

ORDINANCE NO. 776 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE BORKEY AREA SPECIFIC PLAN TO UP-DATE THE PERMISSIBLE DENSITY
AND RELATED TEXT WITHIN SUB AREA D OF THE SPECIFIC PLAN DOCUMENT
(APPLICANT - DAVID WEYRICH)
SPECIFIC PLAN AMENDMENT 99003

WHEREAS, the Land Use Element of the City's General Plan establishes the need for preparation of Specific Plans for certain geographic areas of the City, including but not limited to areas north of Highway 46 East and east of North River Road; and

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

WHEREAS, Sub Area D of the Specific Plan provides for maximum residential densities of one unit to the acre; and

WHEREAS, Mr. David Weyrich has filed a request in conjunction with a General Plan Amendment (3-99 part 3) and Rezone 99006 to modify the permitted density for two parcels of a combined acreage of approximately 2.8 acres at the southwest corner of Buena Vista Road and Experimental Station Road, from 1 unit to the acre, to 12 units for the combined parcels; and

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

WHEREAS, a request filed by Estrella Associates for the modification of permissible land uses within Sub Area B of the Borkey Area Specific Plan was processed and considered concurrently with Mr. David Weyrich's current Specific Plan Amendment request, and

WHEREAS, in consideration of the changes brought about by development of the North County Campus of Cuesta College, the expansion of the Martin and Weyrich wine tasting facility at Buena Vista and Highway 46 adjacent to this proposed project, the recent approval for development of a hot springs spa facility to the north of this project site on Buena Vista Road, and the scheduled widening and infrastructure improvements scheduled for Buena Vista Road in conjunction with Measure D-98 capital improvement projects, the residential character at this intersection has experienced intensified level of traffic and development related impacts making it appropriate to consider modified residential densities to act as a transitional land use to other properties within this Sub Area D; and

WHEREAS, the Planning Commission conducted a noticed public hearing on July 27, 1999, to consider making a recommendation with regards to the proposed amendments to the Borkey Area Specific Plan and took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. In accordance with the California Environmental Quality Act, considered a proposed Negative Declaration of Environmental Impact, and made a recommendation that the City Council approve a Resolution adopting said document; and
- d. Recommended that the City Council approved an Ordinance amending the Borkey Area Specific Plan and related document text; and

WHEREAS, at its meeting of August 17, 1999 the City Council held a public hearing on these subjects, and the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff reports prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance and Resolutions;

- c. Based on the scope and nature of the proposed change to the Borkey Area Specific Plan and the accompanying Fee Schedule, found that the proposed Negative Declaration of Environmental Impact Report was adequate in terms of its description of the project and anticipated environmental impacts and approved the Negative Declaration as being in accordance with the California Environmental Quality Act; and
- d. Considered the Commission's recommendation from the Planning Commission's July 27, 1999 public meeting; and
- e. Introduced said ordinance for first reading, and

WHEREAS, on September 7, 1999 the City Council held second reading of said ordinance.

NOW, THEREFORE, the City Council of the City of El Paso de Robles does ordain as follows:

The Borkey Area Specific Plan text and diagrams is amended to read as presented in both Exhibit "A" (Diagram) and Exhibit "B" (Text) attached hereto.

SECTION 1. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 2. Effective Date. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

SECTION 3. Inconsistency. To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof, such inconsistent and conflicting provisions of prior ordinance, motions, resolutions, rules and regulations are hereby repealed.

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this Ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared invalid or unconstitutional.

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

AYES:	Baron, Macklin, Swanson and Picanco
NOES:	Mecham
ABSTAIN:	None
ABSENT:	None

Duane J. Picanco, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk