

RESOLUTION NO. 2008 - 035

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, APPROVING AN AMENDMENT TO THE TERMS OF THE AFFORDABLE HOUSING OBLIGATION REQUIRED IN CONDITION 21 OF TENTATIVE SUBDIVISION MAP 95-2 (CENTRE COURT SUBDIVISION), SPECIFICALLY TO ACCEPT THE PAYMENT OF AN IN-LIEU HOUSING FEE AS AN ALTERNATIVE TO THE CONSTRUCTION OF THREE (3) DEED RESTRICTED SINGLE FAMILY UNITS**

**WHEREAS**, on May 24, 1995, the Planning Commission approved Tentative Map 95-2 for the Centre Court Subdivision;

**WHEREAS**, Condition 21 of Tentative Subdivision Map 95-2, required the construction of three (3) deed restricted single family units by the Carolann Holdings, LLC, Developer (Peter E. Turner, Member) located at 1713, 1721, and 1739 Emerald Drive (Lots 10, 11, and 13 - APN 011-032-013, APN 011-032-014, & APN 011-032-016 of the Centre Court Subdivision);

**WHEREAS**, on December 7, 1999, the City Council approved the Final Map for the subdivision as being in substantial conformance with the Tentative Map and the conditions of approval;

**WHEREAS**, on June 4, 2001, the Agreement for Affordable Housing at Centre Court Subdivision was executed between the City and Carolann Holdings, LLC, Developer – Peter E. Turner, Member;

**WHEREAS**, on November 6, 2007, Peter E. Turner of Carolann Holdings, LLC., and owner of the three (3) designated affordable housing lots, submitted a letter requesting City consideration of a proposal for a fee in-lieu cash payment by the end of 2008, specifically, a payment of \$450,000 to the City as an alternative to the construction and sale of three (3) deed restricted single family units within the Centre Court Subdivision;

**WHEREAS**, this action has been reviewed for compliance with the California Environmental Quality Act (CEQA) and is exempt from the requirements of the CEQA pursuant to Section 15303 of the CEQA guidelines;

**WHEREAS**, the Planning Commission has reviewed and considered this request at its regular meeting on December 12, 2007 and February 13, 2008, and prior to taking action on this request, the Commission received written and oral reports by the Staff, and received public testimony. After considering the project, the Commission recommended the alternative proposal as identified below to the City Council; and

**WHEREAS**, the City Council has reviewed and considered this request at its regular meeting on April 1, 2008 and prior to taking action on this request, the Council received written and oral reports by the Staff, and received public testimony.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Calistoga City Council hereby approves and authorizes the following amendment to the terms of the affordable housing obligation required in Condition 21 of Tentative Subdivision Map 95-2 for the Centre Court Subdivision:

1. City of Calistoga to execute an agreement with Peter E. Turner of Carolann Holdings, LLC, that authorizes the property owner of the subject lots to pay an in-lieu fee to the City in exchange of the construction and sale of three (3) deed restricted single family units as follows:
  - a. \$150,000 shall be paid by the property owner with the execution of the said agreement;
  - b. \$300,000 shall be paid by the property owner within one year of agreement execution; and
  - c. A second transfer deed shall be placed on the three lots to secure the provisions of this agreement.
2. The City Council authorizes the City Manager to execute all the required documents to implement this amendment.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Calistoga at a regular meeting held this 15<sup>th</sup> day of April 2008, by the following vote:

**AYES:** Vice Mayor Dunsford, Councilmember Slusser and Councilmember Garcia  
**NOES:** Mayor Gingles  
**ABSTAIN:** Councilmember Kraus  
**ABSENT:** None

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**JACK GINGLES, Mayor**

**ATTEST:**

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**SUSAN SNEDDON, City Clerk**