

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 99003

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 (3-99 part 3) and Rezone 99006 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, Mr. David Weyrich had previously filed an identical Specific Plan Amendment request in conjunction with General Plan Amendment 2-99 (part 2) but the City Council dropped the applicant's request from that GPA cycle, deeming it inappropriate at the time, and

WHEREAS, a request filed by Estrella Associates for the modification of permissible land uses within Sub Area B of the Borkey Area Specific Plan was processed and considered concurrently with Mr. David Weyrich's current Specific Plan Amendment request, 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 July 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 August 17, 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 July 27, 1999 public meeting; and
- e. Introduced said ordinance for first reading, and

WHEREAS, on September 7, 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 August 17, 1999, and passed and adopted by the City Council of El Paso de Robles on the 7th day of September, 1999, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

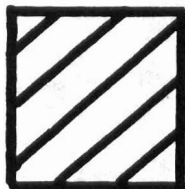
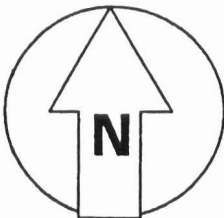
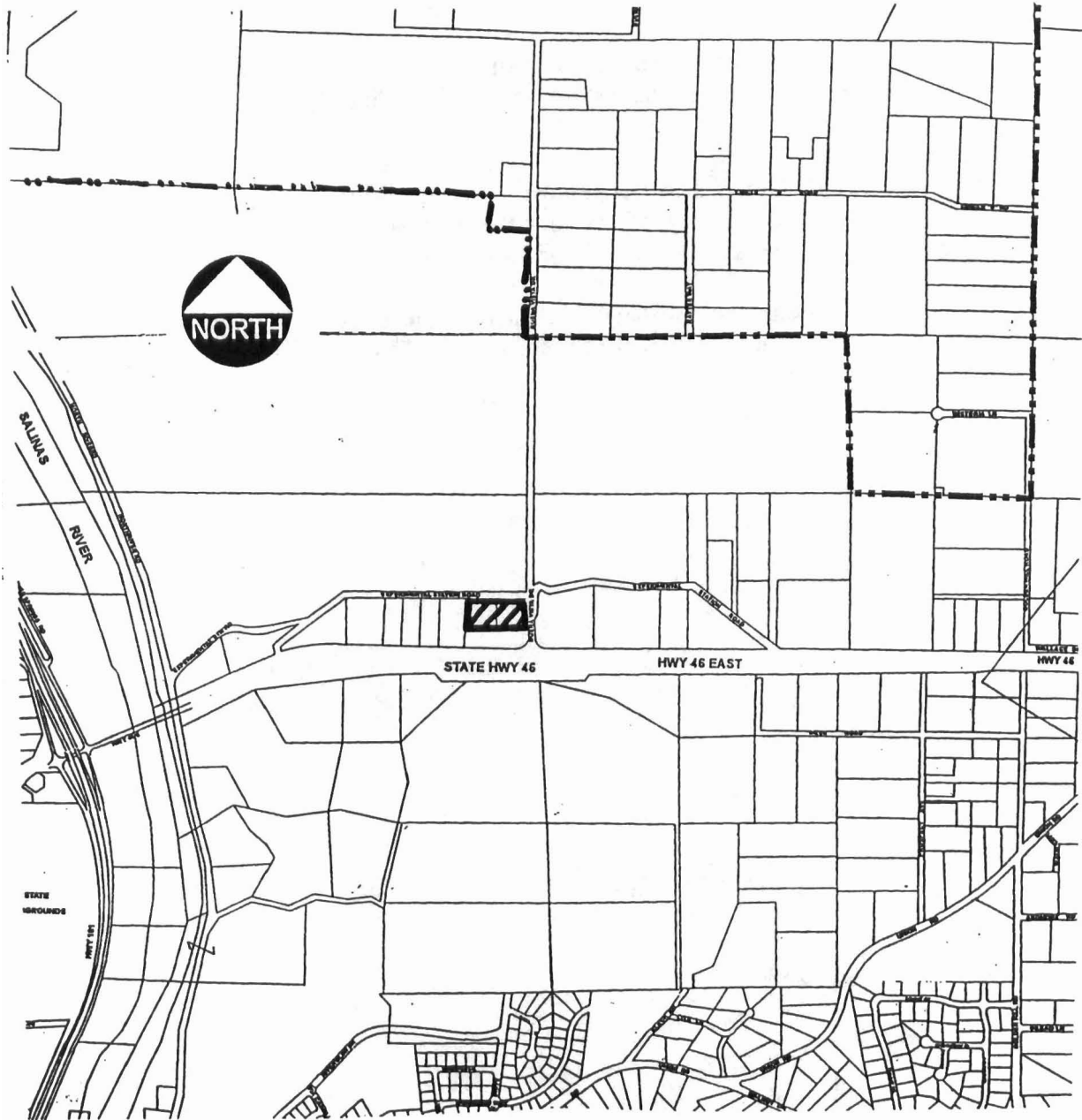
Duane J. Picanco, Mayor
City of El Paso de Robles

ATTEST:

SHARILYN M. RYAN, DEPUTY CITY CLERK

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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 99003 - 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 Specific Plan Amendment 99003 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 of 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 Specific Plan Amendment 99003) 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 be developed to a modified urban local street consistent with Sub Area B cross sections.** ~~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 Specific Plan Amendment 99003). 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 Specific Plan Amendment 99003). Minimum frontage requirements will be in accordance with these requirements of Chapter 21.16I 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 Specific Plan Amendment 99003) 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)