

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: September 7, 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. Attached is a copy of the July 6, 2004 City Council meeting staff report (less the attachments). The report includes relevant background data. The site is located on the northeast corner of Creston Road and Sherwood Road (see attached vicinity map).
2. Since July 6, 2004, the City Council ad hoc committee (Council members Finigan and Nemeth) met twice, including a meeting with the property owners and their representatives.
3. The outcome of the ad hoc Committee and the property owners meeting can be summarized as follows:
 - a. The ad hoc Committee consensus was to support the future combined signalized access between the East Village Shopping Center and the generally undeveloped 10 acre Multi-Family Residential designated property to the north, with provisions for signalization to be installed when traffic warrants are established.
 - b. At the same time the Committee indicated support for increased access to the property in the form of allowing more turns from Creston Road southbound (left-in at both the northerly drive and the main drive).
 - c. The Committee also supported, on a temporary basis until (a) the combined drive along the northerly property line is developed or (b) until there becomes a significant problem with traffic safety, that the City allow a single lane of left hand turns out from the northerly driveway in the vicinity of where the joint driveway is to be constructed. This would allow trucks and passenger vehicles to turn southbound on Creston Road on an interim basis.

- d. The Committee did not support left-hand turns out (southbound on Creston Road) from the main shopping center entrance, now or in the future.
 - e. The shopping center would be expected to pay for median modifications at this time, and also to commit to pay its share of the future traffic signal at the access point along the northerly property line. A traffic analysis would be prepared for the property to the north at the time of development and they would be required to participate with the shopping center in designing, paying for and constructing a combined access road / drive, with provisions for signalization as soon as it is warranted.
4. Based on feedback from Newlin Hastings after the ad hoc Committee meeting, the shopping center owners may wish to propose that the combined access drive be located somewhat northward onto the adjacent property in order to avoid impacting utilities that are now placed in the northwest corner of the shopping center property. In this context, they are requesting to defer preparing a design for the signalized intersection until there are development plans filed for the property to the north.

**Analysis
and**

Conclusions: Through the efforts of the ad hoc Committee and the property owner of the East Village Shopping Center it would appear that there is agreement to create a future combined signalized point of access for both the shopping center and the 10 acre property to the north.

The future combined access drive / roadway would anticipate the demand for left-hand turning motions onto Creston Road and minimize the number of curb cuts along the east side of Creston Road.

As proposed by Mr. Hastings, their traffic engineer would design a median with a temporary exit allowing left-hand turns from the northern curb cut and the owners of the shopping center (East Village Associates, LLC) would enter into a written agreement to cooperate in the shared access to Creston Road with APN 009-571-010 at the time of its development and simultaneously give up a separate southbound exit from their northern curb cut.

In order to insure that there is a clear understanding of commitments, it would be recommended that an agreement be structured by the City Attorney. The agreement would be between the City and East Village Associates, LLC, and would commit East Village Associates to participate in the construction of an access drive/ road that would serve both the East Village Shopping Center and the currently vacant 10 acre property to the north at such time as the vacant property to the north develops and the City establishes a joint access drive/road requirement on that development. The agreement would include a requirement that both parties would pay proportionate shares of the cost of a traffic signal at that location at such time as

warrants justify its installation, and that the proportionate shares between the East Village Shopping Center and the property to the north would be based on a traffic study to be prepared at the time of development of the property to the north. The precise design and location of the joint access drive / road would be determined at the time of development of the northerly property.

Policy

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

Fiscal

Impact: As proposed, the City Attorney would structure an agreement that would insure that the shopping center and the property to the north would bear the financial burden of installing a combined access point, including traffic signalization.

Options:

- a. Adopt Resolution No. 04-xx approving an amendment to Planned Development 02-003 Amendment, requiring an Agreement in a form to be approved by the City Attorney that would commit East Village Associates, LLC to cooperate with the design and installation of a combined access point, including but not limited to providing traffic signalization in a manner subject to approval of the City Engineer, at the time of development of the 10-acre property to the north. As an interim measure, the existing northerly driveway may be utilized for both right and left hand turns onto Creston Road until such time as the combined access drive is constructed or the City Engineer determines that there is a sufficient safety concern to preclude left-hand (southbound) turns onto Creston Road. Southbound / left-hand turns out of the shopping center would be permanently precluded from the main entrance on Creston Road. Southbound left-hand turns into the shopping center along Creston Road would be permitted at both the northern and center / main entrances until such time as the City Engineer concludes that there are sufficient safety concerns to close off one or both left-hand turning movements.
- b. Amend, modify, or reject the above option.

Attachments: (6)

1. Staff Report from July 6, 2004
2. Vicinity Map
3. Existing Median
4. Median Modification Plan
5. City Standard Arterial Drawing A-1
6. Mail Notice Newspaper and Affidavits
7. Draft Resolution to approve Amendment (Option A)

TO: James L. App, City Manager
FROM: Robert A. Lata, Community Development Director *RAL*
SUBJECT: Appeal of Planning Commission Approval of Amendment to Planned Development PD 02-003, East Village Associates, LLC)
DATE: July 6, 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.

 **FILE**

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.

In light of 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.

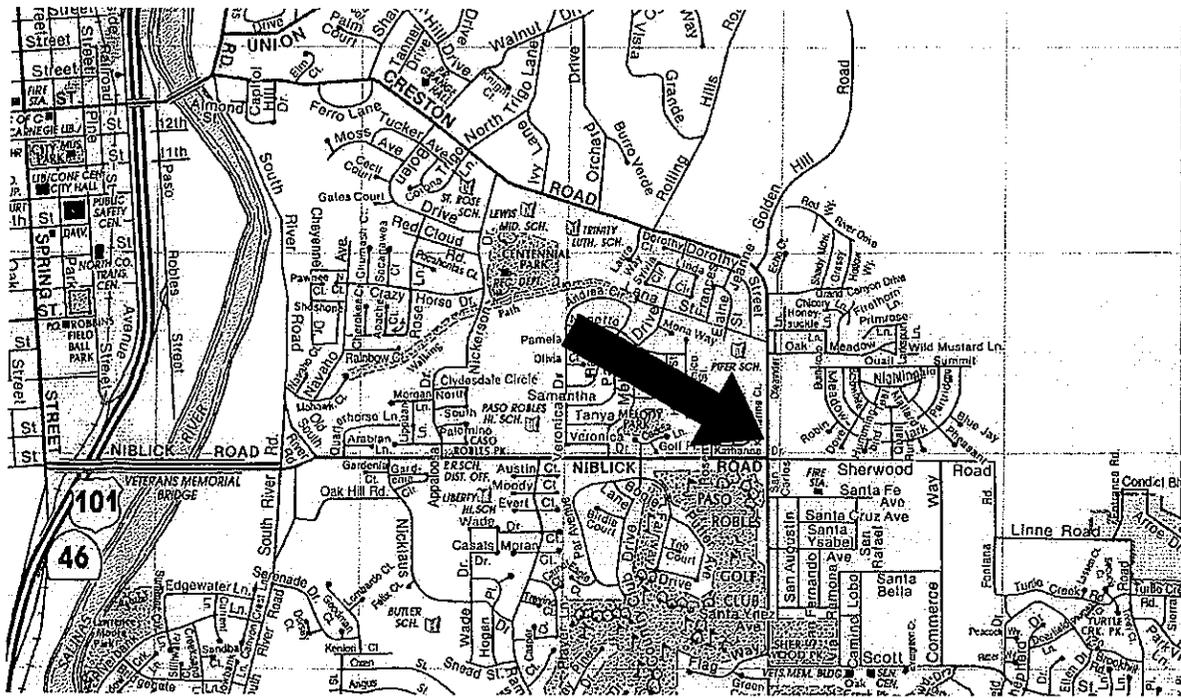
Options:

- a. Adopt Resolution No. 04-xx denying the applicant’s requested amendment to Planned Development 02-003 Amendment, thereby continuing to preclude direct access to southbound Creston Road to and from the East Village Shopping Center.
- b. Adopt Resolution No. 04-xx to permit a partial modification of Planned Development 02-003 Amendment, allowing 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 to permit a partial modification of Planned Development 02-003 Amendment, allowing 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.

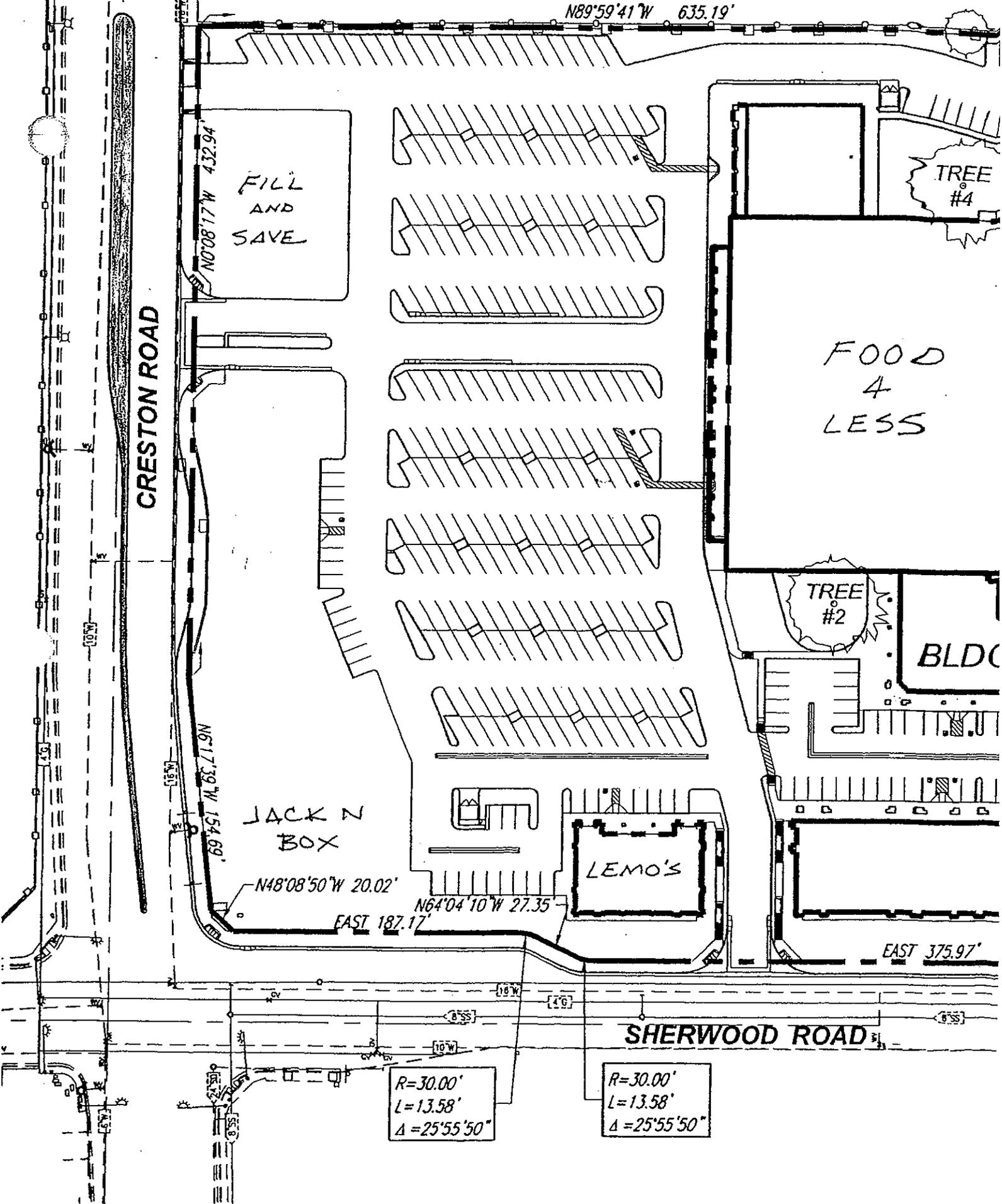
- d. Adopt Resolution No. 04-xx approving the applicant's request for unrestricted access in and out of the East Village Shopping Center in spite of inconsistency with the original approved design and City Standards for arterial roads.
- e. Amend, modify, or reject the above options.

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

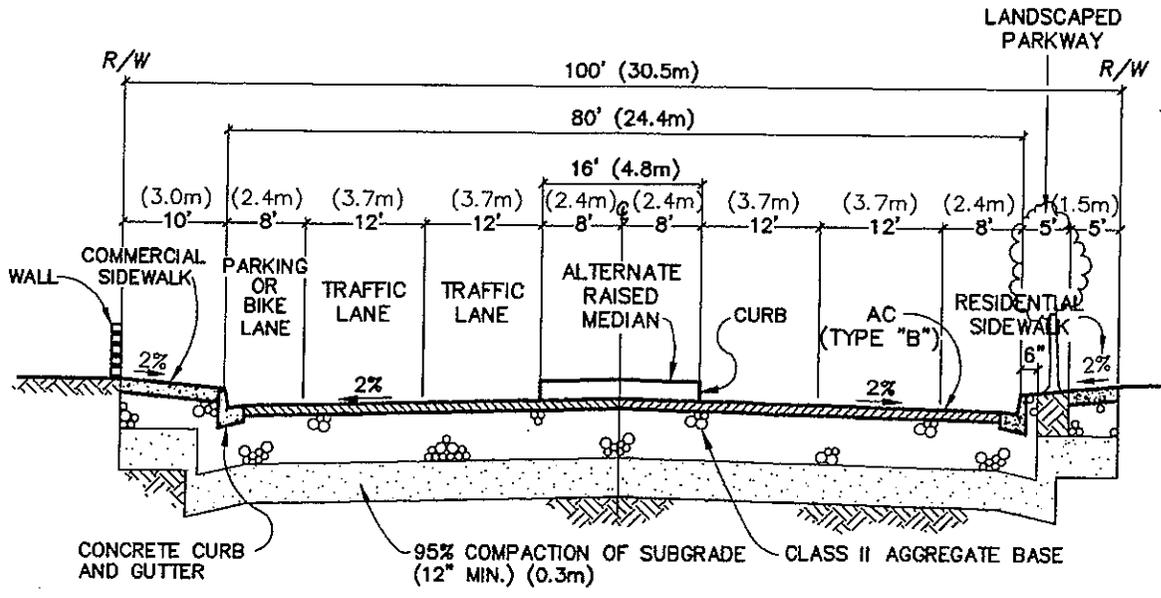


VICINITY MAP ~ PD 02-003
(EAST VILLAGE)



APPROVED AND EXISTING SITE PLAN

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		

**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

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

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)

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 from the northerly site driveway until such time that the City Engineer determines that the ingress and egress is detrimental to the operational efficiency of Creston Road. The temporary modification may also allow southbound Creston Road ingress to the site at the main entrance.
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, formally stating the conditions of the temporary status of approval of the left turn access to Creston Road and to obligate the applicant to cooperate with the design and installation of a combined access point, including but not limited to providing traffic signalization in a manner subject to approval of the City Engineer, with the development of the 10 acre property to the north (APN 009-571-010). 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 7th day of September 2004 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk