

Aug. 1, 2017



This project offers a direct benefit to the community with little modification of zoning. The site is zoned commercial and the infrastructure is currently able to accommodate a project of this nature. Furthermore, the project will add tax revenue for the city of Paso Robles, create jobs, promote tourism, and further the growth of the city center North of Downtown City Park, creating a new urban zone for pedestrian's, bikers and shoppers to travel along an established but underutilized commercial zone.

The proposed project consists of:

Commercial:

Kitchen & Restaurant: 1,764 sf

Retail: 1,802 sf

Cafe: 1,162 sf

Market: 3,213.75 sf

Restaurant: 2,174 sf

Circulation: 1,114 sf

Mezzanine: 928 sf

Total Commercial: 12,126.75 sf

Residential:

One bedroom x 3: 3,000 sf

Two bedroom x2: 1,000 sf

Total Residential: 4,000 sf

Total Building SF: 16,175 SF

New landscape:

Garden

Children's play area

Patio seating

Softscape

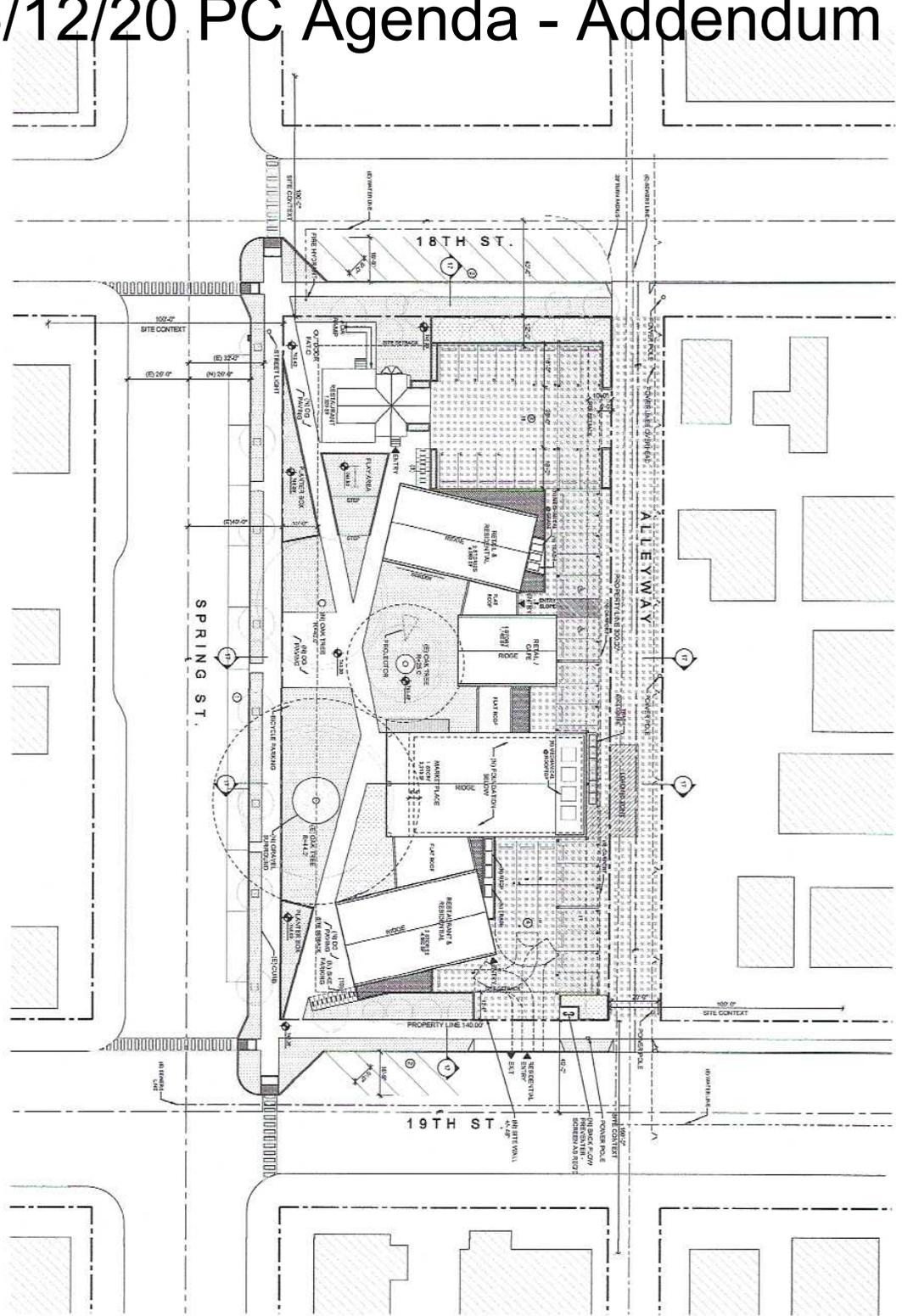
16,035 sf

SCALE: 1"=20' 

5/12/20 PC Agenda - Addendum 1



EXHIBIT - D



16

Site Plan

DATA

Site Area: 41,977 SF
 Zoning Info: 008-234-007
 008-234-008
 008-234-009
 Zone: 1-3F

Building Area:
 1st Floor SF: 13,126.75 SF
 2nd Floor SF: 4,000 SF
 Total: 17,126.75 SF
 Residential Use:
 (S1) Bedroom: 1,000 SF each
 (D) 2 Bedroom: 4,000 SF

Commercial Use including Parking:
 12,126.75 SF
 Landscaped Area: 16,035 SF

- Parking Notes:**
1. Partial Street Parking: 10 Spaces
 2. 4th Degree Street Parking: 14 Spaces
 3. Drive Side Parking: 35 Spaces
 4. Tandem Parking: For 2 unit bedroom with only

PARKING CALCULATION:

TYPE	REQ.	PROV.	DIFF.
commercial	10.7 req./400 sf	28	+4
residential	1 per bedroom	3	-
residential	2 bedroom units = 2	4	-

PARKING DISTRIBUTION:

TYPE	REQ.	PROV.	DIFF.
commercial	Standard Spots ADA spots: 2	20 24	+4
residential	Compact Spots (@30%)	8	-
residential	Standard Spots	5	-
residential	Compact Spots	2	-

SCALE: 1"=20'

5/12/20 PC Agenda Addendum 1

DATA

Site Area:
41,927 SF

Zoning Info:
008-234-007
008-234-008
008-234-009

Zone:
T-3F

Building Area:
1st Floor SF: 12,126.75 SF
2nd Floor SF: 4,000 SF
Total: 16,126.75 SF

Residential Use:
(5) 1 Bedroom - 600 SF each
(1) 2 Bedroom - 1,000 SF each
4,000 SF

Commercial Use including Patio:
12,126.75 SF

Landscaped Area: 16,035 SF

- Parking Notes:
1. Parallel Street Parking: 10 Spaces
 2. 45 Degree Street Parking: 14 Spaces
 3. On-site Parking: 39 Spaces
 4. Tandem Parking: For 2-unit bedroom unit only

Expanded View
Exhibit D
Aug 1, 2017

PARKING CALCULATION:

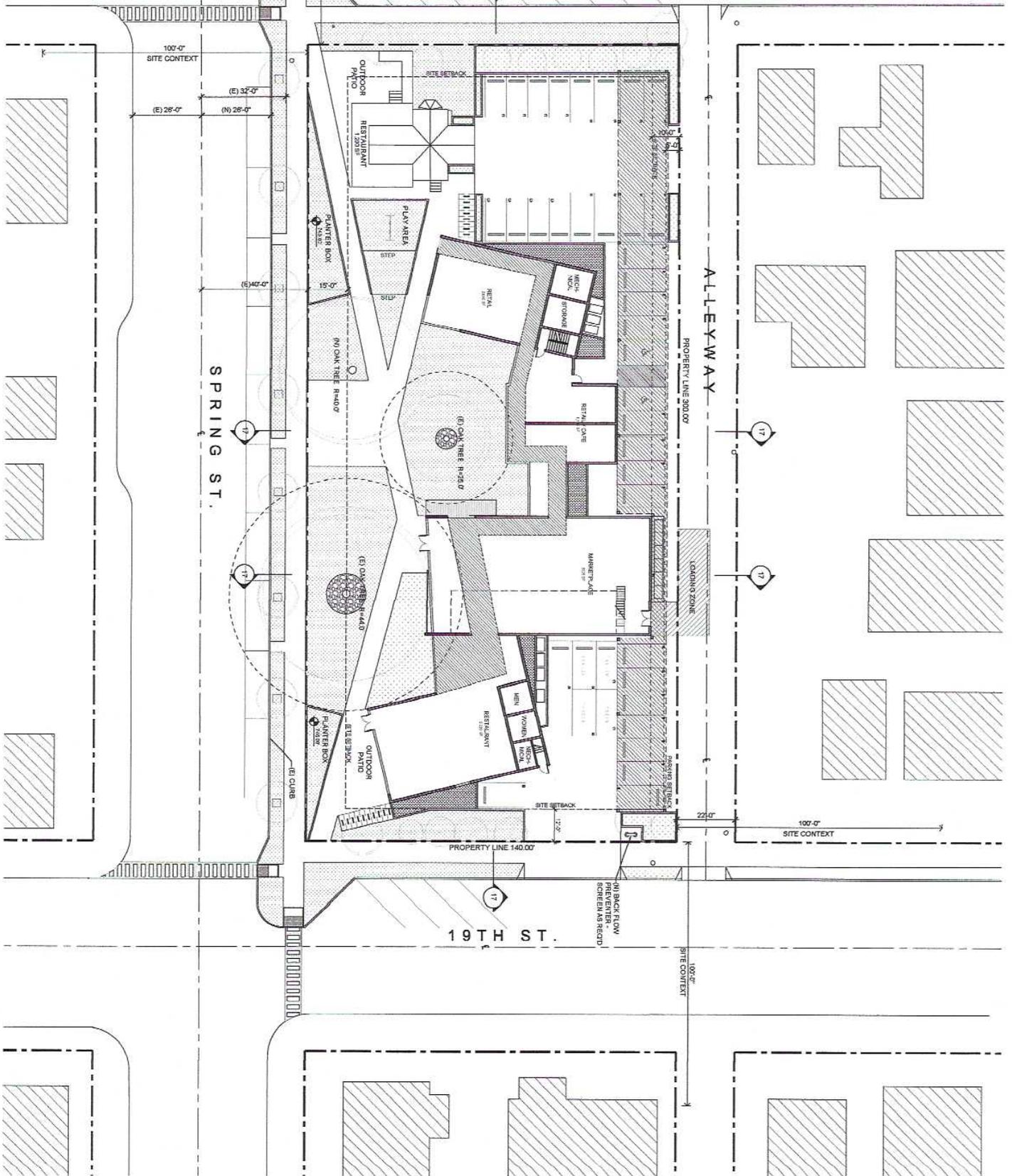
TYPE		REQ.	PROV.	DIFF.
commercial	1.0 / each 400 sf			
	12,126.75 SF / 400 sf = 30 Bike parking = -2	28	32	+4
residential	1 per bedroom			
	1 bedroom units = 3	3	3	-
	2 bedroom units = 2	4	4	-

PARKING DISTRIBUTION:

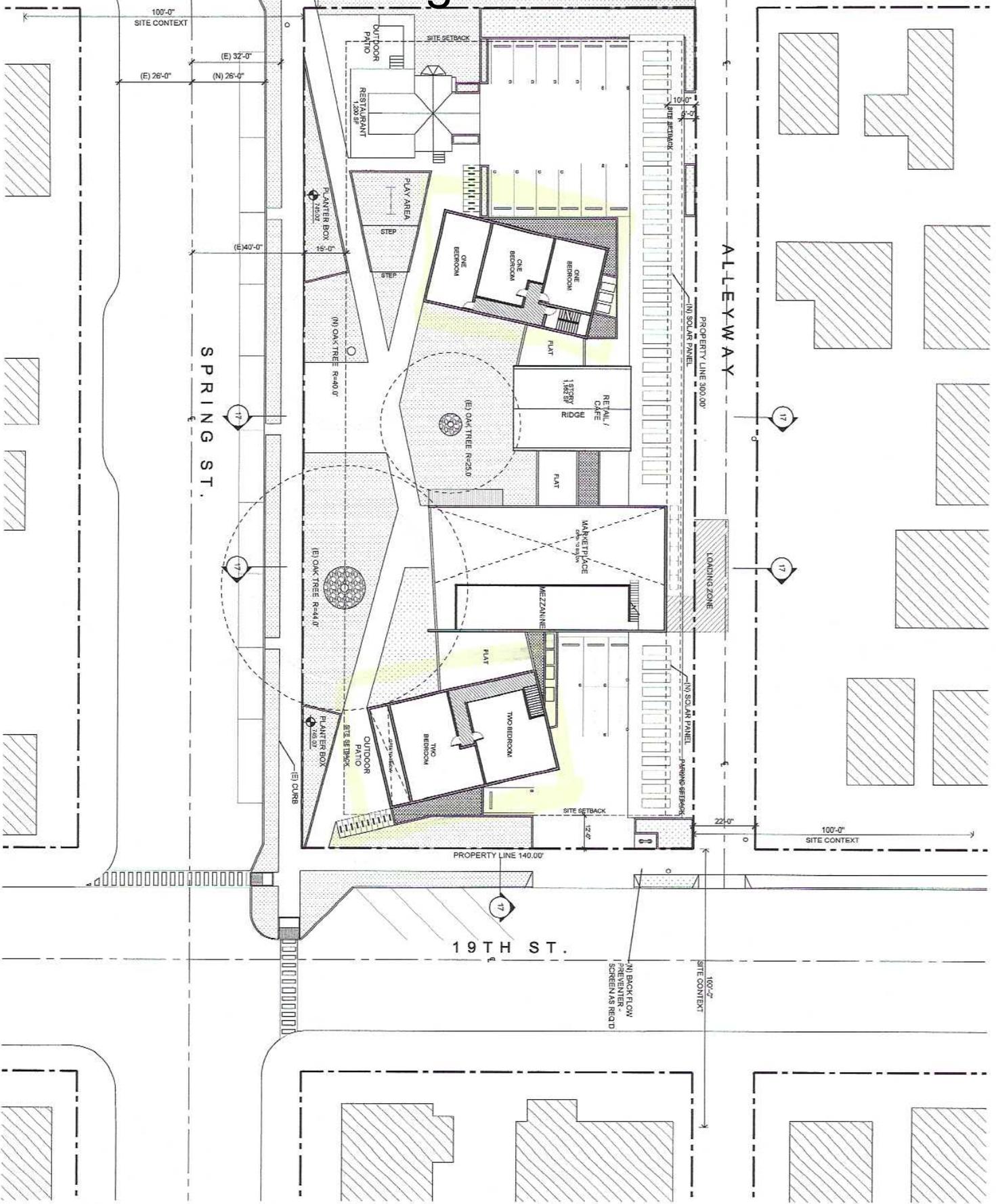
TYPE		REQ.	PROV.	DIFF.
commercial	Standard Spots	20	24	+4
	ADA spots: 2			
	Compact Spots (@30%)	8	8	-
residential	Standard Spots	5	5	-
	Compact Spots	2	2	-

SCALE: 1"=20' 

5/12/20 PC Agenda - Addendum 1



5/12/20 PC Agenda - Addendum 1





City Council Agenda Report

From: Warren Frace, Community Development Director

Subject: **Second Reading - Short-Term Rental Ordinance
Zoning Code Amendment (ZC 15-006)**

An Amendment to the Zoning Code to add provisions regulating Short-Term Rentals in all Zoning Districts throughout the City and approval of Short-Term Rental Permit processing procedures.

Date: August 6, 2019

Facts

1. The Planning Commission held a public hearing on May 15, 2019 to consider the proposed Short-Term Rental Ordinance, where they considered a staff report and took comments from 43 members of the public in attendance, as well as a full packet of correspondence, prior to recommending the City Council adopt a revised version of the Short-Term Rental Ordinance (Attachment 1) and procedure resolution (Attachment 2) attached to this Staff Report., which would implement the following requirements:
 - Ministerial permits for home-share and vacation rentals in all residential districts, subject to a numeric limit on the number of permits that may be issued.
 - Requirement to pay transient occupancy taxes and obtain business licenses.
 - Minimum separation requirements in the R-1 zoning district.
 - Occupancy limits and parking requirements.
 - Requirement to comply with "Good Neighbor" guidelines.
 - Creation of a complaint hot-line system to resolve neighborhood issues.
2. On July 16, 2019, the Council held a public hearing on the proposed short-term rental ordinance and considered a staff report, public comments, the short-term rental task force recommendations, and the Planning Commission's recommendations prior to introducing for first reading by title only a revised "Ordinance B-1" version of the Short-Term Rental Ordinance. With a few minor amendments, the Council approved the first reading on a 3-0 vote.
3. No substantive changes to the ordinance have been made since first reading. All public noticing requirements are being met.

Options

1. Take no action;
2. Introduce for 2nd Reading by Title only, Ordinance B-1 adopting a Short-Term Rental Zoning Ordinance; and
3. Refer back to staff, and/or the Planning Commission for additional analysis.

Public Outreach

The short-term rental process began in 2016 and has involved a significant public participation process including:

Two Short-term Rental Task Forces:	17 public meetings
Planning Commission:	5 public meetings
City Council:	10 public meetings (including this meeting)

Attachment 1 Second Reading - Ordinance B.1.

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

B. All short-term rental permits shall consistent with Table 21.34.030.1. and Table 21.34.030.2.

Table 21.34.030.1. Short Term Rental Permitting Table

Rental Type	Homeshare Permit	Non-Hosted Accommodation Permit
Short-Term Rental	<p>Short-Term Rental Permit may be issued for the following:</p> <ul style="list-style-type: none"> • Primary dwelling • Second Units • Guest Houses • Multi-family residential apartments • Residential portions of Mixed Use structures <p><u>Interpretations:</u></p> <p>1. <u>A maximum of two (2) Homeshare Short-Term Rental Permits will be issued per legal parcel in the R-1 zoning district.</u></p>	<p>Short-Term Rental Permit may be issued for the following:</p> <ul style="list-style-type: none"> • Primary dwelling • Second Unit • Residential portions of Mixed Use structures consistent with interpretation (2). <p><u>Interpretations:</u></p> <p>1. Multi-family residential apartment units (4 or more dwellings per lot) may not be used as Non-Hosted Short-Term Rentals.</p> <p>2. No more than two (2) Non-Hosted Short-Term Rental Permits will be issued per legal parcel.</p>
Bed & Breakfast - Food Service	Conditional Use Permit San Luis Obispo County health permit	Not permitted

Table 21.34.030.2. Non-Hosted Accommodation Separation Requirement

No short-term rental permit for a Non-Hosted Accommodation shall be issued in conflict with this table.

Exceptions:

1. Permit applicants in possession of a valid short-term rental business license, with an application submitted date on or before July 16, 2019 shall be exempt from the numeric requirements for purposes of Permit issuance.
2. Homeshare Permits are not subject to the separation requirement.

Zoning District	Minimum Separation Distance	Interpretation
R-1 - Single-Family Residential	100 feet	1. Measured from perimeter

Deleted: 1

Deleted: April 12

Deleted: minimum separation

5/12/20 PC Agenda - Addendum 1

From: [Jill Alexander](#)
To: [Darren Nash](#); [Warren Frace](#); [Shonna Howenstine](#); [Devon Kuhnle](#)
Subject: Fwd: In support of the Paso Robles Market Walk
Date: Monday, May 11, 2020 9:04:37 PM

Hello Darren and all,
Please see below a letter in support of our SRR's at Paso Market Walk.
Thank you, Jill Alexander

Begin forwarded message:

From: Sandi Baltes <sandi.fp@gmail.com>
Date: May 11, 2020 at 8:38:05 PM PDT
To: Jill Alexander <jill@pasomarketwalk.com>
Subject: In support of the Paso Robles Market Walk

Respectfully submitted to the Paso Robles City Council

Dear Council Members:

As owners of the property located at 1905 Spring Street, (on the corner of Spring and 19th) directly across 19th street from the new Paso Robles Market Walk , we would like to express our excitement and support to you as you move forward with your development of shops, restaurants and short term vacation rentals on this lovely property, .

We have successfully operated our property as an Air BNB vacation rental for more than a year, and we are delighted that other such enterprises will be installed at the Market Walk as well. To date we have experienced no problems with parking or noise at our facility, and anticipate no such problems in the future.

We welcome The Market Walk as a wonderful addition to our neighborhood, and anticipate a great relationship among all involved.

If you have any questions of us, we can be contacted at 310-560-5271 or sandi.fp@gmail.com

Most Sincerely,

Howard Kim Koch
Sandi Baltes

5/12/20 PC Agenda - Addendum 1

--

Sandi Baltes

Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it is the only thing that ever has!

5/12/20 PC Agenda - Addendum 1

May 11, 2020

To: City Council Members: Maria Garcia, Steve Gregory, John Hamon & Fred Strong, City Manager Tom Frutchey, Mayor Steven Martin, Director of Community Development Warren Frace et al

From: Liz Lee & Mark McConnell

205 17th Street, Paso Robles, CA 93446

Re: Paso Market Walk

Dear Honorable Sirs and Madams,

We both reside within a few blocks from the Paso Market Walk Development and have been waiting anxiously for the opening. We understand the full scope of this project including the six short term rentals and we believe more than ever, our community would benefit positively from this mixed business, especially to this location, as it is an essential part of the uptown specific plan. This area of our town is in great need of momentum to keep pushing towards revitalization and beautification. We feel that Paso Market Walk will benefit the housing values around the north end of town and will not majorly impact the parking. We should embrace this infusion of dollars into our community to continue the goal of supporting infrastructure, quality of living, and job development. In conclusion, Paso Market Walk will be a key component for a balanced and healthy economy.

Thank you for supporting our citizens and hope you can see this project launch sooner than later.

Best regards,

Liz Lee Mark McConnell

Liz Lee and Mark McConnell

5/12/20 PC Agenda - Addendum 1

Aimee Edsall
2021 Vine Street, Paso Robles
5/7/2020

To Whom It May Concern:

My name is Aimee Edsall and my husband and I own a VRBO / Airbnb at 2021 Vine Street in Paso Robles. Our business hangs in the balance of what is happening in the world today, but we come to you today in support of The Lofts at Paso Market Walk. Being in the same neighborhood as this wonderful new addition to Paso puts us all in great company.

The tourism in Paso Robles is needed now more than ever, and I realize how amazing a job the owner at Paso Market Walk has done to reach both local and tourist at every step in building such an incredible concept for this side of Paso. We all need each other for our businesses to survive, and having a luxury 6 room stay at Paso Market Walk will benefit the city greatly and its surrounding neighbors. Gaining revenue and raising home prices is a much-needed investment for our city. If you have any questions, please feel free to contact me.

Thank you,

DocuSigned by:

Aimee Edsall

5/12/20 PC Agenda - Addendum 1

Wendy McIntire
1912 Park Street
Paso Robles, CA 93446
5/11/2020

Paso Robles Planning Commission
1000 Spring Street

Dear Planning Commission members:

Before voting on Variance 20-01 that would allow 6 short-term rentals at the Paso Market Walk, please consider the content of the Paso Robles Municipal Code section on variances (available online at https://library.municode.com/ca/el_paso_de_robles/codes/code_of_ordinances?nodeId=TIT21ZO_ARTI_IIDEST_CH21.23ZOADERVAAPAP). Below are important excerpts, pertinent to this item, with certain portions underlined by me:

21.23.110 – Variances.

The planning commission or zoning administrator may grant a variance from the terms of this title when because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this title deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

21.23.120 – Variance – Conditions.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

21.23.160 – Variance – Issuance.

After the conclusion of the public hearing, the planning commission or zoning administrator may grant a variance from the strict application of the terms of this where unnecessary hardships or practical difficulties and results inconsistent with the purpose of this title will result; provided, however, no variance permit shall be granted to allow any land use which is not in conformity with the use regulations specified for the district in which the land is located.

The Market Walk property is not being deprived of a privilege enjoyed by other properties in the vicinity or elsewhere for that matter. In fact there is no property in the entire city that is allowed to have 6 short-term rentals. If this property were allowed 6 short-term rentals it would constitute a grant of

5/12/20 PC Agenda - Addendum 1

Paso Robles Planning Commission

5/11/2020

Page 2

special privileges, specifically not allowed per Code, and illegal to grant as a variance. California law aligns with this definition of variance (see Govt Code Section 65906), thus approval would break both local and state law.

Zoning Ordinance Table 21.34.030.1 states that “no more than two non-hosted rental permits will be issued per legal parcel” at residential portions of mixed use structures. The property is the residential portion of a mixed use structure; only 2 non-hosted short-term rental permits are allowed.

If 6 short-term rentals are allowed here, it would be reasonable and proper to revise the short-term rental ordinance allowing for 6 short-term rentals for any and all properties, not just this property. This would not be well received with the majority of citizens in Paso Robles. The City’s Short Term Rental Ordinance was the product of multiple studies, many vigorous discussions at various meetings and countless revisions developed over several years. The end product did not please everyone, to be sure, but we finally have an ordinance with guidelines to follow. And it does not include allowance for 6 non-hosted short-term rentals on one property.

In addition, 6 short-term rentals on a property actually constitute the definition of a hotel as described in the Paso Robles Zoning Ordinance as follows:

21.08.250 – Hotel.

“Hotel” means any building or portion thereof containing six or more guest rooms used, designed, or intended to be used, let, or hired out to be occupied or which are occupied by six or more individuals for compensation, whether the compensation for hire be paid directly or indirectly.

Even if the Market Walk owner would say ok, then this is a hotel, it would not be ok because it is located in the T3-F zoning district. This district does not allow hotels. Plus hotel building code requirements would likely be more stringent in the areas of access compliance (Americans with Disabilities Act requirements) and fire and life safety.

The Market Walk has no vested right for the proposed short-term rentals. The Short-Term Rental Ordinance was adopted after the approval of the Market Walk project and the ordinance nullifies any implied right to 6 short-term rentals that might be assumed by their mention in fine print on the approved Market Walk documents. Even those existing short-term rentals operating in 2019 did not have a vested right to operate a short-term rental after the ordinance was enacted until they applied for a short-term permit and met the standards of the ordinance. Within the limited exceptions allowed by the Ordinance, “Permit applicants in possession of a valid short-term rental business license, with an application submitted date on or before July 16, 2019 shall be exempt from the numeric requirements for purposes of permit issuance.” Like everyone else in town, the applicant’s opportunity to request more short-term rentals than would be allowed once the ordinance took effect was to apply for a

5/12/20 PC Agenda - Addendum 1

Paso Robles Planning Commission

5/11/2020

Page 3

business license before July 16, 2019. Did the Market Walk owner submit an application for a permit on or before July 16, 2019?

I am a neighbor to the Market Walk and supported it in 2017 because this mixed use project added much needed housing. It appears that the Planning Commission and City Council hearings from 2017 made no mention of short-term rentals in these records, and that I was not the only one who expected that housing units would be a part of this project.

I strongly encourage you to deny this illegal variance and require the Market Walk to follow the same rules as everyone else in Paso Robles. Granting them a special privilege is not only illegal, it will set an unwelcome precedent in our community.

Sincerely,

Wendy McIntire

5/12/20 PC Agenda - Addendum 1

From: [Jill Alexander](#)
To: [Darren Nash](#); [Shonna Howenstine](#); [Warren Frace](#); [Jessica Ferguson](#)
Cc: [Deborah Longo](#); [Cheryl Wieczorek](#); [McShane Murnane](#); [Colin Peebles](#)
Subject: Paso Market Walk Support Letter
Date: Monday, May 11, 2020 9:11:22 PM

Hello all,
Please see support letter below:

IN SUPPORT OF PASO MARKET WALK

Dear Council Members:

As the property owner of my family home at [1902 Vine Street](#)(on the corner of [19th](#)Street and Vine) in Paso Robles, I would like to express my satisfaction with the advent of the Paso Market Walk on the corner of Spring and [19th Street](#). With restaurants, shops and vacation rentals, it will be a most welcome addition to our neighborhood. We wait for and welcome with anticipation the new energy and excitement we feel this development will generate.

Most Sincerely,

Lisa J Lewis

--