

TO: James L. App, City Manager
FROM: Robert A. Lata, Community Development Director
SUBJECT: Appeal of Planning Commission Approval of Amendment to Planned Development PD 02-003, East Village Associates, LLC
DATE: June 1, 2004

Needs: For the City Council to consider an appeal of Planning Commission approval to amend PD 02-003. The Amendment is an application filed by Newlin Hastings on behalf of East Village Associates, LLC to modify the existing median to allow for southbound left turn access from Creston Road into and out of the East Village Shopping Center.

Facts:

1. The site is located on the northeast corner of Creston Road and Sherwood Road (see attached vicinity map).
2. The Planning Commission approved PD 02-003 on August 13, 2002 to allow the development of the East Village Shopping Center, which includes the Food 4 Less grocery store.
3. Creston Road is designated as an Arterial Road in the recently adopted Circulation Element of the General Plan (and also in the 2000 Circulation Element in effect at the time of approval of PD 02-003). Improvements to Creston Road were a requirement of the PD approval in accordance with City Arterial Standard A-1.
4. City Arterial Standard A-1 includes the provision for a landscape median in the center of the roadway. The median constructed with the project (in accordance with the design provided by the applicant's engineer's) precludes left turn access from southbound Creston Road into the site and left turn access to southbound Creston Road for traffic leaving the site.
5. Letters were received and are attached from the applicant dated 9-16-03 and from the operator of Food 4 Less, dated 10-24-03. The applicant has provided a plan and a study (also attached), prepared by a Traffic Engineer, seeking modification of the median to allow left turn ingress and egress from the East Village Shopping Center to Creston Road.
6. A letter has been received and is attached from Jason Taylor, Transportation Supervisor of the Paso Robles Unified School District. The letter outlines the needs of the District for left turn access to Creston Road from Winifred Pifer School.
7. On April 27, 2004, the Planning Commission approved (on a 7-0 vote) the proposed Amendment to PD 02-003 and expanded approval of the applicant's request to include allowing left turn access to and from the site from both existing driveways on Creston Road.

Analysis and

Conclusions: Medians in arterial roadways not only improve the streetscape by providing aesthetic relief; they also preclude conflicting turning movements allowing arterial roadways to operate efficiently, particularly at higher traffic volumes. It is fair to consider that Creston Road will be affected by growth in the City more than any other City street. Growth in the City, in the recently adopted General Plan, will be primarily on the east side of the City. This growth is expected to include 511 acres in the southeast being annexed to the City.

As the City grows from the current 28,000 residents to 44,000 in the year 2025, Creston Road will remain as the most direct route to downtown. The cumulative affect of multiple access points to Creston Road may accelerate the point in time when Creston Road will cease to function at Level of Service (LOS) D. LOS D is the functional goal of all arterial roads as stated in the Circulation Element of the General Plan.

Options open to the City would include:

- i. Maintain the circulation patterns that were approved in the original Development Plan (precluding southbound left turn movements into and out of the shopping center);
- ii. Approve an amendment to the PD to allow southbound left turns into the shopping center, but continue to preclude southbound left turns out of the shopping center;
- iii. Allow southbound turns both into and out of the shopping center for a limited period of time (as an alternative to a permanent southbound access from Creston Road, it may be prudent to require the applicant to enter into an agreement for temporary “left turn in, left turn out”, until such time as traffic volumes warrant restricting turning movements);
- iv. Make provisions for permanent southbound turns both into and out of the shopping center.

Given the current median configuration, the applicant has stated his concerns about the amount of traffic that is being concentrated at the Sherwood Road entrance to the shopping center and is seeking alternative points of access. Further, business operators at the site (Fill and Save) have stated that the current configuration is detrimental to the viability of their business. It should be noted, however, that the configuration is consistent with the applicant’s original design and was known at the time these businesses were established.

Allowing southbound left-turns into the shopping center from Creston Road may reduce impacts on the Sherwood Road access drive. One can surmise that most of the traffic that makes a southbound left turn into the shopping center can make a right turn out of the shopping center to go back to where they came from. Left turn access to southbound Creston Road does not need to be provided to accommodate traffic originating from the north.

Allowing southbound left turns out of the shopping center is considerably more disruptive to the flow of traffic on Creston Road, particularly as traffic increases along the Creston Road corridor. There seems far less justification to provide a left turn out of the shopping center, especially when considering the anticipated growth in Creston Road traffic.

Making permanent provisions for southbound turns into and out of the shopping center is not recommended in light of the projected growth in traffic volumes along the Creston Road corridor.

In considering the options, the following factors would warrant attention:

- Reducing the median as proposed by the applicant would virtually eliminate the landscaping, creating a significant adverse impact on the anticipated appearance of the shopping center along the Creston Road corridor;
- Any agreement to provide temporary access (both left turn in and out) should be in the form of an automatic “sunset” that can be extended by City Council action. Regardless, the City can anticipate significant protests from businesses when it comes time to remove access that has been provided for an extended period of time.

Policy

Reference: Paso Robles General Plan Circulation Element
City Standard Details and Specifications

Fiscal

Impact: The cumulative effect of multiple access points to Creston Road may hasten the need for improvements.

Options:

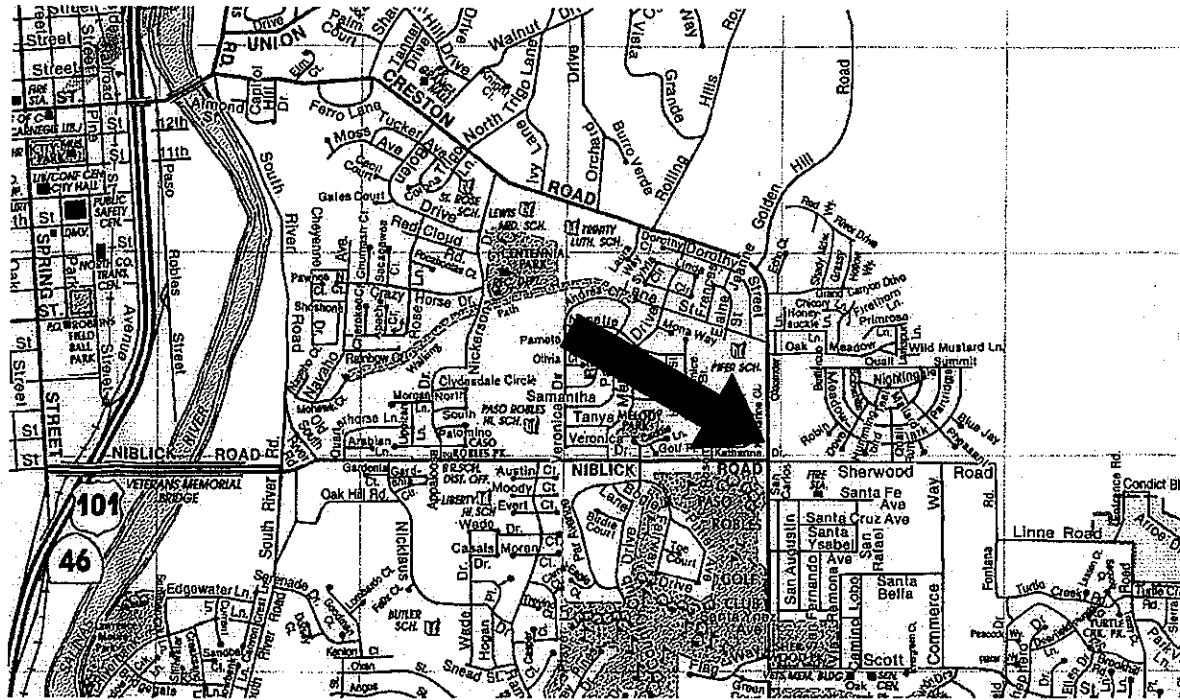
- a. Adopt Resolution No. 04-xx upholding the Appeal of Planning Commission approval of Planned Development 02-003 Amendment thereby precluding direct access to southbound Creston Road to and from the East Village Shopping Center.
- b. Adopt Resolution No. 04-xx upholding the Appeal of Planning Commission approval of Planned Development 02-003 Amendment and modify the Amendment to allow left turn access from southbound Creston Road into the East Village Shopping Center without left turn access southbound, out of the shopping center.
- c. Adopt Resolution No. 04-xx upholding the Appeal of Planning Commission approval of Planned Development 02-003 Amendment and modify the Amendment to allow temporary left turn ingress and egress from the East Village Shopping Center to southbound Creston Road subject to an agreement, as approved by the City Attorney and the City Council, to automatically provide for elimination of southbound left turn in and out of the shopping center effective December 31, 2009, unless the time limit is extended by action of the City Council. The agreement shall also provide that the City has the authority to close the access earlier than December 31, 2009, if traffic congestion or safety concerns warrant closure. In such case, the City Council shall hold a noticed public hearing prior to ordering the closure. The agreement shall be signed by the property owner and each tenant of the shopping center.

- d.** Adopt Resolution No. 04-xx denying the appeal and uphold the applicant's request for unrestricted access in and out of the East Village Shopping Center.
- e.** Amend, modify, or reject the above options.

Attachments: (12)

1. Vicinity Map
2. Application and Letter of Appeal
3. Letter from Applicant
4. Letter from Food 4 Less
5. Existing Median

6. Median Modification Plan
7. Traffic Study
8. Memo From Jorge Aguilar, URS
9. Letter from Paso Robles Unified School District
10. Potential Conflicts
11. City Standard Arterial Drawing A-1
12. Draft Resolution to approve Appeal of PD 02-003 Amendment (Option A)
13. Draft Resolution to approve Appeal of PD 02-003 Amendment (Option B)
14. Draft Resolution to approve Appeal of PD 02-003 Amendment (Option C)
15. Draft Resolution to deny Appeal of PD 02-003 Amendment (Option D)
16. Newspaper and Mail Notice Affidavits



VICINITY MAP ~ PD 02-003
(EAST VILLAGE)

RECEIVED
MAY 11 2004
Community Development Department
1000 Spring Street, Paso Robles, CA 93446
(805) 237-3970 Fax: (805) 237-6565

CITY OF EL PASO DE ROBLES
DEVELOPMENT APPLICATION

GENERAL INFORMATION REQUIRED

Applicant PASO ROBLES CITY COUNCIL Phone 237 3888
Mailing/Billing Address 1000 SPRING STREET, PASO ROBLES Fax # _____
Representative JAMES L. APP, CITY MANAGER Phone _____
Mailing Address _____ Fax # _____
Property Owner _____ Phone _____
Owner's Address _____ Fax # _____

PROJECT DESCRIPTION

Assessor's Parcel Number(s) 009 - 571 - 020
Project Location: NORTHEAST CORNER SHERWOOD AND CRESTON ROADS
Project Description: APPEAL PLANNING COMMISSION APPROVAL OF AMENDMENT TO PD - 02-003
TO ALLOW SOUTHBOUND LEFT TURN ACCESS FROM CRESTON ROAD INTO AND OUT
OF THE EAST VILLAGE SHOPPING CENTER

OWNER / APPLICANT AUTHORIZATION

APPLICANT / REPRESENTATIVE: I have reviewed this completed application and the attached material. The information included with this application is true and correct to the best of my knowledge. I am submitting this application in both written form and on a 3.5 inch disk or IBM compatible CD with all graphics/illustrations in jpeg format. I understand the city might not approve what I am applying for, or might set conditions of approval.

PROPERTY OWNER / AUTHORIZED AGENT: I certify that I am presently the legal owner of the above described property. Further, I acknowledge the filing of this application and certify that all of the above information is true and accurate. I understand that I am responsible for ensuring compliance with conditions of approval. (If the undersigned is different from the legal property owner, a letter of authorization must accompany this form). I hereby authorize the City of Paso Robles and/or its designated agent(s) to enter onto the subject property to confirm the location of existing conditions and proposed improvements, including compliance with applicable City code requirements.

X [Signature] 5/10/04
Signed Date

Signed Date

SHADED AREAS FOR OFFICE USE ONLY

Notes to File:	Action / Body / Date:

SHADED AREAS FOR OFFICE USE ONLY

DEPOSIT APPLICATIONS

- General Plan Amend
- Rezone
- Conditional Use Permit
- Development Plan
- Tentative Tract Map
- Tentative Parcel Map
- Zoning Adjustment

Total Deposit Paid
(C.L.# 406-000-2304-209)

APPLICATION NO

FEE APPLICATIONS

- Site Plan Review (\$50)
- Plat Plan Review (\$20)
- Sign Review (\$20)

Total Fees Paid
(C.L.# 100-000-4704)

APPLICATION NO

Application Received By _____

Date _____

AGREEMENT TO PAY ALL DEVELOPMENT APPLICATION FEES

In accordance with City Council Resolution 96-75, the City collects fees based on the actual cost of providing service. The application deposit for this project (as indicated below) may not cover the total cost of processing this application. I am aware that if greater than 75 percent of the application deposit amount is depleted prior to completion of the project, staff will notify the undersigned, in writing, of the amount of additional deposit required to complete processing of the application, based on staff's reasonable estimate of the hours remaining to complete this application process.

Further, I understand that if I do not submit the required additional deposit to the City within 15 days from the date of the letter, staff may stop processing of the application and/or not schedule the project for action by the Planning Commission or City Council. Any remaining deposit will be refunded to me within 30 days of the final action taken by the Planning Commission or City Council, whichever is applicable, or upon my written request to formally withdraw the application. Staff will provide me with a monthly invoice indicating the number of hours spent by individual staff persons, their hourly rates, the work performed and the remaining balance.

As the applicant, I understand that I am responsible for the cost of processing this application and I agree that the actual time spent processing this application will be paid to the City of El Paso de Robles.

Deposit Paid: \$ _____

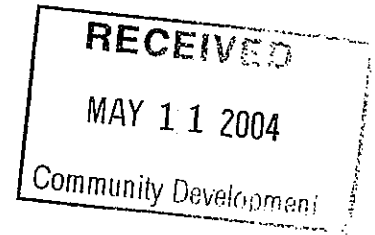
Applicant's Signature _____ Date: _____

Applicant's Name _____
(Please Print)



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"



May 10, 2004

Appeal of Planning Commission Approval of Amendment to PD 02-003, Access to Southbound Creston Road from East Village Shopping Center

On April 27, 2004, the City Planning Commission approved an Amendment to PD 02-003 to allow access to the East Village Shopping Center to southbound Creston Road from both existing driveways on Creston Road.

The recently adopted general plan directs new growth in the City to the southeast Creston Road corridor. Growth is expected to include 511 acres of new land annexed to the City. As the City grows from the current 28,000 residents to the projected population of 44,000 in the year 2025, Creston Road will remain as the most direct route into the downtown.

Left turn access to southbound Creston Road will eliminate virtually all of the existing raised median, which was to be landscaped. More importantly, the decision will introduce numerous left turn movements into and out of the center across a busy arterial street, all in relative close proximity to the intersection of Sherwood and Creston Roads. These additional turning movements may serve to limit the capacity of Creston Road, and the capacity of the adjacent signalized intersection, to move large volumes of traffic.

Additionally, the cumulative affect of multiple access points to Creston Road may accelerate the point in time when Creston Road will cease to function at Level of Service D. Therefore, the timing of costly improvements to Creston Road may have to move up, and the benefit of the improvements may be limited.

In summary, the approved modifications to PD 02-003 may negatively impact traffic conditions on Creston Road and the operations of the nearby signalized intersection. Consequently, the matter is being appealed for City Council review and consideration.

James L. App
City Manager

RECEIVED
SEP 17 2003
Engineering Division

EAST VILLAGE ASSOCIATES, LLC

A Food 4 Less Center
Paso Robles, California
from the desk of Newlin Hastings
September 16, 2003

To: John Falkenstein, City of Paso Robles
From: Newlin Hastings

Re: Dear John

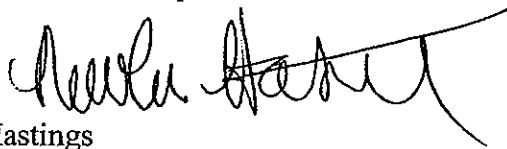
We would like to formally request that the median in front of the Food 4 Less allow for left in turn southbound traffic as well as left out southbound leaving the center at the main entrance on Creston Road.

Since the opening of the market, it has become very apparent that by restricting these two turning motions, the access to the center has been funneled to Sherwood with added inconvenience to patrons of the center.

We attach a copy of the proposed plan from ATE and assume you have copies of his letter regarding sight distances.

We are anxious to complete the construction of this median for all involved

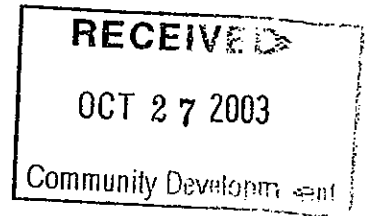
My best


Newlin Hastings

1111 Riverside Ave, Suite 500, Paso Robles, Ca 93446
805-237-4040 fx 805-237-4041
e-mail: nhastings@hastingsent.com

October 24, 2003

Robert Lata
John Falkenstien
Darren Nash
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446



**REQUEST FOR LEFT TURN INGRESS
EGRESS ON CRESTON ROAD AT FOOD
4 LESS CENTER**

We have had numerous comments from customers regarding the difficulty of access to our center from North on Creston Road.

Traffic is forced to turn left from Creston on to Sherwood, then left again into the center.

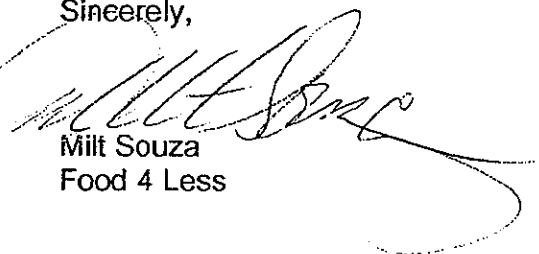
During the major shopping hours of 4-7 pm this becomes a difficult task, not just to enter, but also to exit the center during these hours. The manufacturing businesses East on Sherwood create a stream of traffic from off work employees that blocks the entrance/exit from Food 4 Less. Traffic stacks from the light back down Sherwood hindering a right or left turn out of the center. Eastbound traffic also stacks back to the Creston light, because traffic has problems turning left into the center. On occasion, left turn traffic from Creston is forced to wait two light cycles.

Food 4 Less is virtually the only tenant at this time so it is apparent that this situation will be worse as the center fills.

Left turn in and out at Creston would not only be more convenient for our customers, but would also help to remedy the stacking at the Sherwood entrance.

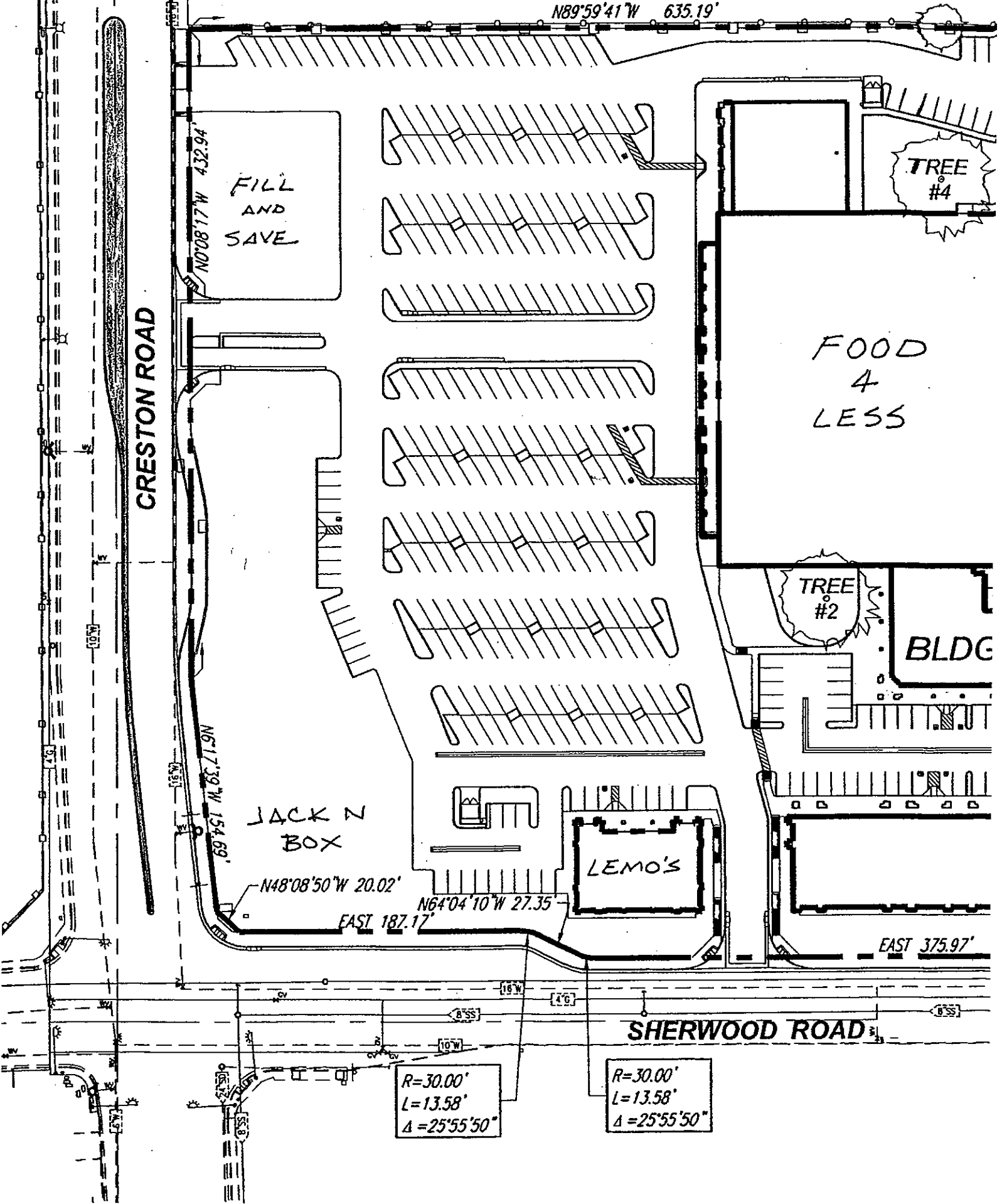
Please call me if there are any questions. Thank you for your consideration.

Sincerely,

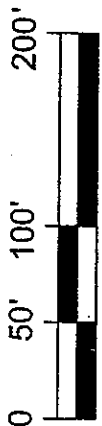


Milt Souza
Food 4 Less

N89°59'41"W 635.19'



APPROVED AND EXISTING SITE PLAN



SCALE: 1" = 100'

PROPOSED MEDIAN CURB MODIFICATIONS

END OF EXISTING MEDIAN CURB

PROPOSED PAINTED LEFT TURN LANE

TRACT 1942

550 FT

385 FT

FUEL STATION

EAST VILLAGE SHOPPING CENTER

BLDG. "G"

JACK IN THE BOX

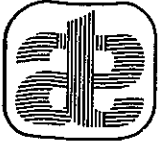
Exhibit 1

Median Modification

Creston Road

ATE #04044

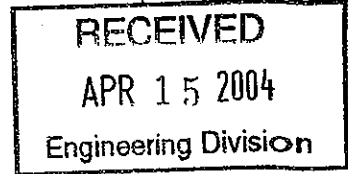
DATE: 4/14/2004



ASSOCIATED TRANSPORTATION ENGINEERS

100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110 • (805) 687-4418 • FAX (805) 682-8509

Maynard Keith Franklin, P.E.
Richard L. Pool, P.E.
Scott A. Schell, AICP



April 14, 2004

04044L02.WP

John Falkenstien
City of El Paso De Robles
1000 Spring Street
Paso Robles, CA 93446

CRESTON ROAD MEDIAN: EAST VILLAGE SHOPPING CENTER

Associated Transportation Engineers (ATE) is providing the following traffic analysis regarding traffic operations at the Creston Road/Niblick Road-Sherwood Road intersection and the East Village Shopping Center relative to the left-turn access through the raised median on Creston Road at the driveways.

Existing Creston Road Median - Project Access

The shopping center is located on the northeast corner of the intersection and as part of the off-site improvements a raised median was installed along the projects frontage on Creston Road. The two driveways on Creston Road are limited to right-turns only due to the median. There is one driveway on Sherwood Road that serves exiting traffic that desires to go to the south, west and east. This constitutes about 70 % of the project exiting traffic.

Most of the delivery trucks come from Route 101 via Niblick Road-Sherwood Road. They enter via the easterly Sherwood Road driveway at the rear of the stores to access the loading docks in the back of the stores. Exiting trucks circulate around the north end of the buildings and travel south in front of the stores to the Sherwood Road driveway to return to the freeway. This movement is disruptive to the site and creates conflicts with customer vehicles and pedestrians.

Proposed Project Access

The shopping center is requesting modification to the Creston Road median to allow full access at their northern driveway and left-turn inbound at the southern driveway (see attached figure). The proposed access would reduce turning movements at the Creston Road/Niblick Road-Sherwood Road intersection, since: 1) vehicles coming from the north on Creston Road could use the site driveways on Creston Road instead of making u-turns or left-turns at the intersection and 2) vehicles leaving the site destined to south or west could turn left at north driveway on Creston Road instead of using the Sherwood driveway for these destinations. The modification would allow exiting trucks to leave the site via the northern shopping center driveway on Creston Road to return to the freeway. This would eliminate the need for trucks to pass in front of the stores where passenger vehicles and pedestrians are present.

Traffic Evaluation Scenarios

Three traffic scenarios were analyzed to evaluate the effects of the requested modifications, as outlined below. The analysis focused on the operation of the Creston Road/Niblick Road-Sherwood Road intersection. The analysis is based on counts taken in March 2002, prior to development of the shopping center. The March 2002 counts were adjusted to account for growth in the area and full development of the shopping center uses. Levels of service and queues were forecast for the P.M. peak hour period (the highest 1-hour period between the 4:00 to 6:00 P.M. peak hour commute period).

- Scenario 1. Existing Median.** This scenario presents the existing operations at the intersection using the counts taken in March 2002 that were adjusted to account for growth in the area and development of the shopping center.
- Scenario 2. Modified Intersection Configuration.** This scenario was developed as a baseline for comparison to operations with Scenario 3. The City is planning to modify the lane geometry on Niblick Road west of the intersection to provide 2 lanes in each direction and a center left-turn lane. The project is scheduled to be completed in the Summer of 2004. The project would also restripe the westbound approach of the Creston Road/Niblick Road-Sherwood Road intersection to provide 1 left-turn lane, 1 through lane, and 1 shared through + right-turn lane (current striping provides 1 left-turn lane, 1 through lane, and 1 right-turn lane). These improvements will add capacity to the intersection and improve its operation.
- Scenario 3. Modified Median with Modified Intersection Configuration.** This scenario has the median modification on Creston Road. The results are compared to Scenario 2 to quantify the effects of the median modification.

Traffic Evaluation Results

Tables A and B show the comparison of the P.M. peak hour levels of service and queue lengths at the Creston Road/Niblick Road-Sherwood Road intersection for the 3 scenarios. The intersection currently operates at LOS C and is forecast to improve to LOS B after the City implements the revised lane geometry. The median modification would reduce the delays by about 1 second per vehicle and the level of service would not change.

The queue lengths for westbound traffic on Sherwood Road and southbound left-turns on Creston Road would be reduced. The City's modified intersection configuration will reduce queuing at the intersection (Scenario 2 compared to Scenario 1). The median modification would further reduce the queues at the intersection (Scenario 3 compared to Scenario 2). The northern driveway on Creston Road is about ± 550 feet north of the Creston Road/Sherwood Road intersection. The left-turn inbound only driveway is about ± 385 feet north of the Creston Road/Sherwood Road intersection. The driveway on Sherwood Road is ± 320 feet east of the Creston Road/Sherwood Road intersection. The forecast queues would not extend beyond the driveways.

Table A
P.M Peak Hour Levels of Service
Creston Road/Niblick Road-Sherwood Road Intersection

Intersection	Traffic Scenario		
	Scenario 1	Scenario 2	Scenario 3
Creston/Niblick-Sherwood	23.4 Sec / LOS C	19.4 Sec / LOS B	18.0 Sec / LOS B

LOS based on average delay per vehicle pursuant to the Highway Capacity Manual.

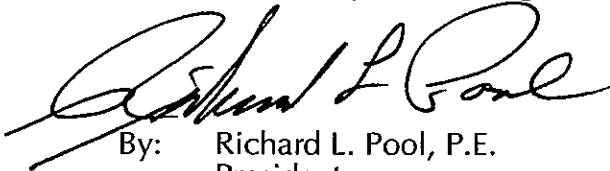
Table B
P.M Peak Hour Queues
Creston Road/Niblick Road-Sherwood Road Intersection

Movement	Traffic Scenario		
	Scenario 1	Scenario 2	Scenario 3
Southbound Left-Turn	195 Feet	185 Feet	110 Feet
Westbound Approach	175 Feet	85 Feet	70 Feet

95th percentile queues during the P.M. peak hour period.

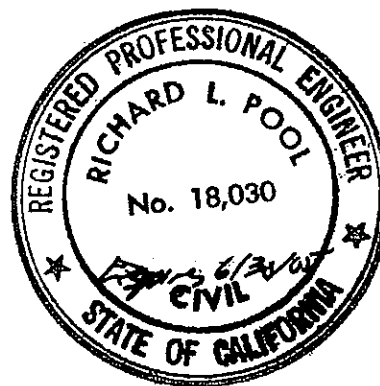
The majority of the patrons at the East Village Shopping Center are from the south or west of the site. Approximately 30% are from the north of the project. Thus, the majority of the exiting traffic is to the south and west. The median modifications would facilitate project access and circulation, as well as improve the intersection's operation.

Associated Transportation Engineers



By: Richard L. Pool, P.E.
 President

attachments





PASO ROBLES PUBLIC SCHOOLS

Patrick J. Sayne, Ed. D., Superintendent

800 Niblick Road, P.O. Box 7010 • Paso Robles, CA 93447
Tel (805) 238-2222 • Fax (805) 237-3339 • www.pasoschools.org

April 20, 2004

John R. Falkenstien
City of Paso Robles
1000 Spring St.
Paso Robles, CA 93447

TRUSTEES
Carol A. DeMatteo
Jeanne Dugger
Pat Johnson
Bob Machado
Joe E. Quiroz
B. Diane Stzafer
Pat Swindle

Mr. Falkenstien:

I would like to thank you for the opportunity to express my concerns about the busses making a left turn out of Winifred Pifer Elementary School. Historically, busses have been allowed to do so with the proper signage at Winifred Pifer which states, "no left turn" with the busses exempt. This is a value to the school district, as the busses being able to make a left turn out of Winifred Pifer save an average of ten minutes per bus than going right and catching the Niblick Road traffic. I would like to take this opportunity to reinstate the left turn being made by busses at Winifred Pifer, as it was historically done prior to Food 4 Less doing their construction and repainting the stripes. Since they repainted the stripes, our CHP officer will not allow us to make a left turn out of Winifred Pifer as per our conversations.

John, I am trying to enlist your support to reinstate the left turn, as we are in a fiscal year which is not favorable. Ten to fifteen minutes per bus ends up totaling an hour per week per bus simply due to the busses not being allowed to make a left turn out of Winifred Pifer.

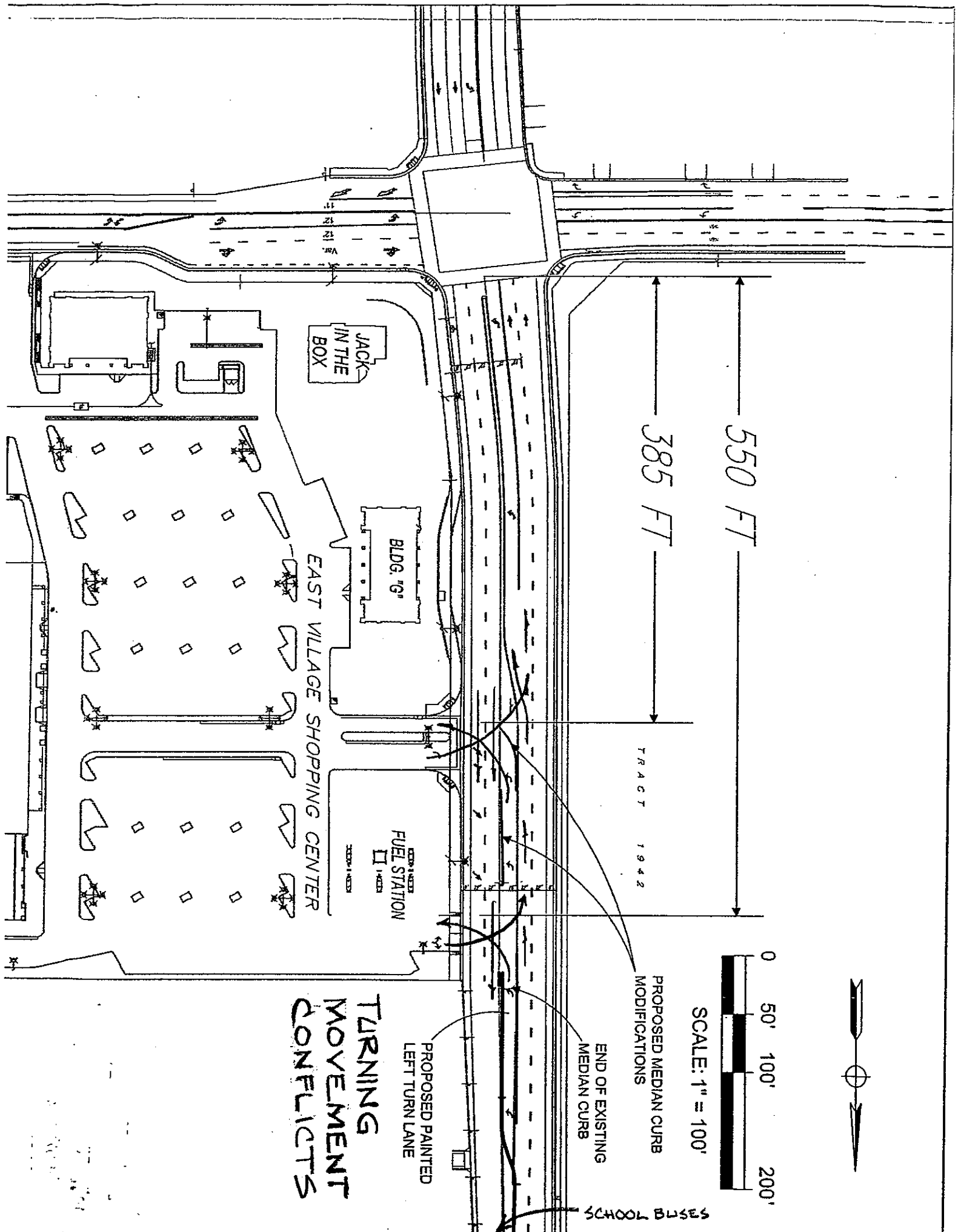
If you have any questions or comments, feel free to contact me at Paso Robles Public Schools.

Thank you for your time.

Sincerely,

PASO ROBLES PUBLIC SCHOOLS

Jason Taylor
Transportation Supervisor
237-3376



JACK
IN THE
BOX

BLDG. #G

EAST VILLAGE SHOPPING CENTER

FUEL STATION

385 FT

550 FT

TRACT 1942



SCALE: 1" = 100'



TURNING
MOVEMENT
CONFLICTS

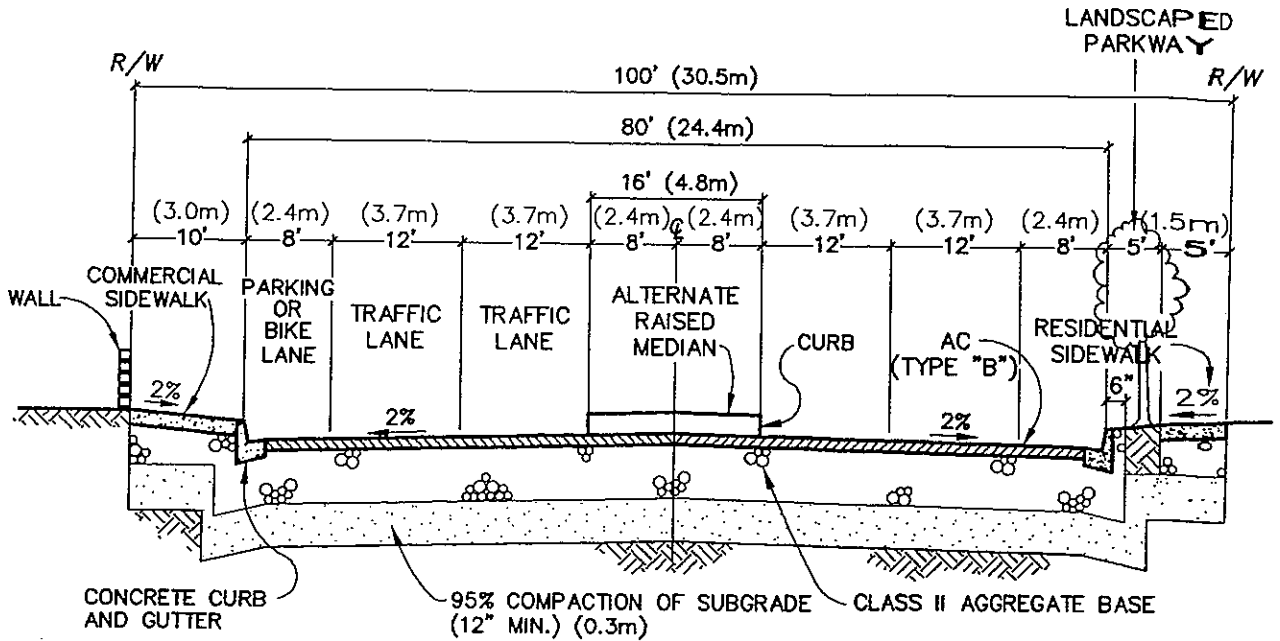
PROPOSED PAINTED
LEFT TURN LANE

END OF EXISTING
MEDIAN CURB

PROPOSED MEDIAN CURB
MODIFICATIONS

SCHOOL BUSES

REVISIONS			
DESCRIPTIONS	BY	DATE	APPROVED



ARTERIAL (DIVIDED)

TRAFFIC INDEX: 7.0

DESIGN SPEED: 45.0 MPH (72.6 km per hour)

NOTES:

1. SUBGRADE AND AGGREGATE BASE UNDER CURB, GUTTER, AND STREET IS TO BE COMPACTED AT 95%.
2. AREA UNDER SIDEWALK TO BE COMPACTED AT 90%.
3. ASPHALT CONCRETE TO BE USED SHALL BE TYPE "B" 3/4 INCH AR 8000. (4-INCH MINIMUM, COMPACTED AT 95%)
4. FINAL STREET STRUCTURE SECTION SHALL BE BASED ON "R" VALUE OBTAINED IN THE FIELD AND SHALL BE APPROVED BY THE CITY ENGINEER. HOWEVER, THE BASE THICKNESS SHALL BE 6 INCH MIN.
5. STREET TREES SHALL BE INSTALLED IN ACCORDANCE TO THE CITY STREET TREE ORDINANCE OR AS DIRECTED BY THE PLANNING COMMISSION.

DRAWN BY: C.A.C.	CITY OF PASO ROBLES ENGINEERING DIVISION	DRAWING NO.
DESIGNED BY:		
DATE: 4/18/94	TYPICAL SECTIONS ARTERIAL (DIVIDED)	A-1
FILE NAME: PR-A-1.DWG		

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING


Newspaper: Press

Date of Publication: April 14, 2004

Meeting Date: April 27, 2004
(Planning Commission)

Project: Planned Development 02-003
Amendment (Food 4 Less)

I, Lonnie Dolan, employee of the Community
Development Department, Planning Division, of the City
of El Paso de Robles, do hereby certify that this notice is
a true copy of a published legal newspaper notice for the
above named project.

Signed: 
Lonnie Dolan

forms\newsaffi.691

CITY OF
EL PASO DE ROBLES
NOTICE OF PUBLIC
HEARING

NOTICE IS HEREBY
GIVEN that the City
Council and the Planning
Commission of the City of
El Paso de Robles will hold
a Public Hearings to con-
sider an amendment to
Planned Development PD
02-003, filed by East
Village Associates, LLC, to
allow the reconstruction of
existing median to allow for
left turn access from
Creston Road into the East
Village Shopping Center
(Food 4 Less). The site is
located on the northeast
corner of Creston Road
and Sherwood Road.

The Planning Commission
hearing will take place in
the City Hall/Library
Conference Room, 1000
Spring Street, Paso
Robles, California, at the
hour of 7:30 PM on
Tuesday, April 27, 2004 at
which time all interested
parties may appear and be
heard.

The City Council hearing
will take place in the City
Hall/Library Conference
Room, 1000 Spring Street,
Paso Robles, California, at
the hour of 7:30 PM on
Tuesday, April 20, 2004 at
which time all interested
parties may appear and be
heard.

Comments on the pro-
posed amendment to PD
02-003 may be mailed to
the Community
Development Department,
1000 Spring Street, Paso
Robles, CA 93446 provided
that such comments are
received prior to the time of
the hearings.

If you challenge the
planned development
amendment application in
court, you may be limited
to raising only those issues
you or someone else
raised at the public hearing
described in this notice, or
in written correspondence
delivered to the Planning
Commission or City
Council at, or prior to, the
public hearing.

/s/Darren R. Nash,
Associate Planner

Pub: 4/14/2004
Paso Robles Press
Legal #9964

**AFFIDAVIT
OF MAIL NOTICES**

PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Brian Leveille, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for PD Amendment 02-003, an application requesting an Amendment to Planned Development 02-003, submitted by East Village Associates, LLP, on this 1st day of April 2004.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: _____


Brian Leveille



Memorandum

Date: May 24, 2004

To: Mr. John Falkenstein

From: Jorge Aguilar, PE

Subject: *Traffic Congestion Opinion at Creston/Niblick/Sherwood Intersection*

Hi John,

As we discussed with the City on the 13th St project, in general more access to a corridor means more weaving and stop and go or "turbulence" to the flow of traffic. On that project we also discussed the general distance requirements between driveways and intersections but also relied heavily on the previous principle of the project was a congestion management/mitigation project and the additional access being requested by the property owner was contrary to that goal.

In general I would agree with your concern on providing a precedent that would counter the arterial standards particularly if it is to allow left in and left **out** from the center. The opening of the median will eliminate the potential for a future extension of the left turn storage lane. There might also be a few compromise answers, maybe allowing left turns into the shopping center only, and/or making that access subject to revocation based on additional traffic operations assessment at some regular or set interval.

In summary, if you allow additional turns and access openings you do so by trading off capacity of the roadway to move through traffic. This may not have a "failure" effect at this location but it will have some impact and may set a precedent. It's a matter of choice not a technically correct or incorrect comparison. Those are my thoughts and I hope they help you out, please feel free to give me a call if you'd like to go over any of the ideas - talk to you soon!

RESOLUTION NO. 04-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
APPROVING THE APPEAL OF AN AMENDMENT TO PLANNED DEVELOPMENT 02-003
(EAST VILLAGE SHOPPING CENTER, LLC - APN 009-571-020) **(Option A)**

WHEREAS, Planned Development PD 02-003 was filed by East Village Shopping Center, LLC to develop a 52,400-square foot Food 4 Less grocery store, an 18,400-square foot Drug Store, and 20,000 square feet of other retail uses including fuel sales and an accessory car wash on a 9-acre site at the northeast corner of Sherwood and Creston Roads; and

WHEREAS, PD 02-003 was approved by the Planning Commission at their meeting of August 13, 2002; and

WHEREAS, Creston Road is designated as an arterial street in the Circulation element of the General Plan and improvements to Creston Road were required as a condition of approval PD 02-003; and

WHEREAS, City Arterial Standard A-1 includes the provision for a landscape median in the center of the roadway and as such the median installed with the project precludes access to and from southbound Creston Road; and

WHEREAS, an amendment to Planned Development 02-003 has been filed by Newlin Hastings on behalf of East Village Shopping Center LLC to provide left-turn access to and from southbound Creston Road to the East Village Shopping Center, and

WHEREAS, at its April 27, 2004, meeting, the Planning Commission held a duly noticed public hearing to consider the Amendment to PD 02-003; and

WHEREAS, based upon the facts and analysis presented in the staff report and the attachments thereto, the public testimony received, and subject to the Conditions of Approval listed below, the Planning Commission approved the amendment to PD 02-003 based upon the following findings:

1. The proposed amendment of the Planned Development is consistent with the goals and policies established by the General Plan.
2. The proposed amendment of the Planned Development is consistent with the Zoning Ordinance.
3. The proposed amendment of the Planned Development will be consistent with all other adopted codes, policies, standards, and plans of the city.
4. The proposed amendment of the planned Development will not be detrimental to the health, safety, morals, comfort, convenience, and general welfare of the persons residing or working in the neighborhood, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City.
5. The proposed amendment to the Planned Development accommodates the aesthetic quality of the City as a whole.

6. The proposed amendment to the Planned Development is compatible with, and is not detrimental to, surrounding land uses and improvements, provides appropriate visual appearance, and contributes to the mitigation of environmental and social impacts.
7. The proposed amendment to the Planned Development contributes to the orderly development of the City as a whole; and

WHEREAS, on May 10, 2004, the City Manager filed a letter of Appeal of Planning Commission approval of the Amendment to Planned Development PD 02-003; and

WHEREAS, the modification to the median in Creston Road to allow access to and from southbound Creston Road into the East Village Shopping Center will significantly negatively affect the long-term operational efficiency of Creston Road; and

WHEREAS, the proposed amendment to the Planned Development will be detrimental to the comfort, convenience and general welfare of the persons residing or working in the neighborhood, and will be detrimental to the general welfare of the City.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby approve the appeal of the Planning Commission approval of the Amendment to PD 02-003 and said Amendment shall be denied.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 1st day of June 2004 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

RESOLUTION NO. 04-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
APPROVING THE APPEAL OF AN AMENDMENT TO PLANNED DEVELOPMENT 02-003
(EAST VILLAGE SHOPPING CENTER, LLC - APN 009-571-020) **(Option B)**

WHEREAS, Planned Development PD 02-003 was filed by East Village Shopping Center, LLC to develop a 52,400-square foot Food 4 Less grocery store, an 18,400-square foot Drug Store, and 20,000 square feet of other retail uses including fuel sales and an accessory car wash on a 9-acre site at the northeast corner of Sherwood and Creston Roads; and

WHEREAS, PD 02-003 was approved by the Planning Commission at their meeting of August 13, 2002; and

WHEREAS, Creston Road is designated as an arterial street in the Circulation element of the General Plan and improvements to Creston Road were required as a condition of approval PD 02-003; and

WHEREAS, City Arterial Standard A-1 includes the provision for a landscape median in the center of the roadway and as such the median installed with the project precludes access to and from southbound Creston Road; and

WHEREAS, an amendment to Planned Development 02-003 has been filed by Newlin Hastings on behalf of East Village Shopping Center LLC to provide left-turn access to and from southbound Creston Road to the East Village Shopping Center, and

WHEREAS, at its April 27, 2004, meeting, the Planning Commission held a duly noticed public hearing to consider the Amendment to PD 02-003; and

WHEREAS, based upon the facts and analysis presented in the staff report and the attachments thereto, the public testimony received, and subject to the Conditions of Approval listed below, the Planning Commission approved the amendment to PD 02-003 based upon the following findings:

1. The proposed amendment of the Planned Development is consistent with the goals and policies established by the General Plan.
2. The proposed amendment of the Planned Development is consistent with the Zoning Ordinance.
3. The proposed amendment of the Planned Development will be consistent with all other adopted codes, policies, standards, and plans of the city.
4. The proposed amendment of the planned Development will not be detrimental to the health, safety, morals, comfort, convenience, and general welfare of the persons residing or working in the neighborhood, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City.
5. The proposed amendment to the Planned Development accommodates the aesthetic quality of the City as a whole.

6. The proposed amendment to the Planned Development is compatible with, and is not detrimental to, surrounding land uses and improvements, provides appropriate visual appearance, and contributes to the mitigation of environmental and social impacts.
7. The proposed amendment to the Planned Development contributes to the orderly development of the City as a whole.; and

WHEREAS, on May 10, 2004, the City Manager filed a letter specifically appealing Planning Commission Condition No. 1 of the Amendment to the Planned Development which states:

“1. This Planned Development Amendment application will amend Site Specific Condition No. 16 to allow modification to the median in Creston Road to allow ingress and egress from both existing driveways for the East Village Shopping Center to southbound Creston Road”; and

WHEREAS, the modification to the median in Creston Road to allow access from southbound Creston Road into the East Village Shopping Center will not substantially affect the operational efficiency of Creston Road and may result in a net benefit to the operation of the East Village Shopping Center; and

WHEREAS, the modification to the median in Creston Road to allow access to southbound Creston Road from the East Village Shopping Center will significantly negatively affect the long-term operational efficiency of Creston Road; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby approve the appeal of the Planning Commission approval of the Amendment to PD 02-003 such that the Amendment to PD 02-003 shall be subject to the following condition:

1. This Planned Development Amendment will amend Site Specific Condition No. 16, as adopted by the Planning Commission at their meeting of August 13, 2002, to allow a modification to the median in Creston Road to allow entry into the East Village Shopping Center from southbound Creston Road (no left turn access to southbound Creston Road from the Shopping Center will be allowed).

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 1st day of June 2004 by the following vote:

AYES:
NOES:

ABSTAIN:
ABSENT:

ATTEST:

Frank R. Mecham, Mayor

Sharilyn M. Ryan, Deputy City Clerk

RESOLUTION NO. 04-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
APPROVING THE APPEAL OF AN AMENDMENT TO PLANNED DEVELOPMENT 02-003
(EAST VILLAGE SHOPPING CENTER, LLC – APN 009-571-020) **(Option C)**

WHEREAS, Planned Development PD 02-003 was filed by East Village Shopping Center, LLC to develop a 52,400-square foot Food 4 Less grocery store, an 18,400-square foot Drug Store, and 20,000 square feet of other retail uses, including fuel sales and an accessory car wash on a 9-acre site at the northeast corner of Sherwood and Creston Roads; and

WHEREAS, PD 02-003 was approved by the Planning Commission at their meeting of August 13, 2002; and

WHEREAS, Creston Road is designated as an arterial street in the Circulation element of the General Plan and improvements to Creston Road were required as a condition of approval PD 02-003; and

WHEREAS, City Arterial Standard A-1 includes the provision for a landscape median in the center of the roadway and as such the median installed with the project precludes access to and from southbound Creston Road; and

WHEREAS, an amendment to Planned Development 02-003 has been filed by Newlin Hastings on behalf of East Village Shopping Center LLC to provide left-turn access to and from southbound Creston Road to the East Village Shopping Center, and

WHEREAS, at its April 27, 2004, meeting, the Planning Commission held a duly noticed public hearing to consider the Amendment to PD 02-003; and

WHEREAS, based upon the facts and analysis presented in the staff report and the attachments thereto, the public testimony received, and subject to the Conditions of Approval listed below, the Planning Commission approved the amendment to PD 02-003 based upon the following findings:

1. The proposed amendment of the Planned Development is consistent with the goals and policies established by the General Plan.
2. The proposed amendment of the Planned Development is consistent with the Zoning Ordinance.
3. The proposed amendment of the Planned Development will be consistent with all other adopted codes, policies, standards, and plans of the city.
4. The proposed amendment of the Planned Development will not be detrimental to the health, safety, morals, comfort, convenience, and general welfare of the persons residing or working in the neighborhood, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City.
5. The proposed amendment to the Planned Development accommodates the aesthetic quality of the City as a whole.

6. The proposed amendment to the Planned Development is compatible with, and is not detrimental to, surrounding land uses and improvements, provides appropriate visual appearance, and contributes to the mitigation of environmental and social impacts.
7. The proposed amendment to the Planned Development contributes to the orderly development of the City as a whole; and

WHEREAS, on May 10, 2004, the City Manager filed a letter specifically appealing Planning Commission Condition No. 1 of the Amendment to the Planned Development which states:

“1. This Planned Development Amendment application will amend Site Specific Condition No. 16 to allow modification to the median in Creston Road to allow ingress and egress from both existing driveways for the East Village Shopping Center to southbound Creston Road”; and

WHEREAS, the modification to the median in Creston Road to allow access to and from southbound Creston Road into the East Village Shopping Center will likely negatively affect the long-term operational efficiency of Creston Road.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby approve the appeal of the Planning Commission approval of the Amendment to PD 02-003 such that the Amendment to PD 02-003 shall be subject to the following conditions:

1. This Planned Development Amendment will amend Site Specific Condition No. 16, as adopted by the Planning Commission at their meeting of August 13, 2002, to allow temporary modification to the median in Creston Road to allow ingress and egress into the East Village Shopping Center from southbound Creston Road until December 31, 2009, or until such time that the City determines that the ingress and egress is detrimental to the operational efficiency of Creston Road, whichever date is earlier.
2. Prior to the construction of the modification to the Creston Road median, the applicant shall enter into an agreement, as approved by the City Attorney and the City Council, to return the median to its original design upon notification to the owners of the East Village Shopping Center by the City that the ingress and egress to southbound Creston Road is detrimental to the operational efficiency of Creston Road. A constructive notice shall be recorded against all parcels in the East Village Shopping Center notifying the owners of the limited access agreement. All tenants in the Center shall be party to the agreement, as well.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 1st day of June 2004 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

RESOLUTION NO. 04-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
DENYING THE APPEAL OF AN AMENDMENT TO PLANNED DEVELOPMENT 02-003
(EAST VILLAGE SHOPPING CENTER, LLC – APN 009-571-020) **(Option D)**

WHEREAS, Planned Development PD 02-003 was filed by East Village Shopping Center, LLC to develop a 52,400-square foot Food 4 Less grocery store, an 18,400-square foot Drug Store, and 20,000 square feet of other retail uses including fuel sales and an accessory car wash on a 9-acre site at the northeast corner of Sherwood and Creston Roads; and

WHEREAS, PD 02-003 was approved by the Planning Commission at their meeting of August 13, 2002; and

WHEREAS, Creston Road is designated as an arterial street in the Circulation element of the General Plan and improvements to Creston Road were required as a condition of approval PD 02-003; and

WHEREAS, City Arterial Standard A-1 includes the provision for a landscape median in the center of the roadway and as such the median installed with the project precludes access to and from southbound Creston Road; and

WHEREAS, an amendment to Planned Development 02-003 has been filed by Newlin Hastings on behalf of East Village Shopping Center LLC to provide left-turn access to and from southbound Creston Road to the East Village Shopping Center, and

WHEREAS, at its April 27, 2004, meeting, the Planning Commission held a duly noticed public hearing to consider the Amendment to PD 02-003; and

WHEREAS, based upon the facts and analysis presented in the staff report and the attachments thereto, the public testimony received, and subject to the Conditions of Approval listed below, the Planning Commission approved the amendment to PD 02-003 based upon the following findings:

1. The proposed amendment of the Planned Development is consistent with the goals and policies established by the General Plan.
2. The proposed amendment of the Planned Development is consistent with the Zoning Ordinance.
3. The proposed amendment of the Planned Development will be consistent with all other adopted codes, policies, standards and plans of the city.
4. The proposed amendment of the planned Development will not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City.
5. The proposed amendment to the Planned Development accommodates the aesthetic quality of the City as a whole.

6. The proposed amendment to the Planned Development is compatible with, and is not detrimental to, surrounding land uses and improvements, provides appropriate visual appearance, and contributes to the mitigation of environmental and social impacts.
7. The proposed amendment to the Planned Development contributes to the orderly development of the City as a whole; and

WHEREAS, on May 10, 2004, the City Manager filed a letter of Appeal of Planning Commission approval of the Amendment to Planned Development PD 02-003; and

WHEREAS, the City Council upholds Findings 1 through 7 as stated in Planning Commission Resolution No. 04-056 and finds that modification to the median in Creston Road to allow access to and from southbound Creston Road into the East Village Shopping Center will not significantly affect the operational efficiency of Creston Road; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby deny the appeal and upholds Planning Commission approval of the Amendment to PD 02-003 subject to Conditions 1 and 2 as stated in Planning Commission Resolution No. 04-056 adopted April 27, 2004.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 1st day of June 2004 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

**ALL ATTACHMENTS TO THIS STAFF REPORT MAY NOT BE AVAILABLE
IN DIGITAL FORMAT FOR VIEWING ON-LINE.**

A hard-copy of the complete agenda packet, along with all staff reports, exhibits and attachments, is available for review in the City Clerk's Office.

**Packets are also available for loan from the City Library,
beginning on the Friday before each Council meeting.**