

ORDINANCE NO. 992 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE BORKEY AREA SPECIFIC PLAN AND THE ZONING MAP ESTABLISHED BY
REFERENCE IN SECTION 21.12.020 OF THE ZONING CODE (TITLE 21)
(BUENA VISTA APARTMENTS)

WHEREAS, Don Benson on behalf of Arjun Buena Vista Apartments, LLC., has submitted Rezone 12-003, a proposal to change the zoning designation of a 12-acre site located on the south side of Experimental Station Road, west of Buena Vista Road from Residential Single-Family, one acre lot (R1-B4) to Residential Multi-Family, 12 units to the acre (R-3), to be consistent with the General Plan's designation of RMF-12; and

WHEREAS, the site is located within Subarea D of the Borkey Area Specific Plan; and

WHEREAS, the Specific Plan amendment is necessary to revise the plan to reflect the change in the Zoning designation for the site; and

WHEREAS, a public hearing was conducted by the Planning Commission on September 25, 2012, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed environmental determination; and

WHEREAS, the Planning Commission on September 25, 2012, continued the project in order to allow for the necessary 90 day review period associated with tribal consultation required by SB 18 (2004); and

WHEREAS, a public hearing was conducted by the Planning Commission on January 22, 2013, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed environmental determination; and

WHEREAS, at a meeting held on January 22, 2013, the Planning Commission took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Held a public hearing to obtain public testimony on the proposed ordinance;
- c. Recommended that the City Council approve the proposed ordinance; and

WHEREAS, based on information received at its meeting on June 4, 2013 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. Held a public hearing to obtain public testimony on the proposed ordinance;
- c. Considered the Planning Commission's recommendation from its January 22, 2013 public meeting;
- d. Introduced said ordinance for the first reading; and

WHEREAS, on June 18, 2013 the City Council held a second reading of said ordinance.

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

The Borkey Area Specific Plan will be amended as described below in Sections 1-7, by a map change as noted, or by text change, where the text to be omitted is shown with a "~~strike through~~" and the text to be added is shown in **bold**:

SECTION 1:

Replace Page II-6 (Existing Land Uses - Map), with updated map, Exhibit A. Delete Page II-8. Note: The revised Page II-6 will make the necessary changes to bring the BASP Land Use Map up to date with the current General Plan Land Use Map. Page II-8 (proposed City General Plan Designations) is no longer necessary. All subsequent remaining pages in Chapter II will be renumbered accordingly.

SECTION 2:

Replace Page II-9 (Proposed Zoning Designations - Map) with updated map that changes the zoning designation for the subject site from R1-B4 to R3, Exhibit B. Note: revised map will make the necessary changes to bring the BASP Zoning Map up to date with the current Zoning Code Map.

SECTION 3:

Section III, Page 6, Table 3-1, (Prescribed Land Uses and Permitted Densities, Parcel Sizes) would be amended as shown on Exhibit C.

SECTION 4:

Amend Section III, Page 10 as follows:

Subarea D

~~Designation by this plan of Subarea D for rural residential development is intended to protect and continue the existing pattern of rural residences already established in the area. Extending current development characteristics, this subarea would allow the ultimate development of a maximum of sixty-three rural residential units on one-acre minimum lots and fifteen single family residential units on a minimum of one-half acre lots. Except for the northeasterly portion of this subarea, extensive parcelization and associated rural residential development has already occurred.~~ **With the adoption of the 2003 General Plan, the transformation of Sub Area D from rural residential to other types of land uses began to take place. The 2003 General Plan changed the land use designation for the five properties totaling approximately 12.5-acres, located on the south side of Experimental Station Road, west of Buena Vista Drive, from RSF-1 to RMF-12. In 2012 the Buena Vista Apartment project was approved to develop 142 apartment units on the Experimental Station Road site.** The 20 acre Ayres Resort parcel has a Parks and Open Space Zone, with a Resort/Lodging Overlay, and has an approved project consisting of 225 room Resort Hotel, with a wellness spa, conference room, restaurant, extended-stay units (included with the 225 rooms proposed), wine tasting/retail boutique, and ancillary parking, landscaping, gardens, orchards and vineyards. The existing commercial operation established at the northwest corner of Buena Vista Road and Highway 46 will be allowed to remain in place in this subarea as a legal use, under the conditional use permit currently applicable to the property.

SECTION 5: Section III, Page 11a, Figure D-3, (Sub Area D) would be amended as shown on Exhibit D.

SECTION 6. Section 21.12.020 of the Municipal Code (Zoning Map) is hereby amended as shown on the attached Exhibit E.

SECTION 7. 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 8. 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 unconstitutional.

SECTION 8. 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.

Introduced at a regular meeting of the City Council held on June 4, 2013, and passed and adopted by the City Council of the City of El Paso de Robles on the 18th day of June, 2013 by the following vote:

AYES: Martin, Steinbeck, Hamon, Strong, Picanco

NOES:

ABSTAIN:

ABSENT:


Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk

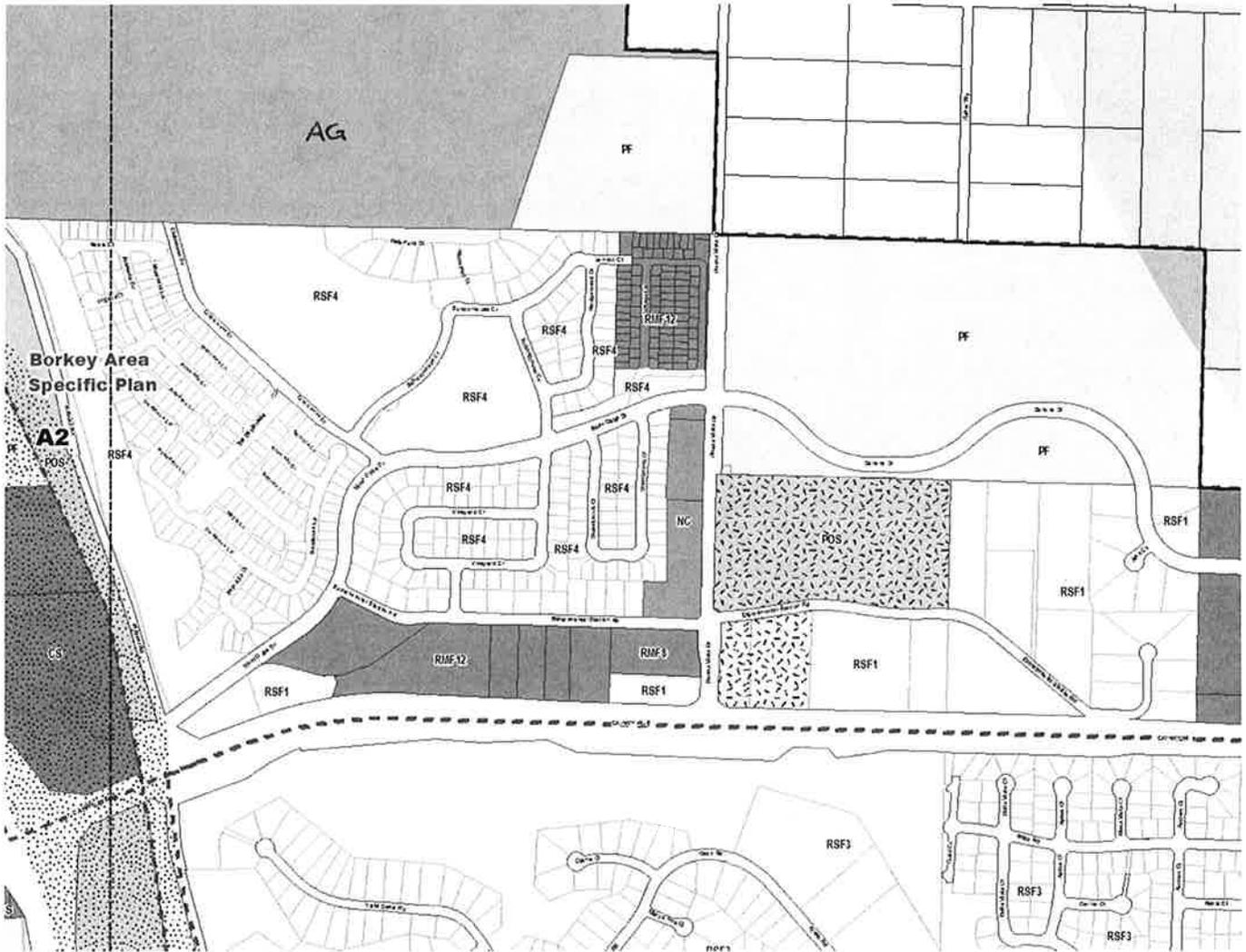


Exhibit A
 BASP - Land Use Map
 (Buena Vista Apartments)

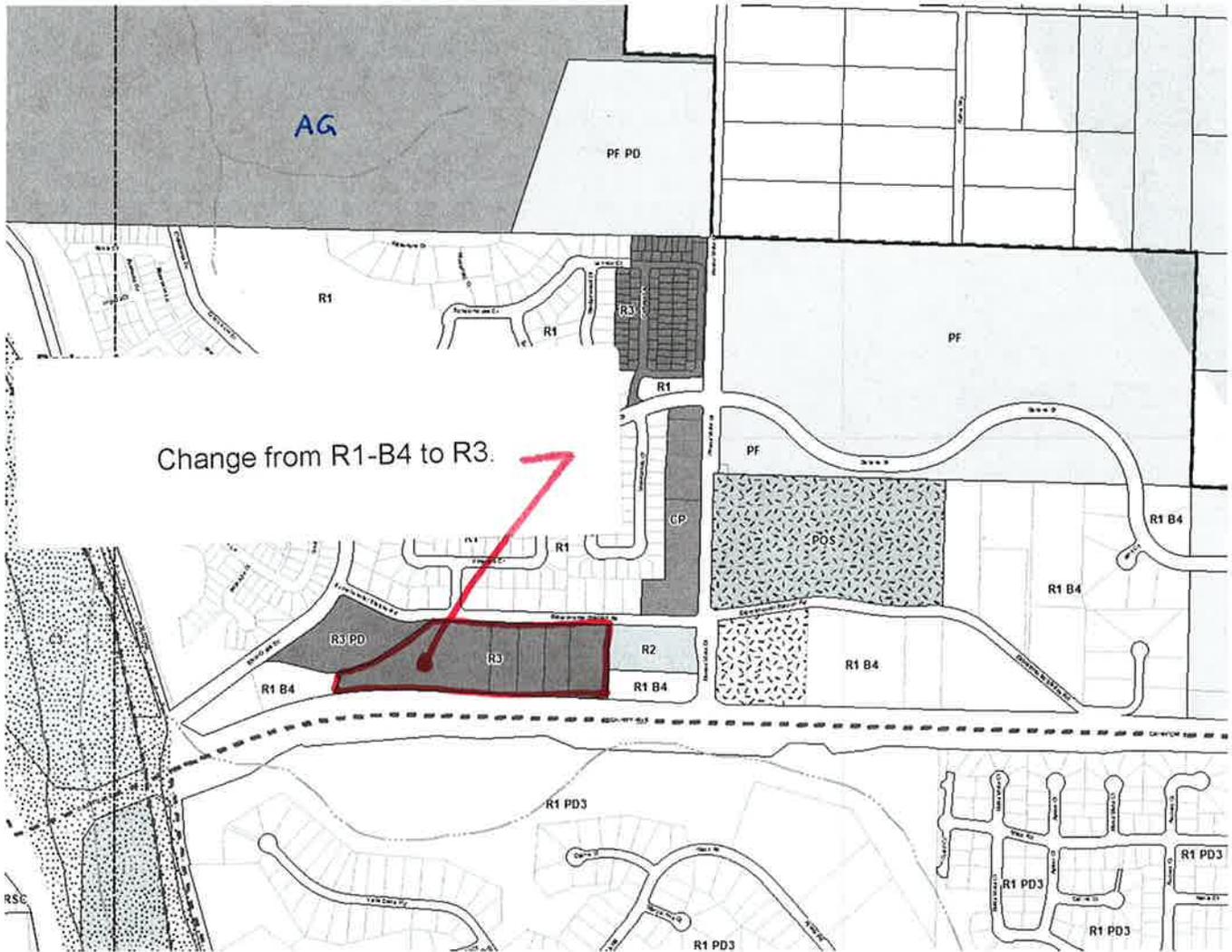
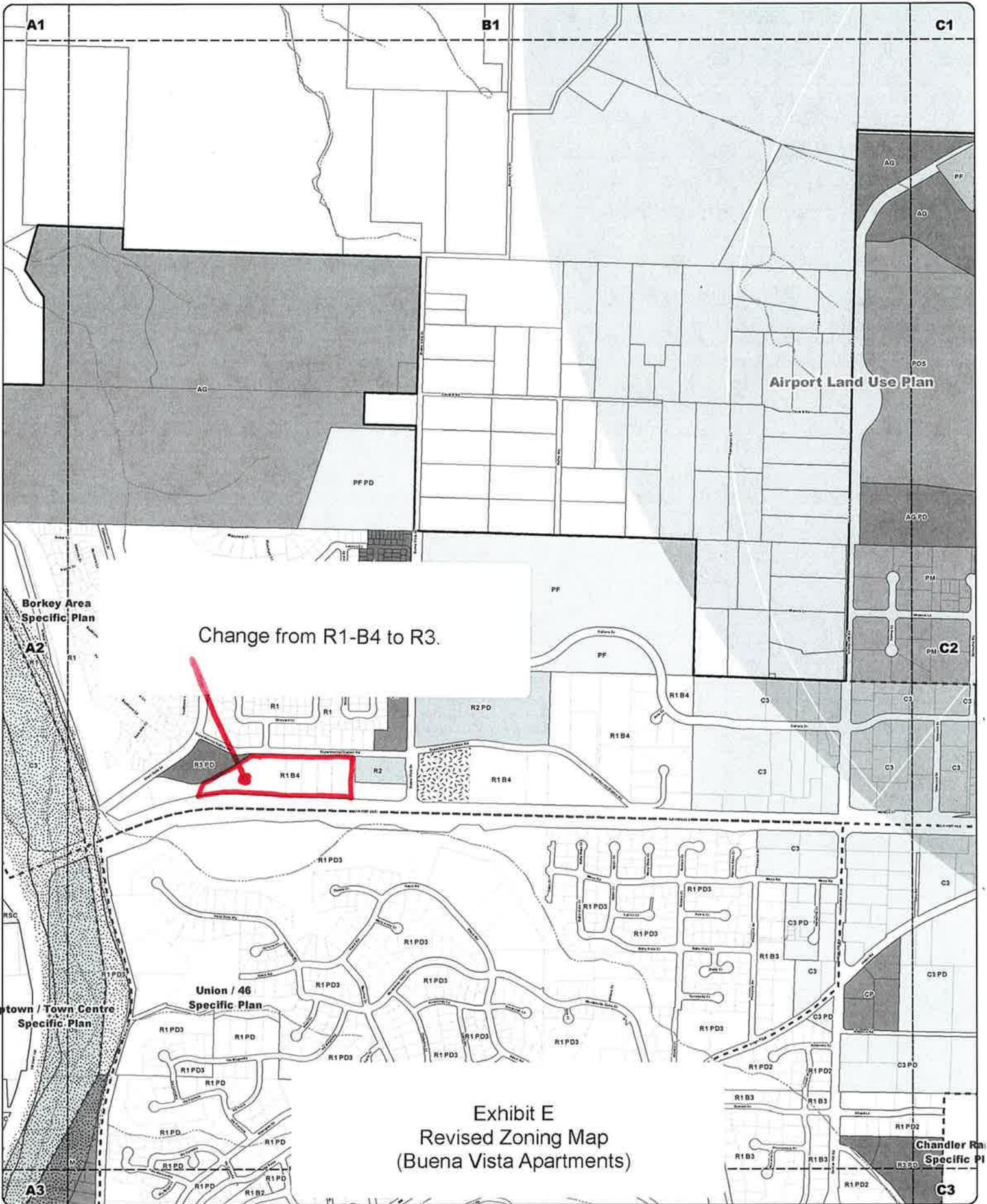


Exhibit B
BASP - Zoning Map
(Buena Vista Apartments)

**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	Agricultural and Resort Related	223 hotel rooms, suites or cottages, 20 employee housing units	20 acres
	Recreational: Tennis courts Water gardens Golf greens & tees Driving range Putting green Corn maze Equestrian Center: Show arena Training facilities Stables Hot springs and spa Hotel and conference	10,000 sq ft restaurant(s) 600 person capacity conference and/or banquet rooms 1200 person capacity amphitheatre and/or events assembly areas	
B	Single Family Residential	481 units total* <small>*multiple family inclusive in sub area total</small>	5,000- 20,000 s.f.
	Multiple Family	Up to 149 units	14.0 acres (overall)
	Public & Quasi-Public	(N/A)	
	Commercial	CP (Neighborhood Commercial) CS (Commercial Service)	6.0 acres (overall) 4.5 acres (overall)
C	Cuesta College (Public Facility)	(N/A)	(N/A)
D	Rural Residential	52 25 units	1.0 acres
	Single Family Residential	15 51 units	0.5 ac. 4,000sf
	Multi-Family Residential	142	(N/A)
	Resort/Lodging Overlay	137 units + amenities	(N/A)
E	Commercial/Industrial	C-3	(N/A)
F	Public & Quasi-Public	(N/A)	(N/A)



Change from R1-B4 to R3.

Exhibit E
Revised Zoning Map
(Buena Vista Apartments)

LEGEND

- | | | | | | |
|---------------------|-------------------------------|-------------------------------|-------------------------------------|---------------------------------|-----------------------------|
| City Limit | AG, Agriculture | M, Industrial | R2, Residential Duplex/Triplex | R5, Residential Multifamily | T-3F, Flex |
| Specific Plan | AP, Airport | OP, Office Professional | R3, Residential Multifamily | RA, Residential Agriculture | T-3H, Neighborhood |
| Sphere of Influence | C, Civic | OS, Open Space | R3-10, Residential Multifamily | RC, Regional Commercial | T-4F, Flex |
| SPRR | C1, Commercial-General Retail | PF, Public Facilities | R3-15, Residential Multifamily | RMFB, Residential Multifamily | T-4H, Neighborhood |
| USGS Creek | C2, Commercial-Highway | PM, Planned Industrial | R3O, Residential Multifamily/Office | RS, Residential Suburban | Public, Neighborhood Center |
| FEMA Floodway | C3, Commercial-Light Industry | POS, Parks & Open Space | R4, Res Multifamily/Mobilehome | RSC, Riverside Corridor | Office Professional |
| | CP, Commercial-Neighborhood | R1, Residential Single Family | R4-20, Res Multifamily/Mobilehome | RDFB, Residential Single Family | Agriculture |
| | | | | TC-1, Town Center | Resort Lodging |
| | | | | TC-2, Town Center | Airport LUP |
| | | | | | Historic Preservation |
| | | | | | Mixed Use |
| | | | | | Cabinas River |

