

TO: JAMES L. APP, CITY MANAGER

FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: GENERAL PLAN AMENDMENT OF THE CIRCULATION ELEMENT; SPECIFIC PLAN AMENDMENT 03-003 OF THE UNION/46 SPECIFIC PLAN AND AMENDMENT OF TENTATIVE TRACT 2369 AND PD 00-003 CONDITIONS OF APPROVAL, PROPOSING TO ELIMINATE THE PLANNED CONNECTION OF STREET 'A' TO NORTH RIVER ROAD (APPLICANT'S REPRESENTATIVE - NORTH COAST ENGINEERING FOR FRANK ARCIERO)

DATE: AUGUST 16, 2005

Needs: For the City Council to *reconsider* the applicant's request that the Circulation Element, Figure CE-1 and the Union/46 Specific Plan, Map 3.2 be amended to eliminate the planned connection of 'A' Street (Montebello Oaks Drive) to North River Road, and other associated planning amendments. The applicant has proposed a new alternative intended to mitigate the elimination of the 'A' Street connection.

Facts:

1. The Union/46 Specific Plan was approved by the City Council on March 1, 1988 (Resolution No. 88-12). This Plan includes a circulation system map that identifies the extension location of 'A' Street (Montebello Oaks Drive) to North River Road.
2. The City Council considered this amendment request on February 15, 2005 and on April 19, 2005.
3. The City Council denied the applicant's request to eliminate 'A' Street on a 3 to 2 vote.
4. The applicant has proposed a new alternative mitigation plan for the Council to consider in exchange for approving the elimination of the 'A' Street connection.
5. The Army Corps of Engineer's (ACOE) has not formally denied the applicant's request for a permit to construct the road connection within their jurisdiction, however, correspondence suggests that it would not be supported.

Analysis  
and

Conclusion: When the Council last considered this item the applicant provided an analysis of six alternatives to the construction of 'A' Street. None of the alternatives were supported by the Council.

There are five existing road connections from the Montebello Oaks Estate subdivision out of the neighborhood onto Union Road. In July 2003, Emergency Services prepared

a memorandum regarding the prospect of eliminating 'A' Street. (This memo is attached in Exhibit A.) Emergency Services determined that this connection was not necessary to provide adequate means for emergency evacuation. However, there was a suggestion by Emergency Services that Union Road be improved to the full width which would expand the capacity of Union Road to more readily accommodate evacuation of this area.

The City has been working on improving Union Road from the 13th Street Bridge intersection to Riverglen Road. Final design and construction plans have been prepared for the next phase of improvements to Kleck Road. Preliminary plans for improvements to Union Road east of Kleck Road are nearly complete.

When the Planning Commission last reviewed the applicant's request to eliminate the 'A' Street connection, the Planning Commission recommended approval. In exchange for eliminating the street, the Commission also recommended payment of in-lieu fees and that the applicant prepare and construct a traffic calming program to address potential impacts to Skyview Drive.

The applicant's new proposal is to offset the costs to the City to design and construct widening improvements to Union Road, from Kleck Road to the eastern end of Montebello Oaks Drive at Union Road. They are proposing to pay the City \$500,000 intended to be used to mitigate impacts from this project. (See Letter from Applicant in Exhibit B.)

Two independent traffic studies determined that the daily level of service (LOS) on Skyview Drive, which relates to the capacity of the street to efficiently accommodate the volume of traffic is very good. This street has an LOS rating of "A", which means that the design capacity of Skyview Drive can easily accommodate the existing traffic without congestion or delays. The LOS of Skyview Drive with existing traffic volumes plus the project (elimination of the 'A' Street connection) is projected to remain at LOS A.

Residents in the neighborhood have indicated that the existing traffic on Skyview Drive travels too fast, and that there is an existing concern for safety due to vehicle speed. The elimination of 'A' Street would add traffic to Skyview Drive and, while it would continue to function at LOS A, they believe it could potentially exacerbate the neighborhood experience, adding more fast-moving cars onto this street.

The adopted Traffic Calming Program provides a process to document a reported traffic problem. It also provides a general threshold of industry standards that helps determine when a reported traffic problem may be an actual problem. For instance, in this case, if the average speed (verified through study and documentation) is 10 mph over the posted speed limit there may be an actual speeding problem. There are several methods to control speeding, which can be evaluated through a public review process. At this time, verification of speeding on Skyview Drive has not been officially documented,

however as noted above, anecdotal information brought forward by the residents in the area suggest a traffic study may be warranted.

Three options are provided for the Council's consideration. The first option carries forward the Planning Commission's recommendation. The next option is what is proposed by the applicant, requesting the City to accept mitigation fees for use on improving Union Road. The last option provides for accepting the mitigation fees, but earmarks the funds for improvements to Union Road plus a portion of these fees for the City to prepare a traffic calming study and construction of traffic calming measures if warranted.

Policy

Reference: General Plan; Union/46 Specific Plan; Municipal / Zoning Code, California Environmental Quality Act.

Fiscal

Impact: Approving this request and acceptance of this mitigation fee would provide \$500,000 to mitigate traffic impacts.

Options: After considering the public testimony received, the City Council will be asked to select one of the following options:

**Option a:** (Planning Commission Recommendation)

1. Adopt Resolution No. 05-xx approving a Mitigated Negative Declaration for Amendments to the Circulation Element Figure CE-1, Union/46 Specific Plan Map 3.2, and Tentative Tract 2369 and PD 00-003 Conditions of Approval, to mitigate potential traffic impacts to Skyview Drive by requiring the applicants to prepare a Traffic Calming Study and construct traffic calming measures if warranted; and to mitigate additional impacts to Union Road by paying mitigation fees for the pro-rata share of corresponding additional impact costs resulting from the elimination of 'A' Street.
2. Adopt Resolution No. 05-xx approving the elimination of 'A' Street from connecting to North River Road by amending the Circulation Element Figure CE-1, the Union/46 Specific Plan by modifying Map 3.2, and amending the associated Conditions of Approval for Tentative Tract 2369 and PD 00-003 to eliminate the required connection of 'A' Street (Montebello Oaks Drive) to North River Road.

**Option b:** (Applicant's Request)

1. Adopt Resolution No. 05-xx approving a Mitigated Negative Declaration for Amendments to the Circulation Element Figure CE-1, Specific Plan 03-003 Map 3.2, Tentative Tract 2369 and PD 00-003 Conditions of Approval to mitigate potential traffic impacts to Union Road by accepting mitigation fees of \$500,000.
2. Adopt Resolution No. 05-xx approving the elimination of 'A' Street from connecting to North River Road by amending the Circulation Element Figure

CE-1, the Union/46 Specific Plan by modifying Map 3.2, and amending the associated Conditions of Approval for Tentative Tract 2369 and PD 00-003 to eliminate the required connection of 'A' Street (Montebello Oaks Drive) to North River Road.

**Option c.** (Another Alternative)

1. Adopt Resolution No. 05-xx approving a Mitigated Negative Declaration for Amendments to the Circulation Element Figure CE-1, Specific Plan 03-003 Map 3.2, Tentative Tract 2369 and PD 00-003 Conditions of Approval, to mitigate potential traffic impacts to Union Road and Skyview Drive by accepting mitigation fees of \$500,000, with the City preparing the Traffic Calming Study and constructing traffic calming measures if warranted.
2. Adopt Resolution No. 05-xx approving the elimination of 'A' Street from connecting to North River Road by amending the Circulation Element Figure CE-1, the Union/46 Specific Plan by modifying Map 3.2, and amending the associated Conditions of Approval for Tentative Tract 2369 and PD 00-003 to eliminate the required connection of 'A' Street (Montebello Oaks Drive) to North River Road.

**Option d:**

Deny the Applicant's request, thereby maintaining the Conditions of Approval that require construction of 'A' Street prior to recordation of the Final Map for the last phase of Montebello Oaks Estates.


**Option e:**

Amend, modify, or reject the above options.

Exhibits:

- A – Memorandum from Emergency Services
- B – Letter from Applicant
- C – Option a. - Resolution
- D – Option b. - Resolution
- E - Option c. - Resolution
- F – Public Mail Affidavit and News Notice

To: John Falkenstien

From: Terry Minshull   
Emergency Services

Subject: Amendment to Union/46 Specific Plan  
Eliminate A Street Connection to No. River Rd.

Date: July 30, 2003

John,

Emergency Services has reviewed the request to eliminate the "A" street connection to No. River Rd.

Emergency Services agrees with the conclusions reached in the Omni-Means report prepared for North Coast Engineering. The traffic study shows that there would be adequate means available to evacuate the area if needed with the existing streets and the proposed extension of A street out to Union Rd. to the east of the project.

Therefore Emergency Services would not oppose the amendment to the Union/46 specific plan to eliminate the connection of "A" street to North River Rd.

However with all of these streets bringing the traffic to Union Rd. sometime in the near future consideration needs to be given to improving Union Rd. to its ultimate width to accommodate the situation in the event there was a need to evacuate the area.

**ATTACHMENT**



August 2, 2005

Susan DeCarli  
Senior Planner  
City of El Paso de Robles  
1000 Spring Street  
Paso Robles, California 93446

Subject: Tract 2369 Montebello Estates (Fallingstar Homes)  
Reconsideration of Elimination of "A" Street Connection to River Road

Dear Susan:

On April 19, 2005, the City Council held a public hearing to consider the applicant's request for the elimination of the "A" Street connection to North River Road. This request includes a General Plan Amendment, Specific Plan Amendment, and Modification of Tract Conditions. The Council declined to take action at the April 19<sup>th</sup> meeting, but has agreed to reconsider this item at their meeting of August 16, 2005.

Since the April 19<sup>th</sup> hearing, we have been working closely with staff and Council to attempt to identify acceptable mitigation measures to offset the elimination of the "A" Street connection. At the April 19<sup>th</sup> hearing, there was much discussion regarding alternate projects that might be used for such mitigation. A detailed access alternatives analysis was presented and discussed, but did not yield a clear cut solution. The potential connection of Buena Vista at Highway 46 was discussed, but as a long-term regional project, it is neither timely nor fundable by the level of participation that currently exists. It also does not mitigate additional trips that will be directed to Union Road as a result of the elimination of "A" Street.

Through discussion with council members and staff, an alternate improvement project has been identified that would provide direct improvements to Union Road and provide more benefit to a greater number of drivers. This project would involve the improvement of Union Road to its ultimate width from Kleck Road easterly to the newly constructed Montebello Oaks Drive. The project would correct the horizontal and vertical geometry deficiencies at the Walnut Drive/Union Road intersection, and would widen the road to include standard width driving lanes,

bike lanes, curb, gutter and sidewalk (one side). The project could be appended to the planned Union Road improvements from Riverglen Drive to Kleck Road, which is scheduled to begin construction in the summer of 2006.

The project also addresses concerns expressed by Emergency Services in their memo of July 30, 2003 regarding this issue (copy attached).

The applicant's previous commitment for mitigation had consisted of the following items and associated estimated costs:

Mitigation Measures and Costs for "A" Street Removal

1.	Traffic Calming Study and Construction	\$ 50,000
2.	Union Road Impact Fees	187,500
3.	Detention Basin with Infiltration Gallery	60,000
4.	Trail Design and Construction (On-Site)	50,000
5.	Consulting, Biology and Traffic Engineering	<u>39,000</u>
	Total	<u>\$386,500</u>

In order to provide additional funding for the proposed Union Road improvements, the following alternative measures and estimated costs are proposed:

1.	In Lieu Fee (Union Road)	\$500,000
2.	Detention Basin with Infiltration Gallery	60,000
3.	Preliminary Engineering, Alternatives Analysis, Biology/Permitting, and Traffic Engineering	<u>67,000</u>
	Total	<u>\$627,000</u>

The \$500,000 in lieu fee is based on an updated estimate of construction costs of the "A" Street connection, not including the required 12" water line (which will be constructed with the Phase 4 improvements) or storm drain facilities, which are replaced by the detention basin. Payment of the fee would be required prior to recording the Final Map for Phase 4. The detention basin would be bonded for prior to recordation and constructed with the Phase 4 improvements.

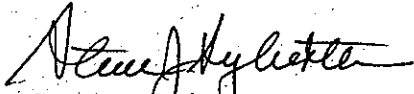
Susan DeCarli  
August 2, 2005  
Page Three

In this scenario, the City could use the in lieu fee towards funding of the Union Road improvements, as well as implementation of traffic calming devices on Skyview Drive, although the funding could be used for any other improvements in the Specific Plan area deemed appropriate by the Council. It is our opinion that the traffic calming efforts on Skyview Drive would be best managed by the City pursuant to its adopted Traffic Calming Program. However, if the City desired to have the applicant complete this scope of work, these costs would be reimbursed or deducted from the in lieu fee.

Estimates for the construction costs of the Union Road improvements have been provided to the City under separate cover. The City's Finance Director has reviewed the funding available for the project, and combining the in lieu fee along with Specific Plan fees and AB1600 monies allocated to this project, there appears to be sufficient funding and ample time to design and construct the project for construction in the summer of 2006.

We would like to thank you for your assistance in this matter and thank the Council for agreeing to reconsider this matter. Please feel free to call if there are any questions regarding this information.

Sincerely,



Steven J. Sylvester, P.E.  
President

SJS/jms  
Enclosure



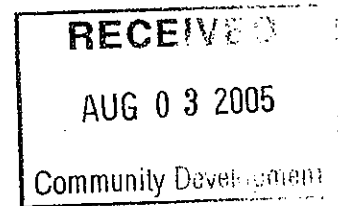
Distributed to CC; JA; SD + RAL on 8/3/05

TO: Community Development Dept  
1000 Spring St.  
Paso Robles, CA

From: John & Chelsea Ursoleo  
1611 Via Rosa  
Paso Robles, CA

Date: 7/31/05

Subject: Proposed amendment to eliminate 'A' Street West Connection



Community Development Dept:

As the whole Montebello estates area gets developed and populated there will be a significant increase in the traffic in my neighborhood. Eliminating this additional outlet for traffic seems short-sighted as it will simply funnel the traffic through fewer paths.

As long as Paso Robles seems intent on allowing what appears to be unrestricted growth, more of the land in the area will be developed and the population density and traffic will only increase. While this connection may not be deemed necessary today, it may not be long before that changes.

Our first-hand experience with limited access (because of the closure of the Union Rd intersection) has shown that drivers take the shortest path even if it passes through previously quiet residential areas. There are now temporary speed bumps throughout the area and they are no longer 'quiet'. I don't want to see that happen to my neighborhood because of a decision to restrict access in and out of what will eventually become a very populated area.

Respectfully,

A handwritten signature in cursive script, appearing to read "John &amp; Chelsea Ursoleo". The signature is written in dark ink and is positioned below the "Respectfully," text.

**Attachment**

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL  
PROJECT NOTICING

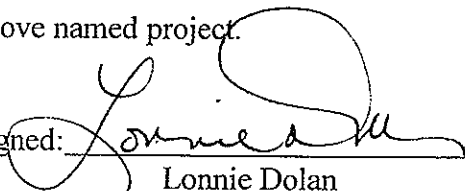
Newspaper: Tribune

Date of Publication: August 3, 2005

Meeting Date: August 16, 2005  
(City Council)

Project: Amendment to Union/46 Specific  
Plan, General Plan, Tract 2369 &  
Planned Development 00-003, to  
Eliminate the west connection of  
'A' Street to North River Road

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

CITY OF EL PASO DE ROBLES  
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of El Paso de Robles will hold a Public Hearing on Tuesday, August 16, 2005, at 7:30 p.m. at the City of El Paso de Robles, 1000 Spring Street, Paso Robles, California, in the City Council Chambers, to consider the following request:

Amendments to the Union/46 Specific Plan, General Plan, Tract 2369 and Planned Development 00-003, to eliminate the west connection of 'A' Street (Montebello Oaks Drive) to North River Road.

Written comments on the proposed amendments may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446, provided that the comments are received prior to the time of the public hearing. Oral comments may be made at the hearing. Should you have any questions regarding this application, please call Susan DeCarli at (805) 237-3970.

If you challenge the 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 City Council at or prior to the public hearing.

/s/Susan DeCarli, AIGP  
City Planner  
August 3, 2005

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
ADOPTING A MITIGATED NEGATIVE DECLARATION FOR AMENDMENTS TO THE  
GENERAL PLAN CIRCULATION ELEMENT, THE UNION/46 SPECIFIC PLAN, AND THE  
CONDITIONS OF APPROVAL OF TENTATIVE TRACT 2369 AND PD 00-003  
(NORTH COAST ENGINEERING FOR FRANK ARCIERO)

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WHEREAS, an application requesting amendments to the Circulation Element, Figure CE-1 and Map 3.2, Circulation System Streets and Trails, of the Union/46 Specific Plan to delete the planned connection of "A" Street to North River Road and conditions of approval pertaining to this change in Tentative Tract 2369 and PD 00-003; has been filed by North Coast Engineering for Frank Arciero; and

WHEREAS, the reasons for the applicant's request is to avoid having a significant impact on the existing topography, the oak woodlands area, the blueline stream, grading, and aesthetics; and

WHEREAS, Specific Plan Amendment 03-003 covers properties in the Union/46 Specific Plan area including properties located south of Highway 46 East, west of Prospect Avenue, north of Union Road, and east of North River Road; and

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), and the City's Procedures for Implementing CEQA, an Initial Study was prepared and circulated for public review and comment; and

WHEREAS, at its meetings on August 13, 2003 and January 25, 2005 meeting, the Planning Commission held a duly noticed public hearings, and on February 15, 2005, April 19, 2005 and August 16 the City Council held a duly noticed public hearings to accept public testimony on this project and the environmental determination thereof; and

WHEREAS, public notice of intent to adopt a Mitigated Negative Declaration was distributed as required by Section 21092 of the Public Resources Code; and

WHEREAS, based on the information and analysis contained in the Initial Study and the attachments thereto, a determination has been made that amendments to the Circulation Element, Figure CE-1 and Map 3.2, Circulation System Streets and Trails, of the Union/46 Specific Plan to delete the planned connection of "A" Street to North River Road and conditions of approval pertaining to this change in Tentative Tract 2369 and PD 00-003 qualifies for adoption of a Mitigated Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso de Robles, based on its independent judgment, that it does hereby adopt a Mitigated Negative Declaration and Mitigation Measures in Exhibit A, in accordance with the Statutes and Guidelines of the California Environmental Quality Act (CEQA) and the City's Procedures for Implementing CEQA, based on the following finding:

The amendments to the Circulation Element, Figure CE-1 and Map 3.2, Circulation System Streets and Trails, of the Union/46 Specific Plan to delete the planned connection of "A" Street to North River Road and conditions of approval pertaining to this change in Tentative Tract 2369 and PD 00-003 will not result in a significant impact on the environment. This finding and determination was made based upon the substantial evidence presented at the public hearing, including the whole record before the City Council (including the Initial Study, the Staff Report and attachments thereto, and any public comments or testimony received thereon).

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 16<sup>th</sup> day of August 2005 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk

**Mitigation Measures and Monitoring Program:**

**Project: Montebello Estates – Elimination of West connection of ‘A’ Street to North River Road**

**MM-1:**

**Impact** – Additional vehicles (551) redistributed onto Skyview Drive, where there is an existing neighborhood condition of vehicles reportedly exceeding the speed limit due to the physical design of Skyview Drive. Project may result in increased incidence of vehicles exceeding the speed limit on this street.

**Mitigation Measure** - The applicant will need to develop a traffic calming program to address the vehicle impacts added to Skyview Drive.

**Responsibility** – Project Proponent, FrankArciero, President of Fallingstar Homes, Inc.

**Timeframe** – Prior to issuance of residential building permits for Tract Map 2369, Phase 5.

**MM-2:**

**Impact** – Additional vehicles (598) redistributed onto Union Road, where road improvements are necessary to accommodate traffic.

**Mitigation Measure** - The applicant will need to pay their proportionate share of road improvement costs associated with additional trips that will be added to Union Road, which would have otherwise been distributed to North River Road.

**Responsibility** – Project Proponent, FrankArciero, President of Fallingstar Homes, Inc.

**Timeframe** – Prior to issuance of residential building permits for Tract Map 2369, Phase 5.

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES APPROVING AMENDMENTS TO THE GENERAL PLAN CIRCULATION ELEMENT, UNION/46 SPECIFIC PLAN, AND CONDITIONS OF APPROVAL FOR TENTATIVE TRACT 2369 AND PLANNED DEVELOPMENT 00-003 TO ELIMINATE THE PLANNED WEST CONNECTION OF "A" STREET TO NORTH RIVER ROAD (APPLICANT'S REPRESENTATIVE – NORTH COAST ENGINEERING FOR FRANK ARCIERO)

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WHEREAS, an application requesting amendments to the Circulation Element, Figure CE-1 and Map 3.2, Circulation System Streets and Trails, of the Union/46 Specific Plan to delete the planned connection of "A" Street to North River Road and conditions of approval pertaining to this change in Tentative Tract 2369 and PD 00-003; has been filed by North Coast Engineering for Frank Arciero; and

WHEREAS, elimination of the planned west connection of "A" Street will be an environmentally superior alternative to installing this road, and will lessen site impacts and not require the removal of over 100 oak trees, or result in impacts to an oak woodland and wildlife habitat; and

WHEREAS, elimination of the planned west connection of "A" Street would be a benefit to potential storm water quality impacts and erosion, would not require impacting a blueline stream, and would not result in negative aesthetic impacts from grading and construction of retaining walls, than if the road were to be constructed; and

WHEREAS, two independent traffic studies evaluated potential traffic impacts from elimination of the west connection of "A" Street, and determined that it would not result in significant traffic impacts on the surrounding neighborhood circulation and safety; and

WHEREAS, this Resolution deletes the following Conditions of Approval from Tentative Tract Map 2369 as follows: Engineering Site Specific Conditions 26, 34, 44, 45, and 46; and Standard Condition of Approval, Condition 5 regarding *offer to dedicate and improve "A" Street on-site and off-site*, shall be "null and void".

WHEREAS, new conditions of approval are added to Tentative Tract Map 2369, which are included in Engineering Site Specific Conditions; and

WHEREAS, mitigation measures are incorporated into the environmental document that requires payment of the in-lieu mitigation fees earmarked for the design and construction of improvements to Union Road from Kleck Road to Montebello Oaks Drive; and

WHEREAS, the City of Paso Robles Emergency Services Department does not oppose the elimination of the "A" Street connection to North River Road; and

WHEREAS, the Planning Commission held a duly noticed public hearings on August 13, 2003 and January 25, 2005, and City Council held a duly noticed public hearings February 15, 2005, April 19, 2005, and August 16, 2005 on these amendments, to accept public testimony on this application and associated environmental review; and

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), and the City's Procedures for Implementing CEQA, an Initial Study was prepared and circulated for public review and comment; and

WHEREAS, based on the information and analysis contained in the Initial Study, a determination has been made that the proposed project will not result in significant environmental impacts and it is appropriate for the City Council to adopt a Mitigated Negative Declaration, which is included in a separate resolution; 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 City Council makes the following findings:

1. The project, including amendments to the General Plan and Union/46 Specific Plan, is consistent with the adopted codes, policies, standards and plans of the City; and
2. The project will not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the residents and or businesses in the surrounding area, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City; and
3. The project accommodates the aesthetic quality of the City as a whole, especially where development will be visible from the gateways to the City, scenic corridors; and the public right-of-way; and
4. The project is compatible with, and is not detrimental to, surrounding land uses and improvements, provides an appropriate visual appearance, and contributes to the mitigation of any environmental and social impacts; and
5. The project is compatible with existing scenic and environmental resources such as hillsides, oak trees, vistas, etc.; and
6. The project contributes to the orderly development of the City as a whole.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby approve of this project, subject to the following conditions:

**ENGINEERING SITE SPECIFIC CONDITIONS:**

NOTE: In the event of conflict or duplication between standard and site-specific conditions, the site-specific condition shall supersede the standard condition.

1. The applicant shall extend the 12-inch water main in Tract 2369 to North River Road via Phases 4 and 5.
2. The applicant shall construct a storm water detention basin to mitigate the impacts of the development of Tract 2369 on the natural drainage course in the original alignment of "A" Street. The detention basin shall be designed to retain dry season landscape irrigation runoff.

3. All other existing conditions of approval included in Resolution Nos. 00-207, 00-208, and 00-209 shall remain in effect and shall continue to apply to development of Tract 2369.
4. Payment of in-lieu fees of \$500,000 shall be paid to the City prior to recordation of the Final Map for the last phase of development for Montebello Oaks Estates.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 16<sup>th</sup> day of August 2005 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk



RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO DE ROBLES  
ADOPTING A MITIGATED NEGATIVE DECLARATION FOR AMENDMENTS TO THE  
GENERAL PLAN CIRCULATION ELEMENT, THE UNION/46 SPECIFIC PLAN, AND THE  
CONDITIONS OF APPROVAL OF TENTATIVE TRACT 2369 AND PD 00-003  
(NORTH COAST ENGINEERING FOR FRANK ARCIERO)

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WHEREAS, an application requesting amendments to the Circulation Element, Figure CE-1 and Map 3.2, Circulation System Streets and Trails, of the Union/46 Specific Plan to delete the planned connection of "A" Street to North River Road and conditions of approval pertaining to this change in Tentative Tract 2369 and PD 00-003; has been filed by North Coast Engineering for Frank Arciero; and

WHEREAS, the reasons for the applicant's request is to avoid having a significant impact on the existing topography, the oak woodlands area, the blueline stream, grading, and aesthetics; and

WHEREAS, Specific Plan Amendment 03-003 covers properties in the Union/46 Specific Plan area including properties located south of Highway 46 East, west of Prospect Avenue, north of Union Road, and east of North River Road; and

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), and the City's Procedures for Implementing CEQA, an Initial Study was prepared and circulated for public review and comment; and

WHEREAS, at its meetings on August 13, 2003 and January 25, 2005 meeting, the Planning Commission held a duly noticed public hearings, and on February 15, 2005, April 19, 2005 and August 16, 2005 the City Council held a duly noticed public hearings to accept public testimony on this project and the environmental determination thereof; and

WHEREAS, public notice of intent to adopt a Mitigated Negative Declaration was distributed as required by Section 21092 of the Public Resources Code; and

WHEREAS, based on the information and analysis contained in the Initial Study and the attachments thereto, a determination has been made that amendments to the Circulation Element, Figure CE-1 and Map 3.2, Circulation System Streets and Trails, of the Union/46 Specific Plan to delete the planned connection of "A" Street to North River Road and conditions of approval pertaining to this change in Tentative Tract 2369 and PD 00-003 qualifies for adoption of a Mitigated Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso de Robles, based on its independent judgment, that it does hereby adopt a Mitigated Negative Declaration and Mitigation Measures in Exhibit A, in accordance with the Statutes and Guidelines of the California Environmental Quality Act (CEQA) and the City's Procedures for Implementing CEQA , based on the following finding:

The amendments to the Circulation Element, Figure CE-1 and Map 3.2, Circulation System Streets and Trails, of the Union/46 Specific Plan to delete the planned connection of "A" Street to North River Road and conditions of approval pertaining to this change in Tentative Tract 2369 and PD 00-003 will not result in a significant impact on the environment. This finding and determination was made based upon the substantial evidence presented at the public hearing, including the whole record before the City Council (including the Initial Study, the Staff Report and attachments thereto, and any public comments or testimony received thereon).

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 16<sup>th</sup> day of August 2005 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

---

Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk

**Mitigation Measures and Monitoring Program:**

**Project: Montebello Estates – Elimination of West connection of ‘A’ Street to North River Road**

**MM-1:**

**Impact** – Increased vehicle trips on Union Road, potentially exceeding capacity to adequately serve emergency evacuation from the Union/46 Specific Plan area.

**Mitigation Measure** – Payment of an in-lieu fee of \$500,000 to be earmarked for the City to use to design and construct Union Road improvements to its ultimate width design from Kleck Road to Montebello Oaks Drive.

**Responsible Party** – Project Proponent, Frank Arciero, President of Fallingstar Homes, Inc.

**Timeframe** – Prior to recordation of the Final Map for the last phase of Montebello Oaks Estates.

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
APPROVING AMENDMENTS TO THE GENERAL PLAN CIRCULATION ELEMENT,  
UNION/46 SPECIFIC PLAN, AND CONDITIONS OF APPROVAL FOR TENTATIVE TRACT  
2369 AND PLANNED DEVELOPMENT 00-003 TO ELIMINATE THE PLANNED WEST  
CONNECTION OF "A" STREET TO NORTH RIVER ROAD (APPLICANT'S  
REPRESENTATIVE – NORTH COAST ENGINEERING FOR FRANK ARCIERO)

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WHEREAS, an application requesting amendments to the Circulation Element, Figure CE-1 and Map 3.2, Circulation System Streets and Trails, of the Union/46 Specific Plan to delete the planned connection of "A" Street to North River Road and conditions of approval pertaining to this change in Tentative Tract 2369 and PD 00-003; has been filed by North Coast Engineering for Frank Arciero; and

WHEREAS, elimination of the planned west connection of "A" Street will be an environmentally superior alternative to installing this road, and will lessen site impacts and not require the removal of over 100 oak trees, or result in impacts to an oak woodland and wildlife habitat; and

WHEREAS, elimination of the planned west connection of "A" Street would be a benefit to potential storm water quality impacts and erosion, would not require impacting a blueline stream, and would not result in negative aesthetic impacts from grading and construction of retaining walls, than if the road were to be constructed; and

WHEREAS, two independent traffic studies evaluated potential traffic impacts from elimination of the west connection of "A" Street, and determined that it would not result in significant traffic impacts on the surrounding neighborhood circulation and safety; and

WHEREAS, this Resolution deletes the following Conditions of Approval from Tentative Tract Map 2369 as follows: Engineering Site Specific Conditions 26, 34, 44, 45, and 46; and Standard Condition of Approval, Condition 5 regarding *offer to dedicate and improve "A" Street on-site and off-site*, shall be "null and void".

WHEREAS, new conditions of approval are added to Tentative Tract Map 2369, which are included in Engineering Site Specific Conditions; and

WHEREAS, mitigation measures are incorporated into the environmental document that requires payment of the in-lieu mitigation fees earmarked for the design and construction of improvements to Union Road from Kleck Road to Montebello Oaks Drive; and

WHEREAS, the City of Paso Robles Emergency Services Department does not oppose the elimination of the "A" Street connection to North River Road; and

WHEREAS, the Planning Commission held a duly noticed public hearings on August 13, 2003 and January 25, 2005, and City Council held a duly noticed public hearings February 15, 2005, April 19, 2005 and August 16, 2005 on these amendments, to accept public testimony on this application and associated environmental review; and

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), and the City's Procedures for Implementing CEQA, an Initial Study was prepared and circulated for public review and comment; and

WHEREAS, based on the information and analysis contained in the Initial Study, a determination has been made that the proposed project will not result in significant environmental impacts and it is appropriate for the City Council to adopt a Mitigated Negative Declaration, which is included in a separate resolution; 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 City Council makes the following findings:

1. The project, including amendments to the General Plan and Union/46 Specific Plan, is consistent with the adopted codes, policies, standards and plans of the City; and
2. The project will not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the residents and or businesses in the surrounding area, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City; and
3. The project accommodates the aesthetic quality of the City as a whole, especially where development will be visible from the gateways to the City, scenic corridors; and the public right-of-way; and
4. The project is compatible with, and is not detrimental to, surrounding land uses and improvements, provides an appropriate visual appearance, and contributes to the mitigation of any environmental and social impacts; and
5. The project is compatible with existing scenic and environmental resources such as hillsides, oak trees, vistas, etc.; and
6. The project contributes to the orderly development of the City as a whole.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby approve of this project, subject to the following conditions:

ENGINEERING SITE SPECIFIC CONDITIONS:

NOTE: In the event of conflict or duplication between standard and site-specific conditions, the site-specific condition shall supersede the standard condition.

1. The applicant shall extend the 12-inch water main in Tract 2369 to North River Road via Phases 4 and 5.
2. The applicant shall construct a storm water detention basin to mitigate the impacts of the development of Tract 2369 on the natural drainage course in the original alignment of "A" Street. The detention basin shall be designed to retain dry season landscape irrigation runoff.

3. All other existing conditions of approval included in Resolution Nos. 00-207, 00-208, and 00-209 shall remain in effect and shall continue to apply to development of Tract 2369.
4. Payment of in-lieu fees of \$500,000 shall be paid to the City prior to recordation of the Final Map for the last phase of development for Montebello Oaks Estates.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 16<sup>th</sup> day of August 2005 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

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Frank R. Mecham, Mayor

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Sharilyn M. Ryan, Deputy City Clerk

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
ADOPTING A MITIGATED NEGATIVE DECLARATION FOR AMENDMENTS TO THE  
GENERAL PLAN CIRCULATION ELEMENT, THE UNION/46 SPECIFIC PLAN, AND THE  
CONDITIONS OF APPROVAL OF TENTATIVE TRACT 2369 AND PD 00-003  
(NORTH COAST ENGINEERING FOR FRANK ARCIERO)

---

WHEREAS, an application requesting amendments to the Circulation Element, Figure CE-1 and Map 3.2, Circulation System Streets and Trails, of the Union/46 Specific Plan to delete the planned connection of "A" Street to North River Road and conditions of approval pertaining to this change in Tentative Tract 2369 and PD 00-003; has been filed by North Coast Engineering for Frank Arciero; and

WHEREAS, the reasons for the applicant's request is to avoid having a significant impact on the existing topography, the oak woodlands area, the blueline stream, grading, and aesthetics; and

WHEREAS, Specific Plan Amendment 03-003 covers properties in the Union/46 Specific Plan area including properties located south of Highway 46 East, west of Prospect Avenue, north of Union Road, and east of North River Road; and

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), and the City's Procedures for Implementing CEQA, an Initial Study was prepared and circulated for public review and comment; and

WHEREAS, at its meetings on August 13, 2003 and January 25, 2005 meeting, the Planning Commission held a duly noticed public hearings, and on February 15, 2005, April 19, 2005 and August 16, 2005 the City Council held a duly noticed public hearings to accept public testimony on this project and the environmental determination thereof; and

WHEREAS, public notice of intent to adopt a Mitigated Negative Declaration was distributed as required by Section 21092 of the Public Resources Code; and

WHEREAS, based on the information and analysis contained in the Initial Study and the attachments thereto, a determination has been made that amendments to the Circulation Element, Figure CE-1 and Map 3.2, Circulation System Streets and Trails, of the Union/46 Specific Plan to delete the planned connection of "A" Street to North River Road and conditions of approval pertaining to this change in Tentative Tract 2369 and PD 00-003 qualifies for adoption of a Mitigated Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso de Robles, based on its independent judgment, that it does hereby adopt a Mitigated Negative Declaration and Mitigation Measures in Exhibit A, in accordance with the Statutes and Guidelines of the California

Environmental Quality Act (CEQA) and the City's Procedures for Implementing CEQA , based on the following finding:

The amendments to the Circulation Element, Figure CE-1 and Map 3.2, Circulation System Streets and Trails, of the Union/46 Specific Plan to delete the planned connection of "A" Street to North River Road and conditions of approval pertaining to this change in Tentative Tract 2369 and PD 00-003 will not result in a significant impact on the environment. This finding and determination was made based upon the substantial evidence presented at the public hearing, including the whole record before the City Council (including the Initial Study, the Staff Report and attachments thereto, and any public comments or testimony received thereon).

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 16<sup>th</sup> day of August 2005 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

---

Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk



**Mitigation Measures and Monitoring Program:**

**Project: Montebello Estates – Elimination of West connection of ‘A’ Street to North River Road**

**MM-1:**

**Impact** – Increased vehicle trips on Union Road, potentially exceeding capacity to adequately serve emergency evacuation from the Union/46 Specific Plan area.

**Mitigation Measure** – Payment of an in-lieu fee of \$500,000 to be earmarked for the City to use to design and construct Union Road improvements to its ultimate width design from Kleck Road to Montebello Oaks Drive, and for the City to prepare a Traffic Calming Study and construct traffic calming measures on Skyview Drive.

**Responsible Party** –

1. Payment of in-lieu fees, and design and construct Union Road improvements to its ultimate width design from Kleck Road to Montebello Oaks Drive, Project Proponent, Frank Arciero, President of Fallingstar Homes, Inc.,
2. Preparation of Traffic Calming Study and construct traffic calming measures on Skyview Drive, City of Paso Robles

**Timeframe** –

1. Payment of in-lieu fee - Prior to recordation of the Final Map for the last phase of Montebello Oaks Estates. Design and construct Union Road improvements to its ultimate width design from Kleck Road to Montebello Oaks Drive prior to issuance of certificate of occupancy of first home in last phase of Montebello Oaks Estates.
2. Preparation of Traffic Calming Study and construct traffic calming measures on Skyview Drive, City of Paso Robles to be initiated upon acceptance of in-lieu fees.

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
APPROVING AMENDMENTS TO THE GENERAL PLAN CIRCULATION ELEMENT,  
UNION/46 SPECIFIC PLAN, AND CONDITIONS OF APPROVAL FOR  
TENTATIVE TRACT 2369 AND PLANNED DEVELOPMENT 00-003 TO ELIMINATE THE  
PLANNED WEST CONNECTION OF "A" STREET TO NORTH RIVER ROAD  
(APPLICANT'S REPRESENTATIVE - NORTH COAST ENGINEERING  
FOR FRANK ARCIERO)

---

WHEREAS, an application requesting amendments to the Circulation Element, Figure CE-1 and Map 3.2, Circulation System Streets and Trails, of the Union/46 Specific Plan to delete the planned connection of "A" Street to North River Road and conditions of approval pertaining to this change in Tentative Tract 2369 and PD 00-003; has been filed by North Coast Engineering for Frank Arciero; and

WHEREAS, elimination of the planned west connection of "A" Street will be an environmentally superior alternative to installing this road, and will lessen site impacts and not require the removal of over 100 oak trees, or result in impacts to an oak woodland and wildlife habitat; and

WHEREAS, elimination of the planned west connection of "A" Street would be a benefit to potential storm water quality impacts and erosion, would not require impacting a blue-line stream, and would not result in negative aesthetic impacts from grading and construction of retaining walls, than if the road were to be constructed; and

WHEREAS, two independent traffic studies evaluated potential traffic impacts from elimination of the west connection of "A" Street, and determined that it would not result in significant traffic impacts on the surrounding neighborhood circulation and safety; and

WHEREAS, this Resolution deletes the following Conditions of Approval from Tentative Tract Map 2369 as follows: Engineering Site Specific Conditions 26, 34, 44, 45, and 46; and Standard Condition of Approval, Condition 5 regarding *offer to dedicate and improve "A" Street on-site and off-site*, shall be "null and void".

WHEREAS, new conditions of approval are added to Tentative Tract Map 2369, which are included in Engineering Site Specific Conditions; and

WHEREAS, mitigation measures are incorporated into the environmental document that requires payment of the in-lieu mitigation fees earmarked for the design and construction of improvements to Union Road from Kleck Road to Montebello Oaks Drive and for the preparation of a Traffic Calming Program and construction of traffic calming measures on Skyview Drive; and

WHEREAS, the City of Paso Robles Emergency Services Department does not oppose the elimination of the "A" Street connection to North River Road; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 13, 2003 and January 25, 2005, and City Council held a duly noticed public hearing February 15, 2005, April 19, 2005 and August 16, 2005 on these amendments, to accept public testimony on this application and associated environmental review; and

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), and the City's Procedures for Implementing CEQA, an Initial Study was prepared and circulated for public review and comment; and

WHEREAS, based on the information and analysis contained in the Initial Study, a determination has been made that the proposed project will not result in significant environmental impacts and it is appropriate for the City Council to adopt a Mitigated Negative Declaration, which is included in a separate resolution; 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 City Council makes the following findings:

1. The project, including amendments to the General Plan and Union/46 Specific Plan, is consistent with the adopted codes, policies, standards and plans of the City; and
2. The project will not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the residents and or businesses in the surrounding area, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City; and
3. The project accommodates the aesthetic quality of the City as a whole, especially where development will be visible from the gateways to the City, scenic corridors; and the public right-of-way; and
4. The project is compatible with, and is not detrimental to, surrounding land uses and improvements, provides an appropriate visual appearance, and contributes to the mitigation of any environmental and social impacts; and
5. The project is compatible with existing scenic and environmental resources such as hillsides, oak trees, vistas, etc.; and
6. The project contributes to the orderly development of the City as a whole.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby approve of this project, subject to the following conditions:

**ENGINEERING SITE SPECIFIC CONDITIONS:**

NOTE: In the event of conflict or duplication between standard and site-specific conditions, the site-specific condition shall supersede the standard condition.

1. The applicant shall extend the 12-inch water main in Tract 2369 to North River Road via Phases 4 and 5.
2. The applicant shall construct a storm water detention basin to mitigate the impacts of the development of Tract 2369 on the natural drainage course in the original alignment of "A" Street. The detention basin shall be designed to retain dry season landscape irrigation runoff.

3. All other existing conditions of approval included in Resolution Nos. 00-207, 00-208, and 00-209 shall remain in effect and shall continue to apply to development of Tract 2369.
4. Payment of in-lieu fees of \$500,000 shall be paid to the City prior to recordation of the Final Map for the last phase of development for Montebello Oaks Estates.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 16<sup>th</sup> day of August 2005 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk