

TO: James L. App, City Manager
FROM: Ronald Whisenand, Community Development Director
SUBJECT: River Oaks, the Next Chapter
DATE: September 21, 2010

Needs: For the City Council to hold a public hearing and provide direction on the disposition of pending applications associated with River Oaks, The Next Chapter.

- Facts:**
1. The City received applications for a General Plan Amendment and Borkey Area Specific Plan Amendment in 2007 for a 270-acre proposed development called River Oaks, The Next Chapter.
 2. The proposed project would be located mostly on the west side of Buena Vista Drive, and north of Cuesta College.
 3. The proposed amendments would require changes to existing land use designations and add up to 1,905 residential units, or approximately 4,900 population, to the City.
 4. On May 5, 2009, the Council determined to process applications for specific plans that are identified in the 2003 General Plan and are at densities consistent with the General Plan's population planning threshold of 44,000 persons.
 5. The proposed residential development for River Oaks, The Next Chapter is not included in the 2003 General Plan, nor are the population estimates.
 6. The City is not obligated to process applications that do not conform to the City's General Plan.

Analysis &

Conclusion: Processing of River Oaks The Next Chapter application ceased in May 2009 consistent with Council direction to pursue only those development applications for specific plans included in the 2003 General Plan. Council indicated that the River Oaks application might be considered with the next comprehensive General Plan update.

The City Council's direction discontinued R.O. T.N.C. application processing. It would be appropriate to clarify and confirm the Council's action. Three options may be considered:

- Deny the applications since they are inconsistent with the General Plan.
- Authorize processing of the applications with all, or a portion of requested zoning and/or density/population.
- Take no action on the applications and defer processing until the next comprehensive update of the City's General Plan.

Processing, or taking no action on, the River Oaks - The Next Chapter applications would require:

- Commissioning an independent resource capacity study to be included in the River Oaks Specific Plan EIR that would address whether adequate resources and infrastructure exist (i.e. water, wastewater, roads, etc) to serve a buildout population of 49,000 and a strategy to fund additional resources/infrastructure should they be needed.
- Amending the City's 2003 General Plan to increase the City's population planning threshold from 44,000 to 49,000 and to identify the River Oaks project as a source of that increased residential capacity. As an alternative, the Council could amend the General Plan to eliminate or reduce residential capacity by "down zoning" developable residential areas citywide or eliminating the Chandler Ranch and Olsen Ranch/Beechwood Specific Plans from the General Plan. However, at a minimum, this alternative would require significant environmental analysis including, but not limited to, potential impacts on inducing growth, water supply, circulation, and greenhouse gas emissions, and could result in a legal challenge from affected property owners. Either approach would require the preparation of an EIR.
- Amending the Borkey Specific Plan to include the River Oaks development component.
- Preparing a project EIR for R.O.- T.N.C.
- Expanding the scope of environmental work for the Chandler Ranch and Olsen Ranch/Beechwood Specific Plans to include a cumulative impact analysis of River Oaks. *Note: additional analysis would have to be funded by specific plan property owners.*
- Modifying the latest traffic model and amending the draft Circulation Element and Circulation Element EIR to include traffic analysis for River Oaks. *Note: these modifications will require an amendment of both consultant contracts and will require appropriate levels of funding.*
- Modifying the EIR for the Uptown/Town Centre Specific Plan to include a cumulative impact analysis of River Oaks including recirculation of the revised EIR. *Note: modification and possible recirculation will require an amendment of the Town Centre/Uptown consultant contract and will require appropriate levels of funding.*

Policy

Reference:

Council Resolution No. 09-055 dated May 5, 2009 which stated; "The City will focus its efforts and resources to process only those specific plans called for in the current General Plan and Economic Strategy, namely: Uptown/Town Centre, Chandler Ranch, and Olsen Ranch Beechwood Specific Plans."

Fiscal

Impact:

Application denial = None; Application processing or taking no action = costs could be significant both for City and affected property owners and with no identified City funding source.

Options:

- a. Adopt the attached resolution (Attachment 1) denying the applications for a General Plan Amendment and Borkey Specific Plan Amendment and returning all application materials and unspent processing funds to the project applicant.

- b. Direct staff to bring back a resolution authorizing processing of River Oaks, The Next Chapter applications, and provide staff with the following direction:
- The maximum residential density to be considered with River Oaks, the Next Chapter;
 - Any additional density to be built into the General Plan for Olsen Ranch/Beechwood, Uptown/Town Centre, or other future expansion possibilities;
 - A funding source to begin a comprehensive update of the City's Land Use Element of the General Plan;
 - A funding source to direct the firm of Fehr and Peers to amend the City's traffic model to determine impacts to the City's street network;
 - A funding source to amend the Circulation Element and Circulation Element EIR contracts to facilitate the addition of River Oaks, the Next Chapter;
 - A funding source to begin a resource capacity study to address infrastructure needs and funding to accommodate a population beyond 44,000 persons;
 - A funding source to initiate an EIR for the proposed amendment of the City's General Plan;
 - Funding source to amend the EIR for the Uptown/Town Centre Specific Plan: and
 - Funding sources to amend the EIRs for CRASP and OBSP.
- c. Take no action on the applications, and provide direction regarding:
- A funding source to amend the Circulation Element EIR to facilitate the cumulative impact analysis of River Oaks as a "reasonably foreseeable future project." *Note: This analysis will require funding an update of the City's recently completed traffic model to determine the transportation impacts of 1900 +/- residential units. Furthermore, this action will delay the Circulation Element Update process*
 - A funding source to amend the Uptown/Town Centre EIR to initiate an EIR to facilitate the cumulative impact analysis of River Oaks as a "reasonably foreseeable future project." *Note: This action will require recirculation of a revised draft EIR and delay in the Uptown/Town Centre Specific Plan process; and*
 - Funding sources to amend the EIRs for CRASP and OBSP to facilitate the cumulative impact analysis of River Oaks as a "reasonably foreseeable future project." *Note: Current Council policy is that the property owners for these specific plans would need to fund this additional analysis. and delay the process.*
- d. Amend, modify or reject the foregoing option.

Attachments:

1. Draft Resolution of Denial
2. Resolution 09-055

RESOLUTION NO. 10-xxx

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
DENYING APPLICATIONS FOR GENERAL PLAN AMENDMENT AND
BORKEY AREA SPECIFIC PLAN AMENDMENT FOR RIVER OAKS, THE NEXT CHAPTER**

WHEREAS, the City received applications for processing a General Plan Amendment and Borkey Area Specific Plan Amendment for a 270-acre development called River Oaks, The Next Chapter ("River Oaks"); and

WHEREAS, on May 5, 2009, the City Council adopted Resolution No. 09-055 directing that staff process development applications for specific plans that both are identified in the 2003 General Plan and are consistent with the City's population planning threshold of 44,000 persons; and

WHEREAS, the area that is the subject of the River Oaks applications is not part of a specific plan identified in the 2003 General Plan as being appropriate for residential land uses nor is it consistent with the City's population planning threshold; and

WHEREAS, the River Oaks applications request, among other things, changes in land use designations and additional population densities in the General Plan and Borkey Area Specific Plan; and

WHEREAS, given the size, type and scale of the proposed development, the Council believes that it would be premature to consider the changes requested in the River Oaks applications and that any such proposed changes in land use designations, population densities and other related matters should be considered during the next comprehensive General Plan update; and

WHEREAS, the City Council held a public hearing on September 21, 2010 to consider the River Oaks applications;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED, by the City Council of the City of El Paso de Robles that any and all pending applications for River Oaks, including but not limited to applications to amend the General Plan and the Borkey Area Specific Plan, are inconsistent with the City's current General Plan, and on that basis are hereby denied.

BE IT FURTHER RESOLVED AND ORDERED that all application materials shall be returned to the project applicant along with any unspent processing fees.

PASSED AND ADOPTED THIS 21st day of September, 2010 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk

RESOLUTION NO. 09-055

A RESOLUTION OF
THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
PROVIDING DIRECTION AND PROCESSING PRIORITIES
FOR VARIOUS SPECIFIC PLANNING EFFORTS

WHEREAS, the City is processing or has received applications for four specific plans including Uptown/Town Centre, Chandler Ranch, Olsen Ranch/Beechwood, and River Oaks II; and

WHEREAS, the City's current General Plan and Economic Strategy call for master planning the Uptown/Town Centre, Chandler Ranch, and Olsen Ranch/Beechwood areas and provides density targets that are within the City's buildout population planning threshold of 44,000 residents; and

WHEREAS, the City has sized its physical and human resources to serve a target population of 44,000 persons; and

WHEREAS, the four proposed specific plans have the potential to increase the City's buildout population to 52,000 persons, which would exceed the City's ability to adequately serve its residents; and

WHEREAS, the Council understands the need to focus staff's efforts on those specific plans which will meet the City's General Plan and Economic Strategy objectives in order to have new residential capacity ready to be built in a timely manner.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED, by the City Council of the City of El Paso de Robles as follows:


1. The City will focus its efforts and resources to process only those specific plans called for in the current General Plan and Economic Strategy, namely: Uptown/Town Centre, Chandler Ranch, and Olsen Ranch/Beechwood Specific Plans. Any additional specific plans or amendments to existing specific plans that would increase the existing population threshold may not be processed without an amendment to, at a minimum, the Land Use element of the General Plan.
2. The development within these three specific plan areas will be limited to the densities set forth in the current General Plan unless and until the City, in its discretion, determines to comprehensively amend the Land Use Element of the General Plan that would allow for increased densities and an increased population threshold.
3. Because the environmental review of the Chandler Ranch and Olsen Ranch/Beechwood Specific Plans cannot be completed until the updated Circulation Element of the General Plan is completed, the completion of the Circulation Element shall remain a top priority for City staff. The processing of the Uptown/Town Centre Specific Plan is not dependent upon an updated Circulation Element being completed as it addresses infill development within an area with a completed street network, and any circulation or traffic issues shall be addressed in the environmental review of that specific plan.
4. Specific Plans shall have a priority processing order as follows:
 - a. Uptown/Town Centre
 - b. Chandler Ranch
 - c. Olsen Ranch/Beechwood
5. City staff shall provide the Council with quarterly status reports regarding the processing of all specific plans. The Council reserves the right to change processing priorities among the Uptown, Chandler Ranch and Beechwood-Olsen specific plans should there be extended

delays caused by property owners. Such delays may include, but are not limited to, the failure to make timely or adequate deposits to cover City costs in processing the specific plan or provide timely information.

6. The property owners within the Chandler Ranch and Olsen Ranch/ Beechwood Specific Plan areas shall be responsible for paying for all costs related to the processing of their respective specific plan; the costs of the Uptown/Town Centre Specific Plan are being borne primarily by the Redevelopment Agency of the City. Such costs shall include, but are not limited to, all third-party consultant and City staff time costs incurred from the effective date of this resolution. Property owners or their representatives or agents for each specific plan shall be required to enter into reimbursement agreements which will require them to timely make and maintain deposits with the City adequate to cover all City costs associated with their respective specific plans.
7. Any proposed applicant-driven new specific plan or specific plan amendment shall be subject to preliminary community input and review prior to its acceptance for processing as follows:
 - a. Draft specific plans or specific plan amendments shall first be submitted to staff for review and feedback to applicant
 - b. Community workshop(s) will be held before the Planning Commission and City Council before a proposed specific plan or specific plan amendment is accepted for processing
 - c. Environmental review of a new specific plan or specific plan amendment will begin only after community input and City Council direction on the proposed specific plan or specific plan amendment.
 - d. The City Council retains the discretion as to whether to accept a new specific plan or specific plan amendment. Any new specific plan or specific plan amendment that is accepted for processing shall be subject to all normal environmental review, public comment and hearing process.
8. Nothing in this resolution shall affect the rights of other property owners in the City to submit a new specific plan or specific plan amendment to the City for processing provided, however, that the processing of any such specific plan or specific plan amendment shall be subject to the priorities set forth above and consistent with population planning thresholds contained in the current General Plan, and may be limited by the resources available to the City. The property owners included within an area covered by a new specific plan or specific plan amendment shall be responsible for paying for all costs related to the processing of such new specific plan area or specific plan amendment.

PASSED AND ADOPTED THIS 5th day of May, 2009 by the following Roll Call Vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco
NOES:
ABSENT:
ABSTAIN:



Duane Picanco, MAYOR

ATTEST:



CATHY DAVID, DEPUTY CITY CLERK

RESOLUTION 09-055