

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION

FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: MISC. 06-010, DETERMINATION OF CONSISTENCY WITH THE GENERAL PLAN FOR CITY INITIATED PROPERTY ACQUISITIONS OF PROPERTIES LOCATED ON GAHAN PLACE, APNS 009-831-008 AND 009-831-009

DATE: JANUARY 9, 2007

Needs: For the Planning Commission to report to the City Council that the subject acquisitions of property would be consistent with the General Plan.

- Facts:**
1. The purpose of these property acquisitions is for future use of the property as public right-of-way. The right-of-way is intended for the future improvements at the Highway 101/46 West interchange.
 2. These two property purchases are being pursued for purposes related to the long term improvements of the interchange. These purposes include future realignment of Theatre Drive, to extend to Hwy. 46 in a location west of the interchange which would require the property proposed for purchase on Gahan Place.
 3. A map showing the location and configuration of the subject properties is provided in Attachment 1.
 4. Section 65402 of the California Government Code (Planning Zoning and Development Laws) provides for the Planning Commission to report on proposals for the City to acquire or dispose of property. A copy of the subject Code provision is attached for reference.
 5. Consistent with Section 65402 of the Government Code, it does not appear that the acquisition of these properties would be in conflict with the City's General Plan.

Analysis and Conclusion:

The General Plan, Circulation Element includes Goals, Policies and Action Items that provide guidance and direction for future circulation improvements in the City. Action Item 1 identifies (in Table CE-1, attached), potential circulation improvements for the City to pursue. Improvements to the Highway 46W and 101 is one of the improvement items listed. Therefore, it would appear that the General Plan is not in conflict with these property acquisitions for use of this land in the future for public right-of-way. The General Plan Environmental Impact Report includes an analysis and discussion of the issues related to the interchange, and improvements needed in the future. Future use of the property will be the subject of a separate environmental review.

No environmental impacts were identified with the proposed acquisition of this property.

Policy

Reference: California Environmental Quality Act, City of Paso Robles General Plan, 2003, California Government Code

Fiscal

Impact: The determination of consistency for acquisition of these properties could not result in fiscal impacts.

Options: After opening the public hearing and taking public testimony, the Planning Commission is requested to consider the following options:

- a. Approve the attached Resolution which would report to the City Council that the acquisition of the subject properties would be consistent with the General Plan.
- b. Amend, modify, or reject the foregoing option.

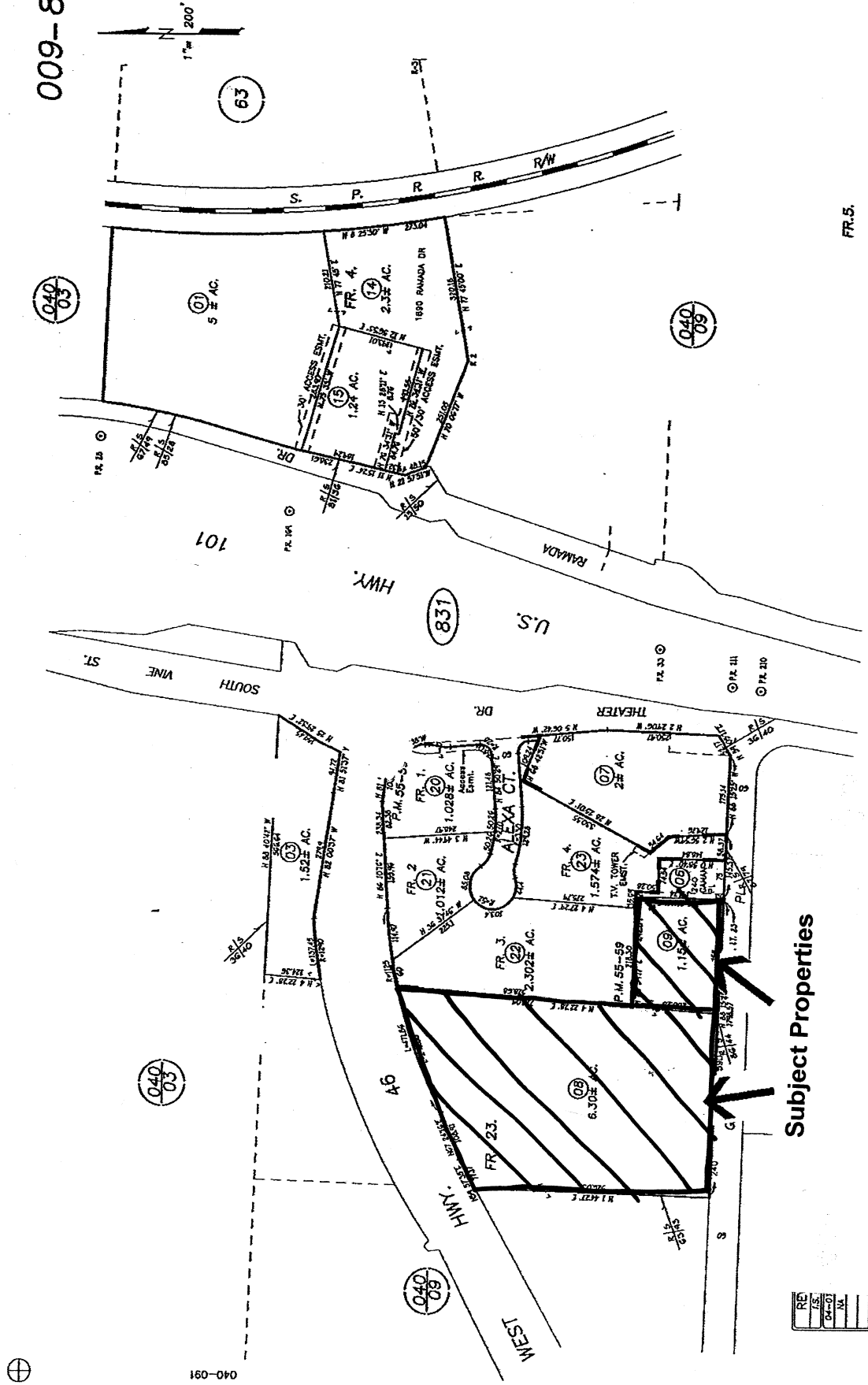
Prepared By: Susan DeCarli, AICP, City Planner

Attachments:

1. Property Location Maps
2. California Government Code, Section 65402
3. General Plan, Table CE-1
4. Resolution Reporting on Consistency with the General Plan
5. Newspaper and Mail Notices

Attachment 1
Property Location

009-83



Subject Properties

CITY OF
ASSESSOR'S
SALES
BOOK 009

A PART OF RANCHO PASE DE ROBLES, R.M. Bk. A, Pg. 164

FR. 5.

65402. (a) If a general plan or part thereof has been adopted real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonments for street widening, or alignment projects are of a minor nature.

(b) A county shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another county or within the corporate limits of a city, if such city or other county has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, and a city shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another city or in unincorporated territory, if such other city or the county in which such unincorporated territory is situated has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. The provisions of this paragraph (b) shall not apply to acquisition or abandonment for street widening or alignment projects of a minor nature if the legislative body having the real property within its boundaries so provides by ordinance or resolution.

(c) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan

Action Item 1. Pursue funding and implementation of the circulation improvements shown in Table CE-1 below. Where noted with an asterisk, coordinate these efforts with other agencies to implement regional improvements and seek additional sources of potential funding for multi-agency projects.

Table CE-1. Potential Circulation Improvements

<i>Downtown</i>
Access Improvements, including improved on/offramps to Highway 101 where appropriate, at 16 th and 24 th streets*
Improvements to traffic flow within the downtown area *
<i>Improvements to Existing Arterials</i>
24 th Street – Lake Nacimiento Road widening and improvement*
Creston Road corridor widening and improvements*
Spring Street consistent paved width, but retain as two lanes*
Niblick Road corridor 4-lane configuration*
Union Road widening to improved 2-lane configuration*
River Road safety improvements and bikepath through city limits*
<i>Roadway extensions or realignments</i>
Airport Road extension and intersection/interchange with Highway 46 East*
Airport Road full extension between Dry Creek & Charolais Road*
Realignment of Sherwood/Linne via the Chandler Ranch Area Specific Plan
Union Road realignment to eliminate access to SR 46E*
4 th Street connection to Riverside with underpass connection to U.S. 101*
<i>New bridges and interchanges</i>
SR 46E/Golden Hill Interchange improvements*
SR 46E/Airport Road Interchange improvements*
Charolais Road Bridge over Salinas River*
Southbound onramp to U.S. 101 at/near 16 th Street*
24 th Street overpass over the railroad*
Airport Road bridge over Huerhuero Creek*
Dry Creek Road bridge over Salinas River and extension to Highway 101*
Dry Creek Road bridge over Huerhuero Creek*
Wellsona Road bridge over Salinas River*
U.S. 101/SR 46E interchange improvements*
U.S. 101/SR 46W interchange improvements*
S. Vine Street improvements from 1 st Street to SR 46W*
Ramada improvements from SR 46W to Volpi Ysabel Road*
<i>Traffic Signals</i>
Traffic Signal at 4 th /Spring
Traffic Signal at 16 th /Spring
Traffic Signal at Charolais/South River
Traffic Signal at Sherwood/Airport Road
Traffic Signal at Airport Road/Highway 46 East (Interim Improvement)*
Traffic Signal at 24 th /Vine
Traffic Signal at Creston/Lana
Traffic Signal at Niblick/Country Club
Traffic Signal at Niblick/Nicklaus
Traffic Signal at Niblick/High School
Install camera-operated traffic signals

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RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PASO ROBLES
REPORTING ON CONSISTENCY FOR THE ACQUISITION OF PROPERTIES
LOCATED ON GAHAN PLACE (APN 009-831-008 AND 009-831-009)**

WHEREAS, the City of Paso Robles proposes to purchase properties located on Gahan Place, (APNs 009-831-008 and 009-831-009), for future use as public right-of-way; and

WHEREAS, Section 65402 of the Government Code provides that the Planning Commission must be requested to report on whether or not a proposed purchase of property would be in conflict with the City's General Plan; and

WHEREAS, on January 9, 2007 the Planning Commission considered the subject property in relation to the City's General Plan; and

WHEREAS, based on evaluation of the proposed purchase of properties, and the City's General Plan Circulation Element, Action Item 1, which identifies the City's intent to pursue the improvement of the Hwy. 46W and 101 interchange, and the General Plan Environmental Impact Report assessed and identified the need to construct improvements at this location, the purchase of these properties would not appear to not be in conflict with the City's General Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Paso Robles, based on its independent judgment, does hereby report to the City Council that this acquisition of properties located on Gahan Place, APNs 009-831-008 and 009-831-009, would be consistent with the City's General Plan.

PASSED AND ADOPTED by the Planning Commission of the City of Paso Robles this 9th day of January 9, 2007 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

CHAIRMAN PRO-TEM, MARGARET HOLSTINE

ATTEST:

RON WHISENAND, PLANNING COMMISSION SECRETARY

AFFIDAVIT
OF MAIL NOTICES
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Susan DeCarli, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for Misc. 06-010 General Plan Conformity Report on this 26th day of December 2006.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: Susan DeCarli
Susan DeCarli

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

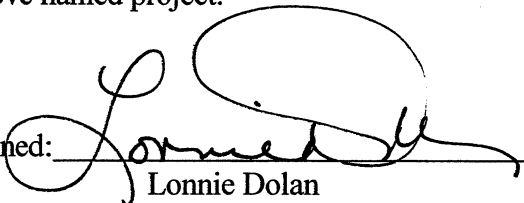
Newspaper: Tribune

Date of Publication: December 27, 2006

Meeting Date: January 9, 2007
(Planning Commission)

Project: Miscellaneous 06-010
City initiated - General Plan
Consistency finding for property
Acquisition on Gahan Place

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 PASO ROBLES
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will hold a Public Hearing on Tuesday, January 9, 2006, at 7:30 p.m. in the Conference Center/City Council Chambers (First Floor) at the Paso Robles Library/City Hall, 1000 Spring Street, Paso Robles, California. The Planning Commission will consider making a General Plan consistency finding for acquisition of properties in the following description.

The City of Paso Robles proposes to purchase two properties located on Gahan Place, APNs 009-831-008 and 009-831-009. The property purchases are intended for use as public right-of-way.

This activity is exempt from the California Environmental Quality Act, per Section 15061(b)(3). Written comments on the Staff Report may be mailed to the Community Development Department, City Hall, 1000 Spring Street, Paso Robles, CA 93446, provided that comments are received prior to the time of public hearing. Oral comments may be made at the hearing. Should you have any questions regarding this project, please contact either Susan DeCarl, City Planner or John Falkenstein, City Engineer at (805) 237-3970.

If you challenge the action of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public meeting described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public meeting described herein.

Susan DeCarl, AICP
City Planner
December 27, 2006 #509049