

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION

FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR

**SUBJECT: PLANNED DEVELOPMENT 05-020/TPM PR 07-0168
BEAVER SPRINGS INDUSTRIAL PROJECT; APPLICANT - JIM REED;
PASO ROBLES STREET - APN 009-214-002**

DATE: MAY 11, 2010

Needs: For the Planning Commission to consider a request to develop and construct two light manufacturing buildings located at the southeast corner of Paso Robles Street and the Highway 101 exit.

Facts:

1. The applicant submitted a development application for a light industrial project with five buildings in November 2005.
2. The property is zoned Commercial/Light Industrial (C3), and is designated in the General Plan as Commercial Service/Salinas River Overlay (CS/SRO). The proposed use is permitted in the zoning district and land use designation. See Vicinity Map, Attachment 1.
3. The project site is approximately 6.8 acres in area. Most of the site is within the Salinas River flood zone, and there is a wetland located within a short distance of the property frontage on Paso Robles Street. See Site Plan, Attachment 2.
4. The project site is also located directly to the east of the Paso Robles Street exit from Highway 101. According to the applicant's traffic consultant, industry standard safe site access speed is approximately 10 – 15 mph or lower. According to traffic study data provided by the applicant, traffic exiting the highway directly onto Paso Robles Street is typically traveling at speeds between 35 – 40 mph.
5. City staff conducted an application completeness review and informed the applicant of technical information needed for the application, as well as environmental, traffic safety and policy concerns regarding the proposed project in 2005.
6. Major issues of concern centered on: “Gateway” design considerations for building architecture; biological impacts of filling and relocating a wetland; consistency with the Salinas River Vision and Uptown/Town Center Specific Plan goals related to site planning, future land uses, and public access; and traffic safety of site access and circulation from Highway 101.

7. The applicant and City worked through several iterations of the project. The building architecture and site plan was considered by the Development Review Committee (DRC) in June 2007. The DRC had minor comments, but overall determined the architecture was acceptable. The DRC did not address environmental issues since the City was in the process of preparing an Initial Study/environmental review for the project.
8. As a result of a biological peer review, the applicant revised the proposed site design and eliminated almost all impacts to biological resources on the site by reducing the number of buildings from five to two.
9. However, the major unresolved issue is that the traffic design submitted by the applicant does not provide safe access to the property in a manner that satisfies either the City or Caltrans.
10. In addition, the applicant's property has no direct access to a public street. There is access to the property that is specifically limited to the current and historical use of the property. The project would require the City Council to dedicate a public right-of-way to allow intensification of uses on this property, which the City Council has not done.
11. Before the project can be approved, it must be reviewed for compliance with the provisions of the California Environmental Quality Act (CEQA). However, as noted above, the traffic design submitted by the applicant is inadequate to address the public safety concerns, and further, depends upon the City separately agreeing to dedicate a public right of way. The applicant has thus far declined to submit any further traffic mitigation measures that would allow staff to complete the documentation necessary to satisfy its CEQA obligations.
12. Nevertheless, the applicant has requested that its application be reviewed in order to receive direction.
13. CEQA prohibits the City from approving a project without adequate CEQA documentation. The CEQA documentation for this project is incomplete and inadequate, and therefore the Commission cannot approve the project.

**Analysis
and**

Conclusions: As noted above, this project has been in project review for a long time. There are numerous complexities associated with this project. However it comes down to a few primary issues.

- The project does not have legal access to a public street to accommodate the proposed intensified use of the property. To allow for such intensification, the City would have to designate this portion of Paso Robles Street as a public street, which would include costs of design and

construction to City street standards, safety features for traffic coming off Highway 101 and maintenance.

- The applicant has not proposed a traffic design solution to provide safe access to his property in the face of high-speed traffic exiting the highway. If traffic is generally exiting the highway between 35 - 40 mph, and the safe access speed to enter the applicants' property is 10 mph, this is a significant traffic safety issue.
- Potential design solutions and the process to review them have been raised with Caltrans. Caltrans is willing to consider future improvements of the exit ramp. Two traffic design alternatives offered by the applicant and considered by the City and Caltrans include: 1) a stop sign on the ramp – which was determined by Caltrans not to be in compliance with stop sign warrants; and 2) an uncontrolled intersection with improved radius' to slow traffic down and accommodate southbound traffic. Caltrans requested revisions to the applicants' traffic study to correct data and provide additional information to analyze this alternative. The applicant has not provided the information requested by Caltrans. A third alternative proposed by the applicant is a roundabout at the intersection, however this alternative, which Caltrans and the City have indicated may address safety issues, has not been pursued by the applicant. An acceptable traffic mitigation has not been proposed by the applicant and therefore the City cannot complete the project environmental determination.
- The City recommended the applicant work with property owners to the south who are also interested in intensifying use of their property, to develop an appropriate design solution and share the cost of any the improvements. The City has no information that the applicant has been interested in pursuing this recommendation.
- Improvement of the Paso Robles Street exit is not on the City's Capital Improvement List and the City does not collect development impact fees for this facility.
- At this time, the City does not have the financial resources to design or construct an extension of Paso Robles Street.
- No interim frontage improvements have been identified that would provide safe access to the proposed intensified uses on the project site.

In light of the issues noted above, the environmental review process cannot be completed, and the City cannot legally approve this project.

Reference: Paso Robles General Plan and EIR, Paso Robles Zoning Ordinance, Draft Uptown/Town Center Specific Plan, Gateway Design Standards, 2006 Economic Strategy.

Fiscal

Impact: No direct fiscal impact.

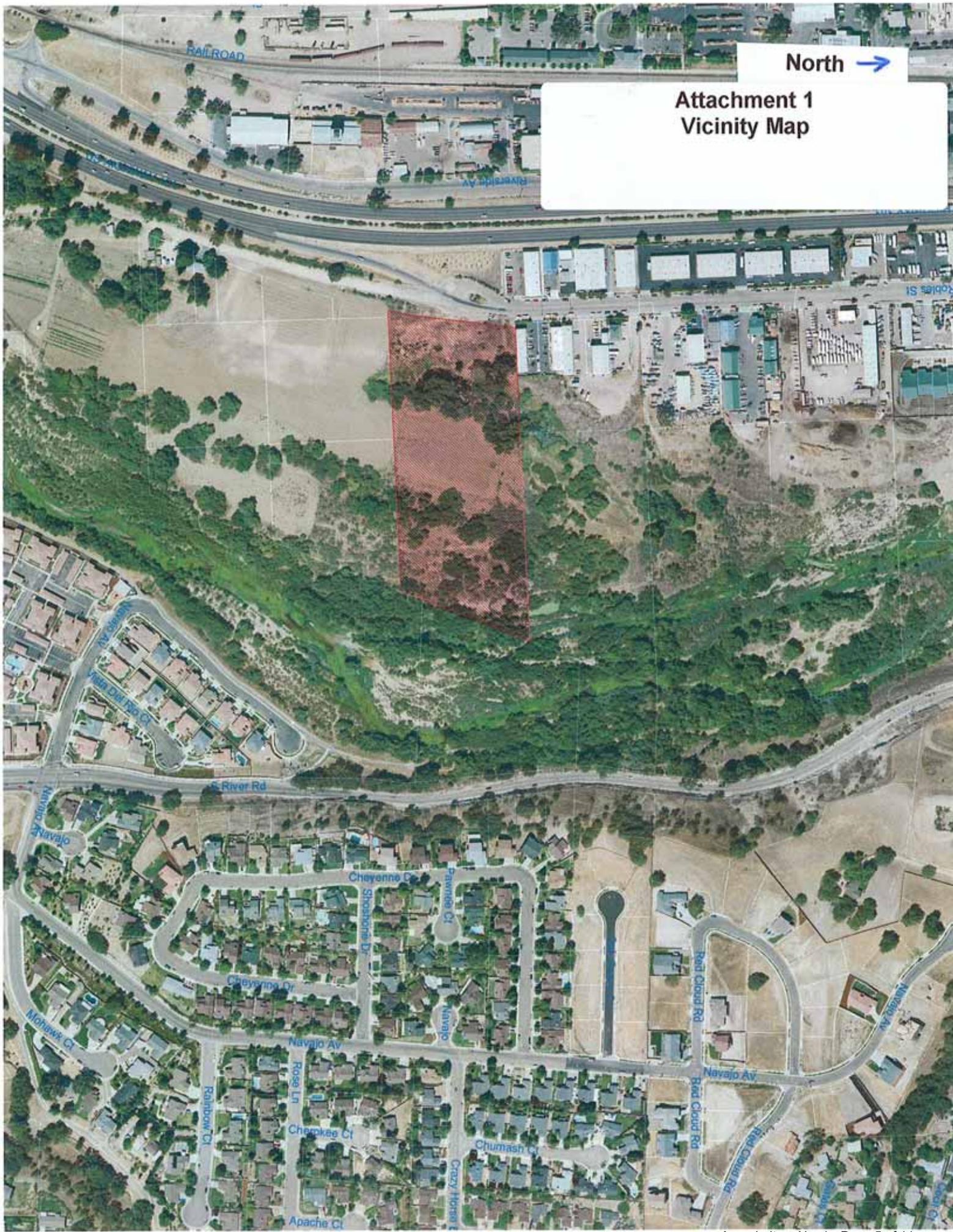
Options: After opening the public hearing and taking public testimony, the Planning Commission should consider the following options:

1. Make the appropriate findings and adopt the attached resolution to deny this application; or
2. Provide direction to the applicant to provide information necessary to complete the environmental review; or
3. The Planning Commission may amend, modify, or reject the above options.

Staff Report Prepared By: Susan DeCarli, AICP

Attachments:

1. Vicinity Map
2. Site Plan
3. Memo from City Engineer
4. Resolution to Deny PD 05-020/TPM PR 07-0168
5. Newspaper and Mail Notice Affidavits



North →

**Attachment 1
Vicinity Map**

Attachment 2 Site Plan

J.K. ENGINEERING
 Civil Engineering & Surveying Design
 John A. Kordis
 428 West
 1780 Rockwell, CA
 94704-1411
 (415) 353-1111

PARK

OWNER / APPLICANT:
 3211 GILBERT QUAYS WAY
 PASO ROBLES, CA
 EASTING APT. 909 - 214-002
 LAND USE CATEGORIES / ZONING: INDUSTRIAL / C3

PROJECT REPRESENTATIVE:
 CINDY LEWIS
 WALLACE GROUP
 3211 GILBERT QUAYS WAY
 PASO ROBLES, CA 94061
 PH: 925 544-0111
 FAX: 925 544-0241

REVISED PROJECT DESCRIPTION:
 REVISED DESIGN: 7.6 AC.
 PROPERTY ACREAGE: 7.0 AC.
 NET ACREAGE: 20,943 SQ. FT.
 ON SITE PAVING AREA: 4,884 SQ. FT.
 ON SITE LANDSCAPED AREA: 1,884 SQ. FT.
 RAW LAND COVERED AREA: 17,059 SQ. FT.
 TOTAL SITE DISTURBANCE: 34,938 SQ. FT. AC
 TOTAL PARKING SPACES: 38 SPACES
 OPEN PARKING SPACES: (MONTADA) 38
 ADA PARKING SPACES: 3

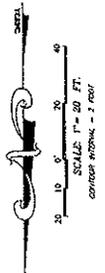
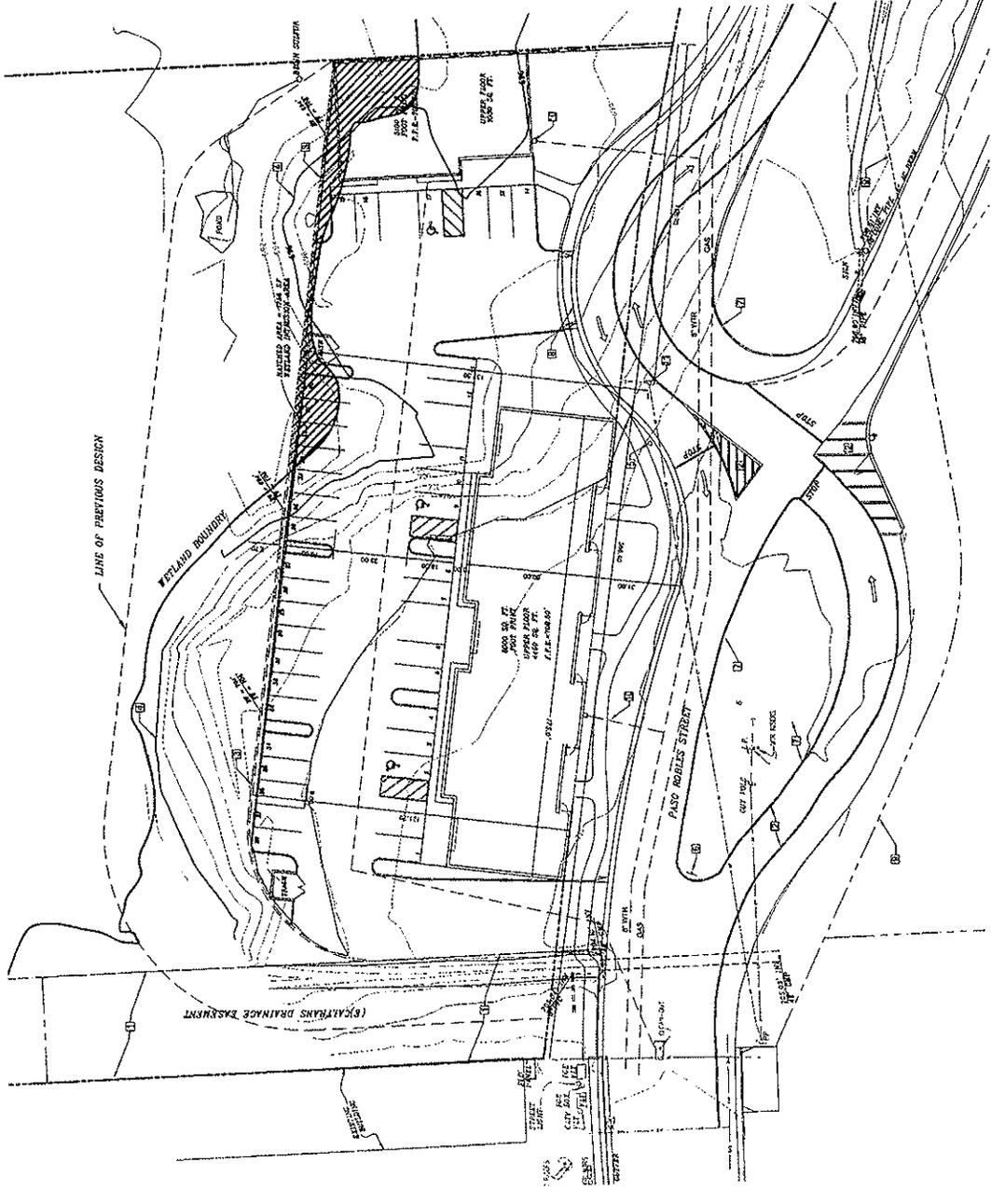
EXTERIOR FOOTPRINT: 11,403 SQ. FT. (INCLUDING PORCHES)
 INTERIOR SECOND FLOOR: 5,480 SQ. FT.
 TOTAL BUILDING FLOOR AREA: 16,883 SQ. FT.

EARTHWORK QUANTITIES:
 REVISED DESIGN: CUT
 11,541 CU YDS
 11,541 CU YDS
 21,082 CU YDS
 17,366 CU YDS
 FILL

PREVIOUS PROJECT DESCRIPTION:
 REVISED DESIGN: 7.6 AC.
 PROPERTY ACREAGE: 7.0 AC.
 NET ACREAGE: 22,272 SQ. FT.
 ON SITE PAVING AREA: 9,143 SQ. FT.
 ON SITE LANDSCAPED AREA: 9,143 SQ. FT.
 RAW LAND COVERED AREA: 19,568 SQ. FT.
 WETLAND LANDSCAPED AREA: 1,884 SQ. FT.
 TOTAL SITE DISTURBANCE: 34,774 AC
 TOTAL PARKING SPACES: (MONTADA) 38
 ADA PARKING SPACES: 2
 GARAGE SPACES: 12

EXTERIOR FOOTPRINT: 13,298 SQ. FT. (INCLUDING PORCHES)
 INTERIOR SECOND FLOOR: 4,884 SQ. FT.
 TOTAL BUILDING FLOOR AREA: 18,182 SQ. FT.

- SPECIFIC NOTES:**
- 11 EXISTING CAL TRANS DRAINAGE EASEMENT
 - 12 PROPOSED STRIPING ON PASO ROBLES STREET PER REPORT BY TRAFFIC ENGINEER.
 - 13 EXISTING CAL TRANS DRAINAGE EASEMENT
 - 14 EXISTING CAL TRANS DRAINAGE EASEMENT
 - 15 FEMA 100 YEAR FLOOD WAZARD BOUNDARY.
 - 16 FIRE HYDRANT.
 - 17 SIGN: KEEP RIGHT
 - 18 NEW RIGHT OF WAY. SEE ROW OFFER OF DEDICATION ON TENTATIVE MAP.
 - 19 CAL TRANS NO-ACCESS EASEMENT.
 - 20 WATER SERVICE.
 - 21 EXISTING UTILITY POLE TO BE RELOCATED



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MEMORANDUM

TO: Susan DeCarli
FROM: John Falkenstien
SUBJECT: PD 05-020 Reed
DATE: April 19, 2010

The Reed property does not have direct access to a public street. The public right-of-way of Paso Robles Street ends at the original centerline of 7th Street, along the line of Reed's north boundary. The Reed property currently accesses Paso Robles Street through land owned in fee by the City of Paso Robles. This land was acquired by the City through relinquishment from Caltrans. Reed has easement access limited to the current and historic uses of the property.

Access for intensified uses of the property, including the establishment of businesses open to the public, can only occur by City Council action to accept a street as public adjacent to the site.

The applicant proposed a southerly extension of Paso Robles Street within the relinquishment property. They submitted an analysis from a traffic engineer to demonstrate that sight distance is adequate if improvements are made in accordance with their proposal.

We asked Kimberly-Horn to provide a peer review of the applicant's Paso Robles Street access design. The conclusions of their peer review were as follows:

- The proposed design meets California Highway Design Manual standards and guidelines for sight distance.
- The proposed design does not accommodate large trucks. The applicant argues that Paso Robles Street is not a designated truck route. The City has no designated truck routes. Trucks may access all streets. This would appear particularly important in relationship to the current Manufacturing zoning on Paso Robles Street and properties to the south.
- The proposed design does not accommodate potential development of the properties south of Reed's and limits the opportunity for improvements that may be needed for future development.

As stated in our first response to the Reed application, we continue to have concerns regarding the safety of the operation of the freeway off-ramp. The Reed application proposes that the City Council approve intensification of use, and dedication to the public, a street with high-speed cross traffic controlled by a stop sign. It is particularly awkward because the ramp traffic would not expect an encroachment into their path.

I cannot recommend approval of the access condition proposed by Reed.

RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF PASO ROBLES
DENYING PLANNED DEVELOPMENT 06-020 AND TPM PR 07-0168
APPLICANT – JIM REED; PASO ROBLES STREET/HWY. 101
APN: 009-214-002**

WHEREAS, applications for Planned Development 06-020 and TPM PR 07-0168 have been filed by Jim Reed; and

WHEREAS, the property is in the Commercial/Light Industrial (C3) zoning district and it is designated Commercial Service/Salinas River Overlay (CS/SRO) in the General Plan;

WHEREAS, Planned Development 06-020 and TPM PR 07-0168 is a proposal to construct two commercial/light industrial buildings, which is consistent with the property's zoning and land use designation; and

WHEREAS, the applicant proposes to intensify use of undeveloped property; and

WHEREAS, the property does not have direct access to a public street; the project would require the City Council to designate a public right-of-way to allow access to the site for the proposed intensified uses on the property; and

WHEREAS, the current configuration of Paso Robles Street and the Highway 101 off-ramp additionally would not allow safe vehicular access to the property, and the applicant has not provided an adequate design solution to mitigate the public safety concerns to the satisfaction of the City or Caltrans; and

WHEREAS, before the City can approve the project, it must be reviewed for compliance with the provisions of the California Environmental Quality Act (CEQA). However the applicant has not provided any revised traffic mitigation measures that would allow staff to complete the documentation necessary to satisfy the City's CEQA obligations; and

WHEREAS, without adequate CEQA documentation, the Planning Commission is unable to approve the project; and

WHEREAS, the applicant has nonetheless requested that the Planning Commission consider its application; and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 11, 2010 on this project to accept public testimony on the Planned Development application PD 06-020 and TPM PR 07-0168;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

Section 1. Based upon the facts and analysis presented in the staff report and the attachments thereto, public testimony received, the Planning Commission makes the following findings:

- a. Without safe access to the property intensification of the site would be detrimental to the health, safety, 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

- b. Before the project can be approved, it must be reviewed for compliance with CEQA. Applicant's submitted traffic design is inadequate to address public safety concerns, and further, depends upon the City separately agreeing to dedicate a public right of way. Therefore, Staff cannot complete the documentation necessary to satisfy its CEQA obligations; and
- c. The City is prohibited from approving a project without CEQA documentation. Because this project does not have adequate or complete CEQA documentation, the City cannot approve this project.

Section 2. Based on all of the above, the Planning Commission of the City of El Paso de Robles does hereby deny Planned Development 06-020 and TPM PR 07-0168.

PASSED AND ADOPTED THIS 11th day of May, 2010 by the following Roll Call Vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

CHAIRMAN JOEL PETERSON

ATTEST:

RON WHISENAND, PLANNING COMMISSION SECRETARY

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

Newspaper: Tribune

Date of Publication: April 30, 2010

Hearing Date: May 11, 2010
(Planning Commission)

Project: Planned Development 05-020 and
Tentative Parcel Map PR 07-0168
(Reed)

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

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CITY OF EL PASO DE 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, May 11, 2010, 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 project:

Planned Development 05-020/TPM PR 07-0168. A request filed by Jim Reed to construct 2 light manufacturing buildings located at the Southeast corner of Paso Robles Street and the Highway 101 exit. (APN 009-214-002).

The proposed project is normally subject to the provisions of the California Environmental Quality Act (CEQA). However, the applicant has not provided the environmental information necessary to make an environmental determination. This project is recommended for disapproval and therefore CEQA does not apply.

Written comments on the proposed project 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 project 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 at or prior to the public hearing.

Susan DeCarli, AICP
City Planner
April 30, 2010 6882005

**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 a public hearing on PD 05-020/TPM PR - 07-0168 on this 30th day of April, 2010.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: Susan DeCarli
Susan DeCarli