

TO: JAMES L. APP, CITY MANAGER

FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: REZONE 03-007 AND BORKEY AREA SPECIFIC PLAN AMENDMENT 03-005 (ARCIERO & SONS, INC.)

DATE: MARCH 16, 2004

Needs: For the City Council to consider the following requests filed by North Coast Engineering on behalf of Arciero & Sons, Inc. in relation to the La Quinta Hotel Project:

- To establish Resort/Lodging Overlay over the site (the base zone for the site would remain Residential Single Family), and make a finding that the Mitigated Negative Declaration adopted by the Planning Commission is adequate and there is no action necessary by the City Council.
- To amend the Borkey Area Specific Plan to indicate that the subject property which is in Sub Area D, would be amended to have the Resort Lodging Overlay, and would therefore be subject to the applicable conditions for development of projects within Sub Area E of the Specific Plan.

Facts:

1. The La Quinta Project site is located on the northeast corner of Highway 46 East and Buena Vista Drive. (see attached location map).
2. Both the General Plan land use and the Zoning designations for the site are Residential Single Family (RSF/R-1).
3. The Planning Commission at their meeting on February 24, 2004 approved the development plan (PD 03-016) and the associated Negative Declaration, for the La Quinta Project, a 101-room, hotel with a 5,000 square foot restaurant and also recommended that the City Council approve Rezone 03-007 and Borkey Area Specific Plan Amendment 03-005.
4. 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. Based on the information and analysis contained in the Initial Study, a determination has been made that the LaQuinta Project qualifies for issuance of a Mitigated Negative Declaration.
5. The entitlements for the La Quinta Project (PD 03-016) approved by the Planning Commission on February 24, 2004, do not become effective until the City Council has approved Rezone 03-007 and BASP Amendment 03-005.

Analysis
and

Conclusion: The General Plan and Zoning designations for the site are Single Family Residential (RSR/R-1). In order for the site to gain entitlement for a hotel and restaurant use, Resort/Lodging Overlay would need to be applied over the site and the Borkey Area Specific Plan would need to be amended to reflect the Resort/Lodging Overlay over the site. Rezone 03-007 & BASP Amendment 03-005, included in this report would implement the overlay zoning if approved by City Council.

The La Quinta Project implements the City's goals as expressed in the General Plan and the Economic Strategy to develop Paso Robles into an "end-destination" tourist attraction. Among other items, the City's economic development goals are to be accomplished by encouraging the new hotel development.

Policy

Reference: General Plan, Zoning Ordinance, Economic Strategy Report.

Fiscal

Impact: The Applicant is required to pay all standard City impact fees, and there will be additional Specific Plan Fees that will be calculated and would apply at the time issuance of a Building Permit. As a result of the long-term collection of transient occupancy taxes, the La Quinta Project would have a positive fiscal impact on the City's resources.

Options: After consideration of public testimony, the City Council will be asked to make the recommendations and to take the actions listed below:

A. **By separate motions:**

1. Adopt the Ordinance No. XXX N.S. approving Rezone 03-007, including a finding that the Mitigated Negative Declaration adopted by the Planning Commission is adequate and there is no action necessary by the City Council; and set April 6, 2004, as the date for adoption of said Ordinance; **and**
2. Adopt Ordinance No. XXX N.S. approving that the Borkey Area Specific Plan (SPA 03-005) be amended to allow hotel and restaurant uses on the subject site within Sub Area D of the Plan, including a finding that the Mitigated Negative Declaration adopted by the Planning Commission is adequate and there is no action necessary by the City Council; and set April 6, 2004, as the date for adoption of said Ordinance. (A follow up to the BASP will be required to address the adjustment to the BASP fees.)

B. Amend, modify, or alter the foregoing options.

Attachments:

1. Location Map
2. Ordinance adopting Rezone 03-007
3. Ordinance adopting SPA 03-005
4. Newspaper and Mail Notice Affidavits

H:Darren/PD/LaQuinta/CCstaffreport

ORDINANCE NO. XXX 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) ZONE CHANGE 03-005
LA QUINTA PROJECT – NORTHEAST CORNER OF HIGHWAY 46 EAST AND BUENA VISTA DRIVE
(ARCIERO & SONS, INC.)

WHEREAS, the La Quinta project (Planned Development 03-016) consists of the development by Arciero & Sons, Inc. to construct a 61,074 square foot, three story hotel with a 5,000 square foot restaurant, ancillary swimming pool, parking lot and landscaping; and

WHEREAS, the La Quinta site is located on the northeast corner of Highway 46 East and Buena Vista Drive, and

WHEREAS, the General Plan land use designation of the La Quinta Project site is Residential Single Family, 1-acre minimum lot size (RSF-1), consistent with the R-1,B4 Zoning designation; and

WHEREAS, in conjunction with PD 03-016, Arciero & Sons Inc. have applied for Rezone 03-005, to rezone the subject site to apply R/L Overlay (Resort/Lodging) which is necessary to in order to allow a hotel use on the R-1 zoned property; and

WHEREAS, applying R/L Overlay to establish the ability to allow a hotel and restaurant on the subject site would be consistent with the City's adopted Economic Strategy where a goal is to develop Paso Robles into an "end destination" tourist attraction; and

WHEREAS, at its February 24, 2004 meeting, the Planning Commission took the following actions:

- A. Considered the facts and analysis, as presented in the staff report and the attachments thereto.
- B. Conducted a public hearing to obtain public testimony on the proposed La Quinta Project and the environmental determination therefor.
- C. Based on the information contained in the Initial Study prepared for the La Quinta Project, a determination has been made that there is no substantial evidence that the Project would have significant adverse effect on the environment and thus a Mitigated Negative Declaration can be adopted by the City Council.
- D. Recommended that the City Council approve Rezone 03-005.

WHEREAS, at its March 16, 2004 meeting, the City Council took the following actions:

- A. Considered the facts and analysis, as presented in the staff report and the attachments thereto.
- B. Considered the recommendation of the Planning Commission.
- C. Conducted a public hearing to obtain public testimony on the proposed project and environmental determination therefor.
- D. Based on the information contained in the Initial Study prepared for the La Quinta Project, a determination was made, based on the independent review and judgment of the City Council, that there was no substantial evidence that the Project would have significant adverse effect on the environment and thus a Mitigated Negative Declaration was adopted by separate Resolution.

NOW, THEREFORE, BE IT KNOWN that the City Council of the City of El Paso de Robles, based upon the substantial evidence presented at the above-referenced public hearing, including oral and written staff reports, does hereby make the following findings that:

1. The above stated facts of this Ordinance are true and correct.
2. The Rezone is consistent with the City's General Plan and its Economic Strategy.

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 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 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 March 16, 2004, and passed and adopted by the City Council of the City of El Paso de Robles on the 6th day of April 2004 by the following roll call vote, to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE BORKEY AREA SPECIFIC PLAN
TO ACCOMMODATE PLANNED DEVELOPMENT 03-016 AND REZONE 03-007
(APPLICANT – ARCIERO & SONS / LA QUINTA HOTEL)
SPECIFIC PLAN AMENDMENT 03-005

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 generally north of River Oaks Drive Highway 46 East and east of the Salinas River to the east of North River 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 and development standards, infrastructure requirements, landscape guidelines, for those properties located within the Specific Plan area, including Subarea D; and

WHEREAS, Arciero and Sons, inc. has filed an application to amend the Borkey Area Specific Plan in order to accommodate Planned Development 03-016 and Rezone 03-007(La Quinta Hotel) for the 1.4 acre site located on the northeast corner of Highway 46 East and Buena Vista Drive; and

WHEREAS, the Specific Plan Amendment would authorize the hotel and restaurant use for the subject parcel within Sub Area D of the Specific Plan; and

WHEREAS, the development standards within Sub Area E of the Borkey Area Specific Plan would be required to be applied to the subject parcel in relation to the hotel and restaurant use because of its commercial nature; and

WHEREAS, at its February 24th, 2004 meeting, the Planning Commission conducted a duly noticed public hearing making a recommendation on the proposed amendments to the BASP 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 Ordinance amending the Borkey Area Specific Plan and environmental determination therefore.
- c. Recommended that the City Council approve the proposed Ordinance amending the Borkey Area Specific Plan and related document text shown in Exhibit A, attached hereto and incorporated herein by reference.
- d. Based on the information contained in the Initial Study prepared for the La Quinta Project, a determination has been made that there is no substantial evidence that the Project would have significant adverse effect on the environment and thus a Mitigated Negative Declaration was adopted by separate Resolution.

WHEREAS, at its meeting of March 16, 2004, the City Council held a noticed 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 Ordinance amending the Borkey Area Specific Plan and environmental determination related thereto.
- c. Considered the recommendation of the Planning Commission.

- d. Made a finding that the Mitigated Negative Declaration adopted by the Planning Commission is adequate and there is no action necessary by the City Council.
- e. Introduced the Ordinance for first reading after:
 - 1. Making the finding that the proposed rezone to apply Resort/Lodging Overlay to establish the ability to allow a hotel and restaurant on the subject site within Sub Area D would be consistent with the City's adopted Economic Strategy where a goal is to develop Paso Robles into an "end destination" tourist attraction, subject to applying all applicable conditions within Sub Area E of the Borkey Area Specific Plan.

WHEREAS, at its meeting of April 2, 2004, the City Council held a second reading of said Ordinance. As part of the action on the second reading, the City Council did ordain that the text of the Borkey Area Specific Plan is amended as set forth Exhibit A, attached hereto and made a part hereof and to include the following Section:

Chapter III, Plan Policies, Sub Area D (Page III-19) of the Borkey Area Specific Plan

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 March 16, 2004, and passed and adopted by the City Council of the City of El Paso de Robles on the 6th day of April by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

- 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). The minimum permitted lot size for each residential dwelling unit shall be one acre.
- 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.
- D-4 Experimental Station Road east of Buena Vista Road shall not be extended through to any other street except to a local rural cul-de-sac street or as required to provide emergency-only access.
- D-5 The City shall seek landscape easements along the Highway 46 corridor, at such time as affected parcels develop, to preserve and protect the scenic qualities of this "entrance" corridor into the community.

- Add* → D-6 For the property located at the northeast corner of Highway 46 East and Buena Vista Drive, where the Resort /Lodging Overlay has been applied by Rezone 03-007, Ordinance No. ___, all applicable conditions within Sub Area E shall apply, since a resort project would be closely related to commercial projects within Sub Area E.