

TO: JAMES L. APP, CITY MANAGER
FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: SPECIFIC PLAN AMENDMENT 03-002 FOR A NEIGHBORHOOD COMMERCIAL CENTER – THE MARKETPLACE AT RIVER OAKS, BORKEY AREA SPECIFIC PLAN (DICK WILLHOIT - ESTRELLA ASSOCIATES, LLC)

DATE: JUNE 3, 2003

Needs: For the City Council to consider adoption of a Negative Declaration and an Ordinance amending the Borkey Area Specific Plan (BASP) to allow a 10-foot building setback along Buena Vista Road instead of the prescribed 30-foot setback.

- Facts:
1. The approximately 5.45-acre Neighborhood Commercial Center site is located at the northwest corner of Buena Vista Drive and Experimental Station Road in the BASP.
 2. The General Plan and BASP land use designation of the site is NC (Neighborhood Commercial). The site is zoned CP (Neighborhood Commercial).
 3. At its May 13th meeting, the Planning Commission approved the Planned Development/Site Plan, Conditional Use Permit, and Lot Line Adjustment for this Project, authorizing construction and operation of The MarketPlace.
 4. The applicant has requested City Council approval of a 10-foot building setback along Buena Vista Road, thereby allowing development of The MarketPlace in conformance with the Planned Development/Site Plan, Conditional Use Permit, and Lot Line Adjustment.
 5. An Initial Study was circulated for review/comment on the proposal to amend the BASP, and the Planning Commission has recommended that a Negative Declaration be issued.

Analysis
And
Conclusion:

The applicant describes the Neighborhood Commercial Center as an integral part of the River Oaks Mixed-Use Conceptual Master Development Plan. The Plan provides for a mix of single-family and multi-family housing, a school, a linear park, a golf course, a community recreational facility, a neighborhood commercial center, and enhanced landscape areas. The MarketPlace is the last Project to be built. The purpose of The MarketPlace is to provide neighborhood commercial services for the residents, including a gas station, retail and office space, and a gourmet market.

Per the BASP, the buildings within The MarketPlace are to be set back 30-feet from Buena Vista Road. The applicant is seeking City Council approval of a 10-foot setback, and has provided the following statements in support of the reduced setback:

- “From the onset without touting the introduction of neo-traditional design criteria, River Oaks has continually incorporated many tenets of neo-traditional design parameters, such as closer placement of building frontages to streets, increased landscape separation between curbs and sidewalks, alley and parking located at the rear of structures, narrower streets, and many such other tenets.”
- “Interpreting these design parameters and neighborhood interests, it becomes imminently obvious that any placement of these commercial buildings closer to the residential neighborhood would display an inconsiderate attempt on the developer’s part to comply with traditional design standards that are not conducive to a pedestrian friendly community. In addition, the linear nature of the site predicates linear structures. This is where the benefit of the agrarian vernacular, overhands, stepped footprints, varied setbacks, window boxes onto the street, substantial parking lot landscape mitigates the relationship of a commercial neighborhood to a residential neighborhood.”

- “In the context of both the Regional Commercial Setback Criteria (21.16G.040) and the Neo-traditional Design Options (21.16K.060), a 10 foot built-to-back-of-sidewalk criteria accompanied with a parking lot design that removes the expanse of hard surface and vehicles from street view, further support the tenets of neo-traditionalism. In the context of the zoning standards of the Neo-traditional Design Options (21.16K.060), a ‘zero’ setback is optional and encouraged.
- Further definition of varied setbacks of the Buena Vista Drive elevation reduces the scale in the length of the buildings. This is accomplished not only in a practical sense but is within the purpose and intent of City design standards and the BASP Amendment. Also encouraged by these design criteria is the “...incorporation of an outdoor public seating or eating area...adjacent to the sidewalk or directly accessible from the sidewalk.” This is clearly accomplished in an enhanced manner with Building A. It is also accomplished by the placement of appropriate seating along the walkway within the 30-foot landscape buffer to the residential neighborhood.”
- “As defined within the Goals/Mission Statement of the previously mentioned BASP Amendment, these above-referenced tents enhance an increased sense of neighborhood and community with reduced emphasis on the automobile,, and a greater use of bicycles, golf carts, buses, and walking for enhanced neighborhood circulation. As identified under Site Data on the site plan,, landscaping exceeds the City requirement by a ratio of 5:1. This supports not only the BASP Amendment but the criteria defined within the City’s Neo-Traditional Design Options and the parameters within the New Urbanist Standards. I believe it is also important to note within the context of 21.16K.050, 21.165K.060. and 21/16K.070, that we have achieved what many in the Smart Growth community are saying is necessary to enhance our neighborhoods.”

Adherence to the basic design and development standards of the River Oaks Mixed-Use community (including the reduced Buena Vista Drive setback), combined with Project Conditions of Approval, would appear to be consistent with the purpose and intent of the BASP to create a neighborhood oriented commercial center of an appropriate scale. The City Council may elect to approve the 10-foot minimum building setback or may direct that the existing 30-foot setback be retained. The Planning Commission has recommended that the City Council approve the reduction based on the findings that site layout, architecture, and landscaping all work together in creating visual interest, breaking up the monotony of solid building walls by providing shadow lines, thereby ensuring the Center is at a scale that encourages pedestrian use, that provides a human scale, and that conforms to the character of the neighborhood and the BASP.

Policy

Reference:

General Plan, Zoning Ordinance, Borkey Area Specific Plan, and Borkey Area Specific Plan Environmental Impact Report

Fiscal

Impact:

The Applicant is required to pay all standard City development impact fees and the Borkey Area Specific Plan fees. A fee update to address this project is in process and will be brought to the City Council for review and consideration at a later date.

Options:

For the City Council to:

- a. (1) Adopt Resolution No. 03-xx, issuing a Negative Declaration for the Specific Plan Amendment 03-002 to the Borkey Area Specific Plan.
- (2) Introduce for First Reading Ordinance No. XXX N.S. incorporating Specific Plan Amendment 03-002 into the Borkey Area Specific Plan, and set June 17, 2003, as the date for adoption of said Ordinance. Under this option, the applicant’s request for a 10-foot minimum building setback along Experimental Station Road would be approved.
- b. Direct that the existing 30-foot minimum building setback from Experimental Station Road be maintained. Under this option, the applicant’s request would not be granted.
- c. Amend, modify, or alter the foregoing options.

Attachments:

Vicinity Map, Conceptual Site Plan, Building Elevations, Preliminary Landscape Plans
Resolution No. 03-xx for Issuance of a Negative Declaration
Ordinance No. XXX N.S. for Enactment of BASP Amendment 03-002
Newspaper and Mail Notice Affidavits

RESOLUTION NO. 03-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ADOPTING A NEGATIVE DECLARATION FOR SPECIFIC PLAN AMENDMENT 03-002 FOR THE
MARKETPLACE AT RIVER OAKS, A NEIGHBORHOOD COMMERCIAL CENTER
(DICK WILLHOIT - ESTRELLA COMMUNITIES, LLC)

WHEREAS, Specific Plan Amendment 03-002 has been filed by Mr. Dick Willhoit on behalf of Estrella Communities, LLC in connection with applications for Planned Development 02-005, Lot Line Adjustment 02-133, and Conditional Use Permit 03-004; and

WHEREAS, the Specific Plan Amendment seeks authorization for a 10-foot building setback along Experimental Station Road in connection with the neighborhood commercial center; and

WHEREAS, the Neighborhood Commercial Center includes up to 50,000 square feet of leasable space; and

WHEREAS, the Neighborhood Commercial Center contains a Service Station, Retail Uses, Office Uses, and a Gourmet Market on an approximately 5.45-acre site at the northwest corner of Buena Vista Drive and Experimental Station Road; and

WHEREAS, the Neighborhood Commercial Center (also referred to as “The MarketPlace at River Oaks”) is designed to conform to the design and development standards of the Borkey Area Specific Plan (BASP); and

WHEREAS, the Neighborhood Commercial Center contains three (3) buildings as follows:

- Service Station - 2,180 square feet;
- Commercial/Office Building - 27,655 square feet, two-story; and
- Gourmet Market - 18,809 square feet.

WHEREAS, the Neighborhood Commercial Center is designed to be an integral part of the River Oaks Mixed-Use Conceptual Master Plan (“Plan”), which Plan provides for a mix of single-family and multi-family housing products, a school, a linear park, a golf course, a community recreational facility, a neighborhood commercial center, and enhanced landscape areas and entrances; and

WHEREAS, the General Plan and Borkey Area Specific Plan land use designation of the site is NC (Neighborhood Commercial); and

WHEREAS, the site is zoned CP (Neighborhood Commercial); and

WHEREAS, at its May 13, 2003 meeting, the Planning Commission held a duly noticed public hearing on the Neighborhood Commercial Center Project, to accept public testimony on the proposal and the environmental review thereof; 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 and circulated for public review and comment; and

WHEREAS, based on the information and analysis contained in the Initial Study, a determination has been made that the proposed Neighborhood Commercial Center Project qualifies for adoption of a Negative Declaration; and

WHEREAS, public notice of intent to adopt a Negative Declaration was given as required by Section 21092 of the Public Resources Code; and

WHEREAS, based on the information and analysis contained in the Initial Study and the attachments thereto, a determination has been made that the proposed Neighborhood Commercial Center Project qualifies for adoption of a Negative Declaration; and

WHEREAS, at its May 13, 2003 meeting, the Planning Commission of the City of El Paso de Robles, using its independent judgment and analysis:

1. Found and determined that the proposed Project will not have a significant impact on the environment. This finding and determination was made based upon the substantial evidence presented at the public hearing, including the whole record before the Planning Commission (including the Initial Study, the Staff Report and attachments thereto, and any public comments or testimony received thereon).
2. Adopted a Negative Declaration for the proposed Planned Development, Lot Line Adjustment, and Conditional Use Permit.
3. Recommended to the City Council that a Negative Declaration be adopted for the proposed Borkey Area Specific Plan Amendment.

NOW, THEREFORE, the City Council of the City of El Paso de Robles, using its independent judgment and analysis does hereby adopt a Negative Declaration for Specific Plan Amendment 03-002 after having found and determined that the proposed reduction in the building setback along Experimental Station Road will not have a significant effect on the environment.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 3rd day of June 2003 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

EXHIBIT "A"
TO
BORKEY AREA SPECIFIC PLAN (BASP) PER SPECIFIC PLAN AMENDMENT 03-002
ALLOWING A 10-FOOT BUILDING SETBACK ALONG EXPERIMENTAL STATION ROAD
(APPLICANT – MR. DICK WILLHOIT OF ESTRELLA ASSOCIATES)

LEGEND
Existing – Existing Text,
~~Strikeout~~ – Remove Text,
Bold – New Text

Page III-46, Chapter Three (Development Plan for the Borkey Area), as amended

Subarea B The following standards shall apply to the creation and/or development of lots or parcels that abut Experimental Station Road, Buena Vista Drive and River Oaks Drive:

- SB-1 The minimum building setback from the edge of right-of-way on Experimental Station Road, Buena Vista Road and River Oaks Drive shall be ~~thirty (30)~~ **ten (10)** feet.
- SB-2 The minimum building setback from any side lot line, except for such a lot line abutting a public right-of-way, except as affecting those residential lots abutting River Oaks Drive, shall be twelve (12) feet.
- SB-3 The minimum building setback from any rear lot line, except for such a lot line abutting a public right-of-way, shall be twenty (20) feet.
- SB-4 The minimum frontage of any residential lot shall be one hundred five (105) feet from corner to corner.
- SB-5 The minimum average depth of any residential lot shall be one hundred thirty (130) feet. No side lot line shall measure less than one hundred (100) feet from the front lot line to the rear lot line at any point. The minimum average depth of any commercial lot shall be two hundred (200) feet. No side lot line of any commercial lot shall measure less than one hundred (100) feet.
- SB-6 A thirty (30) foot landscape buffer shall be established and maintained along the rear line of each lot adjacent to the neighborhood commercial zoned lots along Buena Vista Road. This buffer shall connect between the east/west collector (River Oaks Drive) and Experimental Station Road. This buffer shall include plantings of shrubs, from the Borkey Area Specific Plan Plant List established for Subarea B and an easement shall be granted to the City for the maintenance of this buffer in the event that maintenance is not adequately performed by the private property owner. (Any required City maintenance shall be reimbursed, including administrative costs, by the property owner; unreimbursed City costs may be recovered through property tax liens against affected parcels. An eleven (11) foot landscape buffer/parkway shall be established and maintained along the north side of Experimental Station Road, enhancing the frontage of those lots.
- SB-7 A six (6) foot solid fence, of wood or other material acceptable to the City shall be erected along the rear line of each lot. A detailed fence plan shall be submitted to the City at the time of application for development. The City shall require that fence style and construction shall be consistent for all affected lots, within the overall plan area.
- SB-8 A three (3) foot open rail fence, constructed of wood or other material acceptable to the City, shall be erected along each front and side lot line. A detailed fence plan shall be submitted to the City at the time of application for development. The City shall require that fence style and construction shall be consistent for all affected lots, within the overall plan area, including lots which front on Experimental Station Road.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE BORKEY AREA SPECIFIC PLAN
TO ACCOMMODATE PLANNED DEVELOPMENT 02-005
(APPLICANT – MR. DICK WILLHOIT OF ESTRELLA ASSOCIATES)
SPECIFIC PLAN AMENDMENT 03-002

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, the properties located at the northwest corner of Buena Vista Drive and Experimental Station Road; and

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

WHEREAS, the BASP established the allowable land uses, design standards, development standards, infrastructure requirements, and landscape plans for those properties located within the Specific Plan area, including Subarea B located at the northwest corner of Buena Vista Drive and Buena Vista Drive and Experimental Station Road; and

WHEREAS, Mr. Dick Willhoit of Estrella Associates on behalf of Estrella Communities, LLC has filed an application to amend the Borkey Area Specific Plan (BASP) to accommodate Planned Development 02-005, The MarketPlace at River Oaks, a Neighborhood Commercial Center; and

WHEREAS, the BASP Amendment 03-002 would authorize a 10-foot building setback along Buena Vista Drive instead of 30-feet; and

WHEREAS, at its May 13, 2003 meeting, the Planning Commission conducted a duly noticed public hearing making a recommendation on the proposed BASP Amendment 03-002 and took the following action regarding this Ordinance:

- a. Considered the facts and analysis, as presented in the staff report and attachments thereto.
- b. Conducted a public hearing to obtain public testimony on the proposed Negative Declaration and Ordinance amending the BASP.
- c. Determined that the proposed Ordinance amending the BASP could be recommended for approval based on the following findings:
 1. That adherence to the basic design and development standards of the River Oaks Mixed-Use community, including the reduced Buena Vista Drive setback, combined with the project Conditions of Approval would appear to be consistent with the purpose and intent of the BASP to create a neighborhood oriented commercial center of an appropriate scale.
 2. That the layout of the neighborhood commercial center together with its architecture and landscaping create visual interest and is of a scale and character that is appropriate for the River Oaks Mixed-Use community.
- d. Recommended that the City Council approve an Ordinance amending the Borkey Area Specific Plan and related document as shown on Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, at its meeting of June 3, 2003, the City Council held a public hearing on the proposed Borkey Area Specific Plan Amendments as set forth in this Ordinance and took the following actions:

- a. Considered the facts and analysis, as presented in the staff report and attachments thereto.
- b. Conducted a public hearing to obtain public testimony on the proposed Negative Declaration and Ordinance amending the Borkey Area Specific Plan SPA 03-002.
- c. Considered the recommendation of the Planning Commission.
- d. Introduced the Ordinance for first reading and set June 17, 2003 as the date for a second reading and adoption of said Ordinance; and

WHEREAS, at its meeting of June 17, 2003, the City Council held a second reading of said Ordinance.

NOW, THEREFORE, the City Council of the City of El Paso de Robles does ordain that the text of the Borkey Area Specific Plan is amended as set forth in Exhibit A, attached hereto and made a part hereof.

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 ordinances, 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 June 3, 2003, and passed and adopted by the City Council of the City of El Paso de Robles on the 17th day of June 2003 by the following roll call vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

Vicinity Map

