

ORDINANCE NO. 856 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES  
AMENDING THE BORKEY AREA SPECIFIC PLAN  
TO ACCOMMODATE PLANNED DEVELOPMENT 02-006 AND TRACT 2457  
(APPLICANT – MR. DICK WILLHOIT OF ESTRELLA ASSOCIATES)  
SPECIFIC PLAN AMENDMENT 03-001

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

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

WHEREAS, the BASP established the allowable land uses, design and development standards, infrastructure requirements, landscape guidelines, and a pathway system for pedestrian use for those properties located within the Specific Plan area, including Subareas B and F located generally north of River Oaks Drive and east of the Salinas River; and

WHEREAS, Mr. Dick Willhoit of Estrella Associates on behalf of Oak Knoll Ranch LLC has filed an application to amend the Borkey Area Specific Plan in order to accommodate Planned Development 02-006 and Tentative Tract 2457 (Traditions – An Active Adult Community); and

WHEREAS, the Specific Plan Amendment would authorize use of modified standards for the landscaped greenbelt/pedestrian corridor along the Salinas River bluffs (Subarea F) and a 20-foot rear yard setback for lots abutting River Oaks Drive; and,

WHEREAS, the proposed modifications to the text and diagrams of the Borkey Area Specific Plan (BASP) would allow Planned Development 02-006 and Tentative Tract 2457 to proceed in accordance with the overall design concept of the BASP with modifications to provide a natural river trail of at least six (6) feet in width and to provide for a 20-foot rear yard setback along River Oaks Drive that is consistent with R-1 neighborhoods in the community; and,

WHEREAS, at its April 22<sup>nd</sup>, 2003 meeting, the Planning Commission conducted a duly noticed public hearing making a recommendation on the proposed amendments to the BASP and took the following action regarding this Ordinance:

- a. Considered the facts and analysis, as presented in the staff report and attachments thereto.
- b. Conducted a public hearing to obtain public testimony on the proposed Ordinance amending the Borkey Area Specific Plan and environmental determination therefor.
- c. Determined that the proposed Ordinance amending the Borkey Area Specific Plan could be recommended for approval based on the following findings and conditions:

Findings - BASP Amendment, Part 1 (Landscaped Greenbelt/Pedestrian Corridor)

1. That the proposed pedestrian trail with a more natural trail without lights and ornamental plantings is appropriate for the existing setting along the Salinas River Bluffs.
2. That creation of a more natural trail using a native soil walking surface, providing an overall minimum width of six feet, including a landscape planting scheme with native, drought tolerant groundcover, shrubs, and trees is reflective of a unique situation/circumstance not applicable elsewhere in the City, specifically a bluff-top trail within a particular development

Conditions – BASP Amendment, Part 1 (Landscaped Greenbelt/Pedestrian Corridor)

- 3 Development Review Committee (DRC) review and approval of the final, detailed plans for the path is to be obtained prior to the issuance of permits and the commencement of trail installation.
4. The trail is to be more natural in character without lighting and it is to:
  - a. Be at least (6) feet wide.

- b. Include native plantings (groundcover, shrubs, and trees) shall be interspersed at appropriate locations along the path and in the designated view areas, as determined by the DRC based in part on a field survey.
- c. Include trash receptacles shall be placed along the path and in designated view areas, as determined by the DRC based in part on a field survey.

Findings - BASP Amendment, Part 2 (Rear Yard Setbacks along River Oaks Drive)

- 5. The R-1 District regulations applicable to R-1 zoned properties throughout the City require a minimum rear yard setback of 20-feet.
- 6. Placing the homes 20-feet from the rear property line will not be perceived as any different than that of other R-1 neighborhoods in the City as a result of.
  - a. The variation in the architectural treatment of the rear of the homes abutting River Oaks Drive;
  - b. The River Oaks Drive Streetscape with a 10-foot wide landscape buffer and a 5-foot wide sidewalk adjacent to the residential lots; and
  - c. The curvilinear alignment of River Oaks Drive will serve to block and/or soften public views.

Conditions - BASP Amendment, Part 2 (Rear Yard Setbacks along River Oaks Drive)

- 7. The project Conditions of Approval for the Planned Development and Tentative Tract Map 2457 require that final details for all residential units be submitted to the Development Review Committee (DRC) prior to issuance of any building permits. The final project plans are to include details that accomplish the following:
  - a. Architectural detailing on all street-facing elevations
  - b. No roof mounted heating and air conditioning equipment
  - c. Roof materials as shown on the approved exhibits
  - d. Typical front yard and alley planting treatments; and
  - e. Colors and materials, typical front and side yard landscaping plans.
- d. Recommended that the City Council approve an Ordinance amendment the Borkey Area Specific Plan and related document as shown on Exhibit A, attached hereto and incorporated herein by reference.

WHEREAS, at its meeting of May 6, 2003, the City Council held a public hearing on the proposed Borkey Area Specific Plan Amendments as set forth in this Ordinance and took the following actions:

- a. Considered the facts and analysis, as presented in the staff report and attachments thereto.
- b. Conducted a public hearing to obtain public testimony on the proposed Ordinance amending the Borkey Area Specific Plan and environmental determination therefor.
- c. Considered the recommendation of the Planning Commission as further refined by the City Council to eliminate the requirement for a trail (Landscaped Greenbelt/Pedestrian Corridor) from the Borkey Area Specific Plan. With this revision, the City avoids the possibility of future involvement in any potential concerns, claims, or lawsuits that may be filed with respect to trail design, trail maintenance, handicap accessibility, lighting, and safety/security fencing.
- d. Considered the written request of the applicant dated May 5, 2003 to retain private ownership of the property that contains the pedestrian trail.
- e. Introduced the Ordinance for first reading and set May 20, 2003 as the date for a second reading and adoption of said Ordinance.

WHEREAS, at its meeting of May 20, 2003, 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 that the text of the Borkey Area Specific Plan is amended as set forth in Exhibit A, attached hereto 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 31<sup>st</sup> 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 May 6, 2003, and passed and adopted by the City Council of the City of El Paso de Robles on the 20<sup>th</sup> day of May 2003 by the following roll call vote, to wit:

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

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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk

EXHIBIT "A"

SPECIFIC PLAN AMENDMENT 03-001  
TEXT AMENDMENTS FOR THE BORKEY AREA SPECIFIC PLAN  
(APPLICANT – MR. DICK WILLHOIT OF ESTRELLA ASSOCIATES)

LEGEND

Existing – Existing Text  
~~Strikeout~~ – Remove Text  
**Bold** – New Text

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-2 The minimum building setback from any side lot line, except for such a lot line abutting a public right-of-way, **except as affecting those residential lots abutting River Oaks Drive**, shall be twelve (12) feet.
- SB-3 The minimum building setback from any rear lot line, except for such a lot line abutting a public right-of-way, shall be twenty (20) feet.
- SB-4 The minimum frontage of any residential lot shall be one hundred five (105) feet from corner to corner.
- SB-5 The minimum average depth of any residential lot shall be one hundred thirty (130) feet. No side lot line shall measure less than one hundred (100) feet from the front lot line to the rear lot line at any point. The minimum average depth of any commercial lot shall be two hundred (200) feet. No side lot line of any commercial lot shall measure less than one hundred (100) feet.
- SB-6 A thirty (30) foot landscape buffer shall be established and maintained along the rear line of each lot adjacent to the neighborhood commercial zoned lots along Buena Vista Road. This buffer shall connect between the east/west collector (River Oaks Drive) and Experimental Station Road. This buffer shall include plantings of shrubs, from the Borkey Area Specific Plan Plant List established for Subarea B and an easement shall be granted to the City for the maintenance of this buffer in the event that maintenance is not adequately performed by the private property owner. (Any required City maintenance shall be reimbursed, including administrative costs, by the property owner; unreimbursed City costs may be recovered through property tax liens against affected parcels. An eleven (11) foot landscape buffer/parkway shall be established and maintained along the north side of Experimental Station Road, enhancing the frontage of those lots.
- SB-7 A six (6) foot solid fence, of wood or other material acceptable to the City shall be erected along the rear line of each lot. 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 shall be consistent for all affected lots, within the overall plan area.
- SB-8 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 shall be consistent for all affected lots, within the overall plan area, including lots which front on Experimental Station Road.

- SB-9 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 in the front yard than the designated building setback; and (2) no fence may exceed six (6) feet in height.

The following standards shall apply to the creation and/or development of lots or parcels located in Subarea B of the overall plan area, which do not abut Experimental Station Road or Buena Vista Road:

- 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&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 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 46River shall be fifty (~~5~~) (**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.

Page III-48, Chapter Three (Development Plan for the Borkey Area), as amended

- 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. 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~~ **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, 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.

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 **that are in conformance with the criteria as set forth in the "Architectural and Landscape Architectural Design Guidelines" as approved with Tract 2376.**
- 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 entryway 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 entryways 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-way at any point, and may be constructed within surplus right of way along Clubhouse Drive. Features of this lineal park shall include berms and slopes, turf and open space areas, seating, lighting, groundcover and shrubbery, trees, and meandering pedestrian/bicycle pathways. Access to this lineal park shall be provided from the adjacent collector street. Park pedestrian/bicycle pathways shall be connected to the sidewalks abutting adjacent streets. In the event a golf course is not proposed for development as shown on Figure 15, a neighborhood park shall be developed in the place of the full area of the golf course.
- SB-26 Landscaped greenbelts/pedestrian corridor designated on the plan connecting the Salinas River bluffs with the major east-west collector street shall be constructed in conformance with a detailed plan to be submitted to the City for approval at the time of application for **grading and construction permits for development of Tract 2457**. Width of this greenbelt/pedestrian corridor may vary, but shall be no less than twenty (20) feet at any point, and shall average thirty (30) feet. A solid perimeter screen fence shall separate the greenbelt area from adjacent residential lots, and ~~the perimeter of the greenbelt shall be planted to dense landscape materials and trees to discourage disturbance of adjacent residential properties by users of the area.~~ Other features of this **naturalized** landscaped greenbelt/pedestrian corridor shall include berms, meandering pedestrian/~~bicycle~~ pathways connected to sidewalks adjacent to abutting local streets, **and native** groundcover and shrubbery plantings, **and tree plantings interspersed at appropriate locations along the path and in the designated view areas, as determined by the Development Review Committee and pedestrian safety lighting along walkways.**

- SB-27 **Enhanced landscaping shall be installed on Lot 212 of Tract 2457 – River Oaks. This enhanced landscaping is subject to Development Review Committee (DRC) approval prior to installation. The applicant shall submit enhanced landscaping plans designed to provide a buffering of development along the bluff for DRC review and approval. Said landscaping plans would take into account the existing oak trees and other native vegetation.** ~~The landscaped greenbelt/pedestrian corridor designated by the plan along the top of the Salinas River bluffs shall be constructed in conformance with a detailed plan to be submitted to the City for approval at the time of application for development. Characteristics to be incorporated into the design for this facility shall include a variable width of not less than twenty (20) feet at any point measured from the top of the bluffs: a meandering asphalt or concrete pedestrian/bicycle pathway of not less than six (6) feet wide, connected to the sidewalks adjacent to abutting local streets, and extending the length of the bluffs in Subarea B: seating areas and facilities at strategic viewpoints: and turf, shrubbery and deciduous tree plantings. The finished grade of the pathway shall be set a minimum of four (4) feet below the finished grade of the rear yard lot line of any adjacent residential lot. The pathway shall also be kept a minimum of eight (8) feet from the rear fence of any adjacent residential lot, but far enough from the top of the bluffs to avoid unstable soil conditions. Fences located along the rear and side lot lines of residential lots facing the bluffs shall be restricted to “transparent” construction~~

~~materials and methods (e.g. Wood or concrete split rail, reduced height, etc.). Where required for slope stabilization and preservation, the bluffs shall be hydroseeded with native plant materials. Native plant materials shall also be required along the pathway. Irrigation of plant materials along the bluff top shall be minimized or avoided altogether, if possible.~~ A minimum set back from the existing overhead 70 Kv power lines shall be provided in accordance with PG&E standards determined at the time of development and in accordance with minimums outlined in Amendment A (River Oaks Master Plan). In conjunction with the subdivision of neighborhoods 4, 5, & 6, the developer shall provide constructive notice to all future property owners that their lots are in proximity to existing overhead power lines.

- 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" **as was further amended by the City Council at its May 5, 2003 meeting to eliminate the Salinas River bluffs landscape greenbelt/pedestrian corridor ("trail") requirements. These Policy and Development Standards shall apply to all aspects of build-out of this Sub Area (except for the Salinas River bluffs landscape greenbelt/pedestrian corridor ["trail"] requirements that were eliminated. The Policy and Development Standards include** ~~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 **Specific Plan** Amendment A. All development within this area shall be subject to review and approval of a