

DATE: 05/18/99 AGENDA ITEM # 3
() APPROVED () DENIED
() CONTINUED TO _____

TO: James App, City Manager

FROM: Robert A. Lata, Community Development Director *RL*

SUBJECT: General Plan Amendment 2-99 - Part 2 of 3, Specific Plan Amendment 99001 and Rezone 99002 (David Weyrich)

DATE: May 18, 1999

Needs: To consider a proposal, filed by David Weyrich, to change the General Plan Land Use Category, Specific Plan Density, and Zoning Designation for two parcels of a combined size of approximately 2.8 acres, with the intent to develop up to 12 multiple family units in the future.

- Facts:
1. The two parcels are located on the southwest corner of Buena Vista and Experimental Station Road. There is an existing single family residence located on the western parcel. Both parcels are north of and adjacent to the Martin and Weyrich Winery.
 2. The existing General Plan land use designation is RSF-1 (one dwelling unit to the acre). The existing zoning is R-1,B-4 (single family residential with one acre minimum lot size). The properties are located in the Sub Area D of the Borkey Area Specific Plan which permits one dwelling unit to the acre.
 3. The applicant proposes to modify the General Plan land use designation to Residential Multiple Family - Low Density (RMF-L), up to 8 units to the acre, with correlating zoning proposed as R2. Modification to the Specific Plan Diagrams and Text is proposed to allow up to 12 units to be developed on these two combined parcels.
 4. The applicant's initial proposal had been for RMF-M and R3 land use and zoning densities (up to 12 units to the acre). However, since the public newspaper and mail notices were made for the application, the applicant modified their proposal to reduce the requested density modification to RMF-L and R2 (8 units to the acre). Because the application modification is less intensive than what was advertised, their application may be considered at this time without re-advertising.
 5. The applicant has provided a project description and explanation of their request indicating their desire to develop up to 12 multiple family residential units on these two combined properties in the future. A copy of the applicant's project description and development statement are proposed.

RIMC CODE: Community Development Department
DATE: May 18, 1999
FILE PLAN/GE CAT.: Current Planning/GPA and Rezones
SUBJECT: GPA 2-99 (Weyrich) / SPA 99001 / RZ 99002 CC Report
LOCATION: Development Services File Room
RETENTION: Permanent

6. Future development of these parcels would require the filing of a Planned Development application (a requirement of the Specific Plan), at which time a detailed analysis of physical site design and project aesthetics would be reviewed.
7. The proposed General Plan Amendment, Specific Plan Amendment, and Rezoning applications are subject to the California Environmental Quality Act (CEQA). An Initial Study has been conducted (on file in the Community Development Department) that addresses the potential environmental impact of the application.
8. The Borkey Area Specific Plan has undergone several modifications since its original approval in 1989. The most notable change was the recent modification of Sub Area C for the establishment of the Cuesta College North County Campus site. A Supplemental Environmental Impact Report (SEIR) was prepared in conjunction with that particular Specific Plan Modification, along with re-evaluation of fees distribution, since the scale of that modification was so significant relative to the 27 units that had been previously envisioned for that Sub Area.
9. This application for land use modification could result in a net residential density increase of 10 units. Based on the relative small scale of the increase in relation to the overall residential density permissible within the Specific Plan, no additional environmental information is deemed necessary at this time, nor is a modification to the Fee Schedule proposed at this time. Each future residential unit would pay the fees as prescribed on a per unit basis for Sub Area D. However, should the applicant wish to initiate a fee study at any time in the future, to reevaluate distribution of fees in relationship to the proposed increase, it is the applicant's prerogative to do so.
10. At their meeting of April 27, 1999, the Planning Commission conducted a public hearing on these applications. Prior to the public hearing, Commissioner Finigan disclosed the proximity of his personal property to this project site and declared a potential for conflict of interest. However, in the interest of maintaining a quorum of the Commission so this item could continue forward with the other two portions of the General Plan Amendment Cycle 2-99, Commissioner Finigan did not step down.
11. At the April 27, 1999 hearing, the applicant's representative spoke in favor of the project and explained their future development intentions, although those plans were not within the purview of the land use and zoning applications. One other person spoke in favor, and no members of the audience spoke against the project.
12. Following the public hearing, the Planning Commission split their vote 2-2 (Commissioners Finigan and Tascona dissenting) on a motion to recommend approval of the associated applications. Commissioner Finigan cited neighborhood concerns with increased density and noise. Commissioner Tascona cited concern with future development intentions. The result of the split vote action by the Commission is for the items to be brought forward to City Council with no recommendation.

Analysis and
Conclusion:

Sub Area D of the Borkey Specific Plan Area, of which these parcels are a part, could build out with a total density of 75 units. The applicant's proposal to modify the permissible densities for these two parcels could result in a net increase of 10 residential units for this Sub Area (a total of 85 units for Sub Area D).

Sub Area B, in the northwestern quadrant of Buena Vista Road and Experimental Station Road, are approved for the development of up to 481 units, along with an Elementary School Site. Based on the combined residential densities between Sub Areas B and D, the proposed 10 unit increase would be equivalent to an approximate 1% percent increase in the overall residential density of the Specific Plan.

Several factors have contributed to the change in character of certain portions of the Specific Plan over time. The most notable change overall was with the establishment of the Cuesta North County Campus. However, more specific to this subject site is its proximity to Buena Vista Road which is a designated arterial street that is planned for widening as part of the Measure D-98 capital improvement projects, and its proximity to the recently remodeled and expanded facility for the Martin and Weyrich Winery. The project site's arterial road frontage and its direct proximity to a commercial scale operation, make the site a logical candidate for considering alternative/transitional land use density than what is currently provided for in Sub Area D.

The proposed density increase would be minor relative to the permissible residential development densities within the overall Specific Plan Area. Also, the unique physical characteristics of this site, including its close proximity and physical association (separated by only an arroyo) to the Martin and Weyrich Winery commercial use, provide logic in considering the proposed alternative residential densities.

Policy

Reference:

California Environmental Quality Act (CEQA); General Plan Land Use Element; Zoning Code and Borkey Area Specific Plan and its EIR/SEIR.

Fiscal

Impact:

No fiscal impacts are anticipated in conjunction with this land use modification based on the continued requirement for residential units to off set associated impacts through the payment of per unit development impact fees at time of building permit.

Options:

After consideration of all public testimony, that the City Council consider the following options:

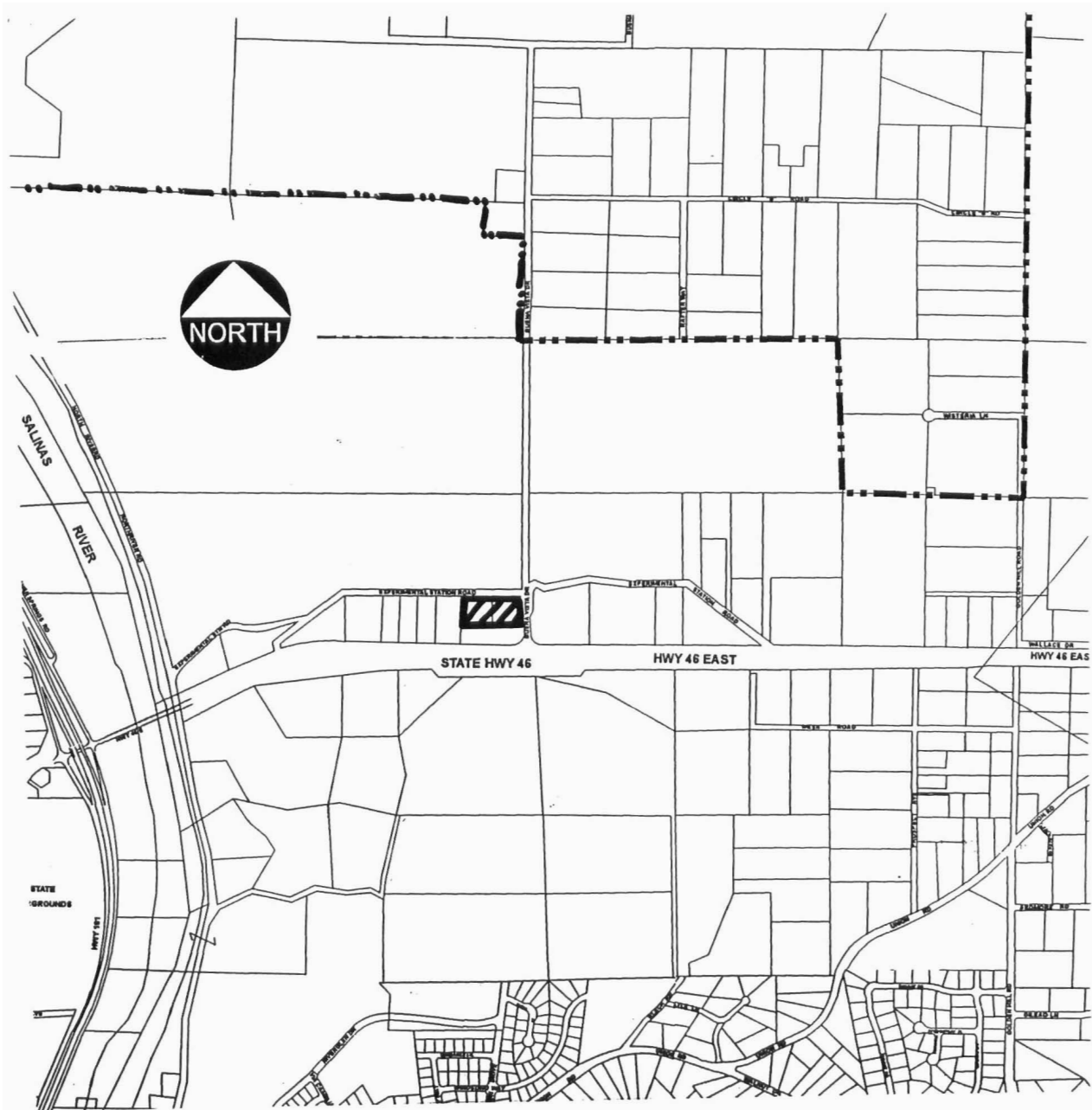
- a. (1) Adopt a Negative Declaration for the General Plan Amendment, Specific Plan Amendment and Rezone applications;
- (2) Adopt the attached resolution granting approval to General Plan Amendment 2-99 which includes this component as part 2 of a 3 part general plan amendment;

- (3) That the City Council introduce the attached ordinance granting approval to Specific Plan Amendment 99001 which would modify the text and permissible density for these parcels up to 12 units within the Sub Area D of the Borkey Specific Plan, and set June 1, 1999 for adoption;
- (4) That the City Council introduce the attached Ordinance Amending Section 21.21.020 of the Zoning Code (Title 21), and set June 1, 1999 for adoption ;

b. Amend, modify or reject the foregoing option.

Attachments:

1. Location Map
2. Draft Resolution approving a Negative Declaration for General Plan Amendment 2-99(Part 2 of 3)/Specific Plan Amendment 99001 and Rezone 99002
3. Draft Resolution approving the General Plan Amendment 2-99 (Part 2 of 3) to RMF-L
4. Draft Ordinance modifying the BASP diagram and text to allow up to 12 units for these two parcels
5. Draft Ordinance modifying the Zoning to an R2 designation
6. Applicant's project description and development summary
7. Newspaper and Mail Notice Affidavits



GPA 2-99 PART 2 & REZONE 99002
 (DAVID WEYRICH)

LOCATION MAP

RESOLUTION NO: 99-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
APPROVING A NEGATIVE DECLARATION FOR
GENERAL PLAN AMENDMENT 2-99 (PART 2), BORKEY AREA SPECIFIC PLAN
AMENDMENT TO SUB AREA D, AND REZONE 99002
(DAVID WEYRICH)

WHEREAS, David Weyrich has filed the following applications:

- General Plan Amendment 2-99, Part 2 of 3, to change the land use category on two parcels of a combined size of approximately 2.8 acres from RSF-1 (Residential Single Family - one unit to the acre) to RMF-L (Residential Multiple Family - Low Density up to 8 units to the acre);
- Specific Plan Amendment to Sub Area D of the Borkey Specific Plan for development policies and densities to be consistent with the RMF-L land use and R-2 zoning designations for this 2.8 acre site;
- Rezone 99002 to rezone two parcels of combined size of approximately 2.8 acres from R-1,B4 (one acre minimum lot size) to R-2 (up to 8 units to the acre); and

WHEREAS, an Initial Study was prepared for this project (on file in the Community Development Department), which concludes that the project as proposed would not have significant impacts on the environment, for reasons that are mostly related to the scale of the request and its relation to incremental changes that have occurred in the Borkey Specific Plan since its initial adoption in 1989; and

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

WHEREAS, public hearings were conducted by the Planning Commission on April 27, 1999, and by the City Council on May 18, 1999 to consider the Initial Study prepared for this application, and to accept public testimony regarding this proposed environmental determination for the proposed land use amendment, specific plan amendment and rezone; and

WHEREAS, based on the information contained in the Initial Study prepared for this land use and specific plan amendment, and rezone, and testimony received as a result of the public notice, the City Council finds no substantial evidence that the project would have a significant impact on the environment;

NOW, THEREFORE, BE IT RESOLVED, that based on the City's independent judgment, the City Council of the City of El Paso de Robles does hereby approve a Negative Declaration for General Plan Amendment 2-99 (component 2 of a 3 part general plan amendment), the Specific Plan Amendment for Sub Area D, and Rezone 99002, in accordance with the California Environmental Quality Act .

PASSED AND ADOPTED THIS 18th day of May, 1999 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DUANE J. PICANCO, MAYOR

ATTEST:

MADELYN PAASCH, CITY CLERK

MEG\GPAS\2-99 CYCLEWEYRICH\ NEG DEC RESO

RESOLUTION NO. 99-
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
APPROVING GENERAL PLAN AMENDMENT 2-99

WHEREAS, the following applications to amend the Land Use Element were filed as parts of General Plan Amendment 2-99:

1. An application filed by Cabrillo Economic Development Corp. to change the Land Use Category for the northerly portions of four parcels, an area of approximately 4 acres, located on the northwest corner of Creston and Rolling Hills Roads from Office Professional (OP) to Residential, Multiple Family-High (RMF-H); the applicant intends to develop 61 multiple family units for exclusive residency by senior citizens;
2. An application filed by David Weyrich to change the General Plan Land Use Category for two parcels of a combined size of approximately 2.8 acres, located at the southwest corner of Buena Vista and Experimental Station Roads, within Sub Area D of the Borkey Area Specific Plan, from Residential Single Family - one unit to the acre (RSF-1) to Residential Multiple Family-Low (RMF-L); the applicant intends to develop up to 12 multiple family residential units;
3. An application initiated by the City of Paso Robles to change the General Plan Land Use Category for two parcels of a combined size of approximately 138 acres located between North River and Buena Vista Roads, north of Cuesta College from Residential, Single Family, 2 units per acre (RSF-2) to Agriculture (AG); and

WHEREAS, at its meeting of April 27, 1999, the Planning Commission took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for this amendment;
- b. Conducted a public hearing to obtain public testimony on the parts of this amendment;
- c. Based on the information contained in the initial studies prepared for each parts, unanimously found that there was no substantial evidence that the parts of this amendment would have significant adverse effects on the environment and recommended that the City Council approve Negative Declarations for these components;
- d. Recommended that the City Council approve this amendment, with the following condition on Part 1, Cabrillo Economic Development Corp.:

Prior to second reading of an ordinance to rezone the site to R-4,PD, a deed restriction limiting use of the site for seniors (in which at least one member of each household is age 62 or older) shall be recorded;

WHEREAS, at its meeting of May 18, 1999, the City Council took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for this amendment;
- b. Considered the recommendations of the Planning Commission;

c. Conducted a public hearing to obtain public testimony on this amendment;

d. Found that there was no substantial evidence that the parts of this amendment would have significant adverse effects on the environment and approved Negative Declarations for the parts of this amendment in accordance with the California Environmental Quality Act;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso de Robles, California, to amend the Land Use Element's Land Use Map (Figure LU-1) as shown on the attached Exhibits "A" (Part 1), "B" (Part 2), and "C" (Part 3).

BE IT FURTHER RESOLVED, by the City Council of the City of El Paso de Robles, California, to specify that occupancy of the properties described in Exhibit "A" shall be limited to seniors (in which at least one member of each household is 62 years or older) and that prior to second reading of an ordinance to rezone the site to R-4,PD, a deed restriction limiting use of the site for seniors shall be recorded

PASSED AND ADOPTED THIS 18th day of May, 1999 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

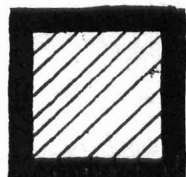
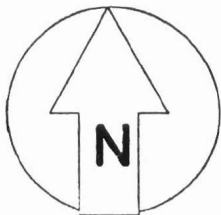
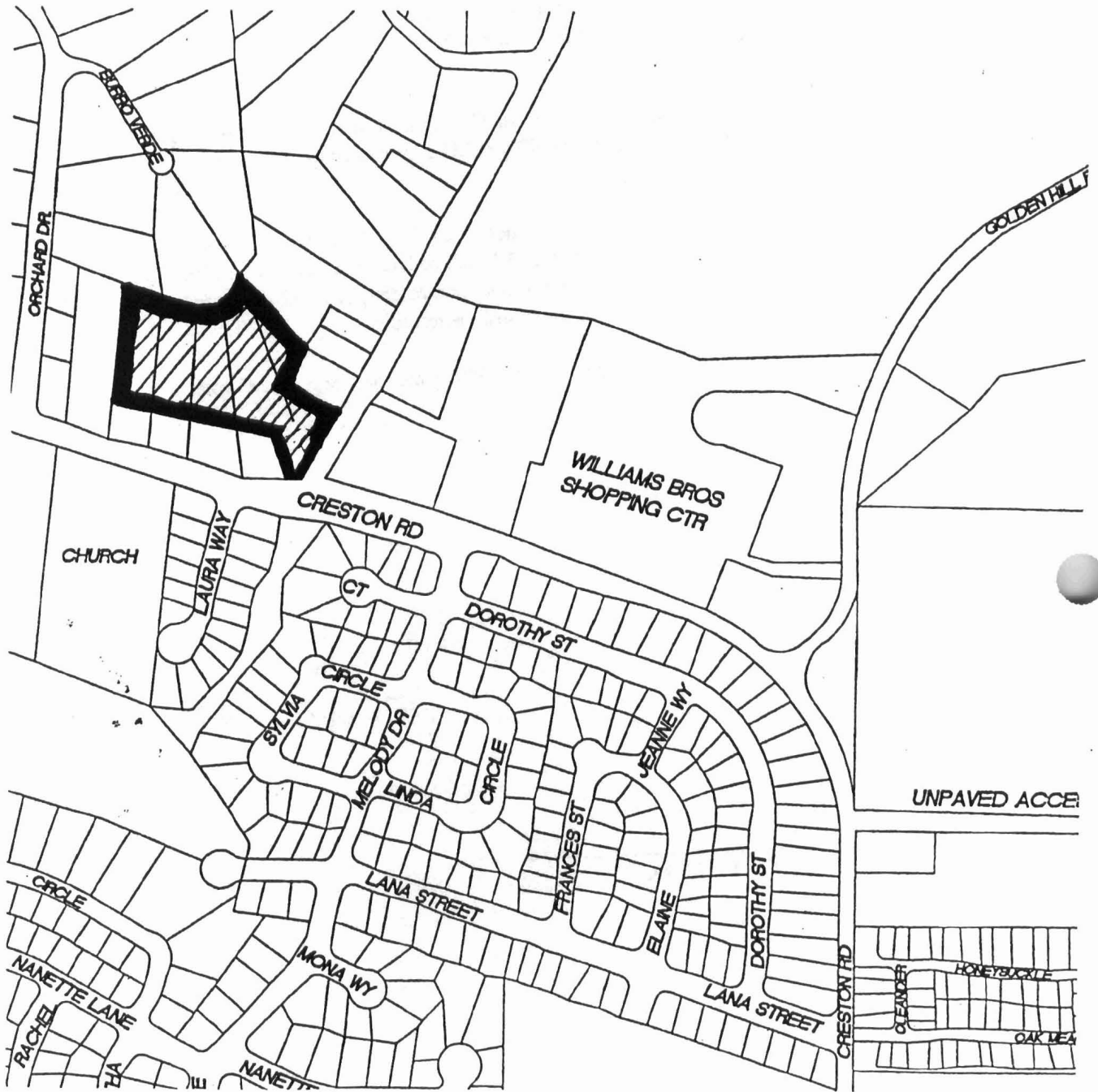
MAYOR DUANE J. PICANCO

ATTEST:

MADELYN PAASCH, CITY CLERK

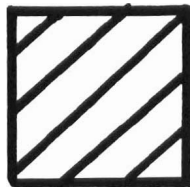
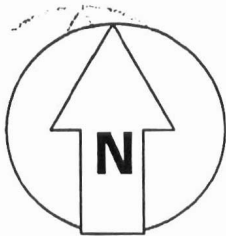
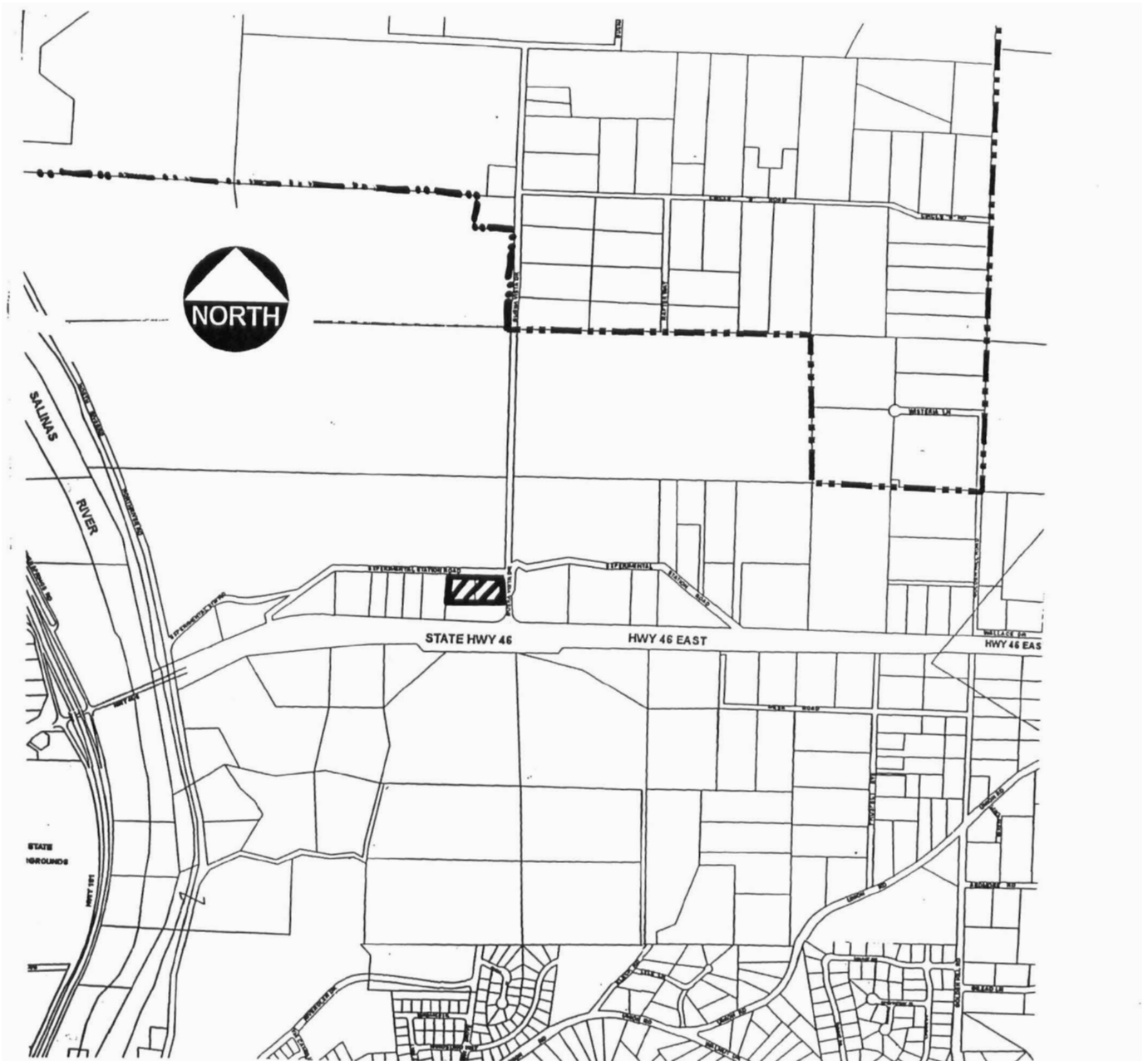
ED\GPA-RZ\2-89 GPA RESO

EXHIBIT A



CHANGE LAND USE CATEGORY FROM OFFICE PROFESSIONAL (OP) TO RESIDENTIAL MULTI-FAMILY, HIGH (RMF-H)

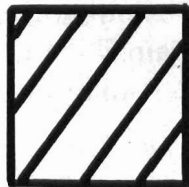
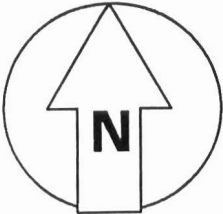
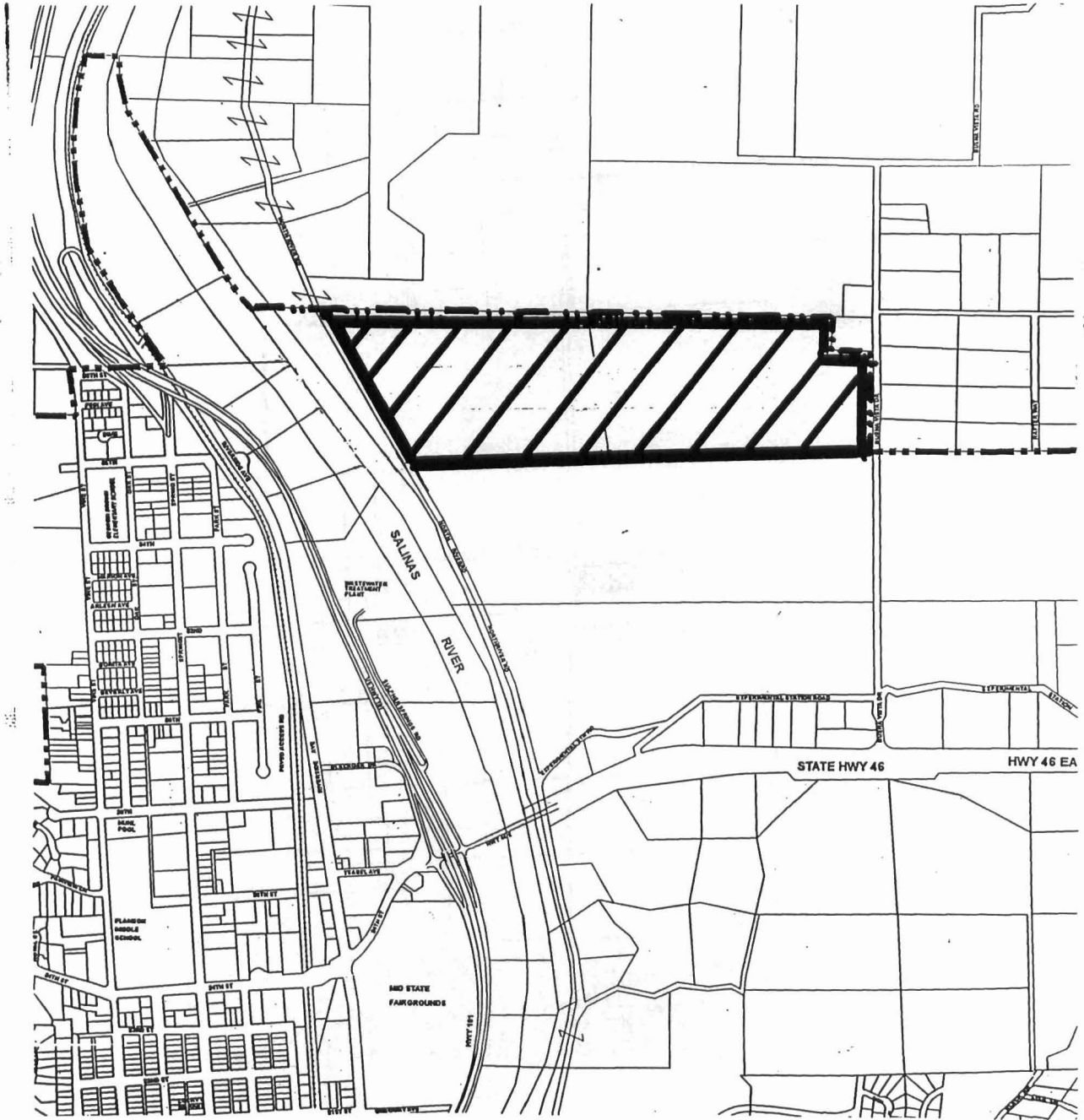
EXHIBIT B



**Change Land Use Designation from RSF-1
(Residential Single Family - 1 unit / acre) to RMF-L
(Residential Multiple Family - Low Density)**

**GENERAL PLAN AMENDMENT 2-99 - PART 2
(DAVID WEYRICH)**

EXHIBIT C



**Change Land Use Designation from RSF-2
(Residential Single Family - 2 units / acre) to AG
(Agricultural)**

ORDINANCE NO. __ NS

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE BORKEY AREA SPECIFIC PLAN
TO UP-DATE THE PERMISSIBLE DENSITY AND
RELATED TEXT WITHIN SUB AREA D OF
THE SPECIFIC PLAN DOCUMENT
(APPLICANT - DAVID WEYRICH)
SPECIFIC PLAN AMENDMENT 99-001

WHEREAS, the Land Use Element of the City's General Plan establishes the need for preparation of Specific Plans for certain geographic areas of the City, including but not limited to areas north of Highway 46 East and east of North River Road; and

WHEREAS, pursuant to Ordinance 588 N. S., the Borkey Area Specific Plan (BASP) text, plan diagram, and fee schedule were established on January 8, 1990 for the areas north of Highway 46 East and east of North River Road; and

WHEREAS, Sub Area D of the Specific Plan provides for maximum residential densities of one unit to the acre; and

WHEREAS, Mr. David Weyrich has filed a request in conjunction with a General Plan Amendment (2-99 part 2) and Rezone 99002 to modify the permitted density for two parcels of a combined acreage of approximately 2.8 acres at the southwest corner of Buena Vista Road and Experimental Station Road, from 1 unit to the acre, to 12 units for the combined parcels; and

WHEREAS, in consideration of the changes brought about by development of the North County Campus of Cuesta College, the expansion of the Martin and Weyrich wine tasting facility at Buena Vista and Highway 46 adjacent to this proposed project, the recent approval for development of a hot springs spa facility to the north of this project site on Buena Vista Road, and the scheduled widening and infrastructure improvements scheduled for Buena Vista Road in conjunction with Measure D-98 capital improvement projects, the residential character at this intersection has experienced intensified level of traffic and development related impacts making it appropriate to consider modified residential densities to act as a transitional land use to other properties within this Sub Area D; and

WHEREAS, the Planning Commission conducted a noticed public hearing on April 27, 1999, to consider making a recommendation with regards to the proposed amendments to the Borkey Area Specific Plan and 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. In accordance with the California Environmental Quality Act, considered a proposed Negative Declaration of Environmental Impact, and made a recommendation that the City Council approve a Resolution adopting said document; and

- d. Recommended that the City Council approved an Ordinance amending the Borkey Area Specific Plan and related document text; and

WHEREAS, at its meeting of May 18, 1999 the City Council held a public hearing on these subjects, and the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff reports prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance and Resolutions;
- c. Based on the scope and nature of the proposed change to the Borkey Area Specific Plan and the accompanying Fee Schedule, found that the proposed Negative Declaration of Environmental Impact Report was adequate in terms of its description of the project and anticipated environmental impacts and approved the Negative Declaration as being in accordance with the California Environmental Quality Act; and
- d. Considered the Commission's recommendation from the Planning Commission's April 27, 1999 public meeting; and
- e. Introduced said ordinance for first reading, and

WHEREAS, on June 1, 1999 the City Council held second reading of said ordinance.

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

The Borkey Area Specific Plan text and diagrams is amended to read as presented in both Exhibit "A" (Diagram) and Exhibit "B" (Text) attached hereto.

Section 1. 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 2. Effective Date. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Section 3. 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 ordinance, motions, resolutions, rules and regulations are hereby repealed.

Section 4. 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 invalid or unconstitutional.

Introduced at a regular meeting of the City Council held on May 18, 1999, and passed and adopted by the City Council of El Paso de Robles on the 1st day of June, 1999, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

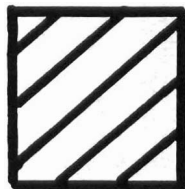
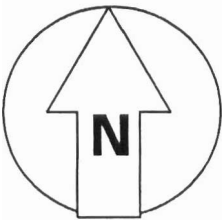
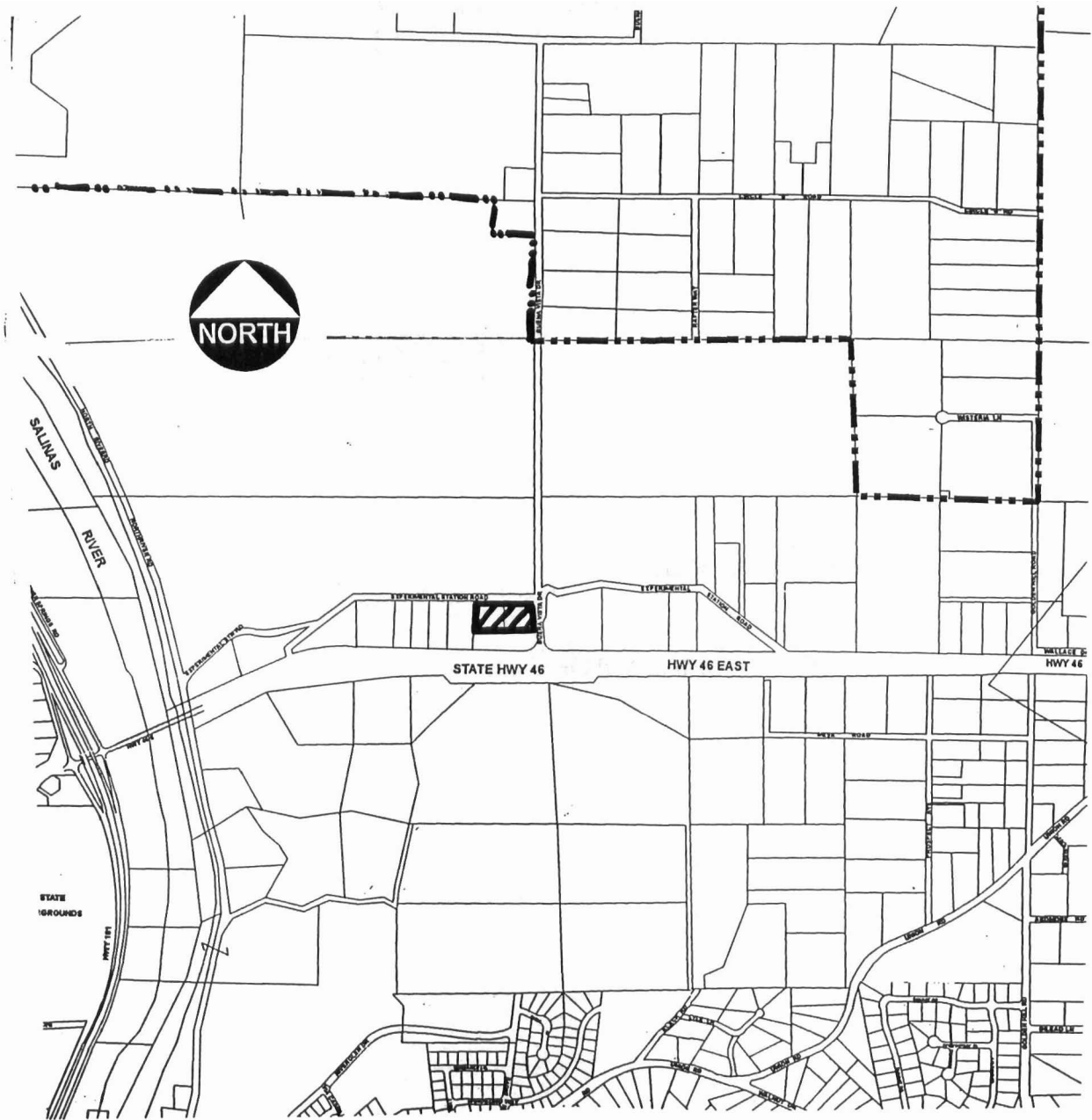
Duane J. Picanco, Mayor
City of El Paso de Robles

ATTEST:

MADELYN PAASCH, CITY CLERK

h:\meg\gpa and rz\2-99 cycle\weyrich\BASP Ordinance

EXHIBIT A



Modifying Portions of Sub Area D of the Borkey Specific Plan to allow development densities consistent with RMF-L land use designation and R2 zoning designation.

EXHIBIT B

**MODIFIED TEXT PAGES TO BORKEY SPECIFIC PLAN
(SPECIFIC PLAN AMENDMENT 99001 - WEYRICH)**

The following pages of the Specific Plan are modified as summarized below and as shown attached as part of this exhibit.

(New text is **bold and underlined** while deleted text is ~~stricken~~.)

Page 31: Table 3-1 is reflective of the density revision for Sub Area D.

Page 35: With additional paragraph within the Sub Area D description.

Page 43: With amended text for Policy D-1.

Page 73: With amended text for Policies SD-1 and SD-3.

Page 79: With the added zone reference to R-2 (with the PD overlay established throughout the plan as overall policy)

TABLE 3-1

**PRESCRIBED LAND USES
AND PERMITTED DENSITIES, PARCEL SIZES
BORKEY AREA SPECIFIC PLAN**

<u>Plan Subarea</u>	<u>Permitted Uses</u>	<u>Maximum Development Intensity</u>	<u>Minimum Lot Size</u>
A	Rural Residential	43 Units	2.5 acres
B	Residential Rural Residential Public & Quasi-Public	472 units 9 units (N/A)	7,000 sq. ft. 2.0 acres
C	Cuesta College (Public Facility)	(N/A)	(N/A)
D	Rural Residential	73 units <u>12 units</u>	1.0 acres <u>2.8 acres*</u>
E	Commercial/Industrial	C-3	(N/A)
F	Public & Quasi-Public	(N/A)	(N/A)

Subarea A

Subarea A is designated by the plan for rural density residential development. The combination of hilly topography in a portion of this subarea and its adjacency to acreage utilized for agricultural production (and located within an agricultural preserve) suggests that more intensive development of Subarea A during the term of this plan would be premature. Accordingly, a minimum lot size of 2.5 net acres and a maximum development intensity for this subarea in total of forty-three single-family residential units (an overall density of approximately one unit for each 3.2 acres) are prescribed by this plan. Figure 14, on the following page, depicts a schematic representation of potential subdivision of Subarea A conforming to these density and lot size standards. With the exception of improvement of the designated collector street proposed through the westerly portion of Subarea A, improvements in this subarea would generally be done in accordance with rural, rather than urban, standards (see subsequent discussions of policies and design standards in this chapter).

One additional land use prescription applicable to this subarea is the designation of a “buffer” zone between prospective residential improvements and the intensive agriculture located

* The two parcels located on the southwest corner of the Buena Vista Road and Experimental Station Road as shown on Exhibit A of Rezone 99002 are designated as Multiple Family Residential - Low Density and R-2 zoning, permitting up to 12 units on the combined parcels.

Subarea C

Subarea C is designated by this plan for the North County Campus of Cuesta Community College.

This subarea would be crossed by the extension of the east-west collector street serving Subarea B and ultimately connecting to Golden Hill Road, to the east. There would be no connecting streets to the north or south within Subarea C (specifically including no street connection to Rafter Way).

Improvements in Subarea C would be subject to the jurisdiction of the State of California with the exception of grading, drainage, public streets, and other infrastructure links to systems operated by the City of Paso Robles.

Figure 16 illustrates a conceptual design for the development, in phases, of the North County Campus Cuesta Community College. Development is anticipated to span two to three decades before full build-out of the proposed campus.

Subarea D

Designation by this plan of Subarea D for rural residential development is intended to protect and continue the existing pattern of rural residences already established in the area. Extending current development characteristics, this subarea would allow the ultimate development of a maximum of seventy-five rural residential units on one-acre minimum lots. Except for the northeasterly portion of this subarea, extensive parcelization, and associated rural residential development, has already occurred. The existing commercial operation established at the northwest corner of Buena Vista Road and Highway 46 will be allowed to remain in place in this subarea as a legal use, under the conditional use permit currently applicable to the property. Future improvements in Subarea D would be made in conformance with rural standards.

The two parcels located at the southwest corner of Experimental Station road and Buena Vista Road (as shown in Exhibit A of Rezone 99002) are designated multiple family residential, low density. These parcels provide a transition in land uses between the commercial operation to the south with the anticipated development of Sub Area B to the north.

The primary traffic circulation route serving Subarea D will continue to be Experimental Station Road, which will function solely as a rural local street. Limited additional local street extensions may be required to access future development in this subarea, as well.

This plan provides that a minimum separation be maintained between residential improvements and the State highway right-of-way in Subarea D (see discussion of design standards later in this chapter). This setback is intended to protect current and future residents from excessive traffic-generated noise exposure and to preserve the rural, open character of this westbound entrance into the community.

Subarea C

The following policies are applicable to Subarea C:

- C-1 The subject property permits development, in phases, of the North County Campus of Cuesta Community College and related facilities. The campus is anticipated to generally develop from west to east, in three or more phases. The initial phase will be a temporary facility, with the first permanent buildings expected in Phase II. The pace of development will be dependent upon State and/or other funding.
- C-2 Improvements in Subarea C would be subject to the jurisdiction of the State of California with the exception of grading, drainage, public streets, and other infrastructure links to systems operated by the City of Paso Robles.
- C-3 The construction of the East-West Collector Street (currently called Ronan Road) is anticipated to be completed by the end of Phase II of the development program. Unless other agreements are reached with the City or other parties benefiting from the road's construction, this facility would be constructed by and at the expense of Cuesta College. The East-West Collector Street would be developed in a manner to be approved by the City Engineer.

Subarea D

The following policies are applicable to Subarea D:

- D-1 The maximum number of residential units permitted in Subarea D of the plan area shall be ~~seventy-five (75)~~. **Eighty five (85)**. The minimum permitted lot size for each residential dwelling unit shall be one acre, **except for the two parcels located on the southwest corner of Buena Vista Road and Experimental Station Road (as shown on Exhibit A of Rezone 99002). Minimum permitted lot size for these parcels shall be in accordance with the requirements of Chapter 21.16I of the Zoning Code.**
- D-2 The existing commercial business located at the northwest corner of Buena Vista Drive and State Highway 46 (Martin Brothers Winery tasting room) shall be permitted to remain in place in this subarea, and shall be regarded as a legal use; expansion of the existing uses on the current parcel, however, may be permitted only under a revision to the Conditional Use Permit currently applicable to the site.
- D-3 All public improvements constructed in Subarea D shall conform to rural, rather than urban, standards except that Buena Vista Road may be required to develop urban standards at the discretion of the City at the time of development of Subarea B of the plan area, and Experimental Station Road in the vicinity of its intersection with North River Road may be required to develop in conformance with the City's standard for the local collector street, also at the time of development of Subarea B. Additionally, all development in Subarea D shall be required to connect to municipal water and wastewater systems.

grade of the pathway shall be set a minimum of four (4) feet below the finished grade of the rear yard lot line of any adjacent residential lot. The pathway shall also be kept a minimum of eight (8) feet from the rear fence of any adjacent residential lot, but far enough from the top of the bluff to avoid unstable soil conditions. Fences located along the rear and side lot lines of residential lots facing the bluffs shall be restricted to "transparent" construction materials and methods (e.g. wood or concrete split rail, reduced height, etc.). Where required for slope stabilization and preservation, the bluffs shall be hydroseeded with native plant materials. Native plant materials shall also be required along the pathway. Irrigation of plant materials along the bluff top shall be minimized or avoided altogether, if possible.

- SB-28 Street trees shall be provided by the developer or subdivider of any property at the average rate of one tree for each fourth (40) feet, or fraction thereof, of public street frontage. Trees may be planted in clusters and should be planted within the street right-of-way or within the first five (5) feet of the private property adjacent to the right-of-way. Trees shall be selected from the City's approved street tree list and shall be the maintenance obligation of the adjacent private property owner.

Subarea C

- SC-1 Improvements in Subarea C would be subject to the jurisdiction of the State of California with the exception of grading, drainage, public streets, and other infrastructure links to systems operated by the City of Paso Robles.
- SC-2 Temporary facility plans would be substantially consistent with exhibits prepared by Cuesta College and on file with the City of Paso Robles.
- SC-3 Figure 16 illustrates the conceptual plan for the use of the 82-acre property. More specific master planning will occur at a later date.

Subarea D

- SD-1 The following design standards described for Subarea A, above, are applicable to the creation and/or development of residential lots and parcels located in Subarea D of the overall plan area: SA-5, SA-8, SA-9, SA-10, SA-13, SA-14, and SA-15. **Policy SA-8 will not be applicable to the two parcels located on the southwest corner of Buena Vista Road and Experimental Station Road (as shown on Exhibit A of Rezone 99002). Minimum frontage requirements will be in accordance with their requirements of Chapter 21.161 of the Zoning Code.**
- SD-2 No residential or appurtenant structure shall be constructed with a peak building elevation at any point in excess of eight hundred twenty-five (825) feet above mean sea level.
- SD-3 The standards, regulations and prescriptions of the R-1-B-4 zone district (or its potential future equivalent), **and the R-2 zone district for the two parcels located on the southwest corner of Buena Vista Road and Experimental Road (as shown in Exhibit A of Rezone 99002)** as set out in the City of Paso Robles zoning ordinance, shall apply to all development in this subarea unless otherwise specified by this plan.

Other Public Facilities

The anticipated phasing of other public improvements planned for the Borkey area include construction of the proposed elementary school within Subarea B; construction of the North County Campus of Cuesta Community College within Subarea C; construction of the planned linear park and greenbelt along the east-west collector and the pedestrian corridors along the bluffs and connecting the bluffs with the collector corridor as adjacent properties are developed; and construction of the district-level park planned for the Salinas River at such time as City funding would permit. The overall buildout timeframe anticipated for the plan area in its entirety is thirty to forty years from plan adoption.

Relationship of Plan to City General Plan and Zoning

In accordance with State Planning Law, the Borkey Area Specific Plan is intended to conform to and be consistent with the General Plan of the City of Paso Robles. The broad land use designations and development policies and the circulation system prescribed by the General Plan shall be applicable to the Borkey Specific Plan area.

At the time this plan is being prepared and considered by the City, the land use and development density designations proposed do not correspond to the General Plan designations of the City for much of the plan area. In fact, the City is in the process of evaluating and updating its Land Use Element, and corresponding land use designations and standards City-wide, as this plan is being considered. Accordingly, the adoption of this plan by the City of Paso Robles will be regarded as amending the City's General Plan as it is applicable to the plan area; subsequent Land Use and Circulation Element designations, policies and standards adopted by the City shall be structured to accommodate the proposals set out in this plan.

Because they must necessarily apply to the City as a whole, General Plan policies and standards will be broader and less specific than those prescribed by this plan. The relationship between the General Plan and this specific plan, therefore, shall be such that the specific plan will supplement and refine the content of the General Plan as it applies to the plan area. In every instance where one or the other of these plans may have differing standards or policies, those set out in this specific plan shall prevail and apply to the plan area.

Similarly, the zoning ordinance of the City prescribes permitted land uses and development standards throughout the community. Zone districts established by the zoning ordinance shall apply to all property located within the Borkey Specific Plan area. Applicable zone districts for each subarea of the overall plan area are summarized as follows:

- Subarea A – R-1 B-5 (PD)
- Subarea B – R-1 (PD) and R-1 B-4 (PD)
- Subarea C – Public Facilities
- Subarea D – R-1 B-4 (PD) and R2 (PD)
- Subarea E – C-3 (PD)

ORDINANCE NO. ____ N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE ZONING MAP ESTABLISHED BY REFERENCE IN
SECTION 21.12.020 OF THE ZONING CODE (TITLE 21)
(REZONE 99001 - DAVID WEYRICH)

WHEREAS, in conjunction with General Plan Amendment 2-99 (Part 2 of a 3 part General Plan Amendment), David Weyrich has filed an application for Rezone 99002 to rezone an approximate 2.8 acre site (consisting of two separate parcels) located at the southwest corner of Buena Vista Road and Experimental Station Road, from R-, B-4 to R2; and

WHEREAS, the Borkey Area Specific Plan requires that all parcels within the Specific Plan are subject to first obtaining approval of a Planned Development application in accordance with provisions of Chapter 21.16A (Planned Development District); and

WHEREAS, at its meeting of April 27, 1999, the Planning Commission took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project (general plan amendment and rezone);
- b. Conducted a public hearing to obtain public testimony on the proposed project;
- c. Recommended that the City Council approve the proposed rezone; and

WHEREAS, at its meeting of May 18, 1999, the City Council took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Considered the recommendation of the Planning Commission;
- c. Conducted a public hearing to obtain public testimony on the proposed project;
- d. Based on the information contained in the Initial Study prepared for this project, found that there was no substantial evidence that this project would have significant adverse effects on the environment and recommended that the City Council approve a Negative Declaration;
- e. **Adopted a resolution to approve General Plan Amendment 2-99, of which this application is the Part 2 component, which enables Rezone 99001 to be in conformance with the General Plan;**

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

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

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

SECTION 1. Section 21.12.020 of the Municipal Code (Zoning Map) is hereby amended as shown on the attached Exhibit A.

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

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

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

SECTION 4. Inconsistency. To the extent that the terms of provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

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

Introduced at a regular meeting of the City Council held on May 18, 1999, and passed and adopted by the City Council of the City of El Paso de Robles on the 1st day of June, 1999 by the following roll call vote, to wit:

- AYES:
- NOES:
- ABSENT:
- ABSTAINING:

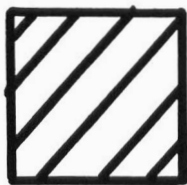
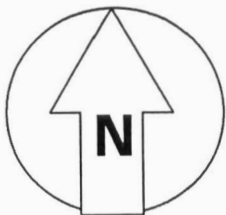
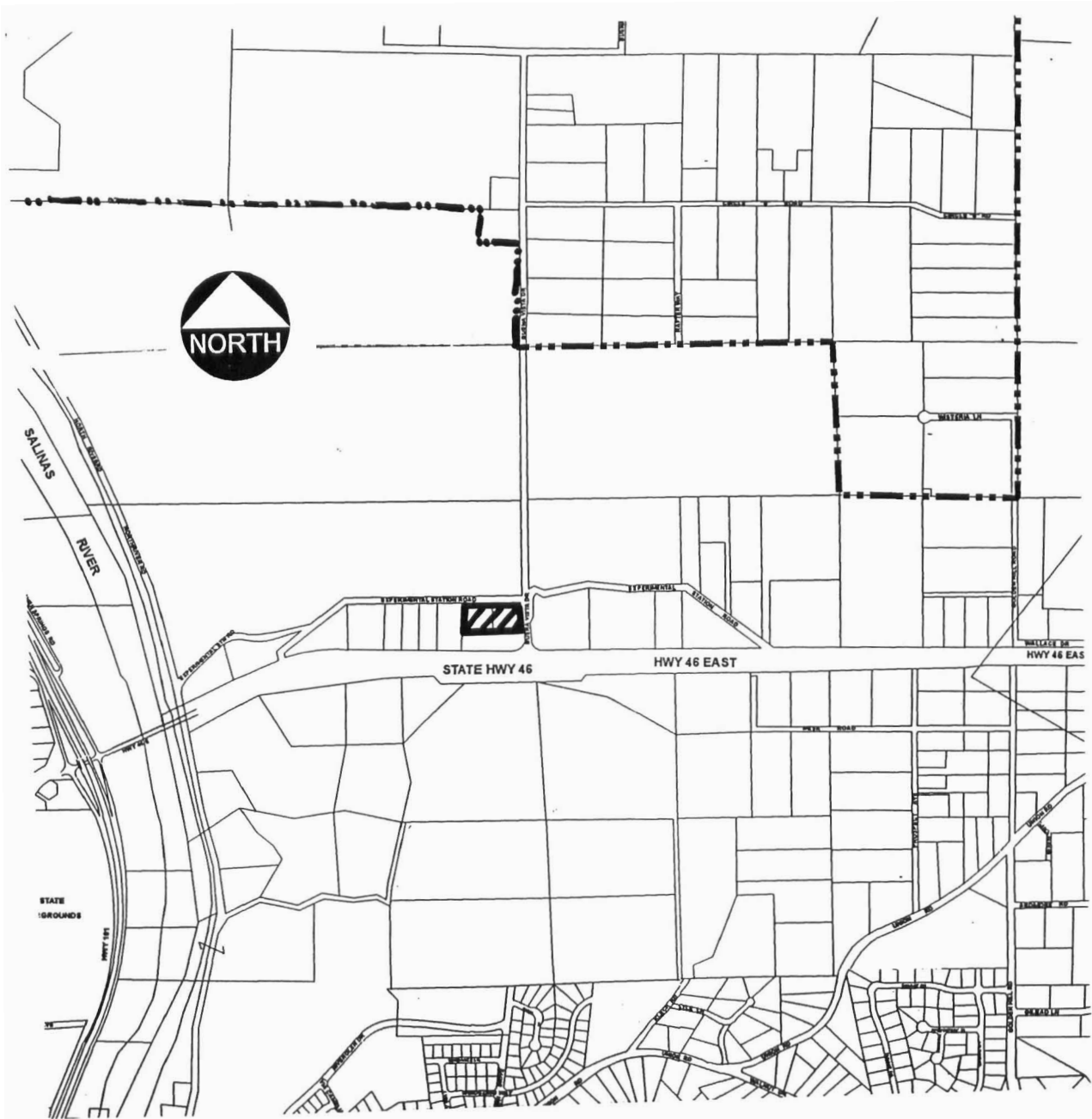
Duane J. Picanco, Mayor

ATTEST:

Madelyn Paasch, City Clerk

MEG\GPA-RZ\2-89 CYCLEWEYRCH\REZONE-ORD

EXHIBIT A



REZONE FROM R-1,B4 TO R-2,

REZONE 99002
(DAVID WEYRICH)

EDA

ENGINEERING
DEVELOPMENT
ASSOCIATES

April 15, 1999

Meg Williamson
City of Paso Robles
Community Development Department
1000 Spring Street
Paso Robles, CA 93447

Re: Land Use Objective; General Plan Amendment, Specific Plan Amendment and Zone Change Application, SWC of Experimental Station/Buena Vista, Paso Robles, CA

Dear Meg:

Our request to increase the residential density at the southwest corner of Buena Vista Road and Experimental Station is based on several sound principals. Our review and analysis of the area indicates that single family residential development of one acre in size at this critical location would, at best, serve a short term need. In the near and long term, given the growth and use dynamics that have occurred in the area, we fear that one acre parcels will simply not be appropriate.

The following discussion outlines the basis for our request to amend the Borky Area Specific Plan and rezone two properties in the southeast corner of that area.

1. MORE APPROPRIATE LAND USE

The existing zoning on these two parcels calls for one acre minimum parcel sizes. This residential single family density, located at a critical intersection, is not the appropriate location to promote the residential character so indicative of typical single family developments. The anticipated commercial land use change at the northwest corner of Buena Vista Road and Experimental Station, the proposed hot springs project, and the presence of the north county campus of Cuesta College all contribute to make these parcels inferior and inappropriate for single family homes. The quality of life for single family residents at this particular location would not be the same as that enjoyed within the heart of the Borky area. These fringe properties are truly transitional between more intense commercial and urban uses than may have been envisioned when the plan was initially approved.

2. INCREASED TRAFFIC

Buena Vista is an arterial which will only see increased traffic resulting from growth of the north county campus of Cuesta College, development of the Borky

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1320 NIPOMO ST. • SAN LUIS OBISPO, CA 93401 • 805-549-8658 • FAX 805-549-8704
744 OAK ST. • PASO ROBLES, CA 93446 • 805-237-1033 • FAX 805-237-3797

3-26

Meg Williamson
April 15, 1999
Page 2

Specific Plan Area, and the possible commercialization of the eastern portion of the Borky Plan directly across from this property. The build out of this area and the uses that are in transition will only degrade the residential character at this location rendering it less desirable for single family use. In our opinion, a solution to this condition is to increase the density by providing multi-family housing at this location.

3. TOPOGRAPHY AS A LIMITATION

These two sites drop off steeply to an existing seasonal drainage course. The modestly level area at the top of the site adjacent to Experimental Station provides almost one acre of developable area. All though the two properties total 2.98 acres, the usable area is found in the middle of the site directly adjacent to the property lines separating the two parcels. This topographic constraint would limit the outdoor use of the property by families since the usable area would be in the front yard. This is inappropriate given the intensity of development in the area and concentration of traffic at this intersection.

4. DEVELOPMENT OBJECTIVE

As you know, David Weyrich is the owner of Martin-Weyrich Winery and the wine tasting facility located at the intersection of Buena Vista and Highway 46. This existing use is undergoing an expansion and renovation that will make it a premier wine industry facility for the City. By allowing the multi-family use across the drainage area we can create an integrated architectural theme that will be more attractive and harmonious than single family detached housing.

Since this gateway to the Borky Area and Cuesta College is going to become more utilized by development in the area, we have the opportunity to create an architectural statement that goes beyond the wine tasting facility itself. Our plan is to create a medium density residential project that builds on the architectural theme of the tasting facility and create an Italian village. Integrating the architectural style of these two adjacent properties will enhance the appearance of the intersection and create a more unified and pleasing character.

In summary, we feel that amending the land use to medium density residential (R2) is appropriate and will result in better use of the land. The land uses in this area are only intensifying which will further degrade the residential character of this intersection. By increasing the density we can provide a better product while creating an architectural character theme that will unify this very visible and prominent intersection.

Meg Williamson
April 15, 1999
Page 3

If you have any questions regarding our development objective or other specific issues related to our request, please do not hesitate to call.

Sincerely,

ENGINEERING DEVELOPMENT ASSOCIATES



Daniel R. Lloyd

DRL\bd12298dev.ltr (04/15/99 11:08AM)

ENGINEERING DEVELOPMENT ASSOCIATES

1320 NIPOMO ST. ■ SAN LUIS OBISPO, CA 93401 ■ 805-549-8658 ■ FAX 805-549-8704
744 OAK ST. ■ PASO ROBLES, CA 93446 ■ 805-237-1033 ■ FAX 805-237-3797

3-28

Slope Analysis for Experimental Station Road Property

This property is located at the southwest corner of Experimental Station Road and Buena Vista Drive. The applicant is seeking approval of a General Plan Amendment, modification of the Borkey Area Specific Plan and Re-zoning of the property. This request is for a General Plan Land Use Designation of Residential Multiple Family, Low Density (RMF-L) and a Zoning designation of R-2, multi-family residential district.

The existing General Plan Designation for the property is RSF-1, Residential Single Family. This designation allows for 1 dwelling unit per acre. This 2.98 acre property is within Subarea D of the Borkey Specific Plan. The Zoning Designation is R-1, B-4, Single Family Residential. The existing density for this zone allows for a 1-acre minimum parcel size.

The allowable density under this proposal was calculated in accordance with the Zoning Ordinance of the City of Paso Robles. The specific section of the Zoning Ordinance is 21.161.060, Density of Residential Development. In accordance with this section, we calculated all areas of the site with natural slopes of thirty-five percent or greater. The results of this determination are shown on the attached Slope/Density Map. The developable area of the property was calculated at 95,735 square feet or 2.20 acres. This area represents 73.6 percent of the overall site.

The second step in determining the allowable density was to calculate the average slope using the formula provided by the City:

$$\text{Average Slope} = \frac{L \times L \times 0.0023}{A} = 19\%$$

where,

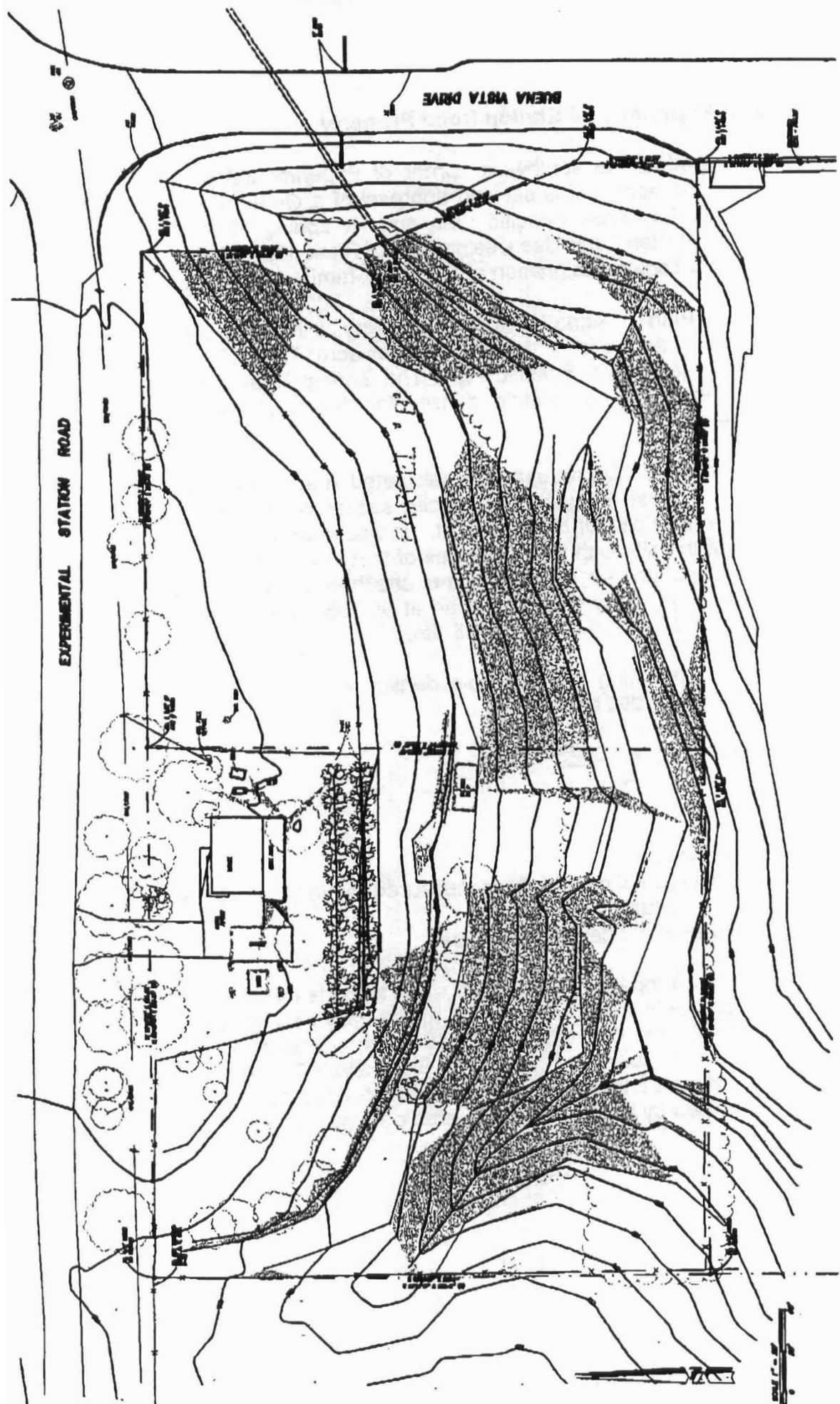
$I = 5'$ = Contour interval in feet

$L = 3,634'$ = Combined length of contour lines measured within the developable area

0.0023 = A conversion constant

$A = 2.20$ acres = Acreage of net developable area

The Average Slope of the property is 19 percent. This slope is utilized to determine the minimum site area per unit in the corresponding multi-family zoning districts as shown on page 422-24 of the Zoning Ordinance. The 19% average slope yields a minimum site area per unit of 7,500 square feet within the R-2 zone. Therefore, the allowable number of units on this property is 12.7 units (truncated down to 12 units) when the developable area is divided by the minimum site area per unit.



SLOPE / DENSITY MAP
EXPERIMENTAL STATION ROAD

GRADE	ALLOWED S.F.	ALLOWED DENSITY
0 - 1.0%	35,700 S.F.	1.0
1.0 - 2.0%	34,275 S.F.	1.0
2.0 - 3.0%	32,850 S.F.	1.0
3.0 - 4.0%	31,425 S.F.	1.0
4.0 - 5.0%	30,000 S.F.	1.0
5.0 - 6.0%	28,575 S.F.	1.0
6.0 - 7.0%	27,150 S.F.	1.0
7.0 - 8.0%	25,725 S.F.	1.0
8.0 - 9.0%	24,300 S.F.	1.0
9.0 - 10.0%	22,875 S.F.	1.0
10.0% AND ABOVE	21,450 S.F.	1.0



PROJECT DESCRIPTION

This project includes approval of a General Plan Amendment, modification of the Borkey Area Specific Plan and Re-zoning of the property. The existing General Plan Designation for the property is RSF-1, Residential Single Family. This Designation allows for 1 dwelling unit per acre. The property is within Subarea D of the Borkey Specific Plan. The Zoning Designation is R-1, B-4, Single Family Residential. The density for this zone allows for a 1 acre minimum parcel size.

The applicant is requesting a General Plan Land Use Designation of Residential Multiple Family, Medium Density (RMF-M). The density for this Designation is up to 12 dwelling units per acre. This change in the land use designation will result in a modification to Exhibit 7, City Zoning Designations of the Borkey Specific Plan. Attached please find a revised Exhibit 7 showing the proposed map change to the Borkey Specific Plan.

The requested zoning for the property is R-3 multi-family residential district. This zoning district allows for up to 12 dwelling units per acre. A preliminary estimate indicates that approximately 18 to 24 dwelling units could be constructed on-site. This is a preliminary estimate that takes into consideration the average slope of the property and the drainage channel. Upon approval of the General Plan Amendment, Specific Plan Amendment and Rezoning, the applicants will proceed with a more specific project.

RECEIVED

FEB 26 1999

BUILDING DIVISION

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

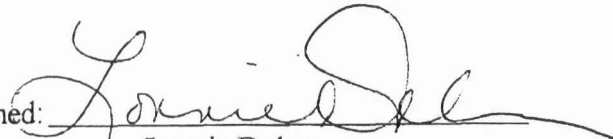
Newspaper: TELEGRAM-TRIBUNE

Date of Publication: April 14, 1999

Meeting Date: April 27, 1999
(Planning Commission)
May 18, 1999
(City Council)

Project: General Plan Amendment 2-99
-and- Rezones 99002 and 98006
(Cabrillo Economic Development;
City/Kiessig; Weyrich)

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

NOTICE OF PUBLIC HEARINGS;
NOTICE OF INTENT TO ADOPT NEGATIVE
DECLARATIONS

General Plan Amendment 2-99
A Three-Part Amendment to the Land Use Element
of the City of Paso Robles General Plan Zone
Changes 99-002 and 98-006

NOTICE IS HEREBY GIVEN that the Planning
Commission of the City of El Paso de Robles will
hold Public Hearings to consider making recommen-
dations regarding adoption of Negative Declarations
and approval of a three (3) part General Plan
Amendment (Land Use Element). The three compo-
nent parts, two of which are also subjects of Zone
Change and Specific Plan Amendment requests, are
described as follows:

1. Cabrillo Economic Development Corp. : A pro-
posal to change the General Plan Land Use Cate-
gory and Zoning for a 5 acre site composed of 4 lots
located on the northwest corner of Creston and Roll-
ing Hills Roads. The existing General Plan Land
Use Category for all 5 acres is Office Professional
(OP); the existing zoning is CP,PD (Neighborhood
Commercial) for the easternmost 4 acres and R-1
(Single Family Residential) for the westernmost
acre.

The applicants are requesting a General Plan Land
Use Category of Residential, Multiple Family, High
(RMF-H, which allows densities up to 16 dwelling
unit per acre) for 4 of the 5 acres; one acre located
at the corner of Creston and Rolling Hills Roads will
remain designated for OP Land Use.

The concurrent application for Zone Change 98-006
requests that R-4(PD) zoning be applied to the 4
acres of RMF-H land and that the one acre of OP-
designated land be rezoned to Office Professional
(OP). The applicants intend to develop 61 apart-
ment units for exclusive residency by senior citizens
on the 4 acres proposed to be zoned R-4,PD; the
applicants have not stated any plans for develop-
ment of the 1 acre proposed to be zoned OP.

2. City Initiated / Kiessig : A proposed General
Plan Amendment from Residential Single Family -
two units to the acre (RSF-2) to Agriculture (AG)
for two (2) parcels of a combined size of approximately
138 acres located on the east side of North River
Road and the west side of Buena Vista Road, north
of Experimental Station Road within Sub Area A of
the Borkey Area Specific Plan. The property was
annexed to the City in December of 1998 and is
currently zoned Agricultural.

3. David Weyrich: A proposed change from Resi-
dential Single Family - one unit to the acre (RSF-1)
to Multi-Family Residential (Medium Density) for 2.8
acres located on the southwest corner of Buena
Vista Road and Experimental Station Road, north
and adjacent to the Martin/Weyrich Winery Tasting
Room. The subject parcel is located in Sub Area D
of the Borkey Area Specific Plan and the General
Plan Amendment application is accompanied by
both a Specific Plan Amendment request and a
Zone Change request No. 99-002; the requested
change is from R-1-B-4 (Single Family Residential 1
acre minimum lot size) to R-3 (Multi-Family, Medium
Density) and modification to Sub Area D of the Spec-
ific Plan to permit up to 12 units to the acre consis-
tent with the requested land use and zoning
designations.

The Planning Commission's hearing will take place
in the Conference Room of the Library / City Hall at
1000 Spring Street, Paso Robles, California, at the
hour of 7:30 PM on Tuesday, April 27, 1999, at
which time all interested parties may appear and be
heard.

NOTICE IS ALSO HEREBY GIVEN that the City
Council of the City of El Paso de Robles will hold a
Public Hearing to consider the same three General
Plan Amendment components and referenced Zone
Change and Specific Plan Amendment applications.

The City Council's hearing will take place in the
Conference Room of the Library / City Hall at 1000
Spring Street, Paso Robles, California, at the hour of
7:30 PM on Tuesday, May 18, 1999 at which time all
interested parties may appear and be heard.

As part of the noticed Public Hearings, the City
Council will consider adoption of Negative Declara-
tions of Environmental Impact (statements that there
will be no significant environmental effects) in accor-
dance with the provisions of the California Environ-
mental Quality Act (CEQA). The proposed Negative
Declarations will be available for public review from
Wednesday, April 14 through Tuesday, May 18,
1999. Copies of the staff report and draft Negative
Declaration will be available for the cost of reproduc-
tion at the Community Development Department,
City Hall, 1000 Spring Street, Paso Robles, CA
93446. Please write to this address or call the Plan-
ning Division at (805) 237-3970 should you have
questions or comments regarding this notice or
related matters.


If you challenge the resolutions or ordinance in
court, you may be limited to raising only those issues
you or someone else raised at the public hearing
described in this notice, or in written correspondence
delivered to the Planning Commission and/or City
Council at, or prior to, the noted public hearings.

AFFIDAVIT
OF MAIL NOTICES
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Lonnie Dolan, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for project General Plan Amendment (GPA) 2-99 (City Initiated/Kiessig) for the meeting on April 27, 1999 (Planning Commission) -and- May 18, 1999 (City Council)

Mailed on this 15th day of April 1999

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Lonnie Dolan