

ORDINANCE NO. 872 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE BORKEY AREA SPECIFIC PLAN
TO ACCOMMODATE PLANNED DEVELOPMENT 03-016 AND REZONE 03-007
(APPLICANT – ARCIERO & SONS / LA QUINTA HOTEL)
SPECIFIC PLAN AMENDMENT 03-005

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, for those properties located within the Specific Plan area, including Subarea D; and

WHEREAS, Arciero and Sons, inc. has filed an application to amend the Borkey Area Specific Plan in order to accommodate Planned Development 03-016 and Rezone 03-007(La Quinta Hotel) for the 1.4 acre site located on the northeast corner of Highway 46 East and Buena Vista Drive; and

WHEREAS, the Specific Plan Amendment would authorize the hotel and restaurant use for the subject parcel within Sub Area D of the Specific Plan; and

WHEREAS, the development standards within Sub Area E of the Borkey Area Specific Plan would be required to be applied to the subject parcel in relation to the hotel and restaurant use because of its commercial nature; and

WHEREAS, at its February 24th, 2004 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 therefore.
- c. Recommended that the City Council approve the proposed Ordinance amending the Borkey Area Specific Plan and related document text shown in Exhibit A, attached hereto and incorporated herein by reference.
- d. Based on the information contained in the Initial Study prepared for the La Quinta Project, a determination has been made that there is no substantial evidence that the Project would have significant adverse effect on the environment and thus a Mitigated Negative Declaration was adopted by separate Resolution.

WHEREAS, at its meeting of March 16, 2004, the City Council held a noticed 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 related thereto.
- c. Considered the recommendation of the Planning Commission.
- d. Made a finding that the Mitigated Negative Declaration adopted by the Planning Commission is adequate and there is no action necessary by the City Council.
- e. Introduced the Ordinance for first reading after:
 1. Making the finding that the proposed rezone to apply Resort/Lodging Overlay to establish the ability to allow a hotel and restaurant on the subject site within Sub Area D would be consistent with the City's adopted Economic Strategy where a goal is to develop Paso Robles into an "end destination" tourist attraction, subject to applying all applicable conditions within Sub Area E of the Borkey Area Specific Plan.

WHEREAS, at its meeting of April 2, 2004, the City Council held a second reading of said Ordinance. As part of the action on the second reading, the City Council did ordain that the text of the Borkey Area Specific Plan is amended as set forth Exhibit A, attached hereto and made a part hereof and to include the following Section:

Chapter III, Plan Policies, Sub Area D (Page III-19) of the Borkey Area Specific Plan

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 March 16, 2004, and passed and adopted by the City Council of the City of El Paso de Robles on the 6th day of April by the following vote:

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

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

C-3 The construction of the East-West Collector Street (currently called Ronan Road) is anticipated to be completed by the end of Phase II of the development program. Unless other agreements are reached with the City or other parties benefiting from the road's construction, this facility would be constructed by and at the expense of Cuesta College. The East-West Collector Street would be developed in a manner to be approved by the City Engineer.

Subarea D

The following policies are applicable to Subarea D:

- D-1 The maximum number of residential units permitted in Subarea D of the plan area shall be seventy-five (75). The minimum permitted lot size for each residential dwelling unit shall be one acre.
- D-2 The existing commercial business located at the northwest corner of Buena Vista Drive and State Highway 46 (Martin Brothers Winery tasting room) shall be permitted to remain in place in this subarea, and shall be regarded as a legal use; expansion of the existing uses on the current parcel, however, may be permitted only under a revision to the Conditional Use Permit currently applicable to the site.
- D-3 All public improvements constructed in Subarea D shall conform to rural, rather than urban, standards except that Buena Vista Road may be required to develop urban standards at the discretion of the City at the time of development of Subarea B of the plan area, and Experimental Station Road in the vicinity of its intersection with North River Road may be required to develop in conformance with the City's standard for the local collector street, also at the time of development of Subarea B. Additionally, all development in Subarea D shall be required to connect to municipal water and wastewater systems.
- D-4 Experimental Station Road east of Buena Vista Road shall not be extended through to any other street except to a local rural cul-de-sac street or as required to provide emergency-only access.
- D-5 The City shall seek landscape easements along the Highway 46 corridor, at such time as affected parcels develop, to preserve and protect the scenic qualities of this "entrance" corridor into the community.

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D-6 For the property located at the northeast corner of Highway 46 East and Buena Vista Drive, where the Resort /Lodging Overlay has been applied by Rezone 03-007, Ordinance No. ___, all applicable conditions within Sub Area E shall apply, since a resort project would be closely related to commercial projects within Sub Area E.