

ORDINANCE NO. 836 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE BORKEY AREA SPECIFIC PLAN
TO MODIFY REQUIRED SETBACKS FROM HIGHWAY 46 EAST AND
REMOVE DEVELOPMENT HEIGHT RESTRICTION (APPLICANT – CITY OF EL PASO DE ROBLES)
SPECIFIC PLAN AMENDMENT 02-003

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 diagrams, 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, the BASP established allowable land uses and development standards for property within the Specific Plan area; and

WHEREAS, since the time of adoption of the BASP the City of Paso Robles has implemented an economic strategy plan and the Specific Plan area has been developing; and

WHEREAS, the City Council has determined that specific components of the BASP do not allow for full development of a limited number of parcels; and

WHEREAS, in order to further facilitate the economic development of the BASP, the City Council has determined that it is necessary to modify the required setbacks from Highway 46 East from 75 feet to 30 feet within Subarea E only to be consistent with other setbacks within the Plan area; and

WHEREAS, the City Council has determined that the height restrictions in Subarea D are inconsistent with height requirements for other areas of the City, and

WHEREAS, the City Council had determined that the height restrictions are overly restrictive and that any potential disruption of viewsheds from Highways 46 and 101 can be mitigated through architectural requirements and Development Review Committee review; and

WHEREAS, the Planning Commission conducted noticed public hearings on July 9, 2002 and August 13, 2002, to consider this amendment and its associated negative declaration 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 public hearings to obtain public testimony on the proposed amendment; and
- c. Recommends that the City Council approve and adopt a Negative Declaration in accordance with the California Environmental Quality Act; and
- d. Recommends that the City Council approve an Ordinance amending the Borkey Area Specific Plan and related document text as shown in Exhibit A, attached hereto.

WHEREAS, at its meeting of August 6, 2002, the City Council held a public hearing on these subjects and the City Council took the following actions regarding this ordinance:

- a. Opened the public hearing.
- b. Continued the public hearing to its regularly scheduled meeting of August 20, 2002.

WHEREAS, at its meeting of August 20, 2002, 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 report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed amendment and ordinance;
- c. Considered the recommendations from the Planning Commission's August 13, 2002 public meeting;
- d. Acted to approve and adopt the Negative Declaration prepared in accordance with the California Environmental Quality Act; and
- e. Introduced an Ordinance Amending the Borkey Area Specific Plan for first reading.

WHEREAS, on September 3, 2002, the City Council held a second reading of said ordinance.

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

The Borkey Area Specific Plan text is amended to read as presented in Exhibit A, attached hereto and/or on file in the Community Development Department and made a part hereof.

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

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

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

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

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

INTRODUCED at a regular meeting of the City Council held on August 20, 2002, and passed and adopted by the Council of the City of El Paso de Robles the 3rd day of September 2002 by the following vote:

AYES: Nemeth, Picanco and Mecham
NOES: None
ABSTAIN: Finigan
ABSENT: Heggarty

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

NOTICE OF CORRECTION
(VOTE CHANGE ONLY)

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(APPLICANT – CITY OF EL PASO DE ROBLES)
SPECIFIC PLAN AMENDMENT 02-003

Introduced at a regular meeting of the City Council held on August 20, 2002, and passed and adopted by the City Council of the City of El Paso de Robles on the 3rd day of September 2002 by the following roll call vote:

AYES:	Nemeth, Picanco and Mecham
NOES:	None
ABSTAIN	Finigan
ABSENT:	Heggarty

EXHIBIT A
PROPOSED TEXT CHANGES
SPA 02-003

- G-11** The creation of flag lots in development is expressly prohibited. Minimum lot widths along public street frontages are defined by this plan for each subarea of the overall plan area.
- G-12** Double frontage lots are expressly prohibited except when adjacent to arterial streets where driveway access is prohibited.
- G-13** All costs for public improvements and facilities required to support any development of the plan area, including costs for improvements and facilities which may be required in other portions of the City (e.g. downtown) and which can reasonably be attributed to plan area development, shall be borne fully by such development. Such costs will be recovered by the City through appropriate and effective funding mechanisms identified in this plan. Similarly, operating and maintenance costs necessary to support public improvements and facilities from which plan area development benefits shall be borne fully by the benefited development(s). The City may collect or recover such costs through appropriate and effective funding mechanisms identified in this plan.
- G-14** All new development in the plan area shall be required to connect to City water service, in accordance with the provisions of the municipal code.
- G-15** All new development in the plan area shall be required to connect to City sewer service, in accordance with the municipal code.
- G-16** Consideration of commercial uses in the Plan area will require the Planning Commission to make findings that the commercial activities proposed are appropriate in their scale for the proposed function and location.
- G-17** The City shall encourage annexation of the entire plan area over the life of the plan. The responsibility for administering and providing services supporting urban and suburban development in the plan area shall be regarded as the ultimate responsibility of the City of Paso Robles.
- G-18** The City of Paso Robles and the County of San Luis Obispo shall cooperate in the implementation and administration of this plan, recognizing their interjurisdictional responsibilities for the plan area and their mutual interests in the potential benefits of the plan.
- G-19** Implementation of this plan shall be closely coordinated with the carrying out of other plans and community development programs of the City.

G-20 All new development visible from Highway 46 and/or Highway 101 shall be subject to the Development Review Committee and/or Planning Commission's review and determination that the proposal and design are consistent with the goals of the City's Economic Strategy, as developed by the 1998 Economic Task Force. Review of architectural design shall also consider the compatibility of the proposed design with the character of the immediate area and pertinent aspects of City policies and procedures.

G-21 All new development visible from Highway 46 and/or Highway 101 shall be subject to the Development Review Committee and/or Planning Commission's review and determination that the landscaping design is consistent with the goals of the City's Economic Strategy, as developed by the 1998 Economic Task Force. Review of landscape design shall also consider the compatibility of the proposed design with the character of the immediate area and pertinent aspects of City policies and procedures.

Subarea A

The following policies are applicable to Subarea A:

- A-1 The maximum number of residential units permitted in Subarea A of the plan area shall be forty-three (43). The minimum permitted lot size for each residential dwelling unit shall be 2.5 acres.
- A-2 No residential dwelling unit, nor any appurtenant structure to be occupied or routinely utilized by humans or animals, shall be constructed in Subarea A within 300 feet of the northerly boundary of the plan area, as shown on the

prescribed for the plan area. These standards are intended to be applied in addition to or, where more restrictive, in place of those mandated by the City's General Plan, zoning ordinance, and other development regulation in effect at the time of any project proposal for the plan area. The Planning Commission and/or City Council may also impose such additional standards at the time of development, as they deem appropriate.

Subarea A

- 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 (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, for as long as the adjacent parcels(s) to the north are zoned for agricultural use.
- SA-7 No principal building shall exceed thirty-five (35) feet, above 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, if the Development Review Committee refers the request to the Planning Commission, **providing 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.**
- SA-8 - SA-15 Deleted per Specific Plan Amendment 02-01A

Subarea B

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

- SB-1 The minimum building setback from the edge of right-of-way on Experimental Station Road, Buena Vista Road and River Oaks Drive shall be thirty (30) feet.

- SB-10 The minimum building setback from any front lot line shall be twenty (20) feet to a street-facing garage or carport and fifteen (15) feet to any residence or other building (detached Casitas) or side entry garage. A detached Casitas (home office, or guest room not for the purposes of a separate dwelling unit) is permitted at front yard set back 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&R's 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 use. 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.
- SB-11 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).
- SB-12 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).
- SB-13 The minimum building setback from the top of the bluffs overlooking the Salinas River shall be fifty (50) feet.
- SB-14 No building shall be placed at a location rendering it visible from the westerly edge of the right-of-way of North River Road.
- SB-15 ~~No building shall be placed or constructed upon a ridge line or hillside in such a manner that the peak elevation of any portion of the building greater than the peak elevation of the ridge line or hilltop upon which it is constructed.~~ **All building heights shall conform with the requirements of the City's Zoning Ordinance.** In addition, on ridges and hills, building designs shall ensure that building forms correspond to the natural contours of the landform and shall substantially comply with the massing and architectural detailing demonstrated in the home model exhibits for Neighborhood 7 as shown in Amendment A (River Oaks Master Plan).
- SB-16 No two adjacent residences constructed by the same developer 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 developer shall be required.
- SB-17 A detailed fence plan shall be submitted to the City at the time of application for any development. The City shall require that fence style and construction be consistent for all residential lots. No fencing may be erected in the front yard of any lot parallel to the

front lot line. The erection of any chain link fencing is prohibited within any required building setback.

SB-18 Five (5) foot concrete sidewalks shall be constructed in the public right-of-way adjacent to each public street. Sidewalks shall be detached (separated from the curb by a landscaped/irrigated parkway) in accordance with the City's engineering standards.

The following standards shall apply to the creation and/or development of all residential parcels and lots in Subarea B of the overall plan area:

SB-19 All residences shall have concrete driveway aprons extending between required garages and/or carports and the public right-of-way.

SB-20 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.

SB-21 The use of drought-tolerant landscaping is encouraged, to minimize water consumption requirements for irrigation.

SB-22 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.

SB-23 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.

SB-24 Landscaped "entry ways" shall be constructed on both sides of the major east-west collector street crossing Subarea B at its intersection with Buena Vista Road. The entry way on the north side of the street shall extend into a landscaped greenbelt parallel to this street. Detailed landscaping plans for these entry ways and the landscape greenbelt shall be submitted to the City for approval at the time of application for development. The width of the greenbelt may vary, but shall be no less than thirty (30) feet, as measured from the edge of the street right-of-way at any point, and shall average fifty (50) feet. Features of these landscaped entry ways and greenbelt shall include berms, turf, groundcover, trees, covered transit stop shelter (per city standards), and meandering pedestrian/bicycle pathways.

SB-25 The lineal park designated on the plan diagram shall be constructed in conformance with a detailed plan to be submitted to the City for approval at the time of application for development. This park shall be integrated with the golf course (open to the public) and coordinated with the frontage improvements along the playground and playfield areas of the designated elementary school site. Width of the lineal park may vary, but shall be no less than twenty four (24) feet, as measured from the edge of the collector street right-of-

- SB-28 Street trees shall be provided by the developer or subdivider 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 City's approved street tree list or from the Borkey Area Specific Plan Plant List for Sub Area B and shall be the maintenance obligation of the adjacent private property owner either directly (when on private property) or indirectly through a Landscaping and Lighting District (when in the parkway).
- SB-29 All Policy and Development Standards (text and exhibits) contained within Amendment A - "The River Oak Master Plan Booklet" - shall apply to all aspects of build-out of this Sub Area, including street sections and illustrative exhibits representative of architectural quality, scale and style expectations.
- SB-30 The Neighborhood Commercial areas adjacent to Buena Vista Drive shall be developed to an architectural style and character representative in Amendment A. All development within this area shall be subject to review and approval of a Planned Development where the Planning Commission must be able to make findings that the developer has demonstrated the project's site planning and architectural character is of an appropriate neighborhood scale. All uses shall be subject to review and approval of a Conditional Use Permit where the Planning Commission must be able to make findings that the use is neighborhood serving. No highway oriented signs shall be permitted.
- SB-31 The Commercial Service Area (Neighborhood 3 - RV & Mini Storage site) shall require approval of both a Planned Development and Conditional Use Permit application. Added findings of any Planning Commission approval of such development and use applications shall include: 1) The proposed mini storage and RV storage use is supplemental and ancillary to the master planned community (neighborhoods 4, 5 and 6 of Sub Area B), and not a freestanding and independent commercial use; and, 2) The proposed mini storage and RV storage use has incorporated extraordinary design methods to fully screen and buffer the proposed use from neighboring residential properties (at a minimum, those represented in the exhibits contained in Appendix A).
- SB-32 Clubhouse Drive is to be dedicated to a full Collector Street width of 84 feet, but shall be developed in conjunction with build out of Sub Area B as a 60 foot wide local street. The surplus right of way on the east and west sides shall be developed with enhanced landscaping and park-like features as described in other Sub Area policies and Amendment A.
- SB-33 Reduced width ("Neo-traditional-style") street sections may be proposed within the residential neighborhoods as shown in Amendment A.

Subarea C

- SC-1 Improvements in Subarea C would be subject to the jurisdiction of the State of California with the exception of grading, drainage, public streets, and other infrastructure links to systems operated by the City of Paso Robles.
- SC-2 Temporary facility plans would be substantially consistent with exhibits prepared by Cuesta College and on file with the City of Paso Robles.
- SC-3 Figure 16 illustrates the conceptual plan for the use of the 82-acre property. More specific master planning will occur at a later date.

Subarea D

- SD-1 The following design standards described for Subarea A, above, are applicable to the creation and/or development of residential lots and parcels located in Subarea D of the overall plan area: SA-5.
- SD-2 ~~No residential or appurtenant structure shall be constructed with a peak building elevation at any point in excess of eight hundred twenty-five (825) feet above mean sea level.~~ **All building heights shall conform with the requirements of the City's Zoning Ordinance. In addition, on ridges and hills, building designs shall be architecturally compatible to the site.**
- SD-3 The standards, regulations and prescriptions of the R-1-B-4 zone district (or its potential future equivalent), as set out in the City of Paso Robles zoning ordinance, shall apply to all development in this subarea unless otherwise specified by this plan.
- SD-4 The minimum frontage of any residential lot shall be 200 feet, except that a lesser frontage may be approved for lots located at the ends of cul-de-sac streets. the minimum frontage for any residential lot located on Buena Vista Road shall be three hundred (300) feet.
- SD-5 All residences shall have asphalt or concrete driveway aprons extending between required garages and/or carports and the public right-of-way.
- SD-6 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.
- SD-7 A three (3) foot open rail fence, constructed of wood or other material acceptable to the City, shall be erected along each front and side lot line. A detailed fence plan shall be submitted to the City at the time of application for development. The City shall require that fence style and construction be consistent for all affected lots, including all other rural-density residential lots within the overall plan area.

- SD-8 Such other fencing as may be required or desired by residents and property owners may be erected on any residential parcel, subject to the following conditions: (1) no fence shall be closer to any lot line than the designated building setback; and (2) no fence may exceed six (6) feet in height.
- SD-9 Street trees shall be provided by the developer or subdivider 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 or within the first five (5) feet of the private property adjacent to the right-of-way. Trees shall be selected from the City's approved street tree list and shall be the maintenance obligation of the adjacent private property owner.

Subarea E

- SE-1 Land uses and development in Subarea E shall conform to the standards, regulations and prescriptions of the C-3 zone district (or its potential future equivalent) as set out in the City of Paso Robles zoning ordinance, except as otherwise provided for in this plan.
- SE-2 Site coverage by structures, including buildings and any other portion of a site under roof, but not including parking, landscaping or other improvements at grade level, shall be limited to fifty (50) percent of total net site area.
- SE-3 Minimum front yards shall be required for all parcels to be developed in this subarea. The minimum front yard for any site fronting on Golden Hill Road shall be thirty (30) feet. The minimum front yard for any other site shall be twenty (20) feet.
- SE-4 Minimum side yards shall be required for all parcels located in this subarea west of Golden Hill Road. The minimum side yard for any interior lot line shall be ten (10) feet. The minimum side yard for any side lot line adjacent to a public right-of-way shall be fifteen (15) feet, except as otherwise described below.
- SE-5 Any parcel abutting a residentially zoned property shall be subject to a minimum side yard requirement of thirty (30) feet on the side adjacent to the residential zone.
- SE-6 Minimum rear yards shall be required for all parcels located west of Golden Hill Road in this subarea. The minimum rear yard shall be ten (10) feet, except that the minimum rear yard shall be twenty-five (25) feet where the rear property line of any site abuts any property which is residentially zoned.
- SE-7 **Notwithstanding any of the above requirements, any parcel or site located in this subarea shall be subject to a required landscape setback of ~~seventy-five (75)~~ thirty (30) feet from the right-of-way of State Highway 46.**
- SE-8 All prescribed front, side and rear yards shall be landscaped in conformance with a detailed landscape plan to be submitted to the City for approval at the time of application for development.

- SE-9 The neighborhood commercial shopping center designated by the plan diagram for development in this subarea shall be limited to a total of eight thousand (80,000) square feet of gross leasable area. Permitted uses in this center shall be subject to review and approval by the City, and shall be limited to those uses which are solely neighborhood or convenience-oriented in character. No Uses not permitted or conditionally permitted in the C-P zone district of the City of Paso Robles zoning ordinance shall **not** be permitted in this center.
- SE-10 The abandonment of Wallace Avenue shall be encouraged, with right-of-way area reverting to adjacent sites, except to the extent such right-of-way may be required, in the judgment of the City, to accommodate a future freeway interchange at Golden Hill Road and Highway 46. Development of adjacent parcels shall be encouraged to orient toward Golden Hill Road and Oakwood Avenue.
- SE-11 A right-of-way “reserve” for a future interchange at Golden Hill Road and Highway 46 shall be maintained by the City, and the construction of improvements in this reserve may be prohibited by the City as required to ensure the timely and cost-effective construction of such an interchange when warranted and when funding becomes available.

Subarea F

- SF-1 Construction of the district-level park designated by the plan for Subarea F shall be in conformance with detailed plans to be developed and approved by the City. The sensitive and unique riparian features and habitat found in the Salinas River bed and flood plain shall be accommodated by such plans. Storm drainage easement provisions, to allow for storm drainage lines carrying runoff to the Salinas River, shall also be provided for by such plans, as necessary.