

TO: Thomas Frutchey, City Manager
FROM: Susan DeCarli, City Planner
SUBJECT: Borkey Area Specific Plan Amendment / River Oaks II Expansion

General Plan Amendment 13-002
Rezone 13-001
Specific Plan Amendment 13-001
Master Plan Development Adoption

Applicant: Wes Willhoit, Estrella Associates - APN: 025-390-009

DATE: June 21, 2016

Needs: For the City Council to consider an application filed by Wes Willhoit on behalf of Estrella Associates, requesting a General Plan Amendment (GPA), Zoning Map Amendment (rezoning/RZ), Borkey Area Specific Plan Amendment (SPA), and adoption of a Master Development Plan (MDP) to allow for 271 single-family (sfr) units, and expansion of the Paso Robles Hot Springs Spa and River Oaks neighborhood development.

- Facts:**
1. The project, known as River Oaks II, is located in the northeastern area of the City of Paso Robles, within the Borkey Area Specific Plan area (Subarea A), north of State Route 46 East, west of Buena Vista Drive, and east of the Salinas River. See Attachment 1 – Project Location Map.
 2. In order to accommodate the proposed development project, it is necessary to amend the General Plan - Land Use Element, land use designation diagram, Circulation Element diagram, Zoning Map, the Borkey Area Specific Plan, and adopt a Master Development Plan as follows:
 - a) General Plan Amendment
 1. Amend the General Plan Land Use Element Map to re-designate approximately 85 acres of land from Agriculture (AG) to Residential Single Family (RSF-4). A portion of the property (18 acres) located adjacent to the Salinas River (to the west of North River Road) is designated as Parks and Open Space (POS), and is proposed to remain POS, and an approximately 26-acre area of the property would retain the existing AG land use designation. See Attachment 3 – General Plan - Land Use Map Amendments.

2. Amend the General Plan Circulation Element to eliminate a planned 2-lane arterial road connection (Dry Creek Road) with a future road alignment through the River Oaks II planning area, from Buena Vista Drive to North River Road. See Attachment 4 – Circulation Element Map Amendment.

b) Specific Plan Amendment

An amendment to the existing Borkey Area Specific Plan (BASP) Subarea A is proposed to reflect the proposed changes to the existing land use designation and zoning. The proposed project includes numerous amendments to development standards and several other text amendments in Chapters 2, 3, and 4 of the BASP to provide consistency with between the project proposal and the applicable standards. See Attachment 6 – BASP Subarea A Map and Text Amendments.

The Specific Plan Amendment shall also include a new requirement to adopt a Master Development Plan and a Design Manual for the River Oaks II subarea, to ensure orderly future development of the project area.

The Specific Plan Amendment also includes a request to deviate from the City's existing grading regulations in the Zoning Code. The City is concurrently in the process of modifying the City's grading regulations. It is anticipated that the modified regulations will allow Specific Plan areas including the BASP to implement grading methods unique to each Specific Plan area.

c) Zoning Amendment

Amend the existing Agriculture (AG) zoning of the site to reflect implementation of the General Plan amendments. This includes rezoning approximately 85 acres to Residential Single Family (R-1). The area adjacent to the river (18 acres) would be rezoned from AG to POS for consistency with the General Plan designation. Additionally, a 26-acre area of land within the development area will remain zoned Agriculture, but add a Resort Lodging Overlay (AG-R/L), for consistency with the General Plan. See Attachment 5 – Zoning Map Amendment.

d) Master Site Development Plan

The proposed amendments allow for master planning of the project site for the future development of 271 single-family residential (sfr) units on 129 acres. This includes expanding the Traditions senior neighborhood with 144 sfr lots, and 127 sfr standard-sized lots, similar to the Classics and Vineyards neighborhoods. The project also includes expanding uses at the existing River Oaks Hot Springs development, pavilion and outdoor amphitheater, and introducing a neighborhood agricultural activity area. The project also includes

dedicating property within the Salinas River corridor to the City for public open space uses. See Attachment 2, River Oaks II Master Site Development Plan and Attachment 11, Design Manual.

3. Development of 271 new residences (271 du x 2.66 pp/du = 720 residents) is consistent with the existing build-out scenario of the General Plan Land Use Element, which plans for a future City population of 44,000 residents.
4. As part of the General Plan amendments, the City Council will need to formally allocate “Surplus Density Units” (SDU) identified in City Council Resolution No. 13-057 (Attachment 14). The following section outlines the process of allocating and tracking SDU’s.

In accordance with City Council Resolution No. 13-057, the Land Use Element incorporated a 5% vacancy rate and an average population per household ratio of 2.66. These population calculation variables raised the number of dwelling units that could be built within the General Plan’s 44,000 population cap by 594 units to 17,412 total dwelling units.

The additional 594 SDU’s were not assigned to specific development projects. The City Council Resolution states:

- the City Council will not approve general plan amendments that collectively increase the number of dwelling units at build out above 17,412 dwelling units (16,818 + 594).
- The City Council encourages applicants to submit specific plans or specific plan amendments and to prepare accompanying general plan amendments and environmental assessments. The City shall process project applications as they are submitted and shall evaluate each application on its own merits.

Since adopting this resolution, the City Council has allocated four (4) SDU’s to General Plan Amendment (GPA) 14-002 for the San Antonio Winery Mixed – Use development (located at the corner of Buena Vista Road/SR 46E). The City is currently processing an application for allocation of 16 SDU’s to GPA 15-002, for Alder Creek apartments. This application is scheduled for hearings this summer. If approved by the City Council, a total of 20 units would be allocated out of the 594 SDU’s. This would leave 574 units unallocated.

The River Oaks II project is proposed 271 single-family residential dwelling units. The River Oaks II expansion property was previously approved for an expanded spa resort with 20 employee housing units. The existing Ag zoning also allows one (1) unit per 20 acres which calculates to 11 dwelling units. Therefore, the project was determined to have an existing General Plan

residential density of 31 residential units (20 + 11 = 31 units). If approved, the River Oaks II project would require an allocation of 240 SDU (240 SDU + 31 existing units = 271 units).

[Note: A June 29, 2011 letter was issued to Mr. Willhoit from the City stating the previous resort development would have a water demand equivalent to 159 single-family residential units. This equivalent water demand calculation was needed to determine if additional Nacimiento water supplies would be needed to serve the project. These water equivalency units do not translate into SDU's created in the 2013 City Council resolution.]

This would leave a balance of 334 units unallocated that would be available for other future projects, as follows:

594 Surplus Density Units identified in City Council resolution 13-057

- 4 units	San Antonio MU GPA =	590 units
- 16 units	Alder Creek Apartment GPA =	574 units
- 240 units	River Oaks II GPA =	334 units available

5. The City's General Plan, Parks and Recreation Element includes policies (Policy PR-1B, Action Items 3 & 4), support dedication and improvement of property within the Salinas River corridor for public open space and recreation purposes. Improvements identified include parks, trails, active and passive recreational uses. The Plan also includes policy support to conserve and restore natural resources within the river corridor.
6. This application for a GPA, RZ, and SPA was submitted in January 2013. A significant portion of the first two years of the project review process was used to assess water resources and potential agricultural resource impacts, and to determine the appropriate environmental review process.

Once these issues were clarified (July 2015), it was determined that pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA) and the City's Procedures for Implementing CEQA, all impacts could be mitigated to a less than significant level. This is supported with an Initial Study, and based on the analysis it was determined that a Mitigated Negative Declaration (MND) could be prepared for this project. A MND was prepared and circulated for public review and comment. See Attachment 13 – Draft MND. Comments on the MND are provided in Attachment 14. The 30-day public review period for this project began on April 11, 2016 and is extended through June 21, 2016.

7. The Planning Commission considered this project at their meeting on May 17, 2016, and recommended approval to the City Council on a 6-0-1 vote.

Commissioner Brennan stepped down with a conflict of interest. Public comments raised were focused on traffic safety on Clubhouse Drive, and neighborhood traffic from Waterford Court to Schoolhouse Circle. Other issues discussed were centered around water resources.

8. The Parks and Recreation Advisory Committee considered this project at their meeting on June 13, 2016. The committee voted to endorse the project. Discussion included interest in a kids play area within the central area of the project.

Analysis and

Conclusion:

General Plan Amendment

The proposed project includes a set of amendments to the City General Plan, Zoning Code and other regulations. These amendments are “legislative acts” and are entirely discretionary. The City is not compelled to consider or approve them. Should the City Council entertain consideration of these amendments, it should recognize that they do not have the same legal requirements, nor should they be treated the same, as “quasi-judicial” entitlements that require action on behalf of the City, including a direct “nexus” for conditions of approval, (e.g. Conditional Use Permits or Subdivision Maps). When reviewing legislative amendments, it is incumbent upon the City to consider community-wide benefits, and determine the extent to which the proposed amendments meet overarching goals of the community. These include, but aren’t limited to: (1) protecting the public health, safety, and welfare - including existing and future residents, and surrounding properties; (2) careful use of natural resources; (3) minimizing environmental effects; (4) providing affordable housing; and (5) providing for orderly growth and development.

The applicant’s primary goal for this project is to expand the existing River Oaks neighborhoods to create a cohesive, unified extension of the River Oaks community. To enable this development, amendments to several plans and policies are necessary. Currently, the project site is part of a larger, agricultural area in the upper northeast area of the City, and is considered an urban/rural transition area between existing residential development and agricultural land to the north. Except for the River Oaks Hot Springs development located at the north end of Clubhouse Drive, and the lake area and pavilion which are used for passive recreational purposes, the project site is undeveloped. The property was previously used for dry-crop farming.

Project Components

Master Development Plan/Design Manual

As noted in the “Facts” above, the project proposes to extend the existing River Oaks neighborhoods, as shown in the proposed Master Development Plan (MDP) and Design Manual in Attachment 2. The MDP provides a development plan for site layout; land uses and circulation. The Design Manual provides: design guidelines; development standards; landscape and architectural themes; infrastructure plan; and a phasing and implementation plan (including a development review process) for the MDP. As a component of a Specific Plan, development standards and guidelines unique to a particular development and provide flexibility to deviate from adopted zoning standards may be considered.

Land Uses

The project includes planning for an extension of the existing active adult Traditions Neighborhood on the west side of Clubhouse Drive. This area is proposed to continue development of 144 lots that would be age-restricted, single-family detached, market-rate housing in a gated neighborhood. This area is proposed to be planned for a density of eight (8) dwelling units per acre. It includes a private bluff top walking trail that would connect to an existing trail within the existing Traditions development, rear lanes/alleys, and the owners would have access to use of the pavilion for community events, and other amenities outside of their immediate neighborhood.

The other residential project component is proposed on the east side of the property, and would include larger-lot neighborhoods with areas for 8,000 sf to 10,000 sf lot and 15,000 to 20,000 sf lots. Neighborhoods in this area, as well as the general public would have access to a planned multi-purpose pathway system and use of recreational amenities including swimming pools and tennis courts at the expanded spa facility. These areas are also planned to have similar streetscape amenities as the Classics and Vineyards neighborhoods of River Oaks.

The General Plan, Housing Element calls for a diversity of housing types and housing available to all income levels. The development program for this project only includes single-family lots, and does not include multi-family housing or small-lot single-family housing product types. No subsidized affordable housing is proposed with future development in either residential component of this project.

The proposed project includes plans for future development of an internal, private agricultural activity area (to be zoned Agricultural). Uses in this area are planned to include: crop production, a farmstand for sale of locally grown agricultural products, walking trails, and other ancillary uses. Other site amenities include use of the outdoor areas around the lake, amphitheater for passive recreational activities, spa and the pavilion.



Proposed River Oaks II Master Plan of Development

Circulation

The proposed circulation network includes a connected system of streets, sidewalks, lanes, bicycle paths, multi-purpose paths, and walking trails. The project is planned to have connections to the surrounding neighborhoods from Clubhouse Drive, an extension of Waterford Court, and Buena Vista Drive. The main thoroughfare through the east side of the project would connect from Clubhouse Drive to Buena Vista Drive. Several smaller local streets connect individual neighborhood areas. Traffic circles are proposed at major intersections. The site circulation plan is generally well connected. Cul-de-sacs are proposed in locations where the sloping topography would make street connections infeasible. Streets within the project are proposed to be privately owned and maintained, with recorded public access easements.

The proposed Circulation Element amendment would eliminate the arterial road designation from the north end of Buena Vista Drive across the project site, connecting down the west side of the property to North River Road. The connection was included in the last Circulation Element update as a component of the parallel routes program (to provide alternative access for vehicles north of SR 46E, and not encourage local traffic to use the State highway system for circulation). The City Engineer has determined that this particular segment would not serve a significant number of vehicles, and would be cost prohibitive to construct. With other parallel route (Dallons/Tractor Road) improvements underway, this road connection does not appear to justify the cost of the road extension.

The project draft Conditions of Approval require payment of Transportation Impact Fees to mitigate its pro-rata share project-related traffic impacts on the surrounding network. The project is also conditioned to construct specific improvements in the vicinity of the project. These include reconstruction of the intersection at North River Road and River Oaks Drive, to improve safety at the

intersection by slowing down vehicles and increasing sight-distance visibility. Additionally, the project is conditioned to improve Buena Vista Drive north of Cuesta College to the northernmost project entrance, with two driving lanes and bike lanes on both sides of the road. Additionally, conditions of approval are included to require improvement the intersection of Buena Vista Drive and Dallons Drive for pedestrian safety.



Circulation Element Diagram

Water Resources

A Water Supply Evaluation (WSE) was prepared for this project by TODD Groundwater (March, 2016), which is provided as an attachment to the Initial Study/MND in Attachment 17. The WSE estimates the proposed project-related water demand, and water resources available to supply the project in the near- and long-term horizon, under normal, drought, and sustained drought conditions.

The assumptions in the WSE are based on the planned growth scenario through General Plan build-out as documented in the City's adopted 2010 Urban Water Management Plan (UWMP), as well as current water supply availability from the City's water resource allocations including: groundwater, river water, water from the Nacimiento Water Project and future recycled water. The applicant also has existing rights to use well water from two existing wells within the Salinas River corridor. The applicant will be permitted to continue the use private well water for existing uses, and land zoned for agriculture. Well water is proposed to be used on an interim basis for landscaping in the public right-of-way, until such time as recycled City water becomes available. The project is conditioned to provide easements and to construct a recycled water main from North River Road to the Cuesta College property on Buena Vista Drive.

As noted in the conclusions of the WSE, the additional water supply needed for this project is accounted/planned for in the General Plan and 2010 UWMP. As demonstrated in Table 14 of the WSE, the report indicates that the City has an adequate potable water supply to provide a reliable long-term water supply for the project, and as shown in Table 15, it concludes that the same determination under normal and drought conditions through build-out of the City under the existing General Plan build-out scenario.

Storm Water

The proposed future development project and Tentative Tract Maps will need to address storm water management consistent with all applicable State regulations prior to approval of subsequent subdivision maps and grading plans. The proposed Design Manual references potential methods to manage storm water on the project site. The City received comments from the Central Coast Regional Water Quality Control Board on the draft MND which provides guidance on compliance regulations (provided in Attachment 14). The applicant will need to submit an engineered storm water control plan that provides specific, quantifiable mechanisms to maintain water from each phase of development, see Attachment 11, Conditions of Approval #46.

The applicant will need to also comply with applicable State permitting requirements relative to potential drainage impacts affecting waters of the State (e.g. the lake/pond, ephemeral drainages, etc.). The applicants' engineering firm will ensure that the future development of the project complies with all necessary requirements regarding storm water management. Refer to Attachment 12, draft Conditions of Approval.

Agriculture

As noted in the Facts above, the project site is currently designated in the General Plan and Zoned Agriculture. The MND evaluated conversion of this property to primarily urban land uses. The conclusion is that it would not result in significant impacts to prime agricultural soils, and that given development patterns that it would not likely induce future agricultural land conversion.

The project includes approximately 26 acres of land intended to maintain the AG designation and zoning. This area contains the existing spa, pavilion and lake (which according to the Zoning Ordinance, are permitted with approval of a Conditional Use Permit (CUP)). The existing uses were approved several years ago, however future expansion of these facilities will require amendments to the CUP.

The 26 acres of agricultural property is located toward the center of the site, and is intended to be used for agricultural crop growing in the future. This area is also intended to include a farm stand to sell the agricultural products on the site to local residents. Management of the agricultural activities is intended to be handled by

the Homeowner Association to ensure that activities do not create on-site land use conflicts.

In regard to the rural/urban interface between the northern boundary of the site and agricultural land and activities, the applicant intends to include a 75-foot agricultural buffer easement to reduce the potential impacts of agricultural operations on the future residences of the project. The draft MND proposes a 100-foot buffer as mitigation to reduce impacts related to the agricultural/residential interface. However, with an existing 25-foot wide service road located on the adjacent agricultural property, there would be an effective agricultural buffer setback of 100 feet for most of the property. Since the draft MND that was circulated for public review included a proposed 100-foot wide setback on the applicants' property, a specific "finding" in the proposed resolution for the draft MND is included that references changing this mitigation measure to a 75-foot buffer. The Planning Commission recommended approval of the proposed 75-foot buffer to the City Council.

Consistent with General Plan Land Use Element policy LU-2E, Action Item 4, the project is conditioned with a requirement to record a Right-to-Farm covenant on each property title with recordation of each subdivision. This covenant would inform future property owners of the right for the neighboring property owner to the north to conduct farming activities. This is intended to reduce the potential of property owners to complain about farming activities, which has the potential to affect farming operations. In addition, per LU-2E, Action Item 5, the future properties will also be provided a disclosure agreement noticing all properties within 500 feet of agricultural activities of the potential nuisances associated with normal agricultural operations.

Parks and Open Space

The proposed project includes planning for several private on-site amenities to provide future residents opportunities for passive and active recreational activity options. These include adding new pools and tennis courts at the existing spa, use of the pavilion (which is planned to be architecturally enclosed for community events), and use the existing open space area around the lake and amphitheater. Residents will also have access to multi-purpose walking paths throughout the site (except for bluff top trails which are intended to be available to the Traditions neighborhood only). Use of the walking paths would be open to the general public through access easements. All on-site amenities will be maintained by the Homeowner Association. Use of the spa facilities or pavilion by the general public would be available through user fees.

The applicant's parcel extends west of North River Road into the Salinas River corridor, which is included as a part of this project. Consistent with the General Plan Parks and Recreation Element, this property is planned for future public park and open space uses, and would be dedicated to the City. This property may be

used for ballfields, and/or other similar uses to be determined. The property would include a future trail connection consistent with the Salinas River Trail Master Plan. Improvements of the trail segment or other public uses would be approved through a public master plan development review process, and would be improved as funds become available. The applicant would receive a 100% park fee credit in exchange for the dedication of the parcel.

Grading

The project site is fairly flat on the west side of Clubhouse Drive, although there are with some areas of topographic undulations towards the northwest property boundary. Development in this area will require import fill to this area of the site. The east side of the project is defined with rolling hills. This area will require significant pad grading to develop suitable building sites and streets. The applicant intends to develop this area of the project utilizing mass grading techniques to provide for a seamless continuity between properties and along public right-of-ways.

The current grading regulations do not permit mass grading for subdivisions. However, the amendments to the Borkey Area Specific Plan includes provisions to allow for individualized grading techniques for the unique, site-specific features of this property. Additionally, the City is currently reviewing the City's existing grading standards in the Zoning Ordinance. Based on City Council direction, the grading regulations will be updated in the near future. The proposed project may be the first project to implement the grading ordinance modifications.

Master Plan Phasing

The applicant has proposed a future development phasing plan in within the Design Manual. The project includes four (4) phases for development (see Attachment 2, Phasing Plan). The first and second phases for development include the Traditions Neighborhood. This would be followed by development of the AG properties, and then the larger lots on the east side of the project.

Policy

Reference: General Plan Land Use Element, Zoning Code, Borkey Area Specific Plan, 2006 Economic Strategy, and Oak Tree Ordinance.

Fiscal

Impact: Single-family residential projects require formation of a Community Facilities District (CFD), to cover increased police and fire staffing costs. All streets, landscaping and common area maintenance will be funded by the Homeowner Associations. Based on these requirements, the project is projected to be revenue neutral to the City.

Options:

After opening the public hearing and taking public testimony, the City Council may take one of the four options listed below:

1. Approve the project by approving the five (5) following entitlements:
 - a. Approve draft Resolution A, certifying the project's Mitigated Negative Declaration and Mitigation Monitoring Program (Attachment 7);
 - b. Approve draft Resolution B, approving General Plan Land Use Element Amendment changing the Agricultural land use designation and General Plan Circulation Element Amendment (Attachment 8);
 - c. Introduce for first reading by title only, Draft Ordinance A, amending the Borkey Area Specific Plan, as shown in Exhibits A, B & C, (Attachment 9);
 - d. Introduce for first reading by title only, Draft Ordinance B, amending the City of El Paso de Robles Municipal Code Section 21.12.020 (Zoning Map), as shown in Exhibit A, attached. (Attachment 10);
 - e. Approve draft Resolution C, approving a Master Development Plan and Design Manual for the River Oaks II subarea of the Borkey Area Specific Plan, subject to Conditions of Approval and Findings (Attachment 11).
2. Amend the foregoing option.
3. Refer back to the Planning Commission and/or staff for additional analysis.
4. Deny one or more of the resolutions or ordinances listed above (a-e).
5. Take no action.

Attachments:

1. Project Location Map
2. Applicants Proposed Project Description and Master Development Plan
3. General Plan, Land Use Element Map Amendment
4. General Plan, Circulation Element Map Amendment
5. Zoning Map Amendments
6. River Oaks II Master Development Plan
7. Draft Resolution A -
Recommending Approval to City Council of a Mitigated Negative Declaration
8. Draft Resolution B -
Recommending Approval to City Council of General Plan Land Use Element and Circulation
Element Amendments
9. Draft Ordinance A, for approval of Borkey Area Specific Plan, Subarea A, Map Amendment
Ordinance and Text Amendments
10. Draft Ordinance B, for approval of a Zoning Map Amendment
11. Draft Resolution C – approval of the Master Site Development Plan Map for River Oaks II and
the River Oaks II Design Manual, and Conditions of Approval
12. Draft Initial Study/Mitigated Negative Declaration, with Special Studies –
Exhibit A of Resolution A
13. City Council Public Hearing Notice Affidavits
14. Council Resolution No. 13-057

Exhibit 1 - Project Location Map

Project Location

The Project is located in the northeastern portion of the City of Paso Robles, in San Luis Obispo County, California (Exhibits 1 and 2). The proposed project site is part of the Borkey Area Specific Plan north of SR 46, east of the Salinas River, and along Buena Vista Drive and South of Circle B Road. Agricultural land borders the site to the north and two existing River Oaks residential neighborhoods are located to the south.

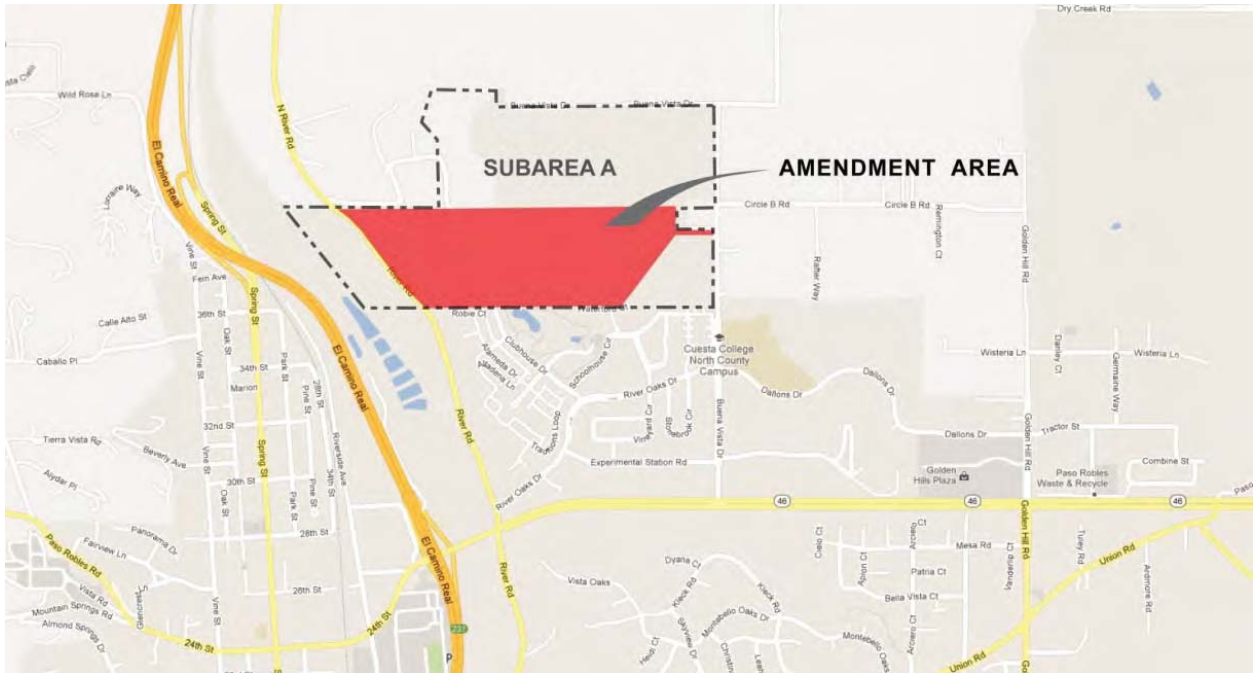


Exhibit 1 - Project Location Map

Attachment 2 - Applicant's Proposed Project Description

Application Overview

This amendment to the Borkey Area Specific Plan proposes to amend the southern portion of Subarea A from Agriculture (AG) to Residential Single Family (RSF), leaving the northern portion of Subarea A as Agriculture. The amendment to RSF will complete the River Oaks Master Plan Community. This application provides materials supporting the requested amendment and includes the following components:

- Project Team
- Project Description Summary
- Project Background
- Project Location
- Project Description
- General Plan Amendment Request
- Specific Plan Amendment Request
- Zone Change Request
- Environmental Setting
- Reasons for Favorably Considering This Project

A primary goal of this amendment is to provide an expansion of the existing residential neighborhoods with like quality and continuity of character. The project team looks forward to working closely with City staff. The development team has already begun outreach with the community during the project review and approval process in order to lay the groundwork for a development of which the existing River Oaks community may be proud.

Philosophy and Goals of River Oaks

The following reflect the philosophy and goals of River Oaks-The Next Generation:

- Create and preserve a sense of uniqueness, attractiveness, history, culture, and social diversity including public gathering places and a strong sense of place.
- Develop distinctive design standards and invest in design excellence to: create inspiring and memorable places; emphasize the appearance and qualities of the public realm; create streetscapes, pathways in public spaces of beauty, interest and functional benefit to pedestrians.
- Protect and enhance the natural environment and increase the quality of life. The neighborhood design should have multidimensional land-use patterns that ensure a mix of uses, minimize the impact of cars, promote walking, bicycling and provide access to employment, education, recreation, entertainment, shopping and services.



- Create an appropriately scaled and economically healthy neighborhood center. Include a wide range of commercial, residential, cultural, civic and recreational uses.
- Encourage community development and mixed-use in pedestrian oriented forms to accommodate varied income levels and lifestyles.
- Promote jobs that match the skills of existing and future residents through provision of housing opportunities and choices. Improve the skills of all individuals through the Health, Wellness, and Fitness Center. Ensure the availability of affordable transportation through transit ready design and housing commensurate with income levels.
- Foster a community form that results in efficiencies in major infrastructure investment and advances the opportunities to provide socially diverse housing.
- Encourage diverse informational centers of creativity learning and interaction.
- Focus community design on a manner of life and civic culture that embraces and fosters lifelong learning. This shall take place in traditional educational institutions as well as diverse venues such as restaurants, arts and cultural locations. This includes public and private places of exceptional design and open spaces that inspire and connect with the natural environment through features that spark creativity.
- Establish strategic alliances with higher learning institutions (Cuesta College) and business and community associations (Paso Robles Chamber of Commerce, Twin Cities Hospital, Paso Robles Youth Sports Foundation, Main St., Paso Robles Wine Country Alliance, San Luis Obispo County Visitors, and Conference Bureau).
- Promote the community as a center of high-value agriculture and agritourism: showcase the Paso Robles wine appellation as an industry: promote viticulture investment, tasting, marketing and sales and end destination attractions; develop and promote year-round special events highlighting viticulture and olive oil.
- Introduce to the community, an ideal setting for emergence and convergence of value added health, wellness and fitness services: encourage public/private partnerships to develop an integrated Health, Wellness, and Fitness Center to showcase natural hot springs as a unique community asset and a cornerstone to health and wellness destination.
- Identify business clusters that complement spa facilities which attract major events to support tourism and corporate retreats.
- Integrate River Oaks: The Next Generation with the existing River Oaks development with seamless transitions and continuity of character.

APPLICATION

1. Project Team

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2. Project Description Summary

The amendment is proposed by Estrella Associates, Inc. in order to construct residential neighborhoods that complete the River Oaks master plan community. The proposed project will provide 271 residential units on approximately 85 acres located within Subarea A of the Borkey Area Specific Plan area. In order to accomplish this, the following amendments are requested:

General Plan Amendment:

Land Use Element: to amend the City's General Plan land use designation in subarea B-2 from Agriculture (AG) to Residential Single Family (RSF-4). This amendment represents a logical extension of the land use to the south as a means of completing the River Oaks Master Planned Community.

Circulation Element: to eliminate the proposed two lane arterial (Dry Creek Road extension) that traverses through the River Oaks II planning area projecting to connect Buena Vista Road to North River Road. The traffic study indicates this road is not expected to carry high traffic volumes in the future. In addition, the topographic conditions at the proposed point of connection with North River Road make construction of the roadway structurally improbable and economically infeasible. Eliminating this segment as proposed would not impact nearby facilities (see traffic study).

Rezone: to change the existing Agriculture (AG) zoning designation to Residential Single Family (R-1) respectively, with a portion of the site to remain Resort Lodging Overlay (R/L) zoning.

Specific Plan Amendment: to amend the Borkey Area Specific Plan to change the existing land use and zoning designation from Agriculture/AG-PD to Residential Single Family (RSF)/R-1 respectively with a portion of the site to retain the Resort Lodging Overlay (R/L) zoning.

3. Project Location

The Project is located in the northeastern portion of the City of Paso Robles, in San Luis Obispo County, California (Exhibits 1 and 2). The proposed project site is part of the Borkey Area Specific Plan north of SR 46, east of the Salinas River, and along Buena Vista Drive and South of Circle B Road. Agricultural land borders the site to the north and two existing River Oaks residential neighborhoods are located to the south.

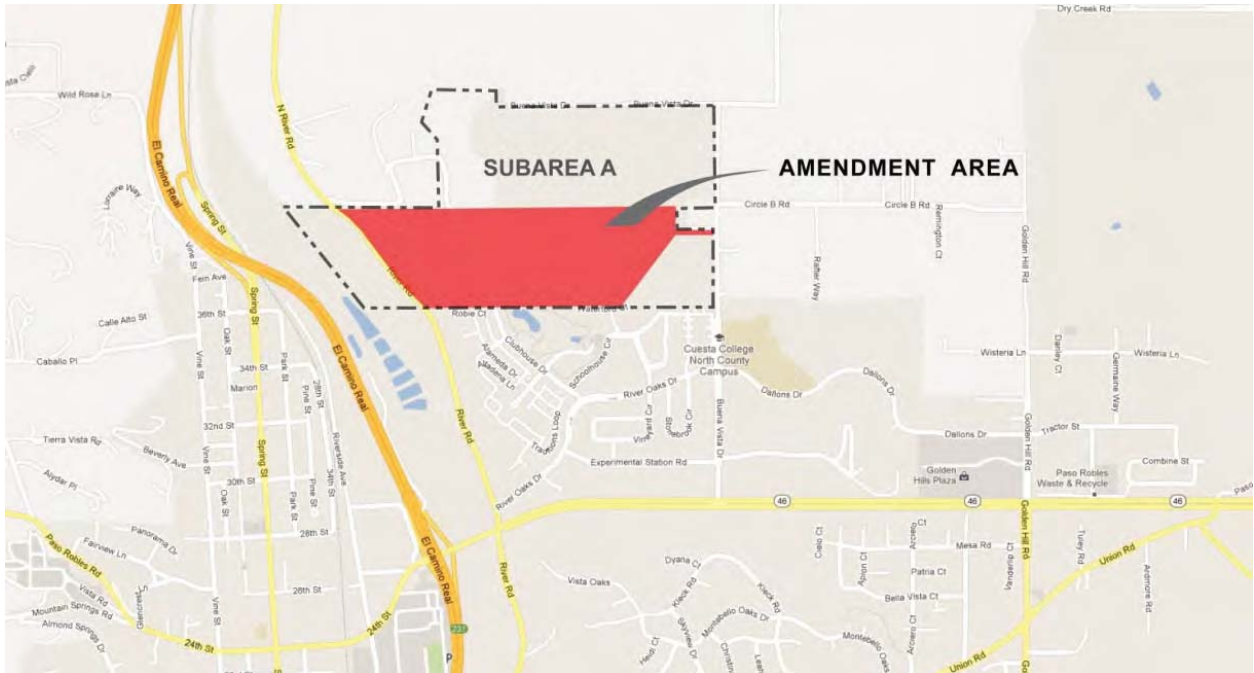


Exhibit 1 - Project Location Map



4. Project Background

The Borkey Area Specific Plan (originally adopted January 8, 1990) was created to establish a policy framework, guidelines and standards for the long-term evolution and development of land use and supportive infrastructure for the area. Encompassing approximately 767 acres of land, the Specific Plan created six planning areas to be developed as residential single family, low density residential single family, commercial services, public facilities, and agriculture.

The Borkey Area Specific Plan has been amended several times from 1998 to 2012. The 1999 amendment revised Subarea 'B' containing about 198 acres west of Buena Vista Drive north of Experimental Station Road to accommodate a master planned mixed-use neighborhood called 'River Oaks.' The community contained 481 dwelling units redistributed internally into seven residential areas and provided for neighborhood commercial, professional office, a player development golf course, and K- 5 public elementary school, as proposed by Estrella Associates' plan. The 1999 amendment was accompanied by a mitigated negative declaration based on initial studies prepared by the City of El Paso de Robles and approved by the Planning Commission in August 1999 and by the City Council in September 1999.

In July 2001, the City of El Paso de Robles processed a General Plan map amendment and proposed text and map amendments to the Borkey Area Specific Plan that would expand and establish Planned Development overlay and Agriculture and Public Facilities zoning for Subarea 'A'. The General Plan Amendment changed the anticipated land use for 138 acres within the Borkey Area Specific Plan from Residential Suburban to Agriculture and expands the Specific Plan boundaries northward to add 117 AG zoned acres. The amendment also proposed that an approximately 18-acre northern portion of Subarea 'F' allow for private ownership and recreational development rather than dedication for public park purposes.



5. Project Description

This application initiates the process by which changes to land use and zoning can occur. Upon completion of the proposed amendments, the proposed Plan Area will be rezoned and ready for submission of a development proposal. Subarea A includes a mix of land uses that are intended to create a neighborhood that integrates with the existing River Oaks residential neighborhoods to the south. These uses include residential single family, parks/open space, and agriculture.

Residential Uses

The proposed development includes 271 residential units on 85 acres that are similar to the existing residential uses to the south, including both an active adult age-restricted neighborhood and a conventional market rate residential neighborhood. The proposed active adult neighborhood is located on the western portion of Subarea A. This portion of the Plan Area is relatively flat and affords itself to the extension of the “Traditions” neighborhood. Up to 144 active adult units are proposed. Lot sizes will be the same as the Traditions neighborhood and the homes will be similar with matching architectural styles.

The eastern neighborhood is proposed as an extension of “The Classics” and “Vineyard Estates” conventional residential neighborhoods. This portion of the Plan Area has some varying topography more suited to larger lots – 15,000 to 20,000 sq. ft. Some smaller lots (8,000 to 10,000 sq ft) may be located along the east side of the existing pond separating the two neighborhoods. Lots will be pad graded with defined building envelopes to minimize impacts on existing trees and site features.

Phasing

Phasing for the Plan Area is shown in Exhibit 19. Construction is expected to occur in multiple phases over a period of 6-8 years, allowing the construction of roads and utilities to be installed in conjunction with development needs. Financing for the development will be a privately funded effort which will focus on a sustainable rate of build out.

Common Area – Resort

Central to these two neighborhoods is an approximately 26.0-acre area adjacent to the existing lake and comprised of the River Oaks Hot Springs Spa and Pavilion. This area is proposed as a resort overlay zone that is intended to serve varied purposes. The Spa would be expanded to include amenities such as a fitness and wellness center, tennis courts, warm mineral water pool and a fresh water swimming pool, walking trails, and an improved neighborhood pavilion as a Community Center with additional parking (see Exhibits 20-21). The Spa will also serve as the community mail center. These facilities will be private facilities available exclusively to all 271 homes and to existing residents of the River Oaks Master Plan Area through the Master Homeowners Association (HOA). The existing open air pavilion is proposed to be enclosed into a community building providing the opportunity to hold larger gatherings such as meetings, dinners,



or other special events. The new community building is intended to be made available through the Master HOA to the existing Traditions residents. Use of the facility for outside events will be limited and subject to approval of the Master HOA Board of Directors.

The central common area will also consist of an Agricultural/ Open Space amenity that may include a community farm, trails, and other features to emphasize the agricultural character of the community setting (see “Agricultural Interface” below).

Circulation – Streets and Trails

The neighborhoods will be linked by a system of roads, sidewalks, bicycle paths and trails. Two collector roads will serve as the “spine” for the neighborhoods as identified on Exhibit 11. Local roads and alleyways will connect the individual residential units to the collector roads. Each street will be lined by a sidewalk that is separated from the curb by a planting strip or accessible surface where appropriate. The existing private access road that links to North River Road will be closed to through traffic and maintained as an alternative emergency access road.

Streets within the neighborhoods will be both public and private. The streets within the new active adult neighborhood will be private and gated to minimize public access. Local streets within the eastern neighborhood will also be private streets. The extension of Clubhouse Drive and the new east-west collector between Buena Vista Drive and Clubhouse Drive will be public streets. These streets will be public and maintained by the City from back-of-curb to back-of-curb. Landscaping and sidewalk located behind the curb line will be privately owned and maintained. Street sections will be consistent with the street sections shown in Exhibits 13 through 18.

Along the west edge of the proposed active adult neighborhood is the Salinas River bluff top overlooking the Salinas River and North River Road below. The existing foot path along the Traditions neighborhood is proposed to be extended northward. This 1,600 foot long path is proposed to be improved as a natural trail similar to that which currently exists adjacent to the Traditions neighborhood. This pathway is a private trail for use by the neighborhood residents and will be maintained by the River Oaks II Homeowners Association (HOA).

Agricultural Interface

The proposed project makes the agricultural setting an amenity and integrates the agricultural lifestyle into the essence of the community. To the north of the Plan Area on the west end of the site are a series of small fields used for row crops. To address the practical realities of the Ag interface, a densely planted windrow of trees (bamboo, austree, etc.) will be installed along the northern property boundary in this vicinity. This will be characteristic of the agricultural character while at the same time provide a buffering from the agricultural operations to the north. On the East side of the Plan Area there will be a deer fence constructed by the adjoining property owner along the northern property boundary. Vegetation will be planted along this fence line as a buffer and in support of the agricultural operations to the north. A landscaped buffer of a minimum of

35' will be provided along the northern boundary. The total setback (including street and front yard setbacks) will be 90' to 100' (see Exhibit 16).

Architecture

As mentioned above the architectural styles proposed for both the extension of the "Traditions" neighborhood and the larger lot neighborhood will be completely consistent with the housing products of similar type in the existing River Oaks Master Plan Area and specifically the adjacent neighborhoods. For the active adult neighborhood these include Prairie, Santa Barbara, and Craftsman styles. For the larger lot neighborhood the vernacular includes Farmhouse, Arts & Crafts, Monterey, Northern European, Prairie, and Wine County (see Architectural Guidelines, Chapter 5). Specific architectural elevations will be submitted with a tentative map application.

Low Impact Development

Reduce Water Use

The project proposes to reduce potable water use for landscaping through the use of existing onsite irrigation wells and through the use of recycled water where feasible. The project will also incorporate high efficiency irrigation systems and drought tolerant plant selections. Irrigation design shall utilize weather and climate-smart controllers, irrigation zones to suit plant requirements, and high-efficiency nozzles.

Optimize the Ecological Benefit of Storm Water Drainage

Storm water drainage will be managed through current best practices with the goal of maintaining and enhancing the pre-development hydrology through the implementation of Low Impact Development (LID) strategies. In conjunction with the drainage infrastructure, landscape treatments will assist in providing for bio-retention, aesthetic enhancement, and potential habitat. Elements may include bio-swales and/or pervious pavement where suitable for site conditions. Bio-swales are swaled drainage courses and filled with appropriate vegetation and/or locally supplied riprap. Plants will be selected to withstand extreme wet and dry conditions, tolerance for potential contaminants found in roadways, and be located appropriately to allow for desired drainage flows.

Streetscapes

Parkways and front yards will utilize mixed shrubs, grasses, and groundcovers to both visually tie to nearby native plantings and reduce water needs. Plant selections will be consistent with the landscape theme established elsewhere in the River Oaks Master Plan Area. Ornamental turf areas will be reserved for recreational or special event areas. The heat-island effect will be further mitigated through the use of shade trees and/or shade structures along pedestrian pathways.

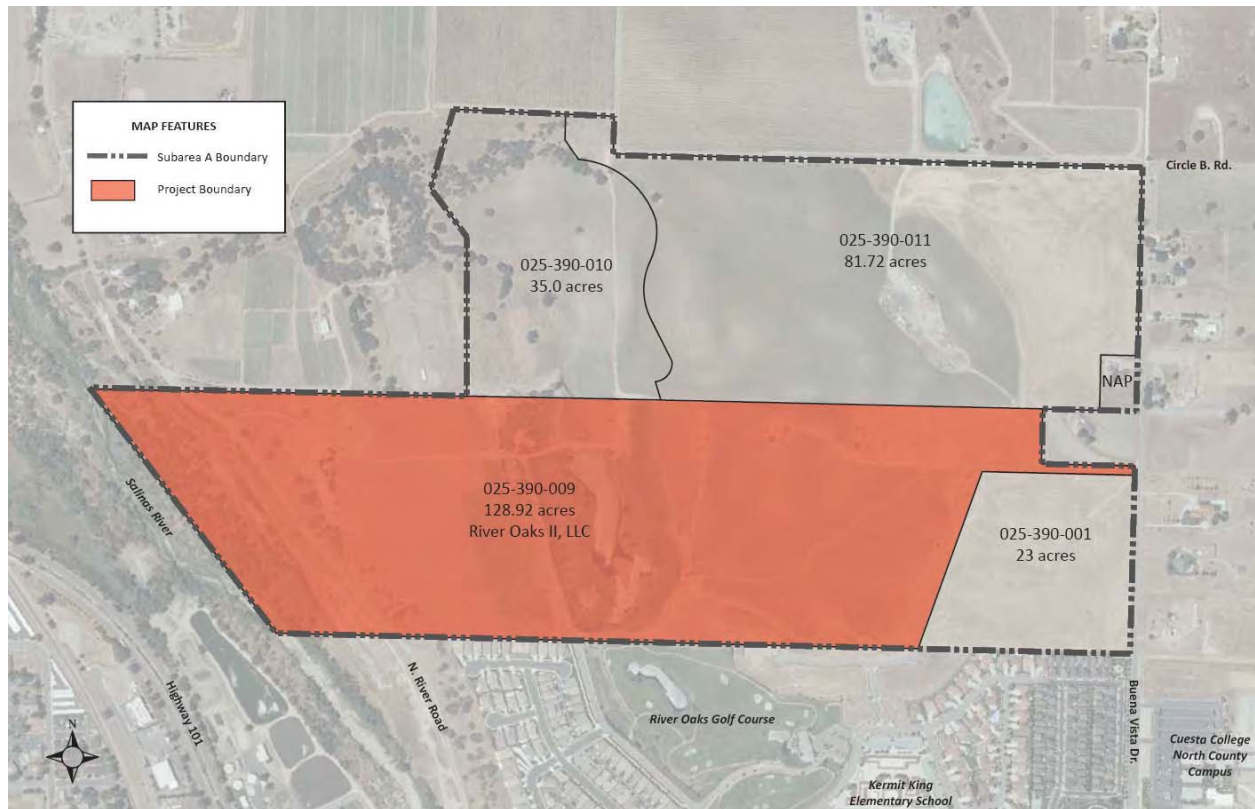


Exhibit 2 - Subarea A with Amendment Area



Proposed Land Uses

The following summary describes the land uses proposed for the Plan Area. This application focuses on the proposed distribution of land uses. No specific lots or individual site development projects are proposed as part of this application.

RSF - Residential Single Family

The RSF land use accommodates low-density residential development with the anticipated density of two (2) to four (4) units per acre. A total of 271 residential units are proposed with lot sizes ranging from 5,000 square foot minimums in the western “active adult” neighborhood, to 20,000 square foot lots on the eastern portion of Subarea A.

The design intent for these neighborhoods is to mimic the existing River Oaks residential developments to the south. For the “active adult” neighborhood, ownership will be limited to those 55 years old and better and offer amenities similar to the existing Traditions development such as a community center and pool. The conventional residential neighborhood will be designed to cluster residential units in order to maximize open space and will have access to the Community Center and Health, Wellness, and Fitness Center.

AG – Resort Lodging Overlay

This overlay includes the existing River Oaks Hot Springs Spa, neighborhood green space, neighborhood pavilion, and lake. Proposed uses within this area include a remodeled pavilion and HOA facilities, and expansion of the existing River Oaks Hot Springs Spa as a fitness and wellness center. These facilities will be private facilities available exclusively to all 271 homes and to existing residents of the River Oaks Master Plan Area through the Master Homeowners Association (HOA).

Subarea A Proposed Land Use Summary Table

Land Use	Acres	Density	Max. Density	Proposed Units
RSF	85	4 units/acre	340	271
PF	23			
AG	145			
POS	18			
TOTAL	271			271

6. General Plan Amendment Requests

Amendment to Land Use Map (in Subarea B-2) of 85 acres from Agriculture (AG) to Residential Single Family (RSF-4) and amendment to the Circulation Element Figure CE-1 Circulation Master Plan Map to remove the segment of 2 lane arterial from Buena Vista Drive connecting to North River Road.

7. Zone Change Requests

This is a request to amend the following zoning designations.

- R1 – Convert 85 acres of Agriculture (AG) zoned land to R1 per Exhibit 6.
- Update the City of Paso Robles Zoning Map (05-03-2011) to include the Plan Area zoning designations found on Exhibit 6.
- Amend the Resort Overlay zone to correspond with the General Plan and Zoning changes.

8. Specific Plan Amendment Requests

Amend 85 acres of the Borkey Area Specific Plan Land Use in the southern portion of Subarea A from Agriculture (AG) to Residential Single Family (RSF) and the specific plan zoning from AG-PD to R-1 plus the following text and graphic amendments:

Chapter 2 – Existing Conditions in Plan Area

- Page II-1: Revise Subarea A, paragraph 2, last sentence as follows:

~~The remaining 232 acres of Subarea A are proposed as an agriculturally compatible, recreational resort development known as the “Paso Robles Hot Springs and Spa.”~~

The 85 acres west of the college site are proposed as single family residential (RSF) with the western most portion being an active adult neighborhood. The northern 117 acres of Subarea A will remain agriculture.

- Page II-8: Revise Figure D-1 (Proposed City General Plan Designations) to be consistent with Exhibit 4 of this application.
- Page II-9: Revise Figure D-2 (Proposed City Zoning Designations) to be consistent with Exhibit 6 of this application.

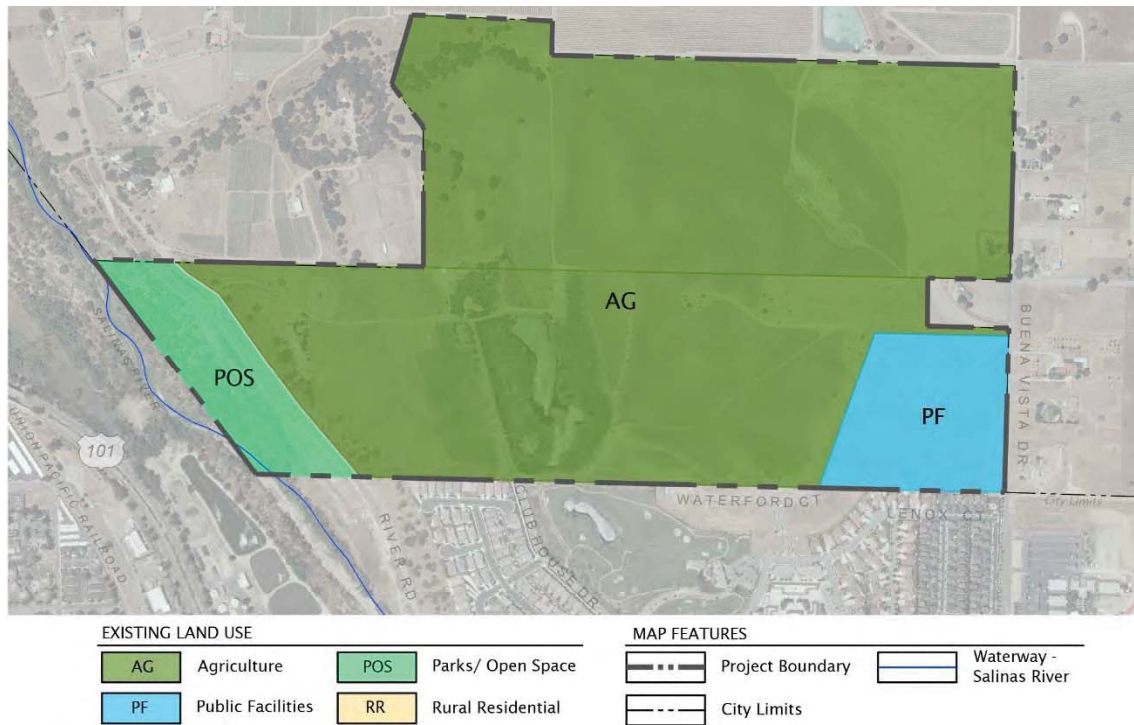


Exhibit 3 – City of Paso Robles General Plan - Existing Land Use

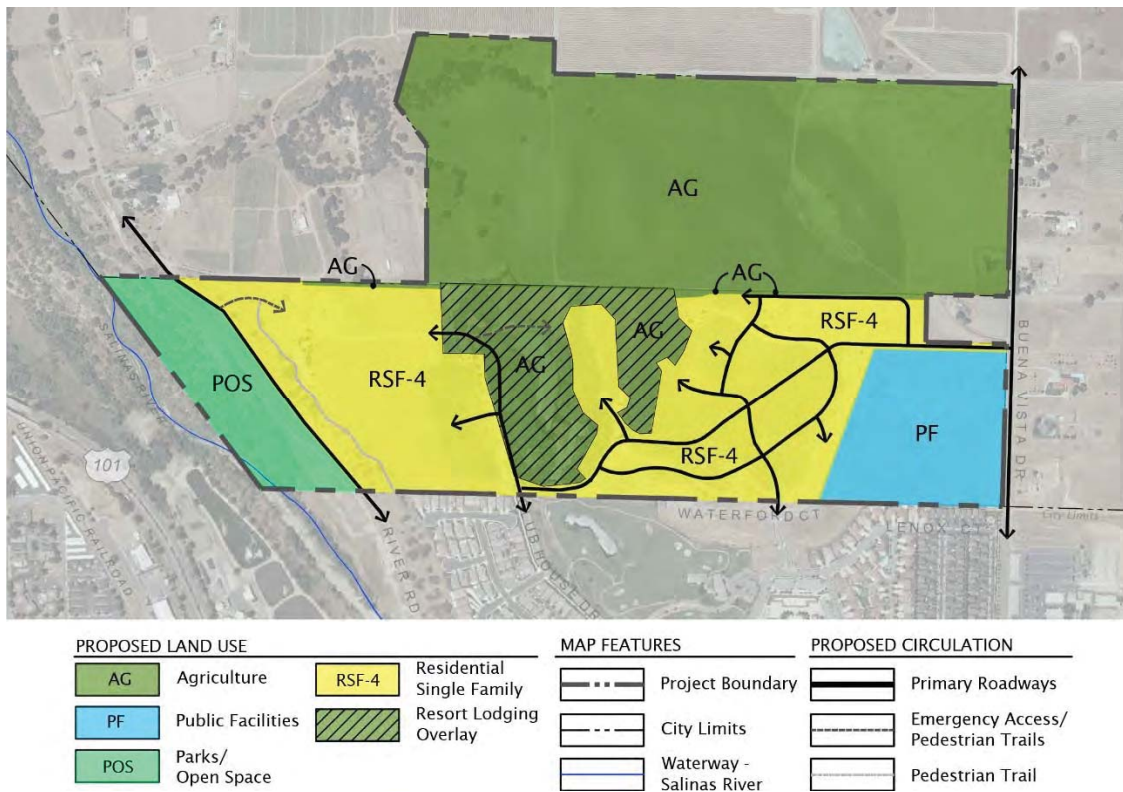
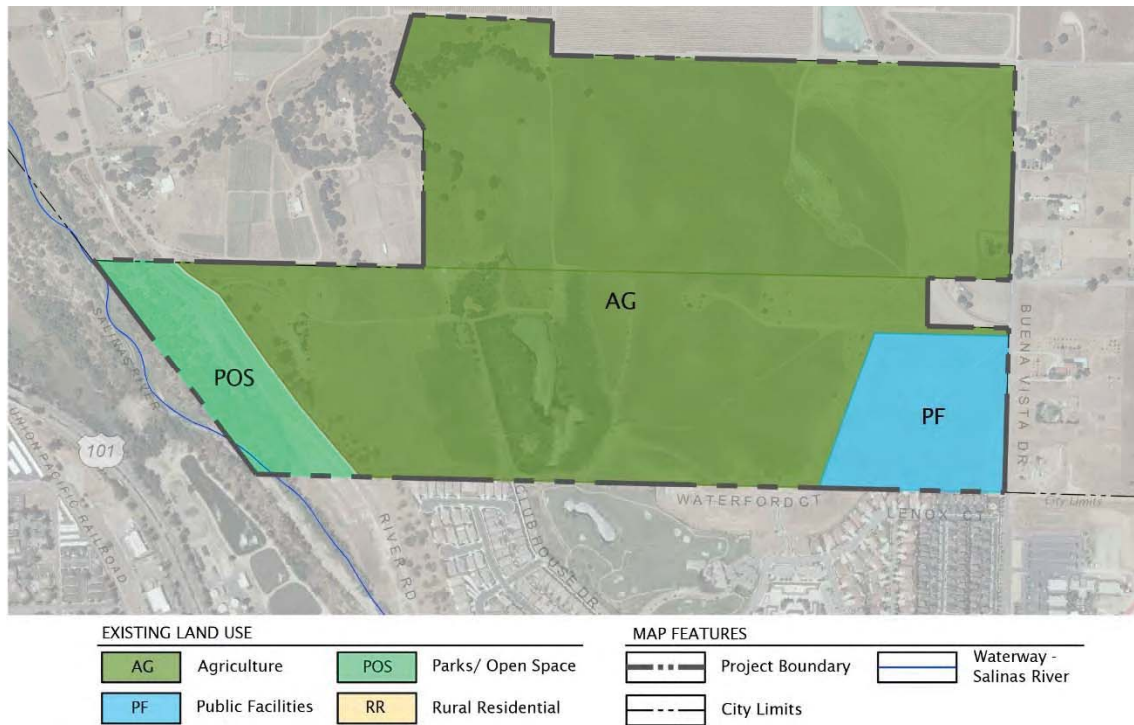
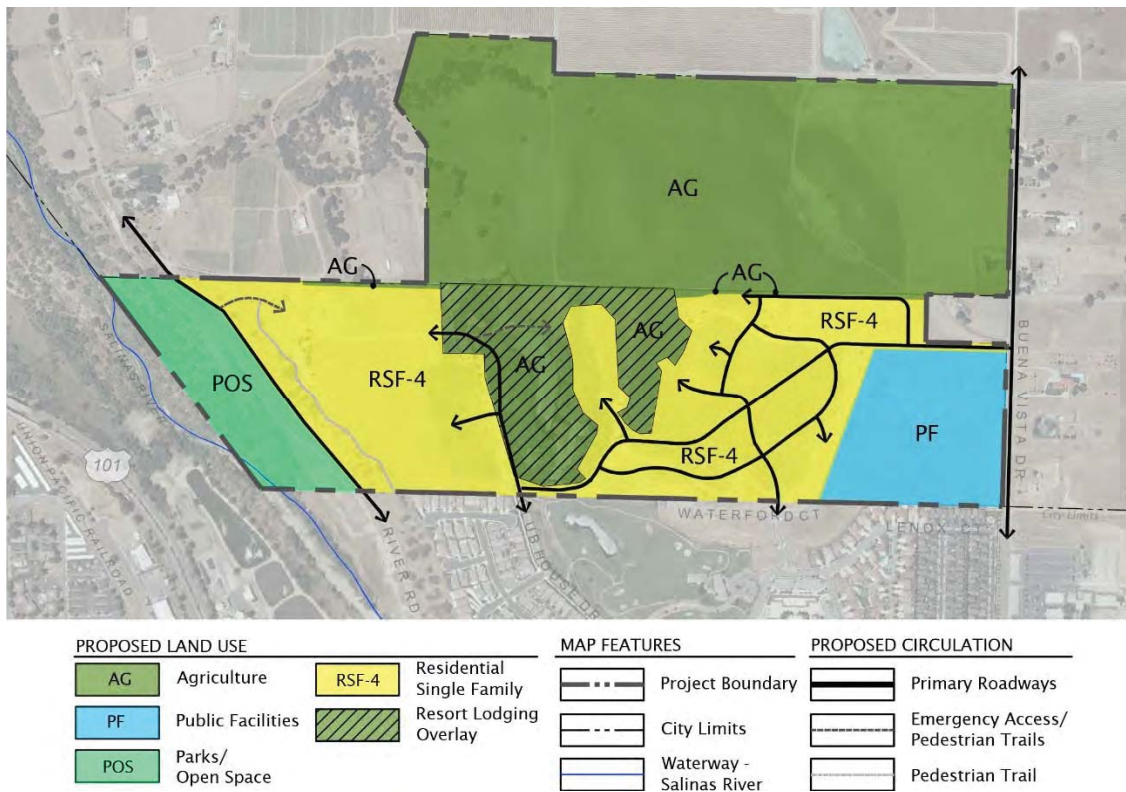


Exhibit 4 - City of Paso Robles General Plan - Proposed Land Use

Attachment 3 - Proposed General Plan Land Use Diagram Amendments

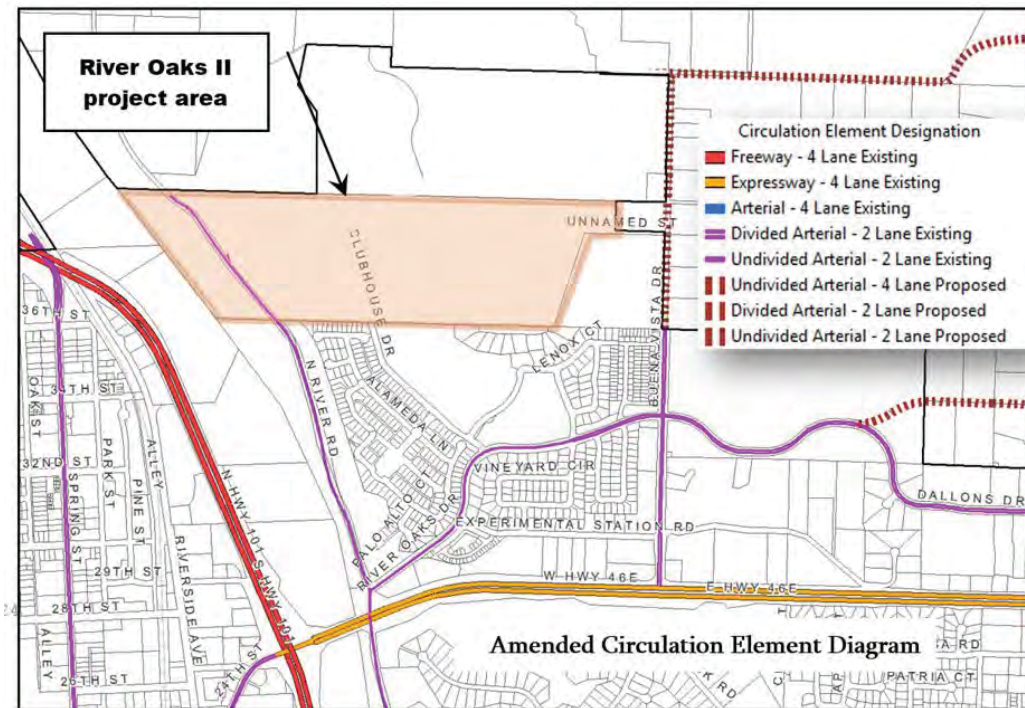
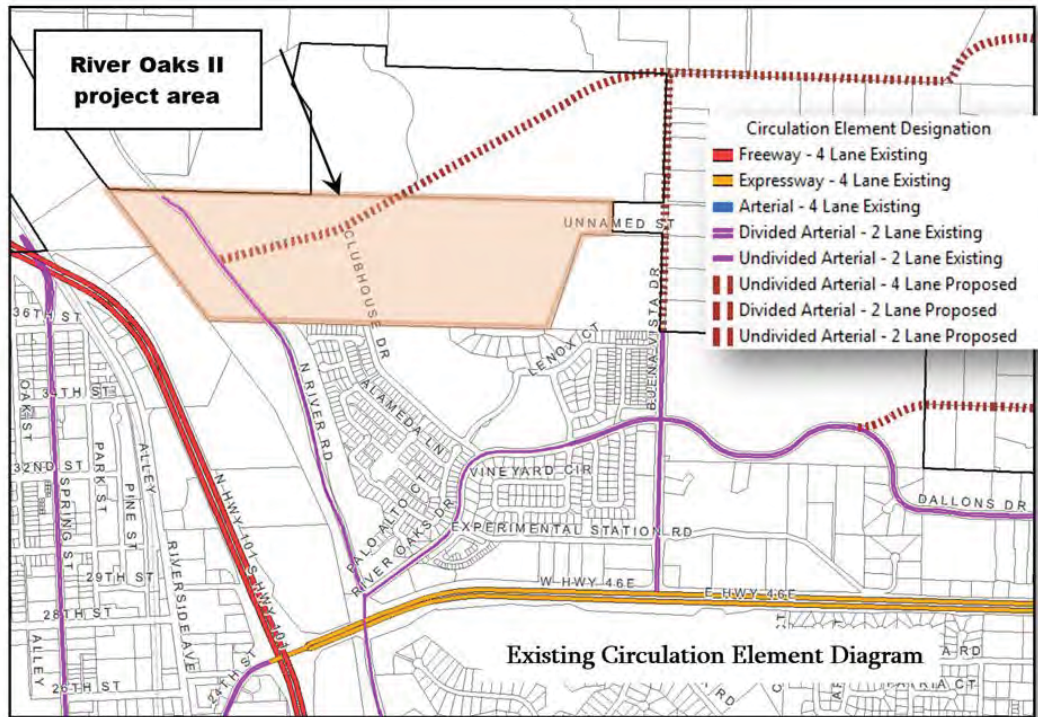


City of Paso Robles General Plan - Existing Land Use

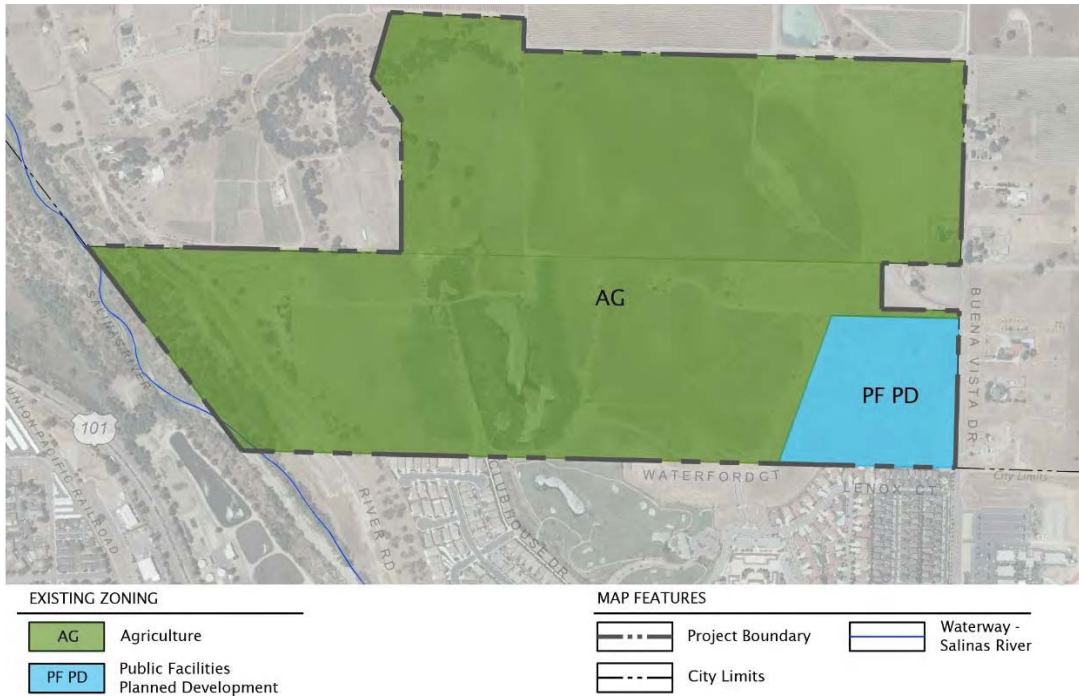


City of Paso Robles General Plan - Proposed Land Use

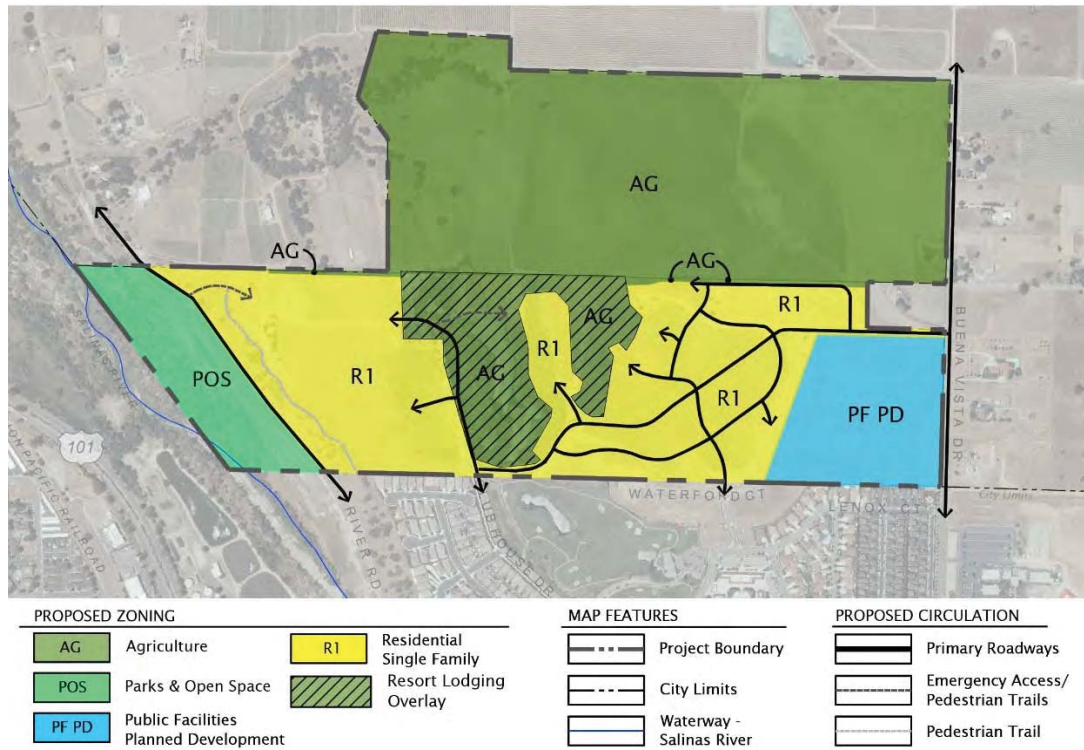
Attachment 4 **General Plan – Circulation Element Diagram Amendments**



Attachment 5 - Zoning Map Amendments



City of Paso Robles Zoning – Existing Subarea A Zoning



City of Paso Robles Zoning – Proposed Subarea A Zoning

Attachment 6 - Borkey Area Specific Plan Sub-Area A Master Development Plan



Not to Scale

Attachment 7 - Draft Resolution A

CITY COUNCIL RESOLUTION 16-XXX

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EL PASO DE ROBLES
ADOPTING A MITIGATED NEGATIVE DECLARATION FOR
GENERAL PLAN AMENDMENT 13-002, REZONE 13-001,
SPECIFIC PLAN AMENDMENT 13-001 AND A MASTER DEVELOPMENT PLAN
APPLICANT – WES WILLHOIT/ESTRELLA ASSOCIATES
RIVER OAKS II EXPANSION - APN: 025-390-009**

WHEREAS, Wes Willhoit, on behalf of Estrella Associates, has filed an application requesting consideration of the following land use changes and entitlements in connection with the development of a project known as River Oaks II Expansion (the “Project”):

- **General Plan Amendment 13-002:**
 - (a) Amend the General Plan Land Use Element Map to re-designate approximately 85 acres of land from Agriculture (AG) to Residential Single Family (RSF-4),
 - (b) Amend the General Plan Circulation Element to eliminate a 2-lane arterial road connection (Dry Creek Road) from Buena Vista Drive to North River Road,
- **Rezone 13-001:** Rezone property currently zoned Agricultural to: Residential Single Family (R-1) - 85 acres, Parks and Open Space (POS) - 18 acres, and add a Resort Lodging Overlay (R/L) on approximately 26 acres.
- **Specific Plan Amendment 13-001:**
 - (a) Amend the existing Borkey Area Specific Plan Map – Subarea A, Exhibit B, page 4 to change approximately 85 acres of the plan area from the Agricultural designation to Residential Single-Family (RSF).
 - (b) Amend the Borkey Area Specific Plan text for Subarea A.
 - (c) Amend the Borkey Area Specific Plan, Conceptual Development Plan for Subarea A, Exhibit B, page 14, to the River Oaks II Master Development Plan, and incorporate by reference the River Oaks II Master Development Plan Design Manual.

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), Public Resources Code, Section 21000, et seq., and the City's Procedures for Implementing CEQA, an Initial Study and a Draft Mitigated Negative Declaration ("MND") was prepared and circulated for a 30-day public review period beginning on April 10, 2016 and extended to June 21, 2016. The Draft MND/Initial Study dated April 10, 2016 is on file at the Paso Robles Community Development Department and available on line at <http://www.prcity.com/government/departments/commdev/>; and

WHEREAS, mitigation measures have been incorporated into the MND and will be imposed on the project through the City's adoption of a Mitigation Monitoring and Reporting Program (MMRP) in compliance with CEQA Guideline 15074(d). These mitigation measures are imposed on the project to address potential environmental effects from: air quality; agricultural resources, aesthetics, biological resources; cultural resources, greenhouse gas emission, hydrology, transportation, and noise. With the implementation of this mitigation, all potential environmental effects will be reduced to a less than significant level; and

WHEREAS, mitigation measures set forth in the MMRP are specific and enforceable. The MMRP adequately describes implementation procedures, monitoring responsibility, reporting actions, compliance schedule, and verification of compliance in order to ensure that the Project complies with the adopted mitigation measures; and

WHEREAS, the mitigation measures contained in the MMRP will also be imposed as enforceable conditions of approval; and

WHEREAS, the applicant has executed a Mitigation Agreement whereby the applicant has agreed to incorporate all of the mitigation measures into the project. A copy of the executed Mitigation Agreement is on file in the Community Development Department; and

WHEREAS, public notice of the proposed Draft MND was posted as required by Section 21092 of the Public Resources Code; and

WHEREAS, in response to comments received on the proposed Draft MND that was publically noticed, circulated and posted as required by Section 21092 of the Public Resources Code, the City Council has determined that mitigation measure AG-1, (related to agricultural buffer setbacks), may be modified to reduce the agricultural buffer setback on the applicants' property from 100 feet to 75 feet, based on site-specific circumstances whereby in certain areas there is an existing 25-foot wide service road on the adjacent agricultural property which would create additional agricultural buffering. The City Council has determined that a 75-foot onsite setback on the applicants' property would provide an adequate buffer to reduce potential land use conflicts and protect future residents from potential health and safety risks associated with nearby agricultural operations.

WHEREAS, public hearings were conducted by the Planning Commission on May 24, 2016, and by the City Council on June 21, 2016, to consider the Initial Study and the draft MND prepared for the proposed Project, and to accept public testimony on the proposed entitlements and environmental determination;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Paso Robles, as follows:

Section 1. All of the recitals above are true and correct and incorporated herein.

Section 2. Based on the information and analysis contained in the Mitigated Negative Declaration prepared for this project, the comments received during the public review period, and testimony received at the public hearing, the City Council finds that there is no substantial evidence supporting a fair argument that there would be a significant impact on the environment with mitigation measures imposed on the Project. These findings are based on an independent review of the Initial Study, the Mitigated Negative Declaration, and all comments received regarding the Mitigated Negative Declaration, and based on the whole record. The City Council finds that mitigation measure AG-1, (related to agricultural buffer setbacks), may be modified to reduce the agricultural buffer setback on the applicants' property from 100 feet to 75 feet, based on site-specific circumstances whereby in certain areas there is an existing 25-foot wide service road on the adjacent agricultural property, which would create additional agricultural buffering. The City Council has determined that a 75-foot onsite setback on the applicants' property would provide an adequate buffer to reduce potential land use conflicts and protect future residents from potential health and safety risks associated with nearby agricultural operations. The City Council further finds that the Mitigated Negative Declaration was prepared in compliance with CEQA and the CEQA Guidelines, that there is no substantial evidence that the Project will have a significant effect on the environment with the incorporation of mitigation measures provided in the MMRP, and the Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council.

Section 3. The City Council, based on its independent judgment and analysis, hereby adopts the Mitigated Negative Declaration for the River Oaks II Expansion Project, attached hereto as Exhibit A, including the comments received and responses thereto, attached hereto as Exhibit B, and the Mitigation Monitoring and Reporting Program, attached hereto as Exhibit C, and imposes each mitigation measure as a condition of approval of the Project, in accordance with the Statutes and Guidelines of the California Environmental Quality Act (CEQA) and the City's Procedures for Implementing CEQA. Exhibits A, B, and C are hereby incorporated into this resolution.

PASSED AND ADOPTED THIS 21st day of June, 2016, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven W. Martin, Mayor

ATTEST:

Kristen L. Buxkemper, Deputy City Clerk

Exhibit A - Mitigated Negative Declaration for the River Oaks II Expansion project

Exhibit B – Response to Comments Received

Exhibit C - Mitigation Monitoring and Reporting Program

Exhibit A - Mitigated Negative
Declaration for the River Oaks II
expansion project

Refer to Attachment 12 at the end of the
staff report.

Exhibit B - Comment Letters Received

Comment Letter 1

City of El Paso De Robles
Community Development Department
1000 Spring Street
Paso Robles, Ca 93446
Attn: Susan DeCarli

Ms. DeCarli,

My name is Robert McGuire I live at 682 Ingalls Ct. Paso Robles in Traditions. I was noticed by city in regards to the proposed River Oaks II – Wxpansion.

I have concerns over the current and increased traffic the project will create on Clubhouse Drive with the additional 144 homes planned just North of Traditions.

Currently there is a accident waiting to happen where Traditions Loop and Clubhouse Drive meet. When a resident of Traditions has to make a left turn on to Traditions Loop when heading North on Clubhouse the tall trees on the East side of Clubhouse on the golf course property, combined with the bend in the road just North of Traditions Loop presents an obstruction to one's vision of vehicles heading South on Clubhouse.

It is not a matter of "if" but more when there will be an accident. The addition of the 144 homes, if each household makes just one trip a day heading South on Clubhouse that will roughly be 1000 additional trips per week not counting visitor's, delivery trucks which does not exit today.

The Planning Commission as well as the City of El Paso DeRobles should be concerned for the safety of it's Senior citizens as both communities are for folks over age 55 and as we age our reflexes and vision deteriorate. Hopefully something can be done before the project actually starts if approved rather than at the end of the build out of the additional homes.

When I moved into Traditions those tall trees on the East side of Clubhouse did not exist and you could see clearly traffic heading South on Clubhouse. Not only do the trees create an obstruction to one's vision but the original owners of the homes on the West side of Clubhouse paid a premium for the open view which some of the owners lost due to the trees.

I certainly hope the Planning Commission and the City of Paso Robles reviews this situation and finds a solution to the obstruction and avoids the accident waiting to happen and keep our Senior citizens living in the area safe.

Thank you in advance for your consideration,

Robert McGuire
682 Ingalls Ct.
Paso Robles, Ca 93446
805-712-3589

Central Coast Regional Water Quality Control Board

May 6, 2016

Susan DeCarli
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446
Email: sdecarli@prcity.com

Dear Ms. DeCarli:

CENTRAL COAST WATER BOARD STAFF COMMENTS ON THE CITY OF PASO ROBLES – INITIAL STUDY FOR A GENERAL PLAN AMENDMENT FOR THE RIVER OAKS EXPANSION PROJECT, SAN LUIS OBISPO COUNTY, SCH NO. 2016041031

Central Coast Water Board staff has conducted a review of components of the Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed River Oaks II Expansion Project (Project). Central Coast Water Board staff review focused on stormwater management and impacts to waters of the State. Central Coast Water Board staff may have additional comments during future permitting of the Project, as more Project details become available.

Central Coast Water Board staff understands that the proposed Project involves a Zoning Amendment to allow for the development on a 113-acre bluff-top site off of River Road and north of Highway 46 in the City of Paso Robles, as follows:

- 144 age-restricted single family units
- 127 single-family residential units
- 18 acres of open space
- 85 acres of agricultural land use for neighborhood-serving crop production and a farm stand
- Soccer Field Practice Facility Area

Post-Construction Stormwater Management

The IS/MND does not adequately demonstrate that stormwater runoff from the proposed Project will be managed to protect water quality and beneficial uses of waters of the State. Section IX (Hydrology and Water Quality) states in subsection (a) that the design of stormwater basins will incorporate stormwater control measures to meet the Regional Water Quality Control Board requirements. The section further states that the primary stormwater basin (Basin #1) is the existing perennial lake/pond on the east side of the project. Central Coast Water Board staff finds that the perennial lake/pond is waters of the State. Waters of the State are defined as any surface water or groundwater, including saline waters, within the boundaries of the state. The lake/pond was formed through the placement of a berm or dam in the channel of an unnamed tributary to the Salinas River.

As noted in the Biological Report (Attachment 12) at Section 5.1.5 (Wetland), waters of the State (such as the perennial lake/pond) should not be used to achieve compliance with post-construction stormwater requirements. Attainment of post-construction stormwater requirements for the treatment and control of stormwater volumes and flows needs to occur prior to discharge to waters of the State.

Dredge and/or Fill in Waters of the State

The Biological Report (Attachment 12) states that the project has the potential to impact wetlands, ephemeral pools, and riparian habitat. Any such impacts will require a Clean Water Act Section 401 Water Quality Certification and/or Waste Discharge Requirements from the Central Coast Water Board. During review of applications for these permits, staff requires project proponents to demonstrate impacts have been avoided and minimized to the maximum extent practicable. In addition, any permanent impacts to waters of the State will require compensatory mitigation. The currently proposed 2:1 mitigation ratio may not be sufficient, depending on the quality of the impacted water bodies and the proposed mitigation characteristics.

Water Body Setbacks

Mitigation Measure BR-13 in Section IV of the IS/MND states that a minimum 50-foot setback will be observed from ephemeral drainages, as measured from the outer edge of riparian vegetation. The setback should be measured from the outer drip-edge of riparian vegetation.

Soccer Field Practice Facility Area

The Concept Plan (Appendix A to the Biological Report) appears to show plans to develop a Soccer Field Practice Facility Area in riparian and wetland habitat adjacent to and even within the Salinas River. The project proponent must first avoid, and then minimize, impacts to waters of the State. The current location and size of the soccer field do not demonstrate avoidance and/or minimization.

We encourage the Project proponent to contact Central Coast Water Board staff as early as possible for a pre-application review to avoid permitting delays and the potential need for alteration of Project plans. If we may clarify any of our comments or be of further assistance, please contact **Paula Richter** at (805) 549-3865, or via email at Paula.Richter@waterboards.ca.gov, or Phil Hammer at (805) 549-3882.

Sincerely,

for
John M. Robertson
Executive Officer

RB3\Shared\CEQA\Comment Letters\San Luis Obispo\2016\River Oaks II Expansion\R3_401_RWQCB CEQA Comment Letter_River Oaks II Expansion_2016_05-10_final

Comment Letter 3



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Weights and Measures

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401 - 4556
MARTIN SETTEVENDEMIE

(805) 781-5910

AGRICULTURAL COMMISSIONER/SEALER
www.slocounty.ca.gov/agcomm

FAX: (805) 781-1035
AgCommSLO@co.slo.ca.us

DATE: May 17, 2016

TO: Susan DeCarli, Project Manager City of Paso Robles

FROM: Lynda L. Auchinachie, San Luis County Agriculture Department

SUBJECT: River Oaks II Expansion, General Plan GPA 13-002, Rezoning Amendment RZ 13-001, and Specific Plan Amendment SPA 13-001 (1875)

The Agriculture Department has reviewed the River Oaks II Expansion Initial Study relative to mitigating impacts associated with land use incompatibilities between proposed residential uses and agricultural operations located along the northern property line. The project site is located directly south and adjacent to commercial agricultural operations including a wine grape vineyard and an area of irrigated vegetable production. To mitigate potential land use incompatibilities between agricultural operations and the proposed residential land uses, a 100 foot buffer (linear separation) between the northern property line and the proposed residences has been identified. The buffer is to include fencing and landscaping features to further reduce impacts.

The San Luis Obispo County General Plan's Agriculture Element includes Agricultural Buffer policies (AGP 17 and Appendix C) aimed at protecting land designated Agriculture, lands supporting commercial crop production, and the public's health and safety. Commercial crop production requires intensive management to be economically feasible. Such management requires activities that may need to occur throughout the day and night depending on the type of pest pressures, weather conditions, and requirements of the crop. These management practices can generate land use incompatibilities/nuisance issues in terms of noise, dust, and odor generation that degrade the quality of life for residents. Nuisance complaints can force operational changes and restrict practices to the detriment of the agricultural operations. The County's Right to Farm Ordinance does not preclude nuisance complaints or lawsuits. While nuisance issues are important, so too are public health and safety concerns associated with locating residences in close proximity to crop production areas that require agricultural pesticide applications. The County's Agriculture Element identifies a buffer range of 200-600 feet between habitable structures and irrigated wine grape vineyards and vegetables. It is critical that agricultural operations maintain their ability to be flexible and respond to changing conditions rather than be limited in terms of practices and ultimately crop choices due to introduced land use incompatibilities. Agricultural buffers play an important role in maintaining such flexibility.

The comments in our memo are based on the county's relevant agricultural policies, current departmental goals to conserve agriculture resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture, and the requirements of the California Environmental Quality Act (CEQA).

Comment Letter 4

From: Wilbanks, John B. [mailto:JBWilbanks@rrmdesign.com]
Sent: Monday, May 16, 2016 10:15 AM
To: Warren Frace <WFrace@prcity.com>
Subject: Ag Buffer

Hi Warren,

I wanted to touch base on the ag buffer discussions. I see that Dick sent you the images from the projects in Brentwood and South Livermore Valley. I think they are very informative of the distinction between a typical residential subdivision pushing out against agriculture at a community's boundary and the intentional effort to create an "agri-hood" that incorporates the very character and operation of agriculture into the neighborhood fabric.

The "buffer" we have proposed is not so much a buffer as a space the connects the two uses. To increase the width of that space will diminish the effort to accomplish that integration. The treatment of that edge, if treated as a point of connectivity, will actually do more to deter conflict than if that edge is treated as a hard line that seems to create separation. It is similar to the "eyes on the street" concept of opening homes to the street space as a social space that connects neighborhoods.

As you can see in the photos Dick forwarded to you, there is really no "buffer" between the ag and the neighborhoods as they are intended to function as an integrated unit, and as in the case of the South Livermore Valley, with agriculture being the priority. That is our intention with River Oaks.

So I would encourage you to reconsider the City's position on a minimum 100' buffer – there is no environmental basis for it and it is contrary to the project's proposed intent as well as the City's stated economic development priorities. Further, in my opinion, it works against one of the core concepts of the proposal.

I am happy to discuss this with you if you like.





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Charlotte Way

Gregory Way

Elston St

SaVasco Rd

Oakville Ln

St Helena Ct



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Page 15

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37°54'25.67" N 121°







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CC Agenda 6-21-16

37°40'34.98" N 121°4

Exhibit B – Responses to Comments Received

Traffic - response to comments:

Comment Letter 1 – 5/5/16 Bob McGuire email

From: Bob McGuire [<mailto:rpmcguire@charter.net>]
Sent: Friday, May 06, 2016 5:51 AM
To: Susan DeCarli <SDeCarli@prcity.com>
Subject: Re: River Oaks II - Expansion

thank you for getting back to me. Will we be read noticed about the meeting on May 24?

On May 5, 2016, at 1:23 PM, Susan DeCarli <SDeCarli@prcity.com> wrote:

Dear Mr. McGuire,

Thank you for sending your letter and expressing your concerns. The site-distance visibility issue with regard to the trees was brought to our attention at the project open house held last November. The project transportation engineer has made recommendations to address this issue, and the owner is aware of it. Your letter will be forwarded to the Planning Commission to review when they consider this project.

The project was scheduled and noticed to be considered by the Planning Commission next Tuesday, on 5/10/16, however, review of the project is not ready and city staff is requesting this item be continued to the next meeting on 5/24/16.

Regards,
Susan DeCarli
City Planner

-----Original Message-----

From: Bob McGuire [<mailto:rpmcguire@charter.net>]
Sent: Thursday, May 05, 2016 12:48 PM
To: Susan DeCarli <SDeCarli@prcity.com>
Subject: River Oaks II - Expansion

Attached is my letter outlingin (sic) my concers (sic) regarding River Oaks II - Expansion.

682 Ingalls Ct. / Paso Robles, CA 93446 / 805-712-3589

Hydrology - response to comments:

Comment Letter 2 – 5/6/16 Central Coast Regional Water Quality Control Board letter

The City of Paso Robles understands the applicable regulations and requirements for future development of this proposed project in regard to post-construction storm water management, and alterations to and/or setback requirements to Waters of the State. The City intends to fully cooperate with meeting the various requirements to protect these natural resources, and work through the permitting and certification processes with the CCRWQCB and other affected State and Federal agencies, as necessary.

At this stage, the proposed project includes legislative amendments, including amendments to the General Plan Land Use and Circulation Elements, Zoning Code, and Borkey Area Specific Plan, and a conceptual Master Development Plan intended to guide future development. The project mitigation measures are stated in broad terms to cover all future requirements necessary that may occur at the tentative map and grading permit phase of entitlements. Specific development details and determination of precise features and methods to control storm water and address water resource permits will be determined when development plan applications are proposed.

Agricultural Buffers - response to comments:

Comment Letter 3 – 5/17/16 SLO County Department of Agriculture letter

The City received two communications regarding the proposed 100-foot agricultural buffer mitigation measure for this project. The SLO County Department of Agriculture recommends agricultural buffers to be between 200 and 600 feet between habitable structures and irrigated grape vineyards and row crops. However, given the topography of the site and adjacent agricultural land the City determined that a 100-foot setback buffer with trees, hedgerows and fencing included along the project boundary would be sufficient to reduce potential nuisance and/or health impacts by filtering windblown dust and other airborne constituents, and reducing the potential light and glare that may occur from tractor lights, from future residents in the proposed project. Noise from agricultural operations can be significantly reduced through architectural solutions as well as being separated from the source through setback buffers, such as what is proposed. In this situation, it does not appear that there is a demonstrable benefit by increasing the buffer to between 200 and 600 feet.

Comment Letter 4 – 5/5/16 John Wilbanks email, RRM Design Group, applicants' representative

The applicant has requested the proposed 100-foot agricultural buffer mitigation measure be reduced to 75 feet. The applicant suggests that there is no environmental basis for a 100-foot buffer and that it is contrary to the applicants' project design. As noted in the correspondence received from the Department of Agriculture there is a basis to provide buffers between residences and

agricultural activities, as it serves to protect the health and safety of future residents from dust, noise, and odors. However, in light of this site-specific circumstance, there is a 25-foot wide service road along the vineyards and row crops, adjacent to the project site. This adds an additional 25-foot setback buffer which when combined with the 75-foot setback on the applicant's property, provides an effective setback of 100 feet. Therefore, a 75-foot setback on the applicants' property would provide an adequate buffer to reduce potential land use conflicts and protect future residents from potential health and safety risks associated with nearby agricultural operations. A substitution of the 75-foot mitigation measure will be recommended to Planning Commission and City Council.

Exhibit C - Mitigation Monitoring and Reporting Plan

Mitigation Monitoring and Reporting Plan

Project File No./Name: River Oaks II Expansion – GPA 13-002, Rezone 13-001, and Specific Plan Amendment 13-001

Approving Resolution No.: _____ by: ☐ Planning Commission ☒ City Council Date: 6/21/16

The following environmental mitigation measures were either incorporated into the approved plans or were incorporated into the conditions of approval. Each and every mitigation measure listed below has been found by the approving body indicated above to lessen the level of environmental impact of the project to a level of non-significance. A completed and signed checklist for each mitigation measure indicates that it has been completed.

Explanation of Headings:

Type:Project, ongoing, cumulative

Monitoring Department or Agency:Department or Agency responsible for monitoring a particular mitigation measure

Shown on Plans:When a mitigation measure is shown on the plans, this column will be initialed and dated.

Verified Implementation:When a mitigation measure has been implemented, this column will be initialed and dated.

Remarks:Area for describing status of ongoing mitigation measure, or for other information.

Mitigation Measure GPA 13-002, Rezone 13-001, and Specific Plan Amendment 13-001	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
Aesthetics					
AES-1. Grading. Future site development of the site shall utilize landform, contour grading techniques to reduce the appearance of unnatural, angled slopes to help graded slopes blend in with the surrounding landscape. All exposed graded slopes shall be landscaped to soften the appearance of and camouflage graded slopes to be compatible with the surrounding development pattern and landscape.	Project	CDD	Apply	To be shown on grading plans	Prior to issuance of grading permits.
AG-1. Agricultural Buffer. An agricultural buffer setback from the northern property line of 100 <u>75</u> feet and a requirement to plant a dense row of trees and a hedgerow to reduce dust along the northern property line, shall be recorded on the property title with recordation of all subdivision maps.	Project, ongoing	CDD	Apply	Notes to be shown tract maps, site plans, grading plans and construction documents	Recorded on the property title with recordation of all subdivision maps. <u>The setback was modified from 100 ft to 75 ft based on the response to comment letter #4.</u>
AG-2. "Right-to-Farm" Notice. A "right-to-farm" notice	Project	CDD		Tract map	A "right-to-farm" notice

Mitigation Measure GPA 13-002, Rezone 13-001, and Specific Plan Amendment 13-001	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
shall be recorded on the deed of each property within this project area.					shall be recorded on the deed of each property within this project area.
Air Quality					
<p>AQ-1. Short-Term Construction-Related Emissions.</p> <ul style="list-style-type: none"> • Interior and exterior paints used during project construction shall have a maximum allowable VOC content of 150 grams per liter; • Maintain all construction equipment in proper tune according to manufacturer's specifications; • Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road); • Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State off-Road Regulation; • Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation; • Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance; • Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators, discouraging them from idling for more than 5 minutes; • Diesel idling within 1,000 feet of sensitive receptors shall be discouraged to the extent feasible; 	Project	CDD		Submit with site grading and building plans	Prior to issuance of grading permit

Mitigation Measure GPA 13-002, Rezone 13-001, and Specific Plan Amendment 13-001	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<ul style="list-style-type: none"> • Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors; • Electrify equipment when feasible; Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and, • Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel. Further reducing emissions by expanding use of Tier 3 and Tier 4 off-road and 2010 on-road compliant engines; • Repowering equipment with the cleanest engines available; and • Installing California Verified Diesel Emission Control Strategies. These strategies are listed at: http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm 					
AQ-2. Dust Control Construction Emissions <ul style="list-style-type: none"> • Reduce the amount of the disturbed area where possible; <ul style="list-style-type: none"> • Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Water could be applied as soon as possible whenever wind speeds exceed 15 miles per hour; • All dirt-stock-pile areas could be sprayed daily as needed; • Permanent dust control measures could be identified in the approved project revegetation and landscape plans and implemented as soon as possible following completion of any soil disturbing activities; • Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading could be sown with a fast-germinating native grass seed and watered until vegetation is established; 	Project; ongoing	CDD		Submit with site grading and building plans	Prior to issuance of grading permit

Mitigation Measure GPA 13-002, Rezone 13-001, and Specific Plan Amendment 13-001	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<ul style="list-style-type: none"> • All disturbed soil areas not subject to revegetation could be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD; • All roadways, driveways, sidewalks, etc., to be paved could be completed as soon as possible. In addition, building pads could be laid as soon as possible after grading unless seeding or soil binders are used; • Vehicle speed for all construction vehicles could not exceed 15 mph on any unpaved surface at the construction site; • All trucks hauling dirt, sand, soil or other loose materials could be covered or could maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114; • Install wheel washers where vehicles enter and exit unpaved roads onto streets, and/or rumble strips for trucks and equipment leaving the site; • Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water could be used where feasible;and • Construction personnel should wear protective face masks while grading and excavating soils that contain serpentine soil; • All PM10 mitigation measures required shall be shown on grading and building plans; and, • The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce shall include holidays and 					

Mitigation Measure GPA 13-002, Rezone 13-001, and Specific Plan Amendment 13-001	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.					
<p>AQ-3. Mobile Emissions. Mitigation Measure AQ-3, provides measures to reduce mobile emissions to a less than significant level. These include implementing at least 18 of the 24 measures identified by the local air district, provided below:</p> <ol style="list-style-type: none"> 1. Provide a pedestrian-friendly and interconnected streetscape to make walking more convenient, comfortable and safe (including appropriate signalization and signage). 2. Provide good access to/from the development for pedestrians, bicyclists, and transit users. 3. Incorporate outdoor electrical outlets to encourage the use of electric appliances and tools. 4. Provide shade tree planting in parking lots to reduce evaporative emissions from parked vehicles. Design should provide 50% tree coverage within 10 years of construction using low ROG emitting, low maintenance native drought resistant trees. 5. Pave and maintain the roads and parking areas 6. No residential wood burning appliances. 	Project; on-going	CDD		Submit with site grading and building plans	Prior to issuance of grading permit

Mitigation Measure GPA 13-002, Rezone 13-001, and Specific Plan Amendment 13-001	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>7. Incorporate traffic calming modifications to project roads, such as narrower streets, speed platforms, bulb-outs and intersection designs that reduce vehicles speeds and encourage pedestrian and bicycle travel.</p> <p>8. Increase number of connected bicycle routes/lanes in the vicinity of the project.</p> <p>9. Provide easements or land dedications and construct bikeways and pedestrian walkways.</p> <p>10. Link cul-de-sacs and dead-end streets to encourage pedestrian and bicycle travel to adjacent land uses.</p> <p>11. Plant drought tolerant, native shade trees along southern exposures of buildings to reduce energy used to cool buildings in summer.</p> <p>12. Utilize green building materials (materials which are resource efficient, recycled, and sustainable) available locally if possible.</p> <p>13. Install high efficiency heating and cooling systems.</p> <p>14. Utilize high efficiency gas or solar water heaters.</p> <p>15. Utilize built-in energy efficient appliances (i.e. Energy Star®).</p> <p>16. Utilize double-paned windows.</p> <p>17. Utilize low energy street lights (i.e. sodium).</p> <p>18. Utilize energy efficient interior lighting.</p> <p>19. Install door sweeps and weather stripping (if more efficient doors and windows are not available).</p>					

Mitigation Measure GPA 13-002, Rezone 13-001, and Specific Plan Amendment 13-001	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>20. Install energy---reducing programmable thermostats.</p> <p>21. Develop recreational facility (e.g., parks, gym, pool, etc.) within one---quarter of a mile from site.</p> <p>22. If the project is located on an established transit route, provide improved public transit amenities (i.e., covered transit turnouts, direct pedestrian access, covered bench, smart signage, route information displays, lighting etc.).</p> <p>23. Project provides a display case or kiosk displaying transportation information in a prominent area accessible to employees or residents.</p> <p>24. Provide vanpool, shuttle, mini bus service (alternative fueled preferred).</p>					
<p>AQ-4. Sensitive Receptors.</p> <p>a. Prior to issuance of a grading permit, a permit to operate shall be obtained from the SLOAPCD for any diesel emergency back-up generator, 50 hp or greater, that is included as part of the project plans. If the applicant decides to add a permit-required generator to the facility after the occupancy permit, then this mitigation measure is official notice to the applicant that an APCD permit is required prior to the installation of the proposed generator.</p> <p>b. Prior to any grading activities a geologic evaluation shall be conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the SLOAPCD. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM.</p>	On-going	CDD			Prior to issuance of grading permit

Mitigation Measure GPA 13-002, Rezone 13-001, and Specific Plan Amendment 13-001	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>These requirements may include development of an Asbestos Dust Mitigation Plan, which must be approved by the SLOAPCD prior to construction, and Development and approval of an Asbestos Health and Safety Program (potentially required for some projects).</p>					
Biology					
<p>Mitigation Measure BR-1. If impacts to wetlands would occur as a result of proposed project activities, a mitigation, monitoring, and reporting plan should be prepared and approved by the City and other jurisdictional agencies, as appropriate (i.e., California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and the Regional Water Quality Control Board). Wetland mitigation will increase the areal extent of wetland habitat on site at a two-to-one ratio (created wetland area to impacted wetland area), or other ratio determined by the permitting agency. Mitigation implementation and success will be monitored for a minimum of three years, depending on the jurisdictional agencies' requirements.</p>	Project; ongoing	CDD; California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and the Regional Water Quality Control Board		Annual report	Prior to issuance of grading permit
<p>Mitigation Measure BR-2. Tree canopies and trunks within 50 feet of proposed disturbance zones should be mapped and numbered by a certified arborist of qualified biologist and a licensed land surveyor. Data for each tree should include date, species, number of stems, diameter at breast height (dbh) of each stem, critical root zone (CRZ) diameter, canopy diameter, tree height, health, habitat notes, and nests observed.</p>	Project	CDD; arborist	Apply	Note on plans	Prior to issuance of grading permit
<p>Mitigation Measure BR-3. An oak tree protection plan should be prepared by a qualified (City listed)</p>	Project	CDD; arborist	Apply	Note on plans	Prior to issuance of grading permit

Mitigation Measure GPA 13-002, Rezone 13-001, and Specific Plan Amendment 13-001	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
arborist, and approved by the City of PasoRobles.					
Mitigation Measure BR-4. Impacts to the oak canopy or critical root zone (CRZ) should be avoided where practicable. Impacts to oak trees may result from pruning, ground disturbance within the dripline or CRZ of the tree (whichever distance is greater), and damage to tree trunks.	Project	CDD; arborist	Apply	Note on plans	Prior to issuance of grading permit
Mitigation Measure BR-5. Impacts to oak trees should be assessed by a licensed arborist. Mitigations for impacted trees should comply with the City of Paso Robles tree ordinance.	Project	CDD; arborist	Apply	Note on plans	Prior to issuance of grading permit
Mitigation Measure BR-6. Replacement oaks for removed trees must be equivalent to 25% of the diameter of the removed tree(s). For example, the replacement requirement for removal of two trees of 15 inches dbh (30 total diameter inches), would be 7.5 inches (30" removed x 0.25 replacement factor). This requirement could be satisfied by planting five 1.5 inch trees, or three 2.5 inch trees, or any other combination totaling 7.5 inches. A minimum of two 24 inch box, 1.5 inch trees should be required for each oak tree removed.	Project	CDD; arborist	Apply	Note on plans	Prior to issuance of grading permit
Mitigation Measure BR-7. Replacement trees shall be seasonally maintained (browse protection, weed reduction and irrigation, as needed) and monitored annually for at least three years. Replacement trees should be of local origin, and of the same species as was impacted or removed. Migratory non-game native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory non-game birds (as listed under the Federal MBTA).	Project	CDD; arborist	Apply	Note on plans	Prior to issuance of grading permit; annual report first 3 years

Mitigation Measure GPA 13-002, Rezone 13-001, and Specific Plan Amendment 13-001	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>BR-8. Within one week of ground disturbance or tree removal/trimming activities, if work occurs between March 15 and August 15, nesting bird surveys shall be conducted. To avoid impacts to nesting birds, grading and construction activities that affect trees and grasslands should not be conducted during the breeding season from March 1 to August 31. If construction activities must be conducted during this period, nesting bird surveys shall take place within one week of habitat disturbance. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until chicks are fledged. Construction activities shall observe a 300-foot buffer for occupied raptor <i>Althouse and Meade, Inc. – 590.01 Biological Report for River Oaks II, Paso Robles, San Luis Obispo County</i> 50 nests. A 500-foot buffer should be observed from occupied nests of all special status species. A pre-construction survey report shall be submitted to the lead agency immediately upon completion of the survey. The report will detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. Impacts to significant wildlife movement corridors are not anticipated from the proposed project; therefore no mitigation is recommended. Special status plants were not found and are not expected to occur in the Study Area; therefore no mitigation is recommended.</p> <p>If construction activities are conducted during the nesting season, from March 15 through August 15, pre-construction nesting bird surveys will be conducted (see BR-8). If occupied nests of special status birds (e.g. Cooper's hawk, sharp-shinned hawk, golden eagle, burrowing owl, yellow warbler,</p>	Project; ongoing	CDD; California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and the Regional Water Quality Control Board		Annual report	Prior to issuance of grading permit

Mitigation Measure GPA 13-002, Rezone 13-001, and Specific Plan Amendment 13-001	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
white-tailed kite, loggerhead shrike, and least Bell's vireo) are present, the following additional mitigation recommendations will be implemented:					
BR-9. All occupied nests of special status bird species will be mapped using GPS or survey equipment. The mapped locations will be placed on a copy of the grading plans with a 500-foot buffer indicated. Work shall not be allowed within the 500-foot buffer while the nest is in use. The buffer zone should be delineated on the ground with orange construction fencing where it overlaps workareas.	Project; ongoing	CDD; California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and the Regional Water Quality Control Board		Annual report	Prior to issuance of grading permit
BR-10. Occupied nests of special status bird species that are within 500 feet of project work areas will be monitored bi-monthly through the nesting season to document nest success and check for project compliance with buffer zones. Once nests are deemed inactive and/or chicks have fledged and are no longer dependent on the nest, work can commence.	Project; ongoing	CDD; California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and the Regional Water Quality Control Board		Annual report	Prior to issuance of grading permit
BR-11. Grubbing, grading, and other ground disturbance activities conducted within 50 feet of the Salinas River or the perennial pond will be monitored by a qualified biologist. If pond turtles are found in the project areas, they will be moved to an appropriate safe location on site. The biological monitor must have appropriate permits for	Project; ongoing	CDD; California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and the Regional		Annual report	Prior to issuance of grading permit

Mitigation Measure GPA 13-002, Rezone 13-001, and Specific Plan Amendment 13-001	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>handling pond turtles.</p> <p>Spadefoot toads breed in ephemeral pools in the Paso Robles region. They are known to occur in the vicinity of the subject property. Surveys of the property conducted during the 2006-2007 rainfall year were not definitive due to the extreme below normal rainfall, and ephemeral pools did not adequately fill. Therefore, additional surveys for spadefoot toad in potential ephemeral pool locations should be conducted prior to project construction.</p>		Water Quality Control Board			
<p>BR-12. Prior to development, a survey of any ephemeral pools should be conducted within three weeks of saturating winter rainfall to determine the presence or absence of spadefoot toad on the property. If spadefoot toad is found, a mitigation plan, which may include avoidance, capture, and relocation, will be developed by a qualified biologist to reduce project effects on this species to a less than significant level.</p>	Project; ongoing	CDD; California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and the Regional Water Quality Control Board		Annual report	Prior to issuance of grading permit
<p>BR-13. Prior to development, a survey of any ephemeral pools will be conducted within three weeks of saturating winter rainfall to determine the presence or absence of spadefoot toad on the property. If spadefoot toad is found, a mitigation plan, which may include avoidance, capture, and relocation, will be developed by a qualified biologist to reduce project effects on this species to a less than significant level.</p>	Project; ongoing	CDD; California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and the Regional Water Quality Control Board		Annual report	Prior to issuance of grading permit

Mitigation Measure GPA 13-002, Rezone 13-001, and Specific Plan Amendment 13-001	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
BR-13. All construction related activities must observe a 100-foot set-back from the Salinas River, as measured from the outer edge of riparian canopy. A minimum 50-foot set-back will be observed from the ephemeral drainages and flood channels, as measured from the outer edge of riparian vegetation.	Project; ongoing	CDD; California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and the Regional Water Quality Control Board		Annual report	Prior to issuance of grading permit
BR-14. The project will develop a Stormwater Pollution Prevention Plan (SWPPP) acceptable to the Regional Water Quality Control Board (RWQCB). Appropriate erosion control measures should be implemented at all times in areas that could potentially flow into the Salinas River. Erosion control measures should include, but are not limited to, effective placement of silt fence, straw waddles, hydroseed applications, and erosion control fabric. Project planning should strive for temporary and permanent erosion control.	Project; ongoing	CDD; California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and the Regional Water Quality Control Board		Annual report	Prior to issuance of grading permit
BR-15. A pre-construction survey will be conducted within thirty days of beginning work on the project to identify if badgers are using the site. The results of the survey will be sent to the project manager, CDFG, and the City of Paso Robles. If the pre-construction survey finds potential badger dens, they should be inspected to determine whether they are occupied. The survey should cover the entire property, and should examine both old and new dens. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope should be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of	Project; ongoing	CDD; California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and the Regional Water Quality Control Board		Annual report	Prior to issuance of grading permit

Mitigation Measure GPA 13-002, Rezone 13-001, and Specific Plan Amendment 13-001	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
<p>dens during construction. If badgers are found in dens on the property between February and July, nursing young may be present. To avoid disturbance and the possibility of direct take of adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading will occur within 100 feet of active badger dens between February and July. Between July 1 and February 1 all potential badger dens will be inspected to determine if badgers are present. During the winter, badgers do not truly hibernate but are inactive and asleep in their dens for several days at a time. Because they can be torpid during the winter, they are vulnerable to disturbances that may collapse their dens before they rouse and emerge. Therefore, surveys should be conducted for badger dens throughout the year. If badgers are found on the property from July 1 through February 1, a qualified biologist may capture badgers and relocate them to an appropriate location off the property.</p>					
<p>BR-16. San Joaquin Kit Fox (SJKF) habitat. San Joaquin kit fox could occur in the project area. Future development of the property will result in a net loss of kit fox habitat. The project biologist prepared a SJKF habitat evaluation form, which indicates that the mitigation ratio for loss of SJKF habitat is a 2:1 ratio, which requires two acres of habitat to be preserved for every acre of habitat lost to site disturbance. The proposed mitigation strategy, which is provided in Attachment 13, provides for purchase of land bank credits through the Palo Prieto Conservation bank or by paying in-lieu fees through the Nature Conservancy. (Fees shall be paid prior to issuance of permits for ground disturbance/grading.) This strategy was circulated to the California Department of Fish and Wildlife (CDFW), and CDFW is satisfied that this is an acceptable mitigation</p>	Project; ongoing	CDD; California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and the Regional Water Quality Control Board		Annual report	Prior to issuance of grading permit

Mitigation Measure GPA 13-002, Rezone 13-001, and Specific Plan Amendment 13-001	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
strategy, if the City of Paso Robles, as “Lead Agency” is satisfied that these measures provide adequate mitigation					
Cultural Resources					
CR-1. Human Remains. if human remains are found during site disturbance, all grading and/or construction activities shall stop, and the County Coroner shall be contacted to investigate.	Project	CDD			As needed
Hydrology					
HYD-1. Recycled Water. The project shall use recycled water when it becomes available for landscape irrigation and agricultural purposes.	Project	CDD; PW			Recorded with track maps
HYD-2. Well Metering. All on- and off-site wells permitted for use with this project shall have well meters installed per Public Works standards prior to recordation of the first subdivision map.	Project	CDD; PW			Recorded with track maps
HYD-3. Low-impact development. Incorporate all storm water control measures to meet the Regional Water Quality Control Board requirements by incorporating low-impact development features into the future project design.	Project; ongoing	CDD; PW Regional Water Quality Control Board	Apply	Plancheck	Prior to issuance of grading permits
HYD-4. Post-Construction Hydromodification. Incorporate all storm water control measures to manage potential post-construction hydromodification per the Regional Water Quality Control Board requirements into the future project design.	Project; ongoing	CDD; PW; Regional Water Quality Control Board	Apply	Plancheck	Prior to issuance of grading permits

Mitigation Measure GPA 13-002, Rezone 13-001, and Specific Plan Amendment 13-001	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
Noise					
N-1: Construction Hours. Unless otherwise provided for in a validly issued permit or approval, noise-generating construction activities shall be limited to the hours of 7:00am and 7:00pm. Noise-generating construction activities shall not occur on Sundays or City holidays.	Project	CDD		Notes shown on construction documents.	Prior to issuing grading permit.
N-2: Construction Equipment Noise. Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhausted mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds should be closed during equipment operation.	Project	CDD		Notes shown on construction documents.	Prior to issuing grading permit.
Transportation					
TR-1 State Route 46/Buena Vista Drive. Add a second eastbound left-turn lane. This maintains LOS C conditions during the AM/PM peaks. Queue lengths would be reduced to acceptable levels with the second left-turn lane. This project is included in the City's Traffic Impact Fee program; funding from cumulative projects will be used to ensure that this improvement is implemented. The timing for this improvement depends on growth in the area, particularly increases in staffing and enrollment at Cuesta College North. Payment of the City's impact fees would address these deficiencies.	On-going	CDD			Prior to issuing grading permit.
TR-2 State Route 46/Golden Hill Road. Improve the North River Road/River Oaks Drive intersection with safety improvements, including but not limited to, traffic calming features, enhanced "line-of-sight"	Project	CDD			Prior to issuance of 91 st sfr building

Mitigation Measure GPA 13-002, Rezone 13-001, and Specific Plan Amendment 13-001	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks
visibility, stormwater management, and landscape enhancements, as part of parallel route improvements. This is consistent with the Caltrans SR 46 Corridor System Management Plan, which notes that Golden Hill Road remains a low-priority for location improvement and that local road improvements are a high priority within the corridor. The City's Traffic Impact Fee program funds improvements to parallel local routes. The City has developed plans to improve the intersection of North River Road/River Oaks Drive to reduce delay for the predominant vehicle flows at this intersection. The applicant shall construct improvements at this intersection prior to issuance of the 90th sfr building permit.					
TR-3 Buena Vista Drive. Buena Vista Drive shall be widened and improved to accommodate "Class 2" bike lane improvements on both sides of the street, extending from the project entrance on Buena Vista Drive south to the City boundary. The improvements will be installed concurrently with the connection of street improvements to Buena Vista Drive.	Project	CDD			The improvements will be installed concurrently with the connection of street improvements to Buena Vista Drive.
TR-4 River Trail. The applicant shall dedicate a 25-foot wide easement to the City along the Salinas River corridor west of River Road (the precise alignment to be determined upon implementation of this mitigation measure based upon suitability, such as terrain, vegetation and other constraints) to accommodate a public multi-use trail within the river corridor, consistent with the Salinas River Trail Master Plan. The applicant shall construct said trail improvements, and may enter into a reimbursement agreement for AB 1600 Park and Recreation Impact Fees. Said trail improvements shall be constructed prior to issuance construction permits for the 144th residential unit of the project development.	Project	CDD			Prior to issuance construction permits for the 144th residential unit of the project development

Mitigation Measure GPA 13-002, Rezone 13-001, and Specific Plan Amendment 13-001	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Timing/Remarks

Explanation of Headings:

Type:Project, ongoing, cumulative
Monitoring Department or Agency:Department or Agency responsible for monitoring a particular mitigation measure
Shown on Plans:When a mitigation measure is shown on the plans, this column will be initialed and dated.
Verified Implementation:When a mitigation measure has been implemented, this column will be initialed and dated.
Remarks:Area for describing status of ongoing mitigation measure, or for other information.

Attachment 8 - Draft Resolution B

CITY COUNCIL RESOLUTION 16-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES APPROVING GENERAL PLAN AMENDMENT 13-002 APPLICANT – WES WILLHOIT/ESTRELLA ASSOCIATES RIVER OAKS II EXPANSION - APN: 025-390-009

WHEREAS, Wes Willhoit, on behalf of Estrella Associates (the “Applicant”), has filed an application for General Plan Amendment 13-002 (“GPA 13-002”) requesting an amendment to the Land Use Element to revise the designation of approximately 85 acres of land located north of the existing River Oaks residential neighborhood development, east of the Salinas River, west of Buena Vista Drive, APN: 025-390-009, from Agriculture (AG) to Residential Single Family (RSF-4), as shown in Exhibit A, General Plan - Land Use Map Amendment; and

WHEREAS, GPA 13-002 would allow development of 271 residential lots and any expansion not otherwise defined in the Design Manual, of the existing spa development or the amphitheater will require approval of a Conditional Use Permit by the Planning Commission; and

WHEREAS, GPA 13-002 also requests consideration of an amendment to the Circulation Element to eliminate a planned 2-lane (Dry Creek Road) street extension from the north end of Buena Vista Drive through the project site connecting to North River Road, as shown in Exhibit B, General Plan – Circulation Element Diagram; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration was prepared to describe the effects of the General Plan Amendment; and

WHEREAS, the Planning Commission at its meeting of May 24, 2016 recommended that the City Council adopt the Mitigated Negative Declaration as well as the Mitigation Monitoring and Reporting Program; and

WHEREAS, the City Council conducted a public hearing on the proposed Project on June 21, 2016.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Paso Robles, as follows:

Section 1. Based on the facts and analysis presented to it, including all written and oral testimony and staff presentations, the City Council finds as follows regarding the amendments to the Land Use Element:

- a. GPA-002 is consistent with General Plan Land Use Element, as amended by General Plan

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Amendment (GPA) 12-002, which incorporated a 5% vacancy rate and an average population per household ratio of 2.66, that collectively raised the number of dwelling units that could be built within the 44,000 population threshold by 594 units, and this project would be allocated 240 additional units identified by GPA 12-002^[1].

- b. GPA 1-002 will be consistent, in part, with the General Plan Land Use Element, and will specifically support the intent of LU-1, by providing opportunities to live, work and play, by providing opportunities for new housing and recreational facilities.
- c. GPA 13-002 will be consistent, in part, with the General Plan Housing Element, by providing housing for moderate and above-moderate income levels.
- d. GPA 13-002 will provide an appropriate transition of land uses between single-family residential development to agricultural land uses north of the project site.
- e. GPA 13-002 will provide for orderly growth and development, including extension of streets and utilities necessary to serve the project.
- f. GPA 13-002 will be consistent with the General Plan Circulation Element (as proposed to be amended), by providing a connected street network, multi-purpose pathways, bike lanes, and transit stops, and by improving street intersections at North River Road/River Oaks Drive and Buena Vista Drive/Dallons Drive, to improve pedestrian and vehicle safety, and by improving the northerly extension of Buena Vista Drive.
- g. GPA 13-002 will be consistent with the General Plan, Parks and Recreation Element by dedicating property (18-acres) within the Salinas River corridor for public open space and recreation purposes.
- h. General Plan Amendment 13-002 will be consistent with City policies regarding the efficient use of water resources through use of water efficient fixtures and climate-appropriate landscaping. As identified in the Water Supply Evaluation (WSE) for this project, the City has sufficient water resources available from the City's existing and planned water sources including groundwater, river water, the Nacimiento Lake Project, and future recycled water resources. The also WSE demonstrates that the City has adequate potable water supply to provide a reliable long-term water supply for the project under normal and drought conditions through build-out of the City under the existing General Plan build-out scenario.

Section 2. Based on the facts and analysis presented to it, including all written and oral testimony and staff presentations, the City Council finds as follows regarding the amendments to the Circulation Element:

- a. As referenced in the traffic study prepared for this project elimination of the extension of Dry Creek Road from the north end of Buena Vista Drive through the project site connecting to North River Road will not result in negative traffic impacts, such as increased traffic congestion, delay, or safety impacts in the northeast area of the City.

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- b. Extension of Dry Creek Road noted in (a) above would not be cost-effective use of resources, or efficient use of land.

Section 3. Based on all of the above, the City Council of the City of El Paso de Robles, California, finds that GPA 13-002 is compatible with the surrounding land uses in the vicinity and would provide for orderly growth and development, and does hereby approve of General Plan Amendment 13-002, as shown in Exhibits A and B, attached hereto and incorporated herein by reference.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 21st day of June 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

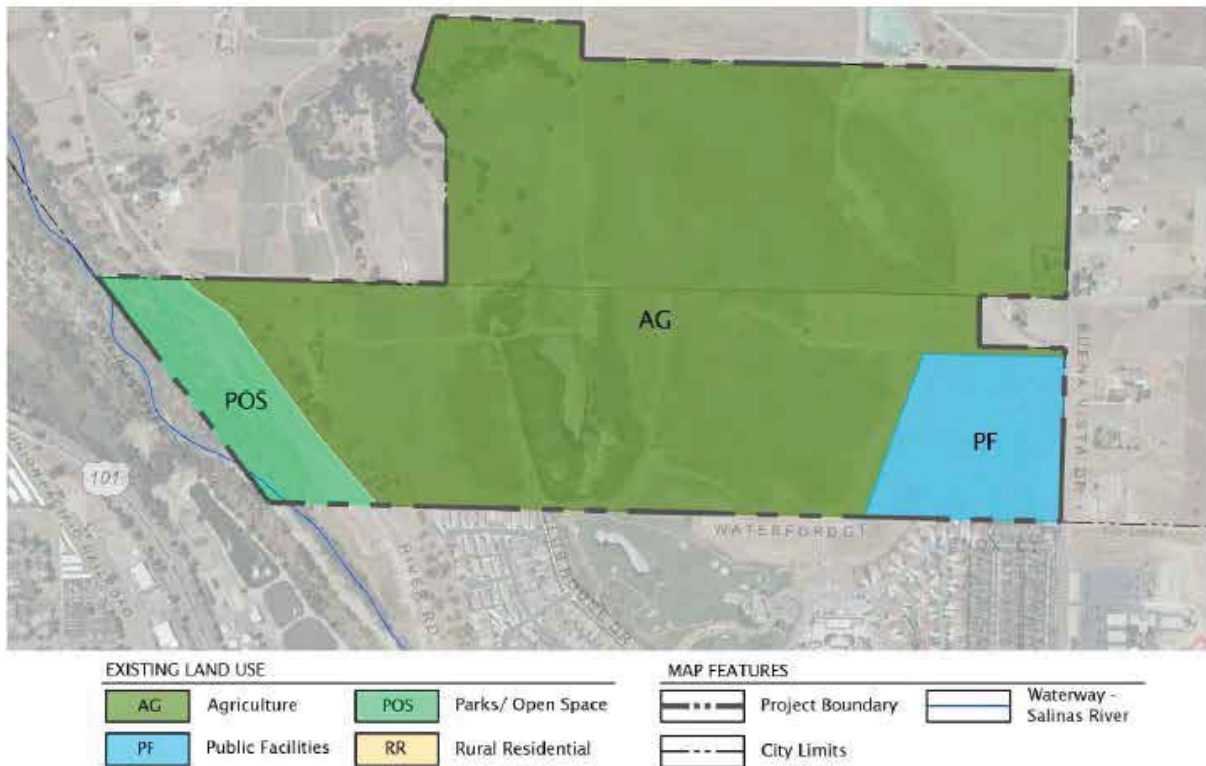
Steven W. Martin, Mayor

ATTEST:

Kristen L. Buxkemper, Deputy City Clerk

Exhibit A – General Plan Land Use Diagram Amendment
Exhibit B – General Plan Circulation Diagram Amendment

Exhibit A - General Plan - Land Use Map Amendment



City of Paso Robles General Plan - Existing Land Use

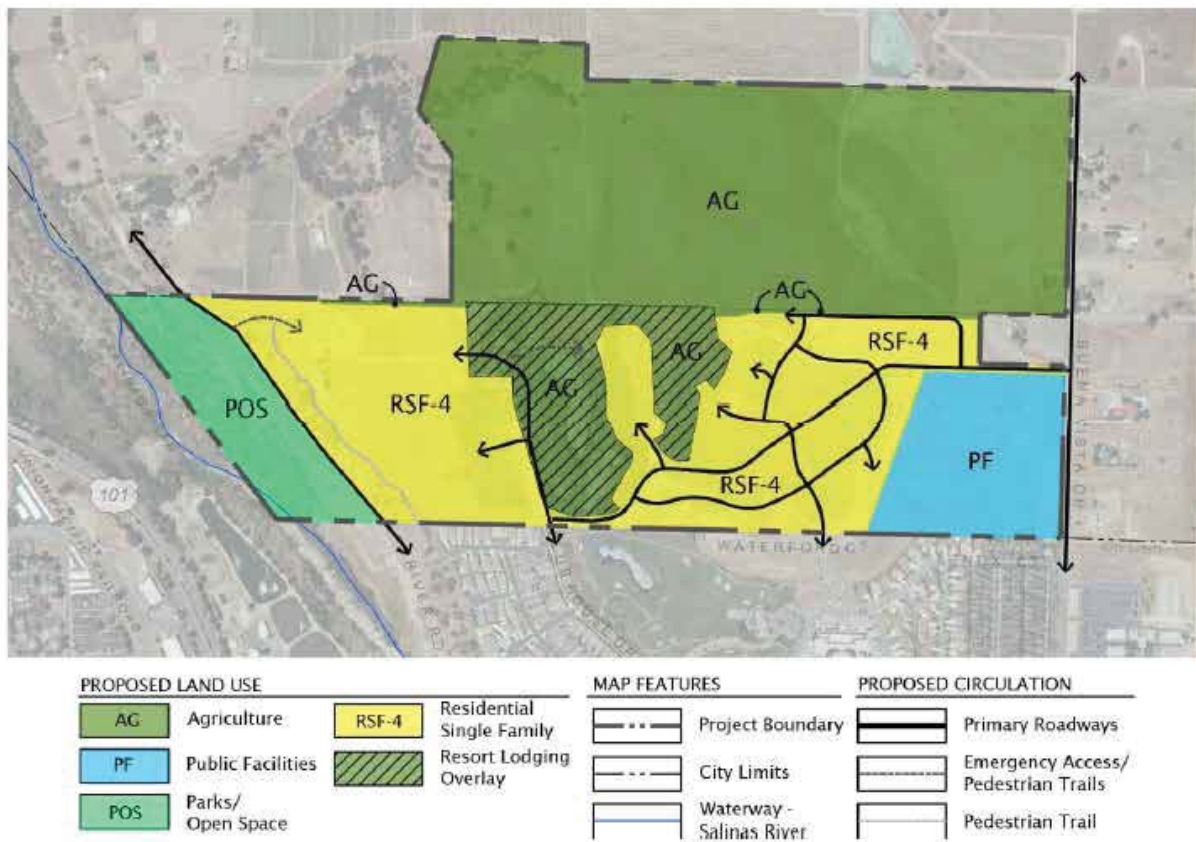
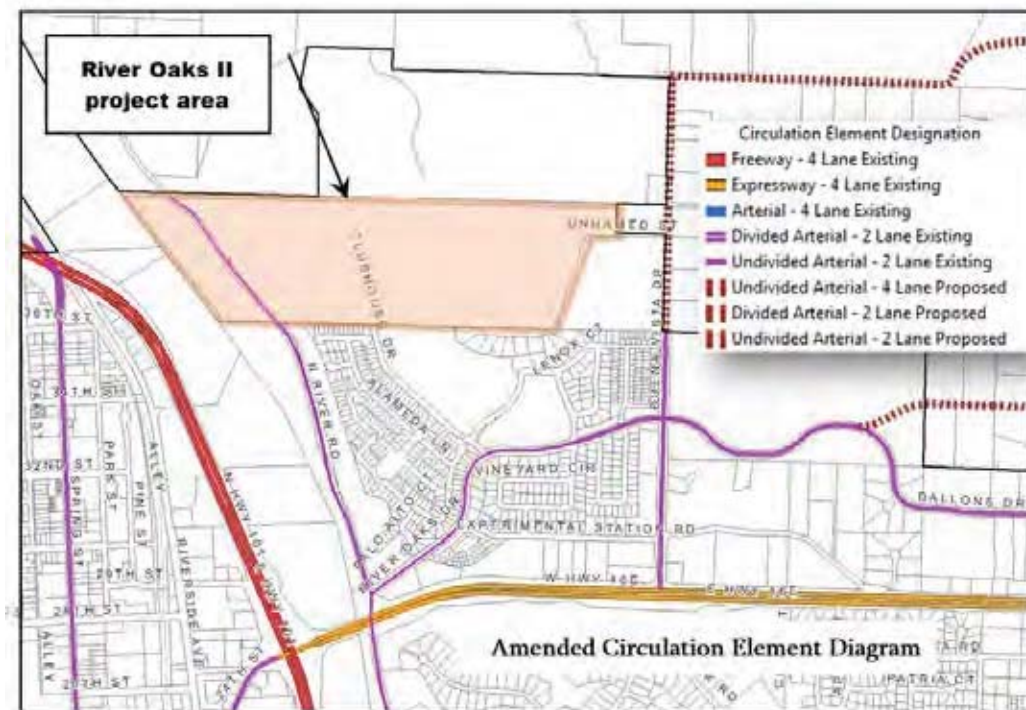
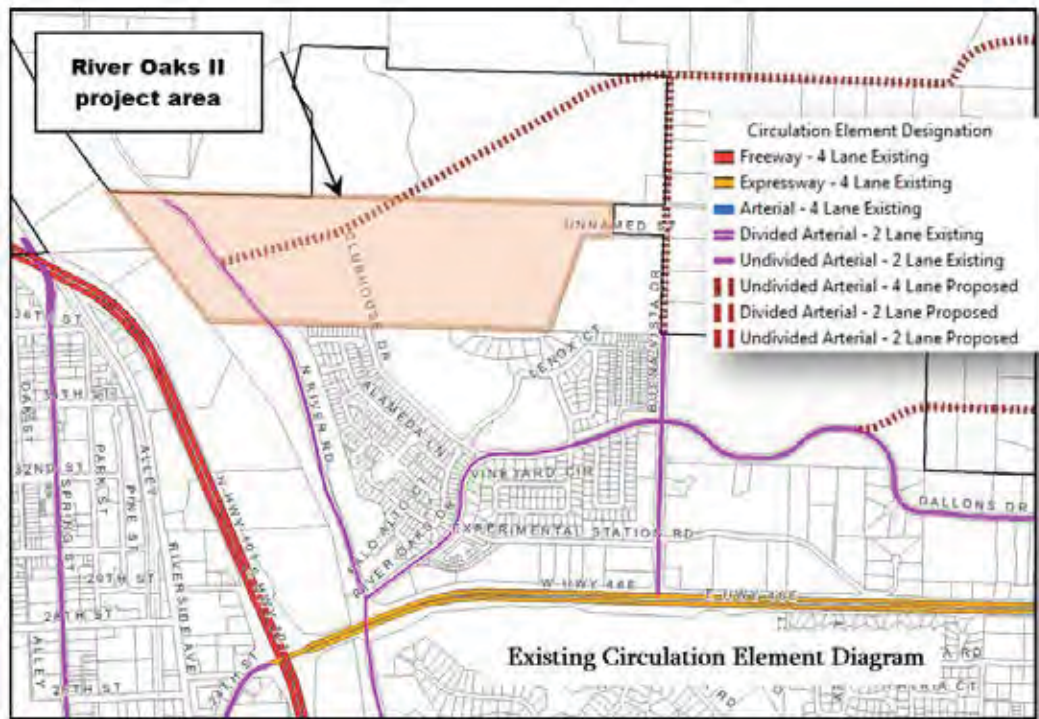


Exhibit B - General Plan – Circulation Element Diagram



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Attachment 9 – Draft Ordinance A

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
ADOPTING SPECIFIC PLAN AMENDMENT 13-001 –
BORKEY AREA SPECIFIC PLAN, SUBAREA A
APPLICANT – WES WILLHOIT/ESTRELLA ASSOCIATES
RIVER OAKS II EXPANSION - APN: 025-390-009**

WHEREAS, Wes Willhoit, on behalf of Estrella Associates (“Applicant”), in connection with the proposed development of a project known as River Oaks II Expansion (the “Project”), has filed a request for a General Plan Land Use Element Diagram Amendment (GPA 13-002); and

WHEREAS, Applicant has also filed a request for a Specific Plan Amendment (SPA 13-001), to modify the allowable land uses for property located north of the existing River Oaks residential neighborhood development, east of the Salinas River, west of Buena Vista Drive, located within the Borkey Area Specific Plan (BASP), Subarea A, APN: 025-390-009, as shown in Exhibit A; and

WHEREAS, SPA 13-001 would amend property currently designated Agricultural in the BASP, Subarea A to: Residential Single Family (R-1) - 85 acres, Parks and Open Space (POS) - 18 acres, and add a Resort Lodging Overlay (R/L) on approximately 26 acres, as shown in Exhibit B – BASP Subarea A, Map Amendment; and

WHEREAS, SPA 13-001 would provide land use consistency with Applicant’s request for GPA 13-002; and

WHEREAS, SPA 13-001 requests a modification of applicable development criteria in the BASP Subarea A, as set forth in the proposed BASP text amendments (Exhibit C); and

WHEREAS, the proposed modifications to applicable development criteria are intended to provide development continuity between the existing River Oaks I development and the proposed Project; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the City Council has approved a Mitigated Negative Declaration regarding the Project; and

WHEREAS, the City Council has approved GPA 13-002.

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

SECTION 1. All of the above recitals are true and correct and incorporated herein by reference.

SECTION 2. Based on the facts and analysis presented to it, including all written and oral testimony, the City Council hereby makes following findings regarding Specific Plan Amendment 13-001:

- a. SPA 13-001 would provide land use consistency with GPA 13-002.
- b. The proposed modifications to applicable development criteria are intended to provide development continuity between the existing River Oaks I development and the proposed River Oaks II expansion.
- c. The proposed amendments to the Borkey Area Specific Plan, Subarea A would provide for orderly development within the City, and within the Borkey Area Specific Plan area.

SECTION 3. The foregoing findings and determinations are based upon the following:

- (a) The Recitals set forth in this Ordinance, which are deemed true and correct;
- (b) Resolution No. 16-XX, adopted by the City Council on June 21, 2016, making findings as to the Mitigated Negative Declaration for the River Oaks II Expansion project, including the Mitigation Monitoring and Reporting Program, approved by and incorporated in said Resolutions, which Resolutions and exhibits are incorporated herein by reference as if set forth in full;
- (c) The City's General Plan, as amended by the General Plan Amendment adopted by the City Council by Resolution No. 16-XX prior to adoption of this Ordinance;
- (d) All City staff reports (and all other public reports and documents) prepared for the Planning Commission, City Council, or others relating to the Specific Plan Amendment, and other actions relating to the Property;
- (e) All documentary and oral evidence received at public hearings or submitted to the City Council or City during the comment period relating to the Specific Plan Amendment, and other actions relating to the Property; and
- (f) All other matters of common knowledge to the Planning Commission and City Council, including, but not limited to the City's fiscal and financial status; City policies and regulations; reports, projections and correspondence related to development within and surrounding the City; State laws and regulations and publications.

SECTION 4. The City Council hereby approves the Specific Plan Amendment, attached hereto as Exhibit A, B and C, and incorporated herein by reference.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its passage and adoption as provided by Government Code section 36397.

SECTION 7. Publication. The City Clerk will certify to the passage of this Ordinance by the City Council of the City of El Paso de Robles, California, and cause a summary 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 Government Code section 36933.

Introduced at a regular meeting of the City Council held on June 21, 2016, and passed and adopted by the City Council of the City of El Paso de Robles on the 20th day of July, 2016 by the following roll call vote, to wit

AYES:

NOES:

ABSTAIN:

ABSENT:

Steven W. Martin, Mayor

Attest:

Kristen L. Buxkemper, Deputy City Clerk

Exhibit A – Location Map

Exhibit B – BASP Map Amendments

Exhibit C – BASP Text Amendments

Exhibit A – Location Map

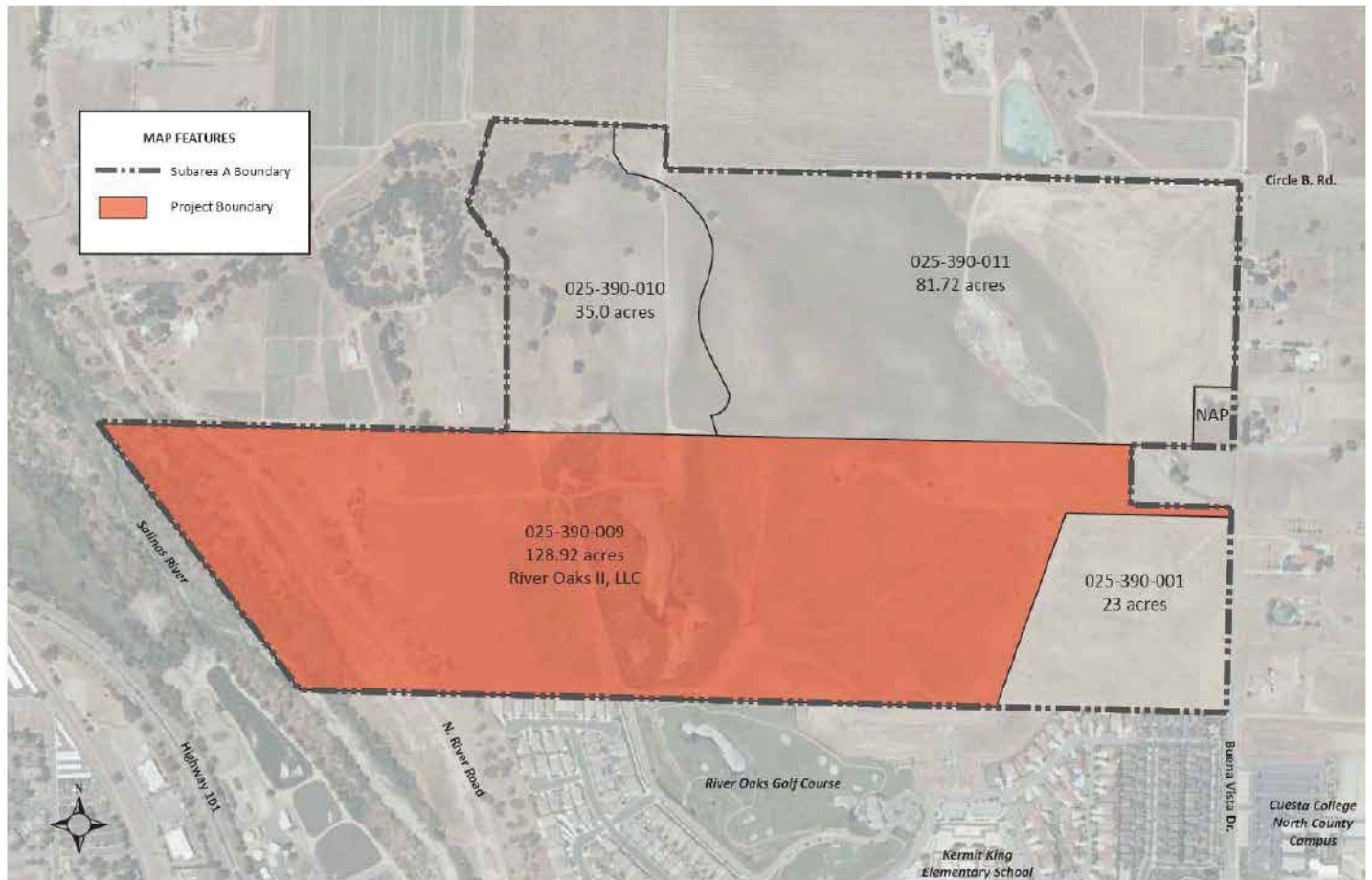


Exhibit B – BASP Map Amendments

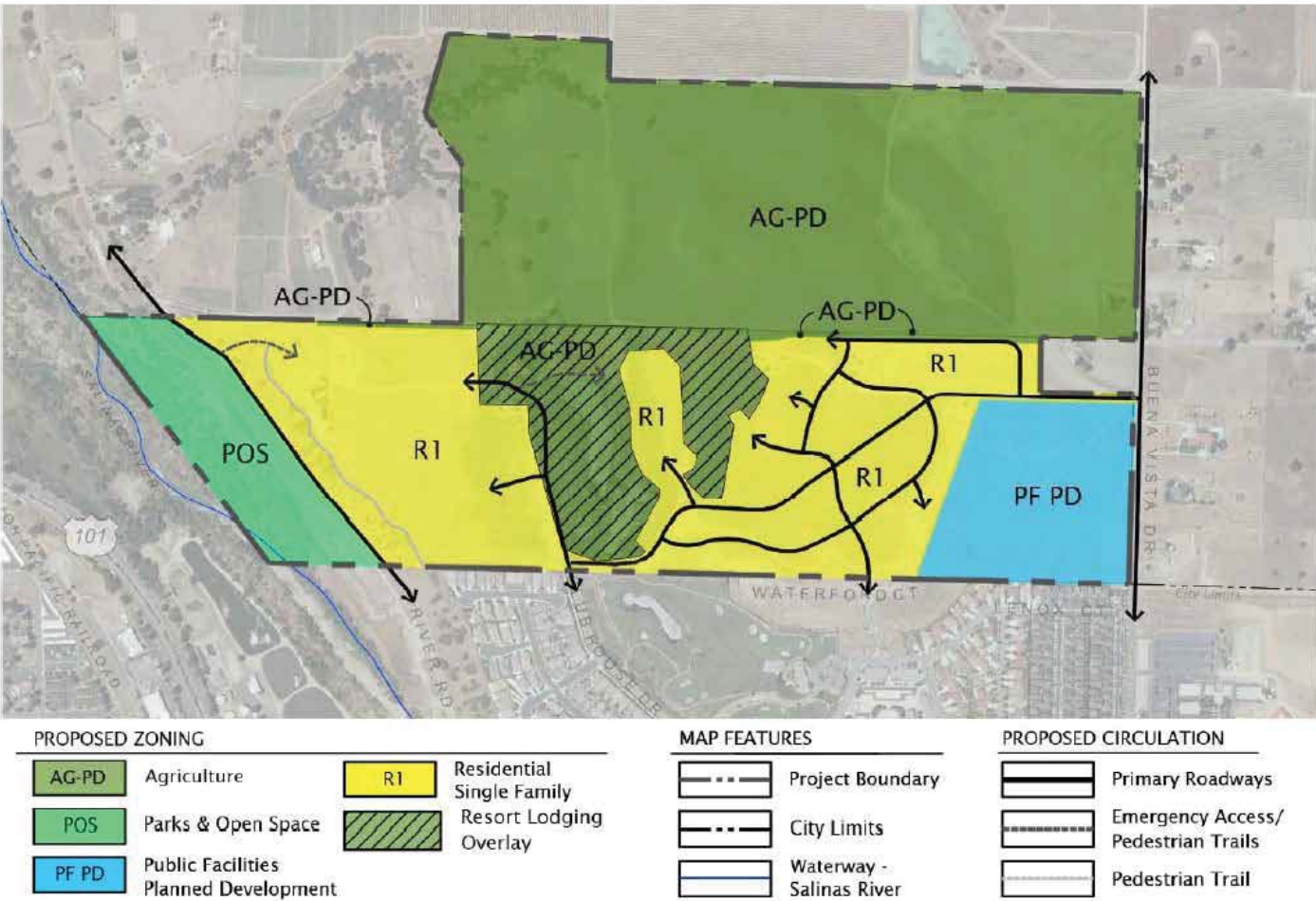


Exhibit 10 - Borkey Area Specific Plan – Proposed Subarea A Zoning

Exhibit C - Borkey Area Specific Plan Text Amendment

Borkey Area Specific Plan Amendments

Amend 85 acres of the Borkey Area Specific Plan Land Use in the southern portion of Subarea A from Agriculture (AG) to Residential Single Family (RSF) and the specific plan zoning from AG-PD to R-1 plus the following text and graphic amendments:

Chapter 2 – Existing Conditions in Plan Area

- Page II-1: Revise Subarea A, paragraph 2, last sentence as follows:

~~The remaining 232 acres of Subarea A are proposed as an agriculturally compatible, recreational resort development known as the “Paso Robles Hot Springs and Spa.”~~

The 85 acres west of the college site are proposed as single family residential (RSF) with the western most portion being an active adult neighborhood. The northern 117 acres of Subarea A will remain agriculture.

- Page II-8: Revise Figure D-1 (Proposed City General Plan Designations) to be consistent with Exhibit B of BASP amendment resolution .
- Page II-9: Revise Figure D-2 (Proposed City Zoning Designations) to be consistent with Exhibit C of BASP amendment resolution.

Chapter 3 – Development Plan for the Borkey Area

- Page III-4: Revise Figure 13 (Development Plan for Borkey Area). See page 24.
- Page III-5: Revise Subarea A, paragraph 1, as follows:

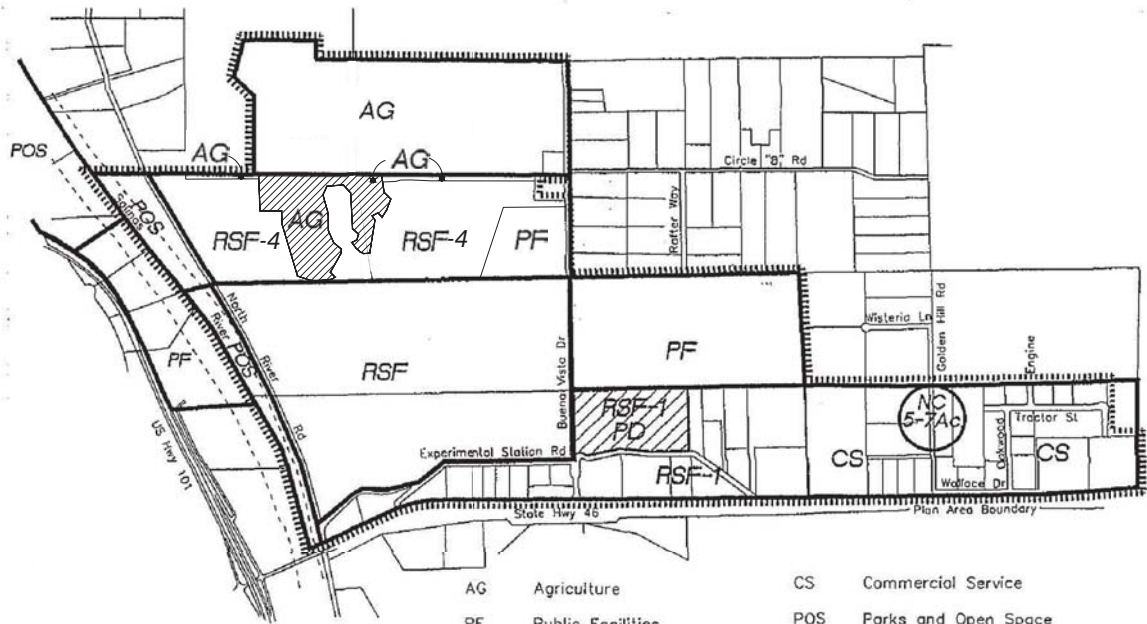
~~Subareas A is designed by the Specific Plan to accommodate Paso Robles Hot Springs and Spa Resort. This use provides a transition between the suburban and urban land uses south and east of Subarea A to the north where existing unincorporated County land is zoned and used for agricultural purposes. The Paso Robles Hot Springs and Spa Resort includes large areas of agriculture and open space, particularly along the northern, western, and eastern perimeters of the properties providing a buffer from more intensive agricultural uses to the north and east. The development concentrates resort uses and activities on the central and south portions of the site adjoining the existing residential and recreational features of Subarea B.~~

Subarea A is designated to accommodate the completion of the River Oaks Master Plan Community and accommodate the existing hot springs and spa facility. Anticipated development will include an active adult neighborhood consistent with “Traditions” and the extension of “The Classics” conventional residential neighborhoods to the south and emulating both the concepts of “The Classics” and “Vineyard Estates.” In addition, the existing River Oaks Hot Springs Spa and pavilion is proposed to be maintained and expanded along the existing lake, and will serve as an amenity feature for the existing and proposed residences. The northern portion of Subarea A will remain agriculture, providing a significant transition to the agricultural uses to the north and east.

A Master Plan of Development shall be approved for Subarea A consisting of the following:

- | | |
|-----------|------------------------------------|
| <u>1.</u> | <u>Conceptual Master Site Plan</u> |
| <u>2</u> | <u>Conditions of Approval</u> |
| <u>3.</u> | <u>Design Manual.</u> |

All tentative maps, grading plans and development plans shall be consistent with the Master Plan of Development.



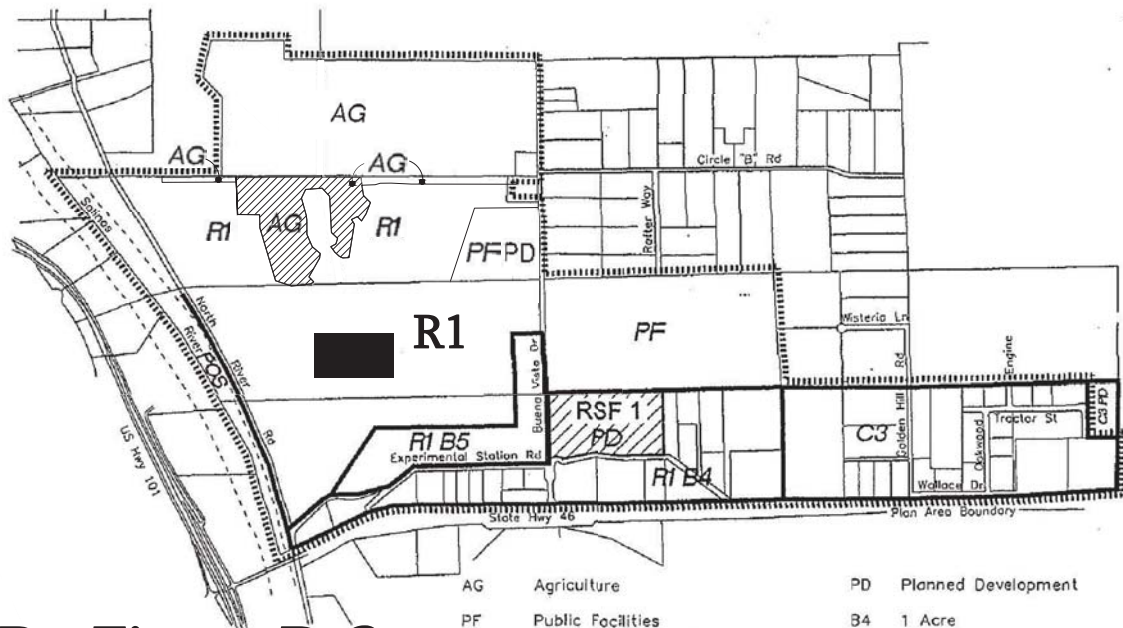
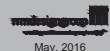
BASP - Figure 4 & 6

Resort/Lodging Overlay

AG	Agriculture	CS	Commercial Service
PF	Public Facilities	POS	Parks and Open Space
POS	Parks and Open Space	RSF	Residential Single Family
C	Commercial Light Industrial	RSF-1	Residential Single Family .75 DU per Acre
NC	Neighborhood Commercial	RSF2	Residential Single Family 1.5 DU per Acre

Borkey Area Specific Plan

REVISED FIGURE D-1: Proposed City General Plan Designations
(Replaces Page II-8)



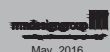
BASP - Figure D-2

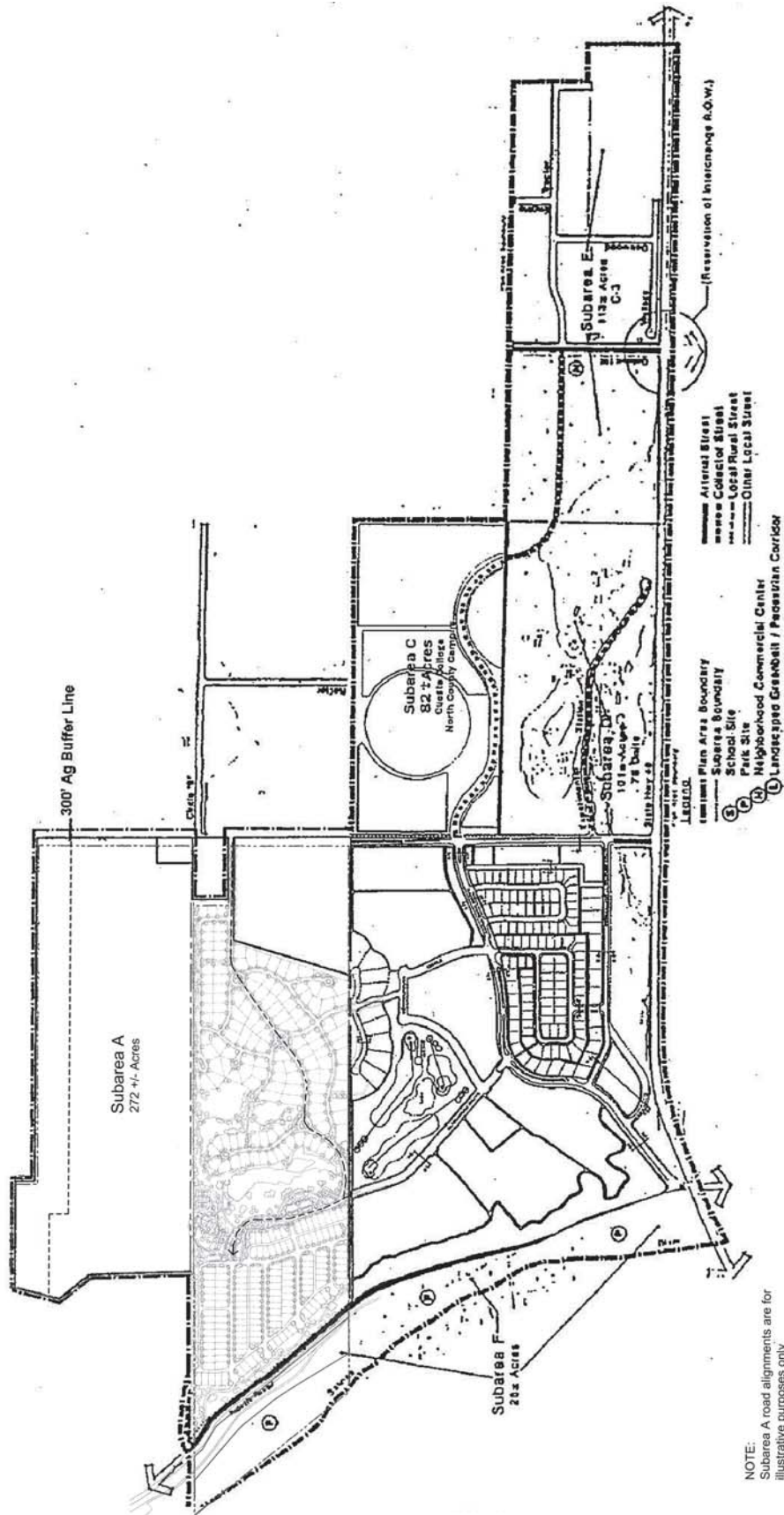
Resort/Lodging Overlay

AG	Agriculture	PD	Planned Development
PF	Public Facilities	B4	1 Acre
R1	Single Family	B5	2 Acres
RSF	Residential Single Family	POS	Parks and Open Space
RSF 1	Residential Single Family 1 Acre Minimum	C3	Commercial/Light Industrial
RSF 2	Residential Single Family 1.5 Acre Minimum		

Borkey Area Specific Plan

REVISED FIGURE D-2: Proposed City Zoning Designations
(Replaces Page II-9)





Borkey Area Specific Plan

REVISED FIGURE 13: Development Plan for Borkey Area
(Replaces Page III-4)



Borkey Area Specific Plan

EXHIBIT 13-A: River Oaks Master

Plan

Subarea A Land Uses

RSF - Residential Single Family

The RSF land use accommodates low-density residential development with the anticipated density of two (2) to four (4) units per acre. A total of 271 residential units are proposed with lot sizes ranging from 5,000 square foot minimums in the western “active adult” neighborhood, to 20,000 square foot lots on the eastern portion of Subarea A.

The design intent for these neighborhoods is to mimic the existing River Oaks residential developments to the south. For the “active adult” neighborhood, ownership will be limited to those 55 years old and better and offer amenities similar to the existing Traditions development such as a community center and pool. The conventional residential neighborhood will be designed to cluster residential units in order to maximize open space and will have access to the Community Center and Health, Wellness, and Fitness Center.

AG – Resort Lodging Overlay

This overlay includes the existing River Oaks Hot Springs Spa, neighborhood green space, neighborhood pavilion, and lake. Proposed uses within this area include a remodeled pavilion and HOA facilities, and expansion of the existing River Oaks Hot Springs Spa as a fitness and wellness center. These facilities will be private facilities available exclusively to all 271 homes and to existing residents of the River Oaks Master Plan Area through the Master Homeowners Association (HOA).

Subarea A Land Use Summary Table

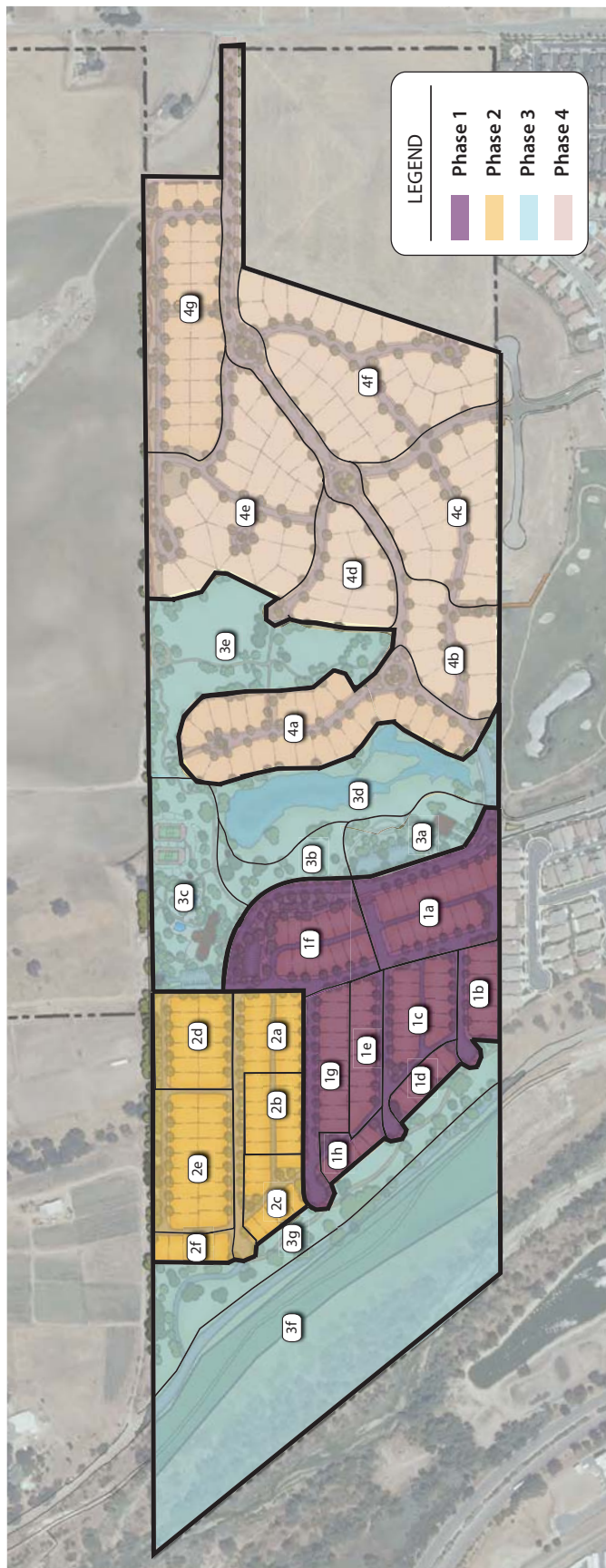
Land Use	Acres	Density	Max. Density	Proposed Units
RSF	85	4 units/acre	340	271
PF	23			
AG	145			
POS	18			
TOTAL	271			271

River Oaks 2 2016 amendment

Figure 14 - Borkey Area Specific Plan Subarea A
Conceptual Site Master Plan



Not to Scale



Borkey Area Specific Plan

EXHIBIT 14-A: Conceptual Phasing

Plan



Exhibit 14-B - Community Center Concept Plan



Exhibit 14C — Health WellnessFitness Concept Plan

- Page III-6: Revise Table 3-1 for Plan Subarea A as follows:

Table- 3-1 Prescribed Land Uses and Permitted Densities, Parcel Sizes Borkey Area Specific Plan			
Plan Subarea	Permitted Uses	Maximum Development Intensity	Minimum Lot Size
A	Agriculture	-	-
	Resort Overlay		
	<ul style="list-style-type: none"> Hot Springs and Spa/Fitness - Wellness Facility 	-	-
	<ul style="list-style-type: none"> Warm Mineral Water Pool 	-	-
	<ul style="list-style-type: none"> Fresh Water Pool 	-	-
	<ul style="list-style-type: none"> Tennis Courts 	-	-
	<ul style="list-style-type: none"> Pavilion 	200 persons	-
	Single Family Residential	±144 active adult units ±127 conventional housing units	5,000 sf – 20,000 sf

- Page III-7: Revise Figure 14 (Conceptual Development Plan – Subarea A). See page 25.
- Page III-16: Revise A-1 as follows:

~~The Paso Robles Hot Springs and Spa resort shall be developed in accordance with a master development plan approved by the City, including improved circulation, drainage, utilities, and provisions for agriculture buffers to the west, north, and east. The resort shall be designed to provide an agriculturally compatible, recreational destination, conference, and tourist facility.~~

The River Oaks Hot Springs Spa resort, if expanded, shall be developed in accordance with a master development plan approved by the City. The facility will be improved in its current location with the potential for expansion along the west side of the lake. The facility will be made available as a private amenity for exclusive use of River Oaks master plan community (Plan Subarea A), and to others for a fee, through the master homeowners association (HOA).

- Page III-32: Revise Figure 20 A-2 (Schematic Water Supply).
- Page III-34: Revise Figure 21 A-2 (Schematic Wastewater Collection System).
- Page III-37: Revise Figure 22 A-2 (Schematic Storm Drainage System).

- Page III-49 and following: Revise Subarea A, Project Design Standards as follows:

Subarea A

The following standards shall apply to the northern 117 acres of Subarea A designated

Agriculture (AG/PD):

SA-1 The minimum building setback from any public right of way shall be fifty (50) feet.

SA-2 The minimum building setback from any side lot line, except for such a lot line abutting a public right of way, shall be thirty (30) feet.

SA-3 The minimum building setback from any rear lot line, except for such a lot line abutting a public right of way, shall be thirty (30) feet.

SA-4 The minimum building setback from the top of the bluffs overlooking the Salinas River shall be fifty (50) feet.

SA-5 No building shall be placed at a location rendering it visible from the westerly edge of the right of way of North River Road.

SA-6 No building intended for human occupation or routine human use shall be erected in the agricultural buffer designated by the Plan Diagram, within three hundred (300) feet of the northerly boundary of Subarea A, of as long as the adjacent parcel(s) to the north are zoned for agricultural use.

SA-7 No principal building shall exceed thirty-five (35) feet above the average natural grade, in height. Architectural or agricultural elements, such as towers, silos, etc. may be approved at heights greater than thirty-five (35) feet after review by the Development Review Committee or the Planning Commission, provided that heights do not exceed those as stated in the City's Zoning Ordinance for Agricultural Districts. On ridges and hills, building designs shall be architecturally compatible to the site.

The following standards shall apply to the creation and/or development of all residential parcels and lots on the southern portion of Subarea A designated Residential Single Family (RSF):

SA-6 The minimum building setback from any front lot line shall be twenty (20) feet to a street facing garage or carport and ten (10) feet to any residence or other building (detached Casita) or side entry garage (See Chapter 3 of River Oaks II Design Manual for additional design considerations). A detached Casita (home office or guest room not for the purposes of a separate dwelling unit) is permitted at front yard setback lines when the design is fully integrated into the architectural style and character of the single family residence. Casitas shall only be permitted when CC&Rs or other reliable constructive notice is established for lot owners to be notified of strict restrictions on the Casitas against rental or related multiple family uses. Conditions shall be imposed at the time of issuance of a building permit that will reduce the potential for such units to be converted for rental use.

SA-7 The minimum building setback from any side lot line shall be that prescribed by the City of Paso Robles zoning ordinance for the R-1 zone district, except that the City may approve a building setback of zero (0) feet for one side line of any lot, if a Planned Development application is processed in conjunction with a subdivision application and findings can be made in accordance with the City's Planned Development Chapter (21.16A), (See Chapter 3 of River Oaks II Design Manual).

SA-8 The minimum building setback from any rear lot line shall be that prescribed by the City of Paso Robles zoning ordinance for the R-1 zone district (20 feet for the residence, 3 feet for accessory structures).

SA-9 Homes placed along the Salinas River Bluff shall match the setback of the existing homes to the south in the "Traditions" neighborhood.

SA-10 All building heights shall conform to the requirements of the City's Zoning Ordinance.

SA-11 No two adjacent residences constructed by the same builder shall be painted or color coated the same color. A minimum ratio of one (1) different house color for each four (4) houses constructed by any builder shall be required.

SA-12 A detailed fence plan shall be submitted to the City at the time of application for any development. Fence style and construction shall be consistent for all residential lots. The erection of any chain link fencing is prohibited within any required building setback.

SA-13 Five (5) foot concrete sidewalks shall be constructed adjacent to each public street, or an eight (8) foot sidewalk may be constructed on one side of the roadway, when the opposite side adjoins a passive/active recreational site. Sidewalks shall be detached (separated from the curb by a landscaped/irrigated parkway) in accordance with the City's engineering standards.

SA-14 All residences shall have driveway aprons extending between required garages and/or carports and the public right-of-way that are consistent with the existing developed phases of the River Oaks master plan community.

SA-15 When practical, residential structures are recommended to be oriented to achieve optimum solar accessibility. The use of active solar systems is encouraged, particularly for domestic water heating, heating of swimming pools and spas, and similar purposes. Passive solar design and orientation is also particularly encouraged, to reduce energy use for residential space heating and cooling.

SA-16 The use of drought-tolerant landscaping is encouraged, to minimize water consumption requirements for irrigation.

SA-17 Residential units shall be required to utilize water-saving fixtures and devices, including those which might be prescribed by the City at the time of development

application review in excess of the requirements of applicable building and construction codes.

SA-18 Any appurtenant structure on any residential lot shall be constructed in the same architectural character and style as the primary residential structure on the lot.

SA-19 Landscaped “entry way” shall be constructed on both sides of the east-west collector street crossing Subarea A at its intersection with Buena Vista Road.

SA-20 Landscaping and trail improvements along the bluff shall be environmentally sensitive and be consistent with the existing trail and landscaping to the south. Said landscaping would take into account the existing oak trees and other native vegetation.

SA-21 Street trees shall be provided by the developer or sub divider of any property at the average rate of one tree for each forty (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 (detached parkway) or within the first five (5) feet of the private property adjacent to the right-of-way when a parkway does not exist. Trees shall be selected from the street tree list provided in the “River Oaks II Expansion - Design Manual”. Street trees shall be the maintenance obligation of the adjacent private property owner either directly (when on private property) or indirectly through a Home Owners Association (when in the parkway).

SA-22 The extension of Clubhouse Drive into Subarea A may be constructed at a local street standard and may be dedicated as a public street or maintained as a private street consistent with the street section shown in the “River Oaks II Expansion – Design Manual”, Chapter 6.

SA-23 Reduced width street sections may be proposed within the residential neighborhoods as shown in the “River Oaks II Expansion – Design Manual” (see Exhibits 13-19).

SA-24 Apply the following Low Impact Development (LID) principles into development applications:

- a. Limit the use of potable water or other natural surface or subsurface water resources available on or near the project site for landscape irrigation.
- b. Drought-tolerant landscaping is required. Plant selection should be based on the climate and environment of the area, as well as site characteristics such as exposure, light intensity, soil analysis, site drainage and irrigation. Proper plant selection based on site characteristics will enhance the plants’ likelihood of becoming established in the site and reduce potential incidences of low vigor, excessive maintenance, disease or death. California native species are preferred for natural landscapes.
- c. Permeable paving shall be used in parking lots and private driveways where practical.

- d. All permeable paving surfaces must be Americans with Disabilities Act (ADA) accessible.
- e. Pervious pavement (pervious concrete, pervious asphalt, pervious pavers, and similar surface and subsurface materials) shall be utilized wherever practical to reduce stormwater runoff and to allow for ground water recharging.
- f. Site runoff shall be directed to vegetated open areas, planting areas, rain gardens, etc. to improve the quality of stormwater runoff through bio-filtration.
- g. Detention basins, bioswales (vegetated swales) and rain gardens shall be utilized wherever practical in the storm drainage system to collect, detain, or slow stormwater runoff and improve runoff water quality.
- h. A point of connection to the underground storm drainage system should be provided to allow use of on-site stormwater best management practice (bmp) features to treat stormwater prior to allowing excess inflows to enter the storm drain.
- i. Site drainage shall be designed to integrate a decentralized system that distributes stormwater across the project site to replenish groundwater supplies.
- j. Reduce pollution from construction activities by controlling soil erosion, waterway sedimentation, and airborne dust generation.
- k. Constructed surfaces on the site should be shaded whenever possible with landscape features and utilize high-reflectance materials and other materials to reduce the heat absorption of hardscape.

SA-25 Existing non-potable water sources have been historically utilized for irrigation, and shall be utilized in the same manner for irrigation within Subarea A.

SA-26 Storm water Plan: Upon tentative tract map submittal the developer shall submit a storm water control plan offering an overall evaluation and assessment of constraints and opportunities for Low Impact Development and corresponding storm water management strategies. The plan must quantify storm water retention in relation to new regulations adopted by the Water Board on July 12, 2013.

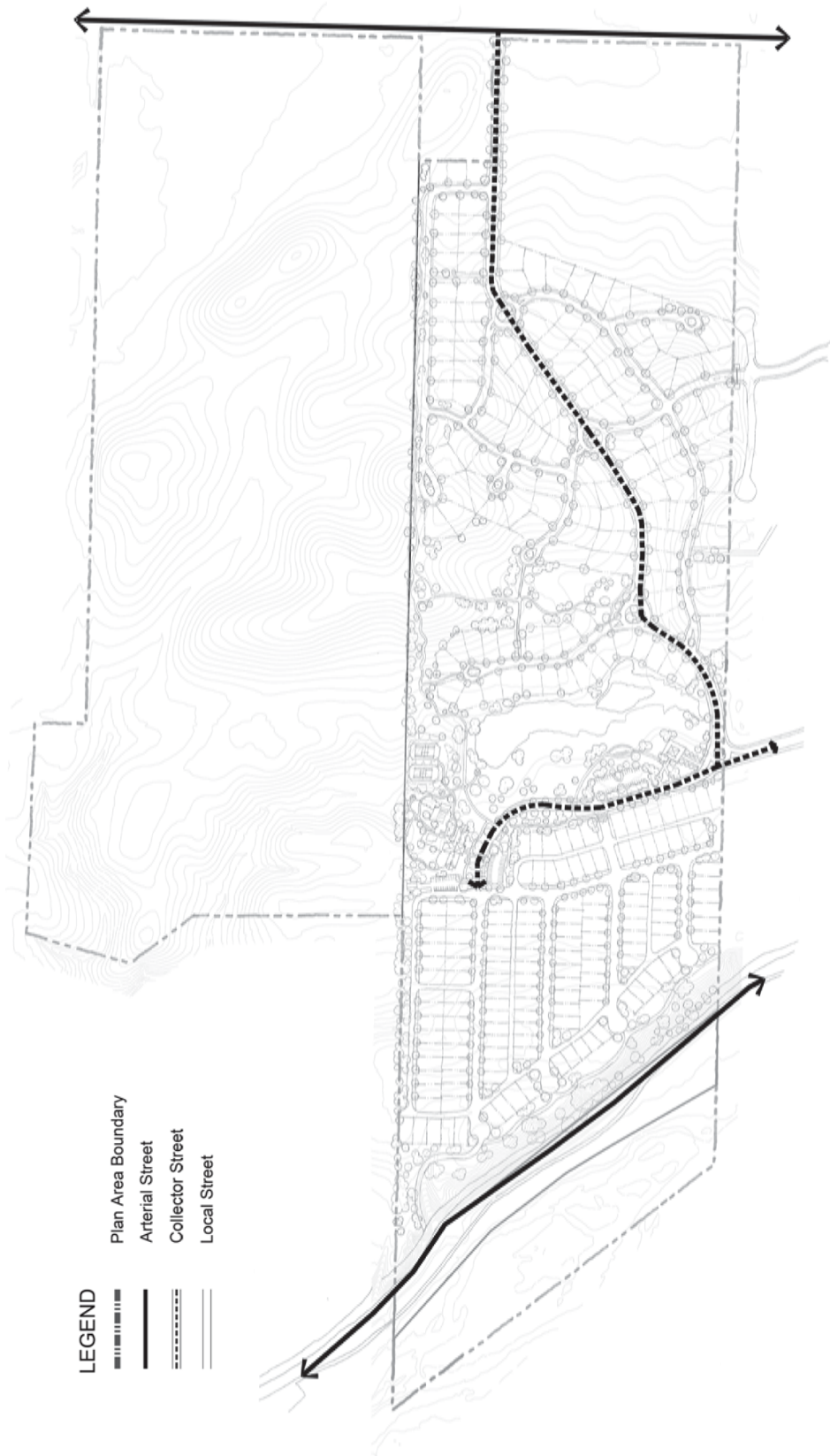
Finally, for each subarea of the overall plan area, the design guidelines prescribed by the RO II Expansion Design Manual include specific landscaping requirements, augmenting those already set out in the City's zoning ordinance for the applicable zone districts allocated to the area. Approval of any development application for the plan area will require City approval of an accompanying detailed landscaping plan for the proposed project neighborhood. The above referenced Design Manual is hereby incorporated into this Specific Plan by reference.

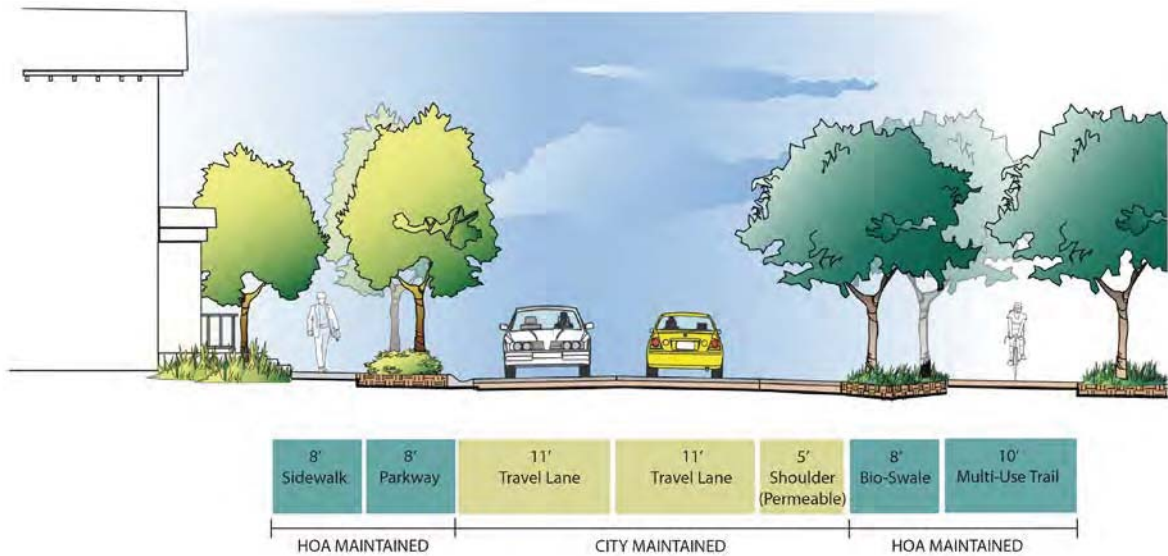
Chapter 4 – Plan Implementation and Phasing

- Page IV-5: Revise Subarea A as follows:
 - ~~Agricultural District (AG) Planned Development (PD) Overlay~~ Designation for the ~~northern 223 117-acre~~ portion. See Chapters ~~21.16A and J~~ of the City Zoning Ordinance.

- Residential (R-1) and Agriculture District (AG) Planned Development Overlay Designation (PD) for 113 acres (See Chapters 21.16A and J of the City Zoning Ordinance).

Figure 9-A. Subarea A Circulation Plan

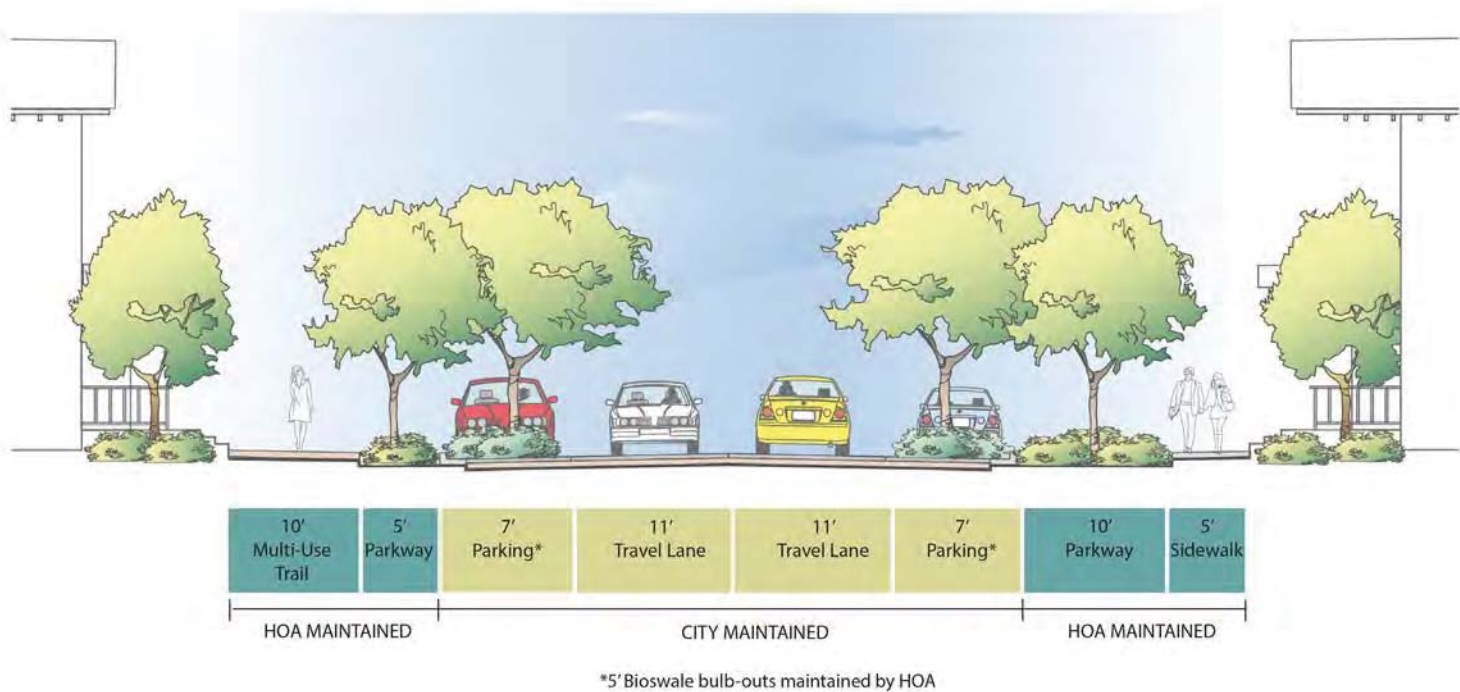




Borkey Area Specific Plan

EXHIBIT 9-B: Clubhouse Drive Extension

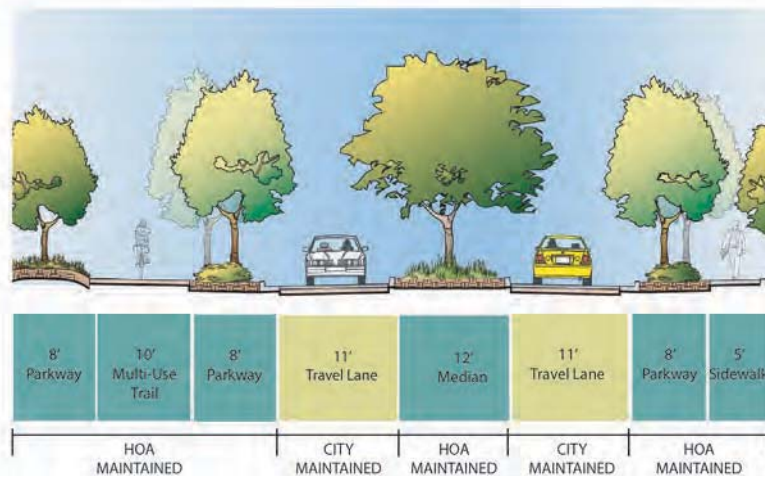
rrm group
creating environments people enjoy
 November, 2013



Borkey Area Specific Plan EXHIBIT

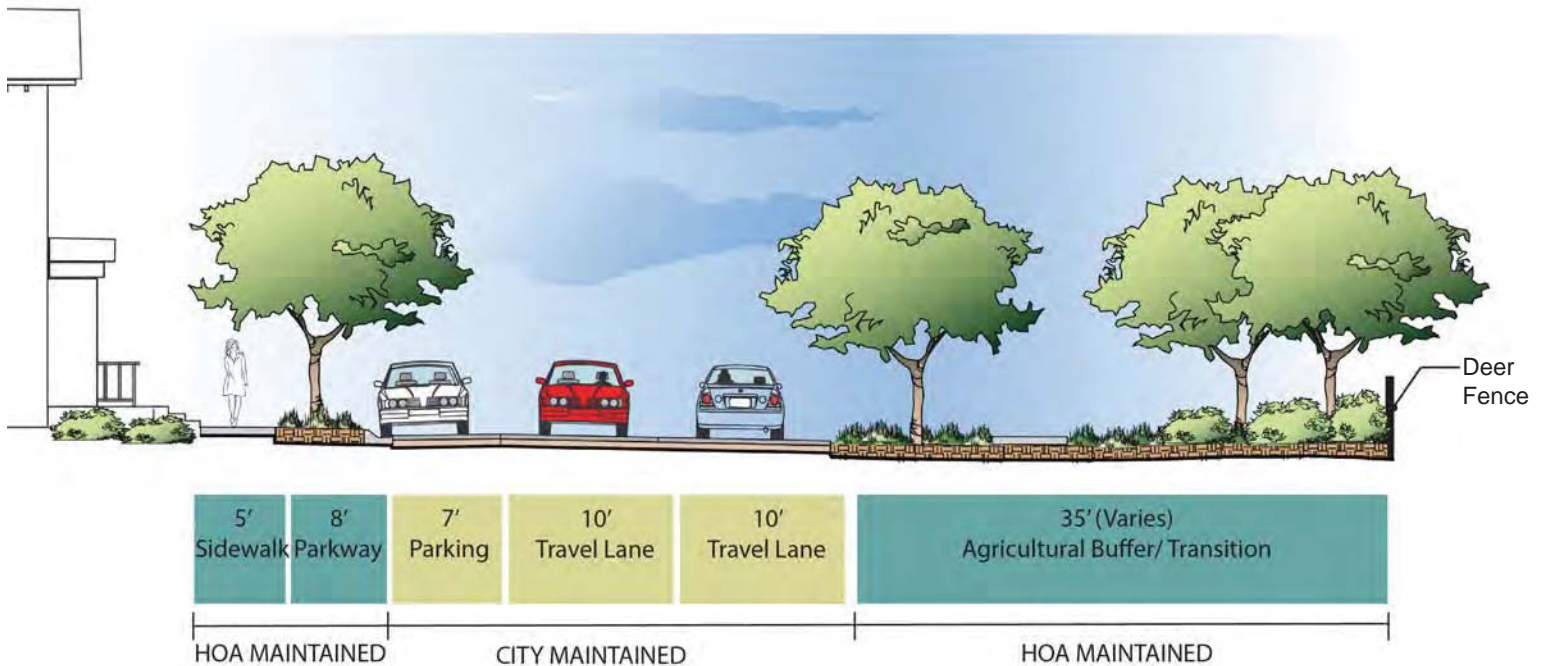
9-C: Village Drive Collector

rrm group
creating environments people enjoy
 November, 2013



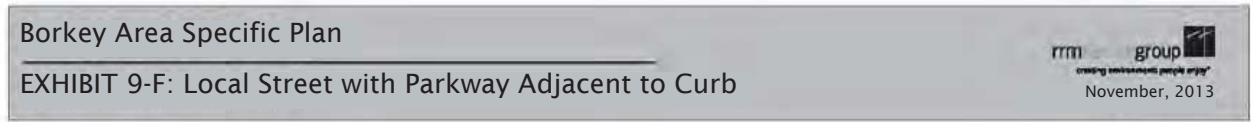
Borkey Area Specific Plan
EXHIBIT 9-D: Village Entry Street

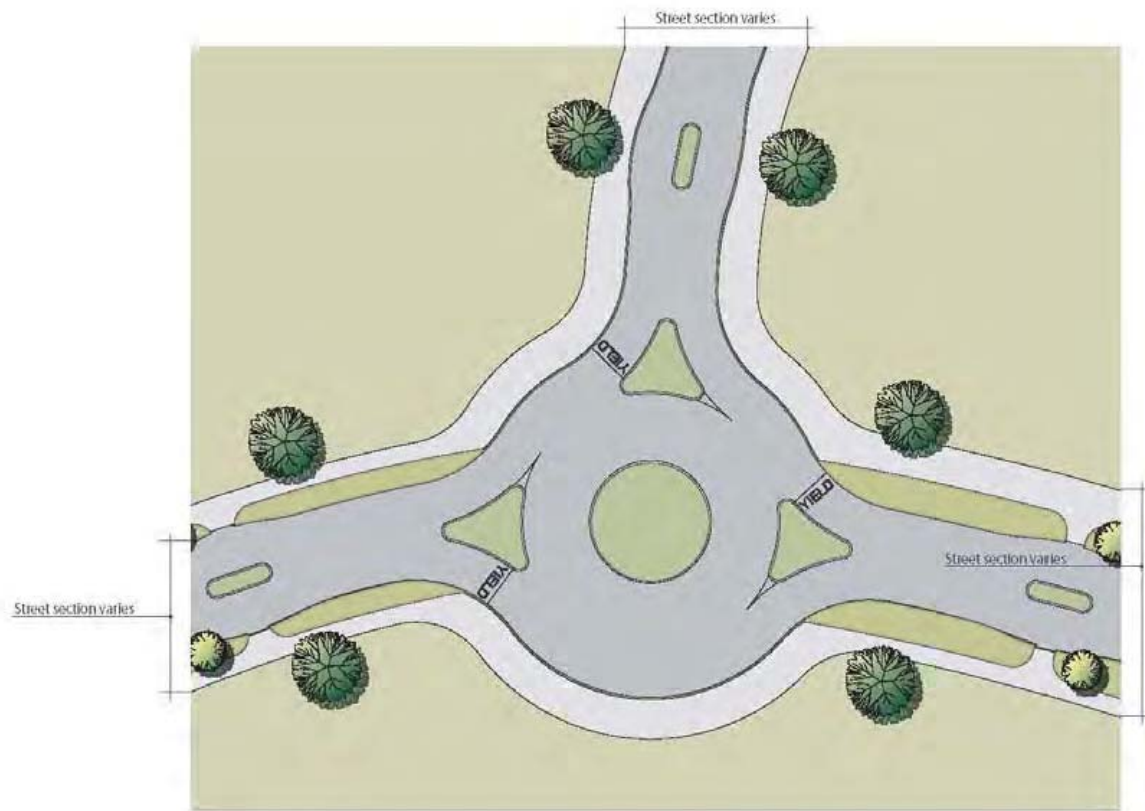
rrm group
creating environments people enjoy
November, 2013



Borkey Area Specific Plan
EXHIBIT 9-E: Single Loaded Adjacent to Agriculture

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creating environments people enjoy
May, 2016



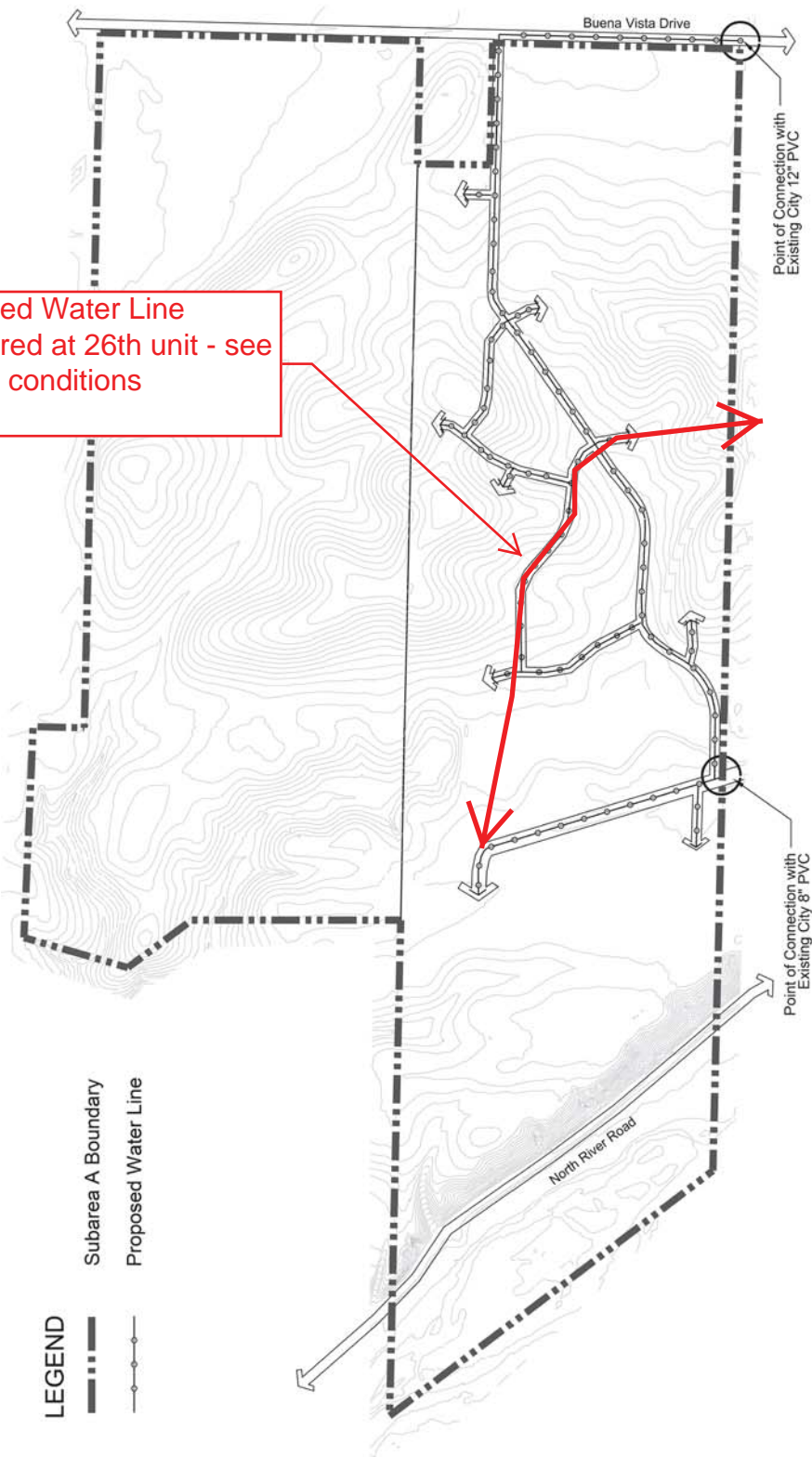


Borkey Area Specific Plan

EXHIBIT 9-H: Typical Roundabout

rrm group
creating environments people enjoy
 November, 2013

Looped Water Line
required at 26th unit - see
MDP conditions



LEGEND

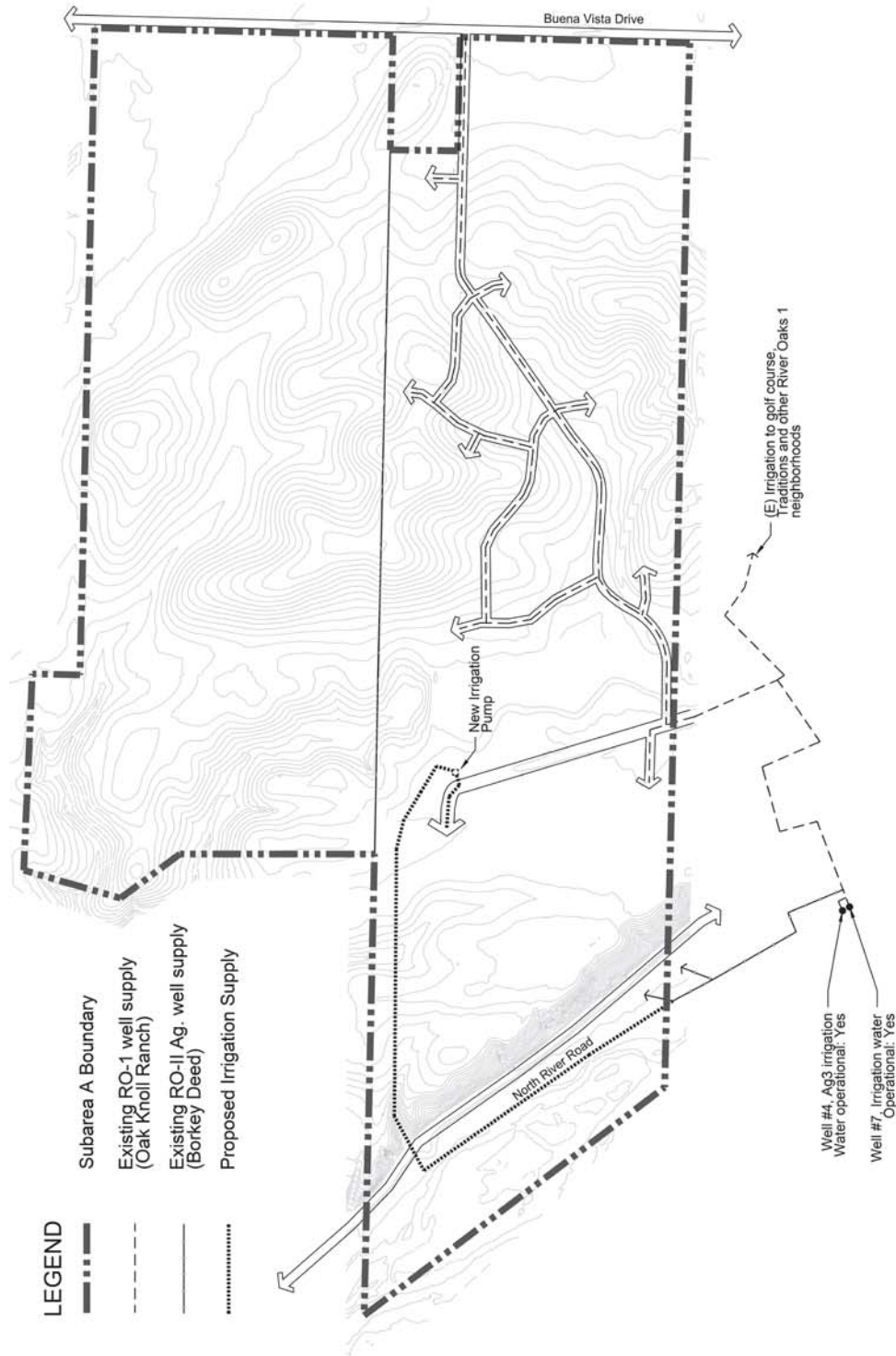
- Subarea A Boundary
- Proposed Water Line

Borkey Area Specific Plan

REVISED FIGURE 20 A-2: Schematic Water Supply
(Replaces Page III-32)

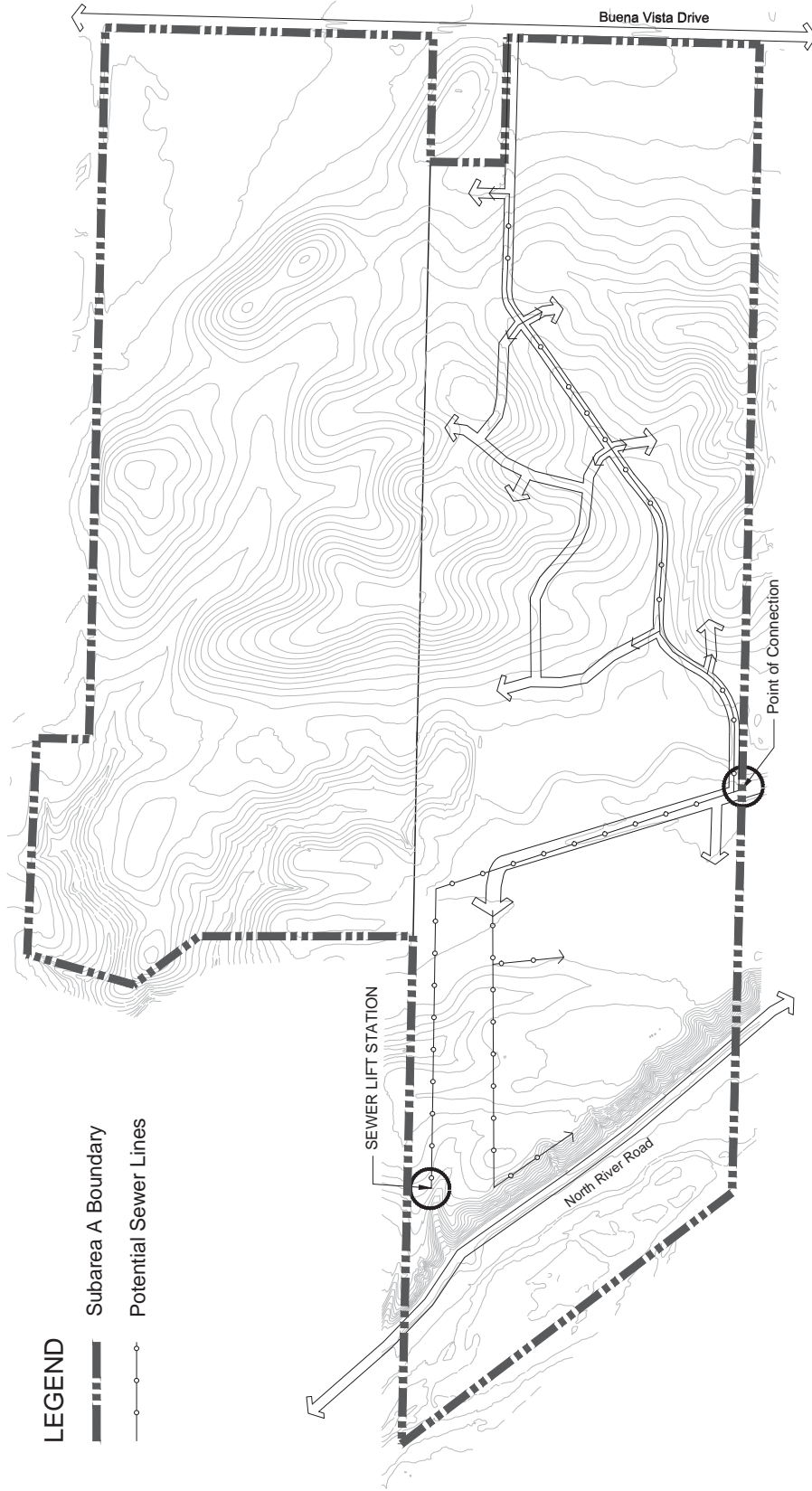
rmdesigngroup
September, 2013

NOT TO SCALE



Borkey Area Specific Plan

FIGURE 12: Schematic Non-Potable Irrigation Supply

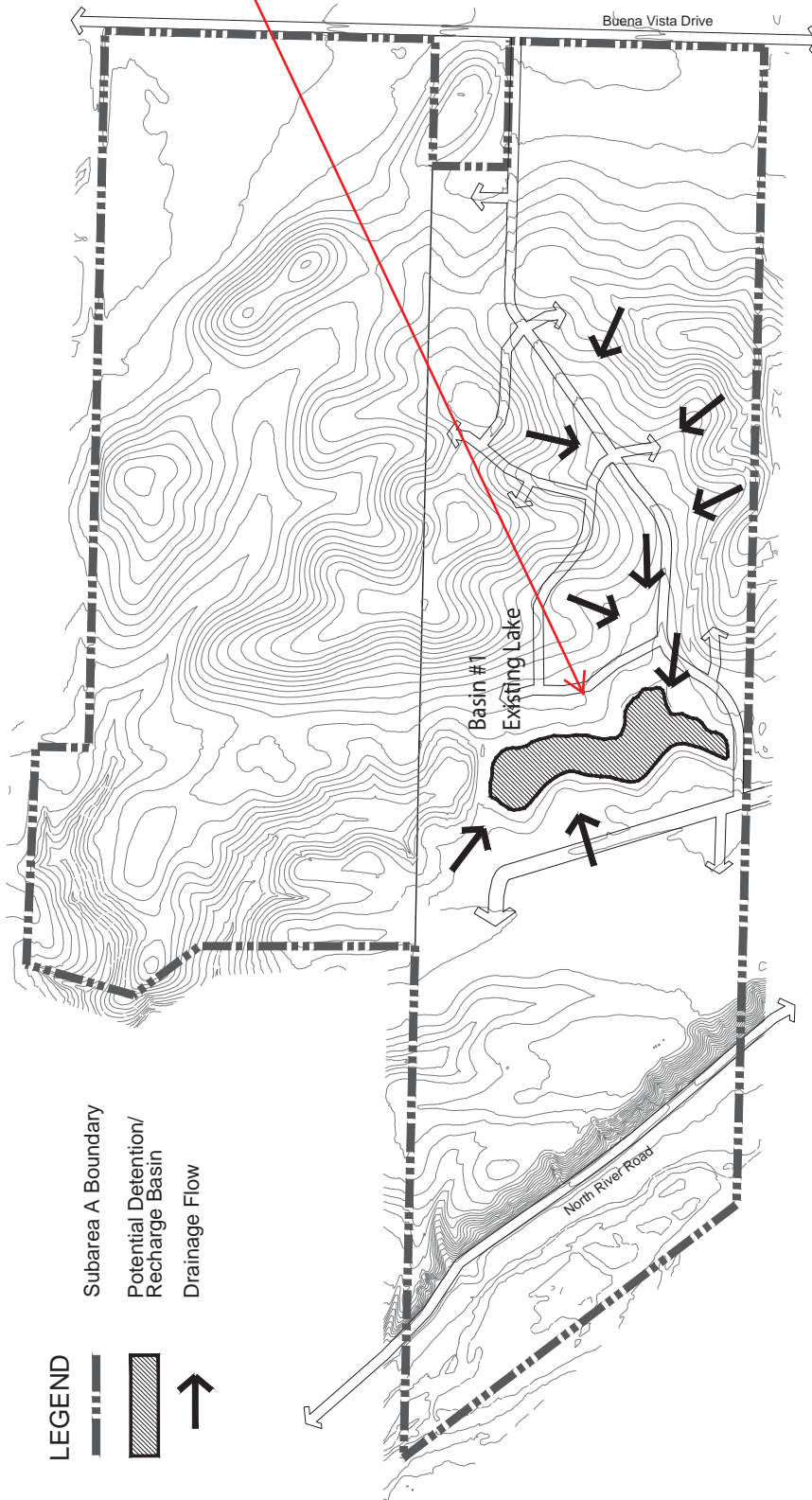


LEGEND

- Subarea A Boundary
- Potential Sewer Lines

Borkey Area Specific Plan
REVISED FIGURE 21 A-2: Schematic Wastewater Collection System
(Replaces Page III-34)

A stormwater master plan shall be approved prior to the issuance of any grading plans to demonstrate consistency with RWQCB post construction regulations



Borkey Area Specific Plan

REVISED FIGURE 22 A-2: Schematic Storm Drainage System
(Replaces Page III-37)

mta group
September, 2013

NOT TO SCALE

Attachment 10 – Draft Ordinance B

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
ADOPTING REZONE 13-001
APPLICANT – WES WILLHOIT/ESTRELLA ASSOCIATES
RIVER OAKS II EXPANSION - APN: 025-390-009**

WHEREAS, Wes Willhoit, on behalf of Estrella Associates (“Applicant”), in connection with the proposed development of a project known as River Oaks II Expansion (the “Project”), has filed a request for a General Plan Land Use Element Diagram Amendment (GPA 13-002) and a Borkey Area Specific Plan Amendment (SPA 13-001) ; and

WHEREAS, the Planning Commission has reviewed and recommended the City Council approve the Mitigated Negative Declaration prepared for the Project; and

WHEREAS, the Planning Commission has reviewed and recommended the City Council approve GPA 13-002 and SPA 13-001; and

WHEREAS, the City Council has approved the Mitigated Negative Declaration prepared for the Project; and

WHEREAS, the City Council has approved GPA 13-002 and SPA 13-001; and

WHEREAS, the Applicant has also filed a request for consideration of Rezone 13-001, to rezone property located north of the existing River Oaks residential neighborhood development, east of the Salinas River, west of Buena Vista Drive (APN: 025-390-009); and

WHEREAS, Rezone 13-001 would rezone property currently zoned Agricultural to: Residential Single Family (R-1) - 85 acres, Parks and Open Space (POS) - 18 acres, and add a Resort Lodging Overlay (R/L) on approximately 26 acres, as shown in Exhibit A – Zoning Map Amendment; and

WHEREAS, the rezone is necessary to provide zoning map consistency GPA 13-002 and SPA 13-001;

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

SECTION 1. All of the above recitals are true and correct and incorporated herein by reference.

SECTION 2. Based on the facts and analysis presented to it, including all written and oral testimony, the Planning Commission hereby makes following findings regarding Rezone 13-001:

- a. The rezone is necessary to provide zoning map consistency with a concurrent request for a General Plan Land Use Element Diagram Amendment (GPA 13-002).
- b. The rezone is necessary to provide consistency with Specific Plan Amendment 13-001.
- c. Rezone 13-001 would provide for orderly development within the City.

SECTION 3. The foregoing findings and determinations are based upon the following:

- (a) The Recitals set forth in this Ordinance, which are deemed true and correct;
- (b) Resolution No. 16-XX, adopted by the City Council on June 21, 2016, making findings as to the Mitigated Negative Declaration for the River Oaks II Expansion project, including the Mitigation Monitoring and Reporting Program, approved by and incorporated in said Resolutions, which Resolutions and exhibits are incorporated herein by reference as if set forth in full;
- (c) The City's General Plan, as amended by the General Plan Amendment adopted by the City Council by Resolution No. 16-XX prior to adoption of this Ordinance;
- (d) All City staff reports (and all other public reports and documents) prepared for the Planning Commission, City Council, or others relating to the Zoning Map Amendment, and other actions relating to the Property;
- (e) All documentary and oral evidence received at public hearings or submitted to the City Council or City during the comment period relating to the Zoning Amendment, and other actions relating to the Property; and
- (f) All other matters of common knowledge to the Planning Commission and City Council, including, but not limited to the City's fiscal and financial status; City policies and regulations; reports, projections and correspondence related to development within and surrounding the City; State laws and regulations and publications.

SECTION 4. The City Council hereby approves the Zoning Map Amendment, attached hereto as Exhibit A, subject to the provisions of Section 6 hereof, and subject further to such minor, conforming and clarifying changes consistent with the terms thereof as may be approved by the City Manager, in consultation with the City Attorney prior to execution thereof, including completion of references and status of planning approvals, and completion and conformity of all exhibits thereto, and conformity to the General Plan, as amended, as approved by the City Council.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its passage and adoption as provided by Government Code section 36397.

SECTION 7. Publication. The City Clerk will certify to the passage of this Ordinance by the City Council of the City of El Paso de Robles, California, and cause a summary 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 Government Code section 36933.

Introduced at a regular meeting of the City Council held on June 21, 2016, and passed and adopted by the City Council of the City of El Paso de Robles on the 20th day of July, 2016 by the following roll call vote, to wit

AYES:

NOES:

ABSTAIN:

ABSENT:

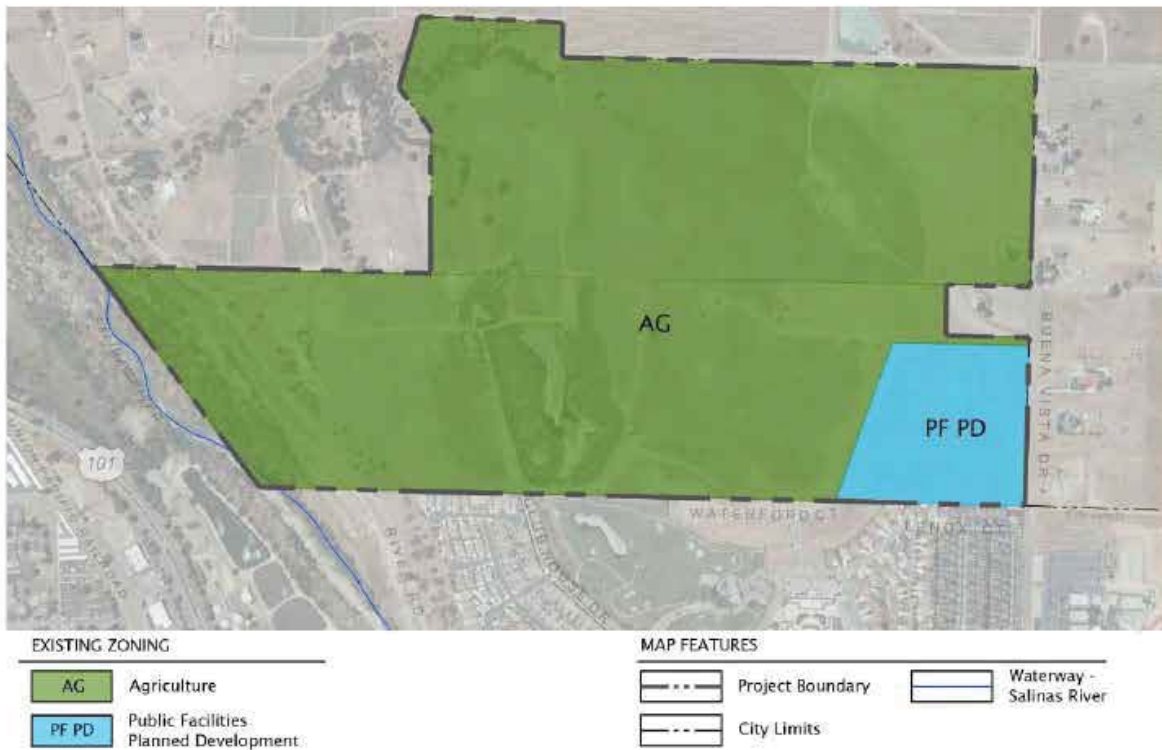
Steven W. Martin, Mayor

Attest:

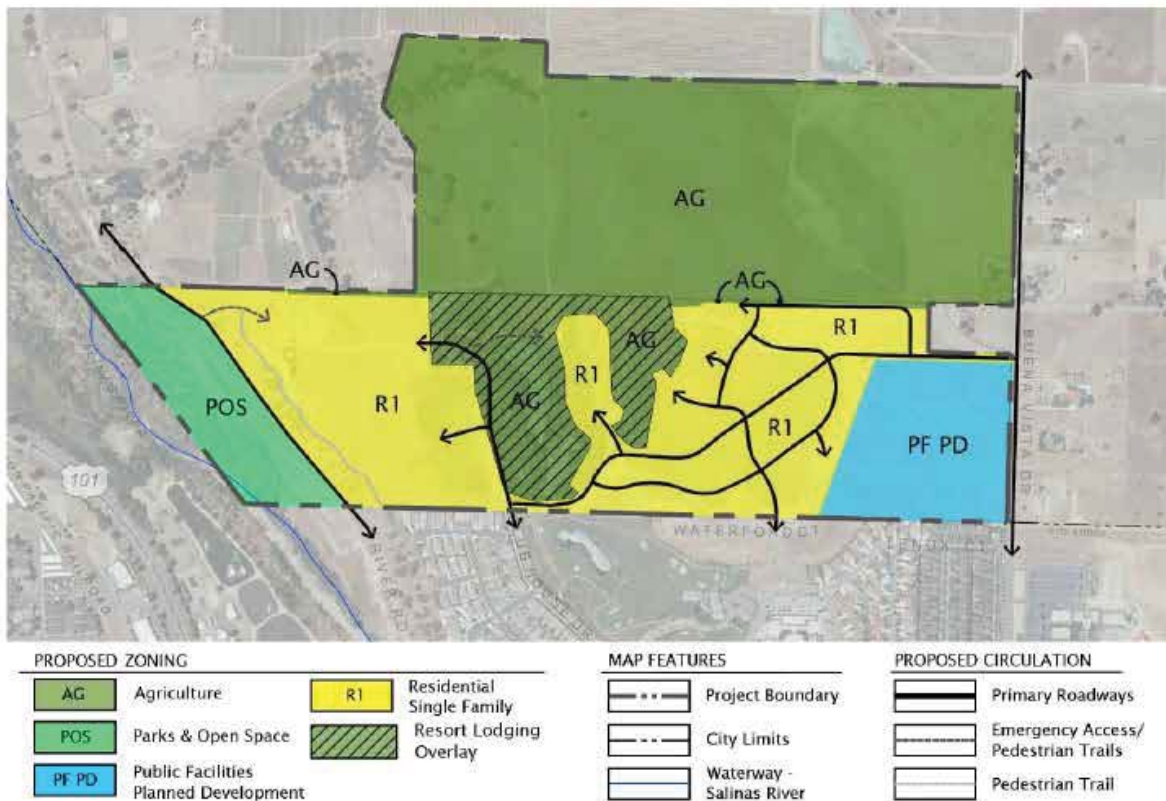
Kristen L. Buxkemper, Deputy City Clerk

Exhibit A – Zoning Map

Exhibit A – Zoning Map Amendment



City of Paso Robles Zoning – Existing Subarea A Zoning



Attachment 11 - Draft Resolution C

City Council Resolution 16-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES FOR A MASTER DEVELOPMENT FOR GENERAL PLAN AMENDMENT 13-002, SPECIFIC PLAN AMENDMENT 13-001, REZONE 13-001, AND A MASTER DEVELOPMENT PLAN APPLICANT – WES WILLHOIT/ESTRELLA ASSOCIATES RIVER OAKS II EXPANSION - APN: 025-390-009

WHEREAS, Wes Willhoit, on behalf of Estrella Associates (“Applicant”), in connection with the proposed development of a project known as River Oaks II Expansion (the “Project”), has filed a proposed Master Development Plan (the “MDP”) for the Project; and

WHEREAS, in connection with the Project, Applicant has also filed GPA 13-002, SPA 13-001, and Rezone 13-001; and

WHEREAS, the MDP is consistent with GPA 13-002, SPA 13-001 and Rezone 13-001 and would not conflict with the Housing and Parks and Recreation Elements of the General Plan; and

WHEREAS, the proposed Project is consistent with and supports implementation of the *Paso Robles Economic Strategy* since it proposes new housing opportunities, infrastructure and investment in the community; and

WHEREAS, as noted in SPA 13-001, the MDP provides a conceptual project development for 271 new residences, expanded spa facilities and other site improvements; and

WHEREAS, the MDP includes site layout, land uses, and circulation plan; and

WHEREAS, the MDP is incorporated into the proposed River Oaks II Expansion Design Manual, that provides: design guidelines; development standards; landscape and architectural themes; infrastructure plan; and a phasing and implementation plan (including a design review process); and

WHEREAS, the River Oaks II Expansion Design Manual provides for development standards that deviate from applicable development standards set forth in the City Zoning Code, but that may be considered with adoption of a Specific Plan Amendment;

WHEREAS, the River Oaks II Expansion Design Manual is intended to create a development that would provide for an orderly extension of the existing River Oaks I neighborhoods; and

82473.03009\27169219.2

WHEREAS, the City Council held a duly noticed public hearing on June 21, 2016 on this project to accept public testimony on the Project, including the MDP; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) and its implementing Regulations, an Initial Study and Mitigated Negative Declaration were prepared for this Project and was circulated for public review, and has been considered by the City Council under a separate resolution.

WHEREAS, based on the information and analysis contained in the Initial Study, staff determined that the proposed project as designed, and with appropriate mitigation measures incorporated as Conditions of Approval, will not result in any significant environmental impacts; and

WHEREAS, a duly noticed public hearing was conducted by the City Council on June 21, 2016 on this project to accept public testimony on the Mitigated Negative Declaration and the Project;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Paso Robles, as follows:

Section 1. Based upon the facts and analysis presented in the staff report and the attachments thereto, and public testimony received, the City Council makes the following findings:

- a. The design of the proposed MDP, including site layout, land uses, and circulation plan would be consistent with: (1) the goals and policies established by the General Plan, as amended; (2) the policies and development standards established by the Zoning Ordinance, and Borkey Area Specific Plan, as amended; (3) all other adopted codes, policies, standards, and plans of the city.
- b. The design of the proposed MDP would be consistent with the surrounding neighborhood development pattern and land uses.
- c. The proposed MDP will not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the residents living in or near the proposed neighborhoods, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city.
- d. The proposed MDP accommodates the aesthetic quality of the city as a whole, and will fit in with the established surrounding quality of development, especially where development will be visible from gateways to the city and scenic corridors, with implementation of the River Oaks II Design Manual.
- e. The proposed MDP is compatible with, and is not detrimental to, surrounding land uses and improvements, circulation system, provides an appropriate visual appearance, and contributes to the mitigation of any environmental impacts through implementation of the Mitigation Monitoring and Reporting Program, and participation in Development Impact Fee Program.

- f. The proposed MDP is compatible with existing scenic and environmental resources such as hillsides, agricultural activities, drainage courses, oak trees, or vistas.
- g. The proposed MDP accommodates the aesthetic quality of the City as a whole, since the project incorporates compatible, building forms, colors and materials similar to surrounding development.

Section 2. The City Council does hereby approve of the MDP, subject to the Conditions of Approval, attached hereto as Exhibit A, the MDP, attached hereto as Exhibit B, and the River Oaks II Design Manual, attached hereto as Exhibit C. Exhibits A, B, and C are incorporated herein.

PASSED AND ADOPTED THIS 21st day of June, 2016 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven W. Martin, Mayor

ATTEST:

Kristen L. Buxkemper, Deputy City Clerk

Exhibit A – Conditions of Approval

Exhibit B – Master Development Plan

Exhibit C – River Oaks II Design Manual

Exhibit A – River Oaks II Conditions of Approval

Planning Division Conditions:

1. All future tentative tract maps, parcel maps, and neighborhood development plans, including subdivision layout, site circulation, public improvements and development plans shall be in substantial conformance with the Master Site Development Plan. The project shall be constructed in substantial conformance with the Conditions of Approval established by this Resolution and it shall be constructed in substantial conformance with the following Exhibits:

EXHIBIT	DESCRIPTION
B	River Oaks II Expansion Master Site Development Plan
C	River Oaks II Design Manual

2. In accordance with the Recreation Element of the General Plan property located between the Salinas River waterway and North River Road owned by the applicant shall be dedicated to the City concurrently with recordation of the first final map. A 100% credit shall be granted toward the Parks and Recreation Development Impact Fee, in effect at the time of issuance, for every single-family residential building permit issued consistent with the Master Development Plan (not to exceed 271 single-family residential units).
3. The reservation for relocation of the low frequency radio transmission tower (KPRL 1230AM) to this parcel shall carry with any conveyance of this property. An assignment of the corresponding lease shall be provided to the City by the applicant. However, the City may offer the owner of the radio transmission facility an acceptable alternative location.
4. The applicant shall submit draft Covenants, Conditions and Restrictions (CC&Rs) for review and approval by the Community Development Director with each subdivision phase of development. CC&Rs shall reference agricultural disclosure agreements, and disclosure agreements for potential future recreation-oriented uses related to noise and lighting for the future City-owned river parcel.
5. Residential development shall not be permitted in the agriculturally zoned property, except for one (1) caretaker unit per 20 acres which may be permitted, subject to approval by the Planning Commission. The use of property zoned Agriculture shall be limited to the uses listed below and criteria set forth in the River Oaks II Design Manual (Exhibit B):
 - Agricultural Crop Production
 - Produce Stands
 - Certified Farmers Market

- River Oaks Hot Springs Spa, with associated fitness and wellness uses (e.g. personal services, mineral baths, recreation uses such as pools & tennis courts)
 - Passive Recreation (e.g. picnic/barbeque areas, walking trails)
 - Pavilion Community Center (e.g. special events, neighborhood meetings)
 - Amphitheater (existing facility will be improved to accommodate uses as defined in the Design Manual)
 - Private streets within the Agriculturally zoned property
 - Ancillary maintenance facilities (e.g. agricultural, golf and grounds maintenance shop and storage shed located as defined in the Design Manual)
6. Any expansion, not otherwise defined in the Design Manual, of the existing spa development or the amphitheater will require approval of a Conditional Use Permit by the Planning Commission.
 7. Land use, site design and development standards to support land use compatibility between agricultural activities conducted on the project site and adjacent residential neighborhoods consistent with the River Oaks II Design Manual (Exhibit B) shall be prepared and approved by the Planning Commission concurrently with approval of future tentative tract map / neighborhood development plans adjoining off-site agricultural lands. Standards may include agricultural setbacks, landscape screening, decorative open fencing, and/or others to be determined. Any such review and determination shall not be in conflict with the adopted River Oaks II Design Manual (Exhibit B).
 8. All multi-purpose trails and walkways shall be open to the general public, except for the bluff-top trail along the western edge of the Traditions planning area west of Clubhouse Drive. The Homeowners Association may limit the hours of public use to daytime hours, and may restrict access during maintenance activities, as provided for in the project CC&Rs.
 9. Clubhouse Drive and Village Drive within Subarea A will be private streets with public access and will be maintained by the Master Homeowners Association.
 10. A Common Interest Development Homeowners Association shall be formed with responsibility to maintain private streets, stormwater facilities, right of way landscaping, trails, walkways, open space areas, and common landscape areas. All private streets shall be covered with Public Utility Easements, and specific easement agreements in favor of the City for maintenance of sanitary sewers and water facilities with language approved by the Public Works Director. Any maintenance and/or repairs performed by the municipal agency shall be to the then current Department of Public Works Standard Detail and Specifications.
 11. Future tentative map approvals shall demonstrate compliance with the grading concepts set forth in the Design Manual (Exhibit B), as permitted by the City's Grading Ordinance. Site mass grading shall utilize contour landscape grading techniques to avoid angular, unnatural slopes.

12. A large lot tentative/final map, without conditions for improvements, may be submitted and approved for phasing and financing purposes in compliance with the River Oaks II Expansion Design Manual. Said Map may be submitted for Planning Commission approval at any time.
13. Mass grading of the residential neighborhoods shall be permitted in conjunction with the approval of the Large Lot Tentative Tract Map and Grading plan for Phase I consistent with the City's Grading Ordinance as amended. Phase I (Lot 2 of the above referenced Large Lot Map) may have a grading permit issued so long as no import of material is needed. Grading of Lots 3 and 5 shall be allowed so long as they are coincident with the conceptual criteria defined in the River Oaks II Expansion Design Manual and that cut and fill quantities are balanced for the entire site with any required export not exceeding 500 CY. A comprehensive storm water control plan shall be prepared demonstrating compliance with all applicable storm water management and permit requirements, and that addresses all proposed phases of development in a form acceptable to the City Engineer prior to issuance of any grading permits or approval of any subdivisions.



Engineering

14. With development of the first residential phase in River Oaks II, a 24-inch recycled water main shall be constructed from N. River Road to Clubhouse Drive, and then along the southern boundary of the updated Borkey Area Specific Plan to the Cuesta College property boundary. Credit shall be provided for over-sizing the line beyond 8-inch. Minimum 25-foot easements shall be provided to the City where public or private right-of-way does not exist. Where public or private right-of-way exists the recycled water line shall be placed in the right-of-way. Upon the extension of this recycled water line to its intersection with Buena Vista Drive the applicant shall be provided a tie-in at no additional cost.

15. When recycled water becomes available, the applicant shall connect all irrigated lands to the City recycled water system and utilize recycled water as an irrigation supply. Per City Ordinance No. 1021 N.S., the City's Public Works Director will allow the existing well(s) to remain in service to meet demands suitable for the landscape and irrigation of the continuous and long-term maintenance of all areas to be irrigated. The applicant and/or its successors shall have the right to blend its existing river underflow well water with reclaimed water as necessary to meet its desired project water quality goals subject to a minimum percentage of 25% recycled water with a target of 50% recycled water. Connection to the City recycled water system shall be subject to the cost parameters pursuant to the terms and conditions set forth in Section 4 (4.1) of the "Corrective Deeds and Agreement RE Offer To Dedicate" dated 5/28/2003 and recorded as Doc. 2003056981. Concurrently, the applicant will void the quality parameters pursuant to the terms and conditions set forth in Section 4 (4.2 & 4.3) of the "Corrective Deeds and Agreement RE Offer To Dedicate" dated 5/28/2003 and recorded as Doc. 2003056981
16. Two sources of water service must be provided to the Traditions neighborhood upon development of over 25 homes. The second point of connection for water to the Traditions Neighborhood may be Waterford Court if modeling demonstrates that suitable volumes for fire protection are adequate. The connection from Waterford Court must be made at the northern end of Clubhouse Drive. The distribution plan must be accepted by the City Water Division. The remaining development of River Oaks II must be served by the extension of the 12-inch water main in Buena Vista Drive.
17. The applicant shall reconstruct the sidewalk returns on the west side of the intersection of River Oaks Drive and Buena Vista Drive with the improvement of Buena Vista Drive from the project entrance south to the City boundary (see condition No. 53). This work will be recommended to be included in an update of the City's AB 1600 program and thereby be reimbursable to the developer.

Mitigation Measure Conditions

Aesthetics

18. Future site development of the site shall utilize landform, contour grading techniques to reduce the appearance of unnatural, angled slopes to help graded slopes blend in with the surrounding landscape. All exposed graded slopes shall be landscaped to soften the appearance of and camouflage graded slopes to be compatible with the surrounding development pattern and landscape.

Agriculture

19. An agricultural buffer setback from the northern property shall not be less than 75 feet. The applicant shall plant a row of trees and a hedgerow to reduce dust along the northern property line.

20. A disclosure agreement describing potential agricultural related nuisances (e.g., dust, noise, pesticide spraying, lights, etc.) associated with normal agricultural operations shall be recorded on the property title with the recordation of all subdivision maps within the River Oaks II expansion project area.
21. A “right-to-farm” notice in a form approved by the Community Development Director shall be recorded on the deed of each property within this project area.

Air Quality

22. Short-Term Construction-Related Emissions.

- Interior and exterior paints used during project construction shall have a maximum allowable VOC content of 150 grams per liter;
- Maintain all construction equipment in proper tune according to manufacturer’s specifications;
- Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non---taxed version suitable for use off-road);
- Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off- road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
- Use on-road heavy-duty trucks that meet the ARB’s 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- Construction or trucking companies with fleets that that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
- Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators, discouraging them from idling for more than 5 minutes;
- Diesel idling within 1,000 feet of sensitive receptors shall be discouraged to the extent feasible;
- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- Electrify equipment when feasible; Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel. Further reducing emissions by expanding use of Tier 3 and Tier 4 off-road and 2010 on-road compliant engines;
- Repowering equipment with the cleanest engines available; and
- Installing California Verified Diesel Emission Control Strategies. These strategies are listed at: <http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm>

23. Dust Control Construction Emissions:

- Reduce the amount of the disturbed area where possible;

- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Water could be applied as soon as possible whenever wind speeds exceed 15 miles per hour;
 - All dirt-stock-pile areas could be sprayed daily as needed;
- Permanent dust control measures could be identified in the approved project revegetation and landscape plans and implemented as soon as possible following completion of any soil disturbing activities;
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading could be sown with a fast-germinating native grass seed and watered until vegetation is established;
- All disturbed soil areas not subject to revegetation could be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- All roadways, driveways, sidewalks, etc., to be paved could be completed as soon as possible. In addition, building pads could be laid as soon as possible after grading unless seeding or soil binders are used;
- Vehicle speed for all construction vehicles could not exceed 15 mph on any unpaved surface at the construction site;
- All trucks hauling dirt, sand, soil or other loose materials could be covered or could maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- Install wheel washers where vehicles enter and exit unpaved roads onto streets, and/or rumble strips for trucks and equipment leaving the site;
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water could be used where feasible; and
- Construction personnel should wear protective face masks while grading and excavating soils that contain serpentine soil;
- All PM10 mitigation measures required shall be shown on grading and building plans; and, the contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

24. Mobile Emissions: Applicant shall implement at least 18 of the 24 measures identified by the local air district, provided below:

- a. Provide a pedestrian---friendly and interconnected streetscape to make walking more convenient, comfortable and safe (including appropriate signalization and signage).
- b. Provide good access to/from the development for pedestrians, bicyclists, and transit users.
- c. Incorporate outdoor electrical outlets to encourage the use of electric appliances and tools.
- d. Provide shade tree planting in parking lots to reduce evaporative emissions from parked vehicles. Design should provide 50% tree coverage within 10 years of construction using

climate appropriate species and shall be coincident with the adopted River Oaks II Design Manual (Exhibit B).

- e. Pave and maintain the roads and parking areas
- f. No residential wood burning appliances.
- g. Incorporate traffic calming modifications to project roads, such as narrower streets, speed platforms, bulb-outs and intersection designs that reduce vehicles speeds and encourage pedestrian and bicycle travel.
- h. Increase number of connected bicycle routes/lanes in the vicinity of the project.
- i. Provide easements or land dedications and construct bikeways and pedestrian walkways.
- j. Link cul-de-sacs and dead-end streets to encourage pedestrian and bicycle travel to adjacent land uses.
- k. Plant drought tolerant, native shade trees along southern exposures of buildings to reduce energy used to cool buildings in summer.
- l. Utilize green building materials (materials which are resource efficient, recycled, and sustainable) available locally if possible.
- m. Install high efficiency heating and cooling systems.
- n. Utilize high efficiency gas or solar water heaters.
- o. Utilize built-in energy efficient appliances (i.e. Energy Star®).
- p. Utilize double-paned windows.
- q. Utilize low energy street lights (i.e. sodium).
- r. Utilize energy efficient interior lighting.
- s. Install door sweeps and weather stripping (if more efficient doors and windows are not available).
- t. Install energy-reducing programmable thermostats.
- u. Develop recreational facility (e.g., parks, gym, pool, etc.) within one-quarter of a mile from site.
- v. If the project is located on an established transit route, provide improved public transit amenities (i.e., covered transit turnouts, direct pedestrian access, covered bench, smart signage, route information displays, lighting etc.).
- w. Project provides a display case or kiosk displaying transportation information in a prominent area accessible to employees or residents.
- x. Provide vanpool, shuttle, mini bus service (alternative fueled preferred).

18. Sensitive Receptors.

- a. Prior to issuance of a grading permit, a permit to operate shall be obtained from the SLOAPCD for any diesel emergency back-up generator, 50 hp or greater, that is included as part of the project plans. If the applicant decides to add a permit-required generator to the facility after the occupancy permit, then this mitigation measure is official notice to the applicant that an APCD permit is required prior to the installation of the proposed generator.
- b. Prior to any grading activities a geologic evaluation shall be conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the SLOAPCD. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM.

- c. These requirements may include development of an Asbestos Dust Mitigation Plan, which must be approved by the SLOAPCD prior to construction, and Development and approval of an Asbestos Health and Safety Program (potentially required for some projects).

Biological Resources

25. If impacts to wetlands would occur as a result of proposed project activities, a mitigation, monitoring, and reporting plan should be prepared and approved by the City and other jurisdictional agencies, as appropriate (i.e., California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and the Regional Water Quality Control Board). Wetland mitigation will increase the areal extent of wetland habitat on site at a two-to-one ratio (created wetland area to impacted wetland area), or other ratio determined by the permitting agency. Mitigation implementation and success will be monitored for a minimum of three years, depending on the jurisdictional agencies' requirements.
26. Tree canopies and trunks within 50 feet of proposed disturbance zones should be mapped and numbered by a certified arborist or qualified biologist and a licensed land surveyor. Data for each tree should include date, species, number of stems, and diameter at breast height (dbh) of each stem, critical root zone (CRZ) diameter, canopy diameter, tree height, health, habitat notes, and nests observed.
27. An oak tree protection plan should be prepared by a qualified (City listed) arborist, and approved by the City of Paso Robles.
28. Impacts to the oak canopy or critical root zone (CRZ) should be avoided where practicable. Impacts to oak trees may result from pruning, ground disturbance within the dripline or CRZ of the tree (whichever distance is greater), and damage to tree trunks.
29. Impacts to oak trees should be assessed by a licensed arborist. Mitigations for impacted trees should comply with the City of Paso Robles tree ordinance
30. Replacement oaks for removed trees must be equivalent to 25% of the diameter of the removed tree(s). For example, the replacement requirement for removal of two trees of 15 inches dbh (30 total diameter inches), would be 7.5 inches (30" removed x 0.25 replacement factor). This requirement could be satisfied by planting five 1.5 inch trees, or three 2.5 inch trees, or any other combination totaling 7.5 inches. A minimum of two 24 inch box, 1.5 inch trees should be required for each oak tree removed
31. Replacement trees shall be seasonally maintained (browse protection, weed reduction and irrigation, as needed) and monitored annually for at least three years. Replacement trees should be of local origin, and of the same species as was impacted or removed.

32. Migratory non-game native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory non-game birds (as listed under the Federal MBTA).
33. Within one week of ground disturbance or tree removal/trimming activities, if work occurs between March 15 and August 15, nesting bird surveys shall be conducted. To avoid impacts to nesting birds, grading and construction activities that affect trees and grasslands should not be conducted during the breeding season from March 1 to August 31. If construction activities must be conducted during this period, nesting bird surveys shall take place within one week of habitat disturbance. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until chicks are fledged. Construction activities shall observe a 300-foot buffer for occupied raptor per Althouse and Meade, Inc. – 590.01 Biological Report for River Oaks II, Paso Robles, San Luis Obispo County 50 nests. A 500-foot buffer should be observed from occupied nests of all special status species. A pre-construction survey report shall be submitted to the lead agency immediately upon completion of the survey. The report will detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. Impacts to significant wildlife movement corridors are not anticipated from the proposed project; therefore no mitigation is recommended. Special status plants were not found and are not expected to occur in the Study Area; therefore no mitigation is recommended.
34. If construction activities are conducted during the nesting season, from March 15 through August 15, pre-construction nesting bird surveys will be conducted (see BR-8). If occupied nests of special status birds (e.g. Cooper's hawk, sharp-shinned hawk, golden eagle, burrowing owl, yellow warbler, white-tailed kite, loggerhead shrike, and least Bell's vireo) are present, the following additional mitigation recommendations will be implemented.
35. All occupied nests of special status bird species will be mapped using GPS or survey equipment. The mapped locations will be placed on a copy of the grading plans with a 500-foot buffer indicated. Work shall not be allowed within the 500-foot buffer while the nest is in use. The buffer zone should be delineated on the ground with orange construction fencing where it overlaps work areas.
36. Occupied nests of special status bird species that are within 500 feet of project work areas will be monitored bi-monthly through the nesting season to document nest success and check for project compliance with buffer zones. Once nests are deemed inactive and/or chicks have fledged and are no longer dependent on the nest, work can commence.
37. Grubbing, grading, and other ground disturbance activities conducted within 50 feet of the Salinas River or the perennial pond will be monitored by a qualified biologist. If pond turtles are found in the project areas, they will be moved to an appropriate safe location on site. The biological monitor must have appropriate permits for handling pond turtles.

36. Spadefoot toads breed in ephemeral pools in the Paso Robles region. They are known to occur in the vicinity of the subject property. Surveys of the property conducted during the 2006-2007 rainfall year were not definitive due to the extreme below normal rainfall, and ephemeral pools did not adequately fill. Therefore, additional surveys for spadefoot toad in potential ephemeral pool locations should be conducted prior to project construction.
37. Prior to development, a survey of any ephemeral pools should be conducted within three weeks of saturating winter rainfall to determine the presence or absence of spadefoot toad on the property. If spadefoot toad is found, a mitigation plan, which may include avoidance, capture, and relocation, will be developed by a qualified biologist to reduce project effects on this species to a less than significant level.
38. Prior to development, a survey of any ephemeral pools will be conducted within three weeks of saturating winter rainfall to determine the presence or absence of spadefoot toad on the property. If spadefoot toad is found, a mitigation plan, which may include avoidance, capture and relocation, will be developed by a qualified biologist to reduce project effects on this species to a less than significant level.
39. All construction related activities must observe a 100-foot set-back from the Salinas River, as measured from the outer edge of riparian canopy. A minimum 50-foot set-back will be observed from the ephemeral drainages and flood channels, as measured from the outer edge of riparian vegetation.
40. The project will develop a Stormwater Pollution Prevention Plan (SWPPP) acceptable to the Regional Water Quality Control Board (RWQCB). Appropriate erosion control measures should be implemented at all times in areas that could potentially flow into the Salinas River. Erosion control measures should include, but are not limited to, effective placement of silt fence, straw wattles, hydro seed applications, and erosion control fabric. Project planning should strive for temporary and permanent erosion control.
41. A pre-construction survey will be conducted within thirty days of beginning work on the project to identify if badgers are using the site. The results of the survey will be sent to the project manager, CDFG, and the City of Paso Robles. If the pre-construction survey finds potential badger dens, they should be inspected to determine whether they are occupied. The survey should cover the entire property, and should examine both old and new dens. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope should be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction. If badgers are found in dens on the property between February and July, nursing young may be present. To avoid disturbance and the possibility of direct take of adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading will occur within 100 feet of active badger dens between February and July. Between July 1 and February 1 all potential badger dens will be inspected to determine if badgers are present. During the winter, badgers do not truly hibernate but are inactive and asleep in their dens for several days at a time. Because they can be torpid during the

winter, they are vulnerable to disturbances that may collapse their dens before they rouse and emerge. Therefore, surveys should be conducted for badger dens throughout the year. If badgers are found on the property from July 1 through February 1, a qualified biologist may capture badgers and relocate them to an appropriate location off the property.

42. San Joaquin Kit Fox (SJKF) habitat. San Joaquin kit fox could occur in the project area. Future development of the property will result in a net loss of kit fox habitat. The project biologist prepared a SJKF habitat evaluation form, which indicates that the mitigation ratio for loss of SJKF habitat is a 2:1 ratio, which requires two acres of habitat to be preserved for every acre of habitat lost to site disturbance. The proposed mitigation strategy, which is provided in Attachment 13, provides for purchase of land bank credits through the Palo Prieto Conservation bank or by paying in-lieu fees through the Nature Conservancy. (Fees shall be paid prior to issuance of permits for ground disturbance/grading.) This strategy was circulated to the California Department of Fish and Wildlife (CDFW), and CDFW is satisfied that this is an acceptable mitigation strategy, if the City of Paso Robles, as “Lead Agency” is satisfied that these measures provide adequate mitigation

Cultural Resources

43. Human Remains. If human remains are found during site disturbance, all grading and/or construction activities shall stop, and the County Coroner shall be contacted to investigate.

Hydrology

44. The project shall use recycled water when it becomes available for landscape irrigation and agricultural purposes. (As per Condition 15.)
45. All on- and off-site wells permitted for use with this project, except for geo-thermal wells and river underflow wells, shall have well meters installed per Public Works standards prior to recordation of the first subdivision map.
46. The applicant shall incorporate all storm water control measures to meet the Regional Water Quality Control Board requirements by incorporating low-impact development features into the future project design.
47. The applicant shall incorporate all storm water control measures to manage potential post-construction hydromodification per the Regional Water Quality Control Board requirements into the future project design.

Noise

48. **Construction Hours.** Unless otherwise provided for in a validly issued permit or approval, noise-generating construction activities shall be limited to the hours of 7:00am and 7:00pm. Noise-generating construction activities shall not occur on Sundays or City holidays.

49. **Construction Equipment Noise.** Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhausted mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds should be closed during equipment operation.

Transportation

50. **State Route 46/Buena Vista Drive.** Add a second eastbound left-turn lane. This maintains LOS C conditions during the AM/PM peaks. Queue lengths would be reduced to acceptable levels with the second left-turn lane. This project is included in the City's Traffic Impact Fee program. The timing for this improvement depends on growth in the area, particularly increases in staffing and enrollment at Cuesta College North. Payment of the City's impact fees would address this deficiency.
51. **N. River Road/ River Oaks Drive.** Reconstruct the intersection of North River Road and River Oaks Drive in accordance with the concept plan adopted by the City Council October 19, 2010. The applicant shall construct the improvements prior to occupancy of the 90th building permit. Reimbursement for the project will be provided through the City's AB 1600 program.
52. **Buena Vista Drive.** Buena Vista Drive pavement shall be rehabilitated to City Standard structural stability and widened to accommodate two travel lanes, bike lanes on each side (no sidewalks) extending from the project entrance south to the City boundary. Buena Vista Drive improvements will be constructed at the time of connection to Buena Vista Drive with development of River Oaks II. Improvements along the frontage of Cuesta College property are subject to reimbursement from the AB 1600 program.

Exhibit B - Borkey Area Specific Plan Sub-Area A Master Development Plan



Not to Scale

Exhibit C - Attachment 11 Council Draft Resolution C 06-21-16

Complete exhibit available at www.prcity.com

DESIGN MANUAL
RIVER OAKS II EXPANSION
Borkey Area Specific Plan Amendment



Original 11-26-13
Revised 4-26-16



Please Refer to Attachment Document:

Design Manual – River Oaks II Expansion Exhibit C
CC Resolution C
06-21-16

To view the full Design Manual please visit:
[http://www.prcity.com/government/departments/commdev/
index.asp](http://www.prcity.com/government/departments/commdev/index.asp)

Attachment 12
Exhibit A - Draft Resolution A
Complete exhibit available at www.prcity.com

**CALIFORNIA ENVIRONMENTAL QUALITY ACT
CITY OF PASO ROBLES - INITIAL STUDY
RIVER OAKS II EXPANSION
PUBLIC REVIEW PERIOD: APRIL 11, 2016 – MAY 10, 2016**

1. **PROJECT TITLE:** River Oaks II Expansion – General Plan Amendment (GPA 13-002), Rezone (RZ 13-001), and Specific Plan Amendment (SPA 13-001)
2. **LEAD AGENCY:** City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

Contact: Susan DeCarli
Phone: (805) 237-3970
Email: sdecarli@prcity.com
3. **PROJECT LOCATION:**

The project site is located in the northeastern area of the City of Paso Robles, within the Borkey Area Specific Plan area, north of State Route 46 East, west of Buena Vista Drive, and east of the Salinas River. See Attachment 1 – Project Location Map.
4. **Assessor Parcel Numbers:** 025-390-009
5. **GENERAL PLAN DESIGNATION:** Agriculture (AG)
6. **ZONING:** Agriculture (AG)
7. **PROJECT DESCRIPTION:** The proposed project includes amendments to the City General Plan – Land Use and Circulation Elements, Zoning Map, and the Borkey Area Specific Plan.

General Plan Amendment:

The proposed project includes an amendment to the General Plan Land Use Element Map to re-designate the subject property from Agriculture (AG) to Residential Single Family (RSF-4). An approximately seven (7) acre area of the property would retain the existing AG land use designation. A portion of the property is located adjacent to the Salinas River (to the west of North River Road). This area of the project is designated as Parks and Open Space (POS), and is proposed to remain POS. See Attachment 2 – General Plan Land Use Map Amendments.

The project also includes an amendment to the General Plan Circulation Element to eliminate a planned 2-lane arterial road connection (Dry Creek Road) with a future road alignment

Please Refer to Attachment Document:

Attachment 12 – Exhibit A to Resolution A California
Environmental Quality Act
City of Paso Robles – Initial Study
River Oaks II Expansion
Public Review Period: April 11, 2016 – May 10, 2016

Please visit our website to view the complete Initial Study:
www.prcity.com/government/departments/commdev/index.asp

CC Agenda 6-21-16



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

Attachment 13

AFFIDAVIT

OF MAIL NOTICES

PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Monica Hollenbeck, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for General Plan Amendment (GPA 13-002), Rezone (RZ 13-001), Specific Plan Amendment (SPA 13-001) and Master Plan Adoption, on this 12th day of April, 2016.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: Monica C Hollenbeck
Monica Hollenbeck

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION PROJECT NOTICING

Newspaper: The Tribune

Date of Publication: 06/10/16

Meeting Date: 06/21/16
City Council

Project: Mitigated Negative Declaration for
General Plan Amendment (GPA 13-
002), Rezone (RZ 13-001), Specific
Plan Amendment (SPA 13-001) and
Master Plan Adoption River Oaks II
Expansion – APN: 025-390-009
Applicant – Wes Wilhoit, Estrella
Associates.

I, Monica C Hollenbeck, employee of the
Community Development Department, Engineering
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: Monica C Hollenbeck
Monica C Hollenbeck

CITY OF EL PASO DE ROBLES

**NOTICE OF PUBLIC HEARING
NOTICE OF INTENT**

**OF THE CITY COUNCIL TO CONSIDER ADOPTING A MITIGATED NEGATIVE DECLARATION FOR
GENERAL PLAN AMENDMENT (GPA 13-002), REZONE (RZ 13-001), SPECIFIC PLAN AMENDMENT
(SPA 13-001) AND MASTER PLAN ADOPTION RIVER OAKS II EXPANSION - APN: 025-390-009
APPLICANT - WES WILLHOIT, ESTRELLA ASSOCIATES**


NOTICE IS HEREBY GIVEN that the City Council of the City of El Paso de Robles will hold a Public Hearing on Tuesday, June 21, 2016 at 6:30 p.m. at the City of El Paso de Robles, 1000 Spring Street, Paso Robles, California, in the City Council Chambers, to consider approval of a Mitigated Negative Declaration in accordance with the provisions of the California Environmental Quality Act (CEQA) for the project described below.

A "Mitigated Negative Declaration" is an environmental review document that provides an analysis of potential environmental effects that may result from a proposed project. The proposed Mitigated Negative Declaration (MND) concludes that all potential environmental effects that may result from implementation of the proposed project can be "mitigated" or reduced to a less than significant level with mitigation measures implemented.

Project Description:

The proposed project includes a General Plan Amendment, Rezone, and an amendment to the Borkey Area Specific Plan, and approval of a master plan of the project site for the development of 271 single-family residential (sfr) units on 113 acres and expansion of the River Oak resort.

Project Location Map



The proposed project allows for development of 144 age-restricted sfr units, which would provide an extension of an existing neighborhood development, the "Traditions". The neighborhood design characteristics would match the existing Traditions development. The remaining 127 sfr units are proposed on the eastern portion of the site. The neighborhoods in this area will be similar to existing subdivisions located to the south of the site, such as the existing "Classics" and "Vineyard Estates" neighborhoods, with lot sizes ranging between 8,000 sf to 10,000 sf, and 15,000 sf to 20,000 sf, respectively. Lots in this area are proposed to be "mass" graded. No development is proposed in the Parks and Open Space or Agricultural zoned areas of the project site.

The master plan also includes a common area, and the existing resort on land adjacent to an existing lake feature and pavilion gathering area. The pavilion is proposed to be enclosed to provide for expanded uses, such as special events. The project includes an agricultural growing area within the common area, and intends that this area be used for a neighborhood-serving crop production and a farmstand.

All new uses will be served by City water and wastewater services.

The public review period for the Mitigated Negative Declaration (MND) is April 11, 2016 extended through June 21, 2016. The proposed MND may be reviewed at the Community Development Department located at City Hall, 1000 Spring Street, Paso Robles, California. Copies may be purchased for the cost of reproduction. A copy of the MND is also available on the City website at: <http://www.prcity.com/government/departments/commdev/index.asp>.

Written comments on the proposed project and corresponding MND may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 or emailed to sdecarli@prcity.com, provided that the comments are received prior to the time of the public hearing. Oral comments may be made at the hearing. The public comment period for the MND ends at the conclusion of the public hearing by the City Council on June 21, 2016. Should you have any questions regarding this application, please call Susan DeCarli at (805) 237-3970 or email at sdecarli@prcity.com.

If you challenge this application 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 at or prior to the public hearing.

Susan DeCarli, AICP
City Planner
June 10, 2016

2490563

Attachment 14

RESOLUTION NO. 13-057

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES UPDATING AND SUPERSEDING RESOLUTION 09-055 REGARDING PROVIDING DIRECTION AND PROCESSING PRIORITIES FOR VARIOUS SPECIFIC PLANNING EFFORTS

WHEREAS, at its meeting of May 5, 2009, the City Council adopted Resolution 09-055 to set priorities for allocation of staff time to process development and amendment of specific plans; and

WHEREAS, Resolution 09-055 provided that, henceforth, property owners were to be responsible for all costs related to the processing of specific plans; and

WHEREAS, the City's General Plan has established population planning threshold of 44,000 persons, based on the available capacities of the water system, wastewater treatment system, transportation systems, and environmental resources; and

WHEREAS, the City's General Plan calls for establishing Specific Plans on the Chandler Ranch, Olsen Ranch, and Beechwood Area and provides density targets that are within the City's buildout population planning threshold of 44,000 residents; and

WHEREAS, the City is processing or has received applications for the following specific plans: Chandler Ranch, Olsen Ranch, Beechwood Area, and an amendment of the Borkey Area specific Plan to accommodate an expansion of the River Oaks development; and

WHEREAS, in 2012, the inventory of vacant land for residential development that is ready for subdivision and development is substantially limited to the referenced specific plan areas; and

WHEREAS, via General Plan Amendment 2012-02, the Land Use Element adopted a 5.0% vacancy rate and an updated average population per household ratio (2.66) that collectively raised the number of dwelling units that could be built within the 44,000 population planning threshold by 594 units over the 16,818 units shown in Table LU-3 of the Land Use Element to 17,412 units, as amended by General Plan Amendment 2012-02; and

WHEREAS, the additional 594 units have not been assigned, via the Land Use Map, to any properties; and

WHEREAS, property owners within each of the above-referenced specific plan areas have submitted written requests for assignment of a portion of the additional 594 dwelling units in a manner that the collective requests exceed 594 dwelling units; and

WHEREAS, the City's Economic Strategy, adopted in 2006, calls for the following measures for development of residential neighborhoods:

- Encourage community development in live/work, mixed use, and compact, pedestrian oriented forms to accommodate all income levels and lifestyles;
- Increase labor force residents in the City;
- Create streetscapes, pathways, and public spaces of beauty, interest, and functional benefit to pedestrians;
- Preserve energy and natural resources; and

WHEREAS, at its meeting of November 16, 2004, the City Council directed that the Olsen Ranch and Beechwood Area Specific Plans be combined into a single specific plan; at that time, the City had been advancing public funds to prepare specific plans; and

WHEREAS, with the adoption of Resolution 09-055, the requirement to prepare a single specific plan for the Olsen Ranch and Beechwood Area has proven to be a hindrance to the development of either area; the General Plan does not mandate that these two areas be addressed by a single specific plan; and

WHEREAS, at its meeting of June 5, 2007, the City Council directed that the Environmental Impact Report for the combined Olsen Ranch/Beechwood Area Specific Plan may study alternative land development patterns with density bonuses of 15, 30, and 50 percent;

WHEREAS, the City Council and Planning Commission conducted a public workshop on January 29, 2013 to discuss revising priorities for preparing and amending Specific Plans (as currently set forth in Resolution 09-055) and for allotting up to 594 additional dwelling units within the 44,000 Population Planning Threshold that were identified via General Plan Amendment 2012-002;

WHEREAS, at its meeting of March 19, 2013, the City Council considered the issues discussed by the City Council and Planning Commission at the January 29, 2013 public workshop and accepted additional testimony from the public on this matter;

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

1. Prior to a comprehensive update of the General Plan, the City Council will not approve general plan amendments that collectively increase the number of dwelling units at build out above 17,412 dwelling units (=16,818 + 594).
2. The City Council encourages applicants to submit specific plans or specific plan amendments and to prepare accompanying general plan amendments and environmental assessments. The City shall process project applications as they are submitted and shall evaluate each application on its own merits.
3. Separate specific plans, general plan amendments, and EIRs may be prepared and processed for the Olsen Ranch and Beechwood Area.
4. City staff will process specific plan and related applications expeditiously while simultaneously attending to other Council goals. However, staff resources are limited, and the City does not warrant that it will be able to process applications within applicants' desired timeframes. The city may hire contract planners, at applicants' expense, to facilitate processing of applications.
5. City staff shall continue to provide the Council with quarterly status reports of all specific plans.
6. All consultant and staff time costs incurred by the City prior to May 5, 2009 to prepare specific plans and their environmental impact reports (EIR) shall be recovered by the City via specific plan fees to be paid at the time of occupancy of buildings as provided by Government Code Section 65456.
7. All consultant and staff time costs incurred since May 5, 2009 to prepare specific plans and their EIRs shall be borne by property owners and deposited upfront and deposit maintained until the specific plans, general plan amendments, and associated EIR work, including public hearings and approval by the City Council, is completed.
8. Any specific plan work shall include early community input and review prior to acceptance of a draft specific plan as follows:
 - a. Draft specific plans shall first be submitted to staff for review and feedback with applicant;
 - b. A community workshop before the Planning Commission and City Council shall be conducted prior to the City's acceptance of a draft specific plan for processing;
 - c. Preparation of an EIR shall begin only after completion of the community workshop and City Council direction on the draft plan;
 - d. Preparation of the draft specific plans, general plan amendments, and EIRs shall undergo the normal public review and adoption process.
9. This resolution supersedes Resolution 09-055.

PASSED AND ADOPTED THIS 16th day of April, 2013 by the following Roll Call Vote:

AYES: Strong, Hamon, Martin, Steinbeck, Picanco

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Caryn Jackson, Deputy City Clerk


Duane Picanco, Mayor