

RESOLUTION NO. 95-86

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES AMENDING THE FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF 1994 CDBG FUNDS TO APPROVE A CHANGE OF LOCATION FOR A CDBG-FUNDED PROJECT WITHIN CITY LIMITS AND RECOMMENDING THAT THE BOARD OF SUPERVISORS FOR THE COUNTY OF SAN LUIS OBISPO LIKEWISE APPROVE SAID AMENDMENT

WHEREAS, at its meeting of April 19, 1994, the City Council adopted Resolution 94-54, approving a Final Statement of Community Development Objectives and Proposed Use of Funds (hereafter referred to as the Final Statement) for its share of the Urban County of San Luis Obispo's 1994 Community Development Block Grant (CDBG) Funds; and

WHEREAS, at its meeting of May 10, 1994, the Board of Supervisors for the County of San Luis Obispo adopted Resolution 94-218, approving a Final Statement for the Urban County of San Luis Obispo's 1994 Community Development Block Grant (CDBG) Funds; and

WHEREAS, the Final Statement, as adopted by County Resolution 94-218 includes a project to use a total of \$180,591 in 1994 CDBG funds (\$140,000 of Paso Robles' allocation and \$40,591 from the Special Urban Projects Fund) for the acquisition of 48 lots in Tract 1895 located on Experimental Station Road to assist in the development of single family homes for low income households by Peoples' Self-Help Housing Corporation; and

WHEREAS, since the adoption of the Final Statement, Tract 1895 has been foreclosed upon and the City has been led to understand that Peoples' Self-Help Housing Corporation has been unsuccessful in negotiating with the new owners of that tract to purchase the 48 lots; and

WHEREAS, given that there exists a need for ownership housing for low income households in the City of in Paso Robles, Peoples' Self-Help Housing Corporation, seeking to relocate the project, has entered into an agreement with the owner of Tract 1632 to purchase the 71 lots in Phase 6 of said tract, which is located on the east side of the southerly extension of Airport Road, approximately 500 feet south of Scott Street; and

WHEREAS, Policies and Programs in both the Land Use and Housing Elements of the General Plan encourage the development of affordable housing and its dispersal throughout the City; and, from a land use standpoint, both Tracts 1632 and 1895 have been approved for single family development; and

WHEREAS, on January 3, 1989, the City Council approved a Negative Declaration for the tentative map for Tract 1632, stating that the project would not have a significant environmental impact; and

WHEREAS, on October 24, 1994, the Planning Commission adopted Resolution 94-040 approving the amendment of the phasing for Tract 1632 and indicating that the change in phasing did not affect the circumstances under which the Negative Declaration was issued; and

WHEREAS, Section 305(a) of 24 CFR Part 570 (federal regulations for the CDBG Program) requires that the Final Statement be amended if a project's location is proposed to be substantially changed and that citizens be provided with reasonable notice of, and opportunity to comment on, the proposed amendment; and

WHEREAS, at its meetings of June 20, July 6 and July 18, 1995, the City Council conducted a public hearing to obtain public testimony on the proposed amendment to the Final Statement; notice for this hearing was accomplished by the publishing of a legal notice in the *Country News*, a newspaper of general circulation throughout the City on June 7, 1995 and by the mailing of a notice of public hearing to all owners of property located within 300 feet of Phase 6 of Tract 1632; and

WHEREAS, via a Cooperation Agreement with the County of San Luis Obispo (hereafter referred to as "County") executed on July 7, 1993, the City waived its individual entitlement status for a period of three years in order that the County and the cities located therein may qualify as an "Urban County"; and

WHEREAS, via the Cooperation Agreement, the City retains the authority to determine which projects are to be funded with its allotment of CDBG funds and has the ability to negotiate with the Board of Supervisors regarding which projects are to be funded with the Special Urban Projects Fund; and

NOW, THEREFORE, BE IT FOUND AND DETERMINED, by the City Council of the City of El Paso De Robles, California, that no additional environmental review is necessary. This finding is based on the following facts:

1. The amendment of the Final Statement for the 1994 CDBG funds to allow CDBG funds to be used in connection with Phase 6 of Tract 1632 does not constitute a "project" under the California Environmental Quality Act. Tract 1632 was previously approved after an environmental review was conducted and a Negative Declaration issued.

2. The amendment of the Final Statement for the 1994 CDBG funds does not create any new environmental impacts not previously analyzed because it merely changes certain funding for the project. It does not change the size, type or density of the project as it was previously approved. This change in funding does not constitute a change in circumstances or new information requiring further environmental review.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso De Robles, California, to approve an amendment of the Final Statement for 1994 CDBG Funds to change the location for Peoples' Self-Help Housing Corporation's low income single family housing development, for which \$140,000 of the City's allotment of CDBG funds was allocated, from Tract 1895 at the northwest corner of Experimental Station and Buena Vista Roads to Phase 6 of Tract 1632 on the east side of the southerly extension of Airport Road, approximately 500 feet south of Scott Street.

BE IT FURTHER RESOLVED, by the City Council of the City of El Paso De Robles, California, to recommend that the Board of Supervisors for the County of San Luis Obispo likewise approve said amendment of the Final Statement for 1994 CDBG Funds, especially with regard to the allocation of \$40,591 of the Special Urban Projects Fund for this project.

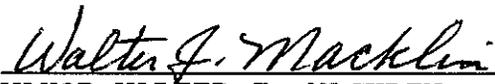
PASSED AND ADOPTED THIS 18th day of July, 1995 by the following roll call vote:

AYES: Iversen, Heggarty, Martin, Macklin

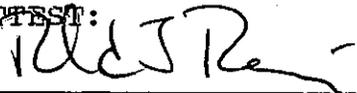
NOES: Picanco

ABSENT: None

ABSTAIN: None

  
MAYOR WALTER J. MACKLIN

ATTEST:

  
RICHARD J. RAMIREZ, CITY CLERK

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**FACTS AND ANALYSIS FOR PEOPLES' SELF-HELP HOUSING CORPORATION'S  
PROPOSED SINGLE FAMILY RESIDENTIAL SWEAT-EQUITY PROJECT  
IN PHASE 6 OF TRACT 1632 (RIDER)**

FACTS ABOUT CDBG FINAL STATEMENT

1. Because the City, via a Cooperation Agreement, is a part of an "Urban County", an amendment to the Final Statement must also be considered by the County Board of Supervisors at a public hearing. However, the Cooperation Agreement provides that the Board of Supervisors has no authority to change projects approved by the City Council for the City's allotment of CDBG funds. Therefore, the hearing by the County Board of Supervisors, which will be scheduled for a later date, is a technical formality.
2. PSHHC is not eligible to receive a greater share of the 1994 CDBG funds (i.e., to facilitate a 71 lot project instead of a 48 lot project). They have, however, requested 1994 federal HOME program funds for use in their sweat-equity projects located throughout the County. This request has been approved by the City and County via the adoption of the 1995 Consolidated Plan\* and is awaiting approval by the Department of Housing and Urban Development (HUD).

\* NOTE: In 1994, HUD changed its regulations to replace the Final Statement, which only addressed the CDBG Program, with a "Consolidated Plan", which addresses CDBG, HOME and several homeless programs.

FACTS ABOUT TRACT 1632

1. Tract 1632 was granted tentative map approval by the City Council, via Resolution 89-02, on January 3, 1989. This approval included the following:
  - a. Approval of a Negative Declaration, stating that the project will not have a significant effect on the environment;
  - b. Development of the Tract, consisting of a total of 379 buildable lots, in 7 phases; Phase 6, which PSHHC is in escrow to acquire for this project, has always consisted of 71 lots.
  - c. Approval of Planned Development 88005, via Resolution 89-01, which gave conceptual approval to architectural styles and materials and required final approval prior to development of each phase.

NOTE: At its meeting of June 7, 1994, the City Council adopted Resolution 94-84, which delegated City Council and Planning Commission review of design elements for Planned Developments to the Development Review Committee (DRC). The

City's Zoning Code provides that the DRC can refer any project up to the Planning Commission for approval.

2. At its meeting of October, 1994, the Planning Commission adopted Resolution 94-040 (attached) amending the phasing of Tract 1632. This resolution provides that Phase 6 may be developed at any time, provided that certain off-site sewer and water improvements are installed through the parcels on which Phases 3, 4 and 7 will be located, and, if the drainage study required by condition #60 of Resolution 89-02 has been completed.

#### FACTS ABOUT THE PROJECT

1. The purpose of the sweat-equity project is to provide affordable housing for lower income households, which is defined by state and federal regulations as those households earning 80 percent or less of the County's Median Income. In 1995, the County Median Income for a family of 4 is \$42,300; 80 percent of this amount is \$33,850. In a sweat-equity project, owners work in teams to construct their own homes under the supervision of licensed contractors, thereby achieving considerable savings for labor costs.
2. In order to make the homes affordable to lower income households, PSHHC has arranged for several sources of financing for this project. These sources include: federal CDBG and HOME funds (which are limited to benefitting lower income households); financing from the USDA Rural Housing and Community Development Services (formerly FmHA), and sweat-equity.
3. PSHHC is aware of the Planned Development 88005's requirement that homes within Tract 1632 be architecturally compatible and has indicated that it will provide two-car garages and architectural treatment to ensure such compatibility.

#### ANALYSIS

##### 1. Change of Location of Project:

Policies and Programs in both the Land Use and Housing Elements of the General Plan encourage the development of affordable housing and its dispersal throughout the City. From a land use standpoint, both Tracts 1632 and 1895 were approved for single family development.

A letter from the Sierra Bonita Village Homeowners' Association to the State Department of Housing and Community Development (through which PSHHC will receive HOME funds), dated June 5, 1995 (attached) recommends installation of a "greenbelt" between Tract 1632 and Sierra Bonita Village.

During the public hearings for Tract 1632 in 1988 and 1989, only two residents of Sierra Bonita Village spoke to express concerns, which included: noise associated with children playing immediately adjacent to seniors-only housing; possible two-story units adjacent to one-story units; and traffic on Scott Street. During the public hearings for Rezone 88004 in 1988, by which the site for Tract 1632 was rezoned R-1,PD4, three residents of Sierra Bonita Village spoke to express the same concerns and, at that time, there was a recommendation for a buffer zone between Tract 1632 and Sierra Bonita Village. The Planning Commission and City Council approved Tract 1632, with 7,000 sq ft single family lots (as opposed to 3,500 sq ft lots in Sierra Bonita Village) abutting Sierra Bonita Village without any age restrictions on occupancy and without any other special mitigation measures such as a buffer zone.

It should be noted that approval of the tentative map for Tract 1632 granted an entitlement to develop the lots in the approved configuration for occupation by families (if so developed prior to expiration of the tentative map approval). Since PSHHC is not seeking an amendment to the tentative map, the configuration of lots is not an issue that can be addressed by the Council.

## 2. Compatibility of Architectural Styles and Materials:

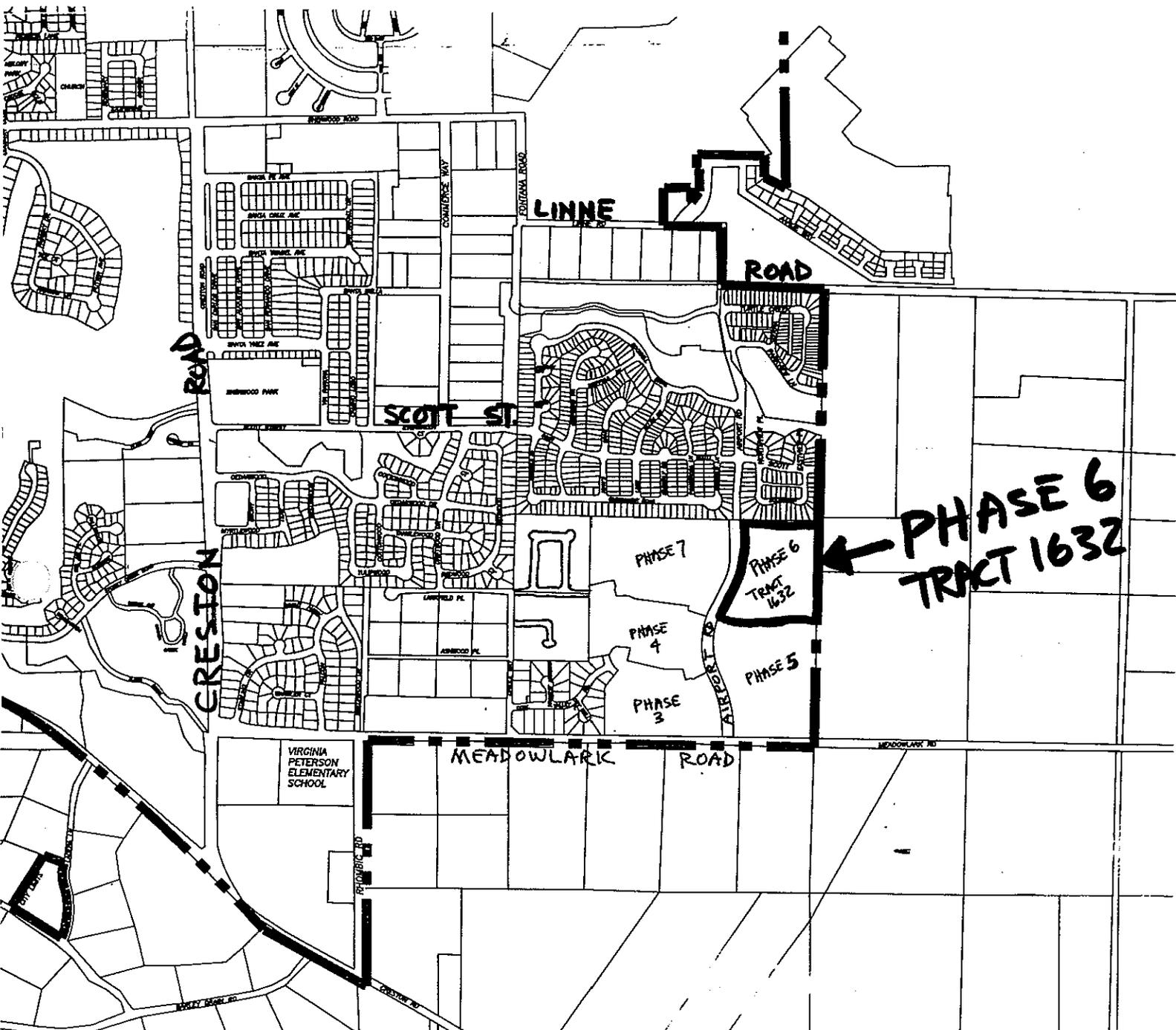
Condition #2 of PD 88005 (post Resolution 94-84) requires Development Review Committee approval of detailed site plans, elevations and renderings illustrating architectural styles and materials of all buildings. Details shall include, but not be limited to, roof materials, siding, colors, type of fencing material and distribution of models. The intent of this condition was to ensure that architecture is compatible with that of neighboring development. As mentioned above, PSHHC is aware of this condition and has indicated agreement to provide two-car garages and compatible architectural style and materials.

PSHHC reports that the USDA Rural Housing and Community Development Services (formerly FmHA) no longer conducts architectural review of units financed by them. It had been FmHA's requirement that houses funded by them have only one-car garages.

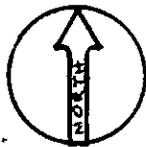
The June 5, 1995 letter from Sierra Bonita Village Homeowners' Association raises concerns about new fences between Tract 1632 and Sierra Bonita Village. Condition #59 of Tract 1632 reads as follows:

The applicant (PSHHC) shall construct a six foot high wooden fence along the northern tract boundary (in Phase 6). The applicant shall consult with the adjacent property owners in Tract 1143, in order to obtain their consent to construct a new, shared privacy fence. In the event the applicant is unable to obtain property owner permission for a shared fence, then a new six foot high wooden fence (as measured from the highest adjacent grade) shall

# LOCATION MAP



PHASE 6  
TRACT 1632



be constructed directly abutting the existing property line fences.

### 3. Traffic through Sierra Bonita Village

The June 5, 1995 letter from Sierra Bonita Village Homeowners' Association raises concerns about traffic generated by Phase 6 of Tract 1632 using Airport Road and Scott Street, which runs through the heart of Sierra Bonita Village, as its primary access to Creston Road and the rest of the City.

When Tract 1632 has been built out, traffic generated by Phase 6 residents will have the options of using Airport Road north to Scott Street and Linne Road or Airport Road south to Meadowlark Road as the main routes to Creston Road and the rest of the City. Prior to development of Phases 3 and 4, the option of taking Airport Road south to Meadowlark Road will not be available.

The Circulation Element of the General Plan sets Level of Service (LOS) "C" as the threshold of significance of traffic impact. The City's Public Works Director has indicated that Airport Road, Scott Street and Linne Road are not presently at LOS "C" and that the expected additional 710 trips per day generated by the 71 units in Phase 6 will not cause the level of service on these road segments to drop below "C".

It should be noted that the Airport Road north to Scott Street and Linne Road option provide shorter, more-direct routes to Creston Road and the rest of the City than does the Airport Road south to Meadowlark Road option. Therefore, it is not expected that many residents of Phase 6 will use the latter option as their route of choice to Creston Road and the rest of the City even when it becomes available.