

# City of Calistoga

## Staff Report

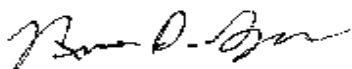
**TO:** Honorable Mayor and City Council

**FROM:** Ken MacNab, Planning and Building Manager

**DATE:** August 21, 2012

**SUBJECT:** Housing Element Program Implementation

**APPROVAL FOR FORWARDING:**



Richard D. Spitler, City Manager

- 1
- 2 **ISSUE:** Second reading of text amendments to the Calistoga Municipal Code, initiated
- 3 by the City of Calistoga, amending Title 17 (Zoning) and Title 19 (Environmental
- 4 Protection) to: (1) establish transitional and supportive housing as recognized uses in
- 5 the R-1, R-2, and R-3 Zoning Districts; (2) allow emergency shelters “by right” in the CC
- 6 Zoning District; (3) amend provisions of the Growth Management System program to
- 7 remove potential constraints to housing development and add lower-income and special
- 8 needs housing groups as a priority class; and (4) allow agricultural employee housing
- 9 for six or fewer persons in the R-1 Zoning District by right.
- 10
- 11 **RECOMMENDATION:** Adopt Ordinance No. 685 as submitted.
- 12
- 13 **BACKGROUND:** On August 7, 2012, the City Council held a public hearing to consider
- 14 text amendments to the Calistoga Municipal Code implementing certain program
- 15 actions contained in the City’s adopted 2009 Housing Element. Following staff’s
- 16 presentation, public comment and Council discussion, the Council took action to
- 17 introduce an Ordinance amending the Calistoga Municipal Code. This Ordinance has
- 18 been scheduled for adoption tonight.
- 19
- 20 **FISCAL IMPACT:** Adoption of the proposed Municipal Code amendments will not
- 21 result in any direct fiscal impact to the City.
- 22
- 23 **ATTACHMENT:**
- 24
- 25 1. Ordinance No. 685

ORDINANCE NO. 685

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA AMENDING MUNICIPAL CODE CHAPTERS 17.04 (DEFINITIONS), 17.16 (R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT), 17.18 (R-2 MULTIPLE-FAMILY RESIDENTIAL DISTRICT), 17.19 (R-3 RESIDENTIAL/PROFESSIONAL OFFICE DISTRICT) TO IDENTIFY AGRICULTURAL EMPLOYEE, TRANSITIONAL AND SUPPORTIVE HOUSING AS PERMITTED USES; AMENDING CHAPTER 17.22 (COMMERCIAL LAND USE DISTRICTS) TO IDENTIFY EMERGENCY SHELTERS AS A PERMITTED USE; AND AMENDING CHAPTER 19.02 (GROWTH MANAGEMENT SYSTEM) TO REMOVE POTENTIAL CONSTRAINTS TO THE DEVELOPMENT OF HOUSING AND PRIORITIZE DEVELOPMENT OF LOWER-INCOME AND SPECIAL NEEDS HOUSING

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3       **WHEREAS**, the City of Calistoga is required by State law to prepare and adopt a General  
4 Plan for the long-term physical growth and development of the City; and

5  
6       **WHEREAS**, the Housing Element is one of seven State mandated elements to be included  
7 in the General Plan; and

8  
9       **WHEREAS**, the City Council approved a work program to update the 2003 Housing Element  
10 on January 20, 2009; and

11  
12       **WHEREAS**, staff, under the guidance of the City Council-appointed Housing Element  
13 Update Advisory Committee, prepared an update to the Housing Element in accordance with the  
14 requirements of state Housing Element law; and

15  
16       **WHEREAS**, the City Council adopted the update to the Housing Element at its regular  
17 meeting on March 15, 2011; and

18  
19       **WHEREAS**, the adopted update of the Housing Element was reviewed by the State  
20 Department of Housing and Community Development (HCD) and found to be in legal compliance  
21 with the requirements of state Housing Element law on May 10, 2011; and

22  
23       **WHEREAS**, the adopted update of the Housing Element contains a schedule of program  
24 actions that are necessary for implementation of the updated Housing Element; and

25  
26       **WHEREAS**, staff has identified a number of program actions that by law, statutory  
27 requirement or suggestion by HCD should be completed within one year of adoption of the updated  
28 Housing Element; and

29  
30       **WHEREAS**, staff has prepared an ordinance containing the necessary Municipal Code  
31 amendments for implementing priority program actions contained in the updated Housing Element;  
32 and

33  
34       **WHEREAS**, the Planning Commission considered the proposed ordinance at its regularly  
35 scheduled meeting on June 13, 2012. Prior to taking action on the application, the Planning  
36 Commission received written and oral reports by the staff, and received public testimony; and  
37

38           **WHEREAS**, the Planning Commission held a duly noticed public hearing on the ordinance  
39 on June 13, 2012, and adopted Resolution PC 2012-17 forwarding a recommendation that the City  
40 Council approve the ordinance; and  
41

42           **WHEREAS**, the City Council of the City of Calistoga has reviewed and considered this  
43 ordinance at regular meetings on August 7<sup>th</sup>, 2012 and August 21<sup>st</sup>, 2012, noticed in accordance  
44 with state and local law, and which included the written and oral staff report, proposed findings and  
45 comments received from the general public and interested agencies and parties; and  
46

47           **WHEREAS**, this action has been determined to not be subject to the California  
48 Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines.  
49

50           **NOW, THEREFORE, THE CALISTOGA CITY COUNCIL DOES HEREBY ORDAIN AS**  
51 **FOLLOWS:**

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53           **SECTION ONE:**  
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55           Findings. The above recitals are incorporated herein as if set forth herein in full and each is  
56 relied upon independently by the City Council for its adoption of this ordinance.  
57

58           **SECTION TWO:**  
59

60           **New** Section 17.04.227 entitled “Emergency shelter” is hereby added to Chapter 17.04  
61 (Definitions) of Title 17 (Zoning) of the Calistoga Municipal Code to read and provide as follows:  
62

63           “Section 17.04.227   Emergency shelter.  
64

65           “Emergency shelter” shall mean housing with minimal supportive services for homeless persons  
66 that is limited to occupancy of six months or less by a homeless person. (Ord. 685, § 2, 2012).”  
67

68           **SECTION THREE:**  
69

70           **New** Section 17.04.371 entitled “Housing, agricultural employee” is hereby added to  
71 Chapter 17.04 (Definitions) of Title 17 (Zoning) of the Calistoga Municipal Code to read and provide  
72 as follows:  
73

74           “Section 17.04.371   Housing, agricultural employee.  
75

76           “Agricultural employee housing” shall mean residential housing whose occupancy is restricted to  
77 persons who are employed in, raising or harvesting any agricultural commodities. All occupants of  
78 the housing unit(s) must be agricultural employees. The housing shall be provided by someone  
79 other than an agricultural employer, as defined in Section 1140.4 of the Labor Code. Agricultural  
80 employee housing is not a business run for profit; it does not differ in any way from a traditional  
81 dwelling.” (Ord. 685, § 3, 2012).”  
82

83           **SECTION FOUR:**  
84

85           **New** Section 17.04.372 entitled “Housing, supportive” is hereby added to Chapter 17.04  
86 (Definitions) of Title 17 (Zoning) of the Calistoga Municipal Code to read and provide as follows:  
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88 “Section 17.04.372 Housing, supportive.  
89

90 “Supportive housing” shall mean housing with no limit on length of stay and that is linked to onsite  
91 or offsite services that assist the supportive housing resident in retaining the housing, improving his  
92 or her health status, and maximizing his or her ability to live and, when possible, work in the  
93 community. (Ord. 685, § 4, 2012).”  
94

95 **SECTION FIVE:**  
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97 **New** Section 17.04.373 entitled “Housing, transitional” is hereby added to Chapter 17.04  
98 (Definitions) of Title 17 (Zoning) of the Calistoga Municipal Code to read and provide as follows:  
99

100 “Section 17.04.373 Housing, transitional.  
101

102 “Transitional housing” shall mean a building or buildings configured as rental housing, but operated  
103 under program requirements that call for the termination of assistance and recirculation of the  
104 assisted unit to another eligible program recipient at some predetermined future point in time, which  
105 shall be no less than six months. (Ord. 685, § 5, 2012).”  
106

107 **SECTION SIX:**  
108

109 Section 17.16.020.A entitled “Uses Allowed without Use Permit” of Chapter 17.16 (R-1  
110 Single-Family Residential District) of Title 17 (Zoning) of the Calistoga Municipal Code is hereby  
111 amended to read and provide as follows:  
112

113 “A. Uses Allowed without Use Permit.  
114

- 115 1. Single-family dwellings;
- 116 2. Second dwelling units in accordance with Chapter 17.37 CMC;
- 117 3. Home occupations in accordance with Chapter 17.21 CMC;
- 118 4. Agricultural employee housing as defined in Chapter 17.04 CMC;
- 119 5. Supportive housing as defined in Chapter 17.04 CMC;
- 120 6. Transitional housing as defined in Chapter 17.04 CMC;
- 121 7. Uses determined by the Planning Commission to be similar in nature, as  
122 provided by the procedures in Chapter 17.02 CMC. (Ord. 685, § 6, 2012).”  
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130 **SECTION SEVEN:**  
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132 Section 17.18.020.A entitled “Uses Allowed without Use Permit” of Chapter 17.18 (R-2  
133 Multiple-Family Residential District) of Title 17 (Zoning) of the Calistoga Municipal Code is hereby  
134 amended to read and provide as follows:  
135

136 “A. Uses Allowed without Use Permit.  
137

- 138 1. Single-family dwellings;
- 139
- 140 2. Second dwelling units in accordance with Chapter 17.37 CMC;
- 141
- 142 3. Duplexes and triplexes;
- 143
- 144 4. Home occupations in accordance with Chapter 17.21 CMC;
- 145
- 146 5. Supportive housing as defined in Chapter 17.04 CMC, not to exceed three
- 147 units in size;
- 148
- 149 6. Transitional housing as defined in Chapter 17.04 CMC, not to exceed three
- 150 units in size;
- 151
- 152 7. Uses determined by the Planning Commission to be similar in nature, as
- 153 provided by the procedures in Chapter 17.02 CMC. (Ord. 685, § 7, 2012)."
- 154

155 **SECTION EIGHT:**

156  
157 Section 17.19.020.A entitled "Uses Allowed without Use Permit" of Chapter 17.19 (R-3  
158 Residential/Professional Office District) of Title 17 (Zoning) of the Calistoga Municipal Code is  
159 hereby amended to read and provide as follows:

160  
161 "A. Uses Allowed without Use Permit.

- 162 1. One-family dwellings, duplexes, triplexes;
- 163
- 164 2. Home occupations in accordance with Chapter 17.21 CMC;
- 165
- 166 3. Second dwelling units in accordance with Chapter 17.37 CMC;
- 167
- 168 4. Supportive housing as defined in Chapter 17.04 CMC, not to exceed three
- 169 units in size;
- 170
- 171 5. Transitional housing as defined in Chapter 17.04 CMC, not to exceed three
- 172 units in size;
- 173
- 174 6. Uses determined by the Planning Commission to be similar in nature, as
- 175 provided by the procedures in Chapter 17.02 CMC. (Ord. 685, § 8, 2012)."
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- 177

178 **SECTION NINE:**

179  
180 Section 17.19.020.B entitled "Uses Requiring Use Permits" of Chapter 17.19 (R-3  
181 Residential/Professional Office District) of Title 17 (Zoning) of the Calistoga Municipal Code is  
182 hereby amended to read and provide as follows:

183  
184 "B. Uses Requiring Use Permits.

- 185 1. Two separate one-family structures;
- 186
- 187

- 188 2. Multiple-family dwelling units;
- 189
- 190 3. Bed and breakfast inns and facilities with greater than two units, in
- 191 accordance with Chapter 17.35 CMC;
- 192
- 193 4. Child care services;
- 194
- 195 5. Churches, public or private schools;
- 196
- 197 6. Public buildings;
- 198
- 199 7. Parking lots within 500 feet of a DC-DD or CC-DD zone;
- 200
- 201 8. Professional offices, clinics and health care facilities;
- 202
- 203 9. Geothermal activity (exploration, development and use)
- 204
- 205 10. Supportive housing as defined in Chapter 17.04 CMC, four or more units in
- 206 size;
- 207
- 208 11. Transitional housing as defined in Chapter 17.04 CMC, four or more units in
- 209 size;
- 210
- 211 12. Uses determined by the Planning Commission to be similar in nature, as
- 212 provided by the procedures in Chapter 17.02 CMC. (Ord. 685, § 9, 2012)."
- 213

214 **SECTION TEN:**

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216 Section 17.22.060.A entitled "Community commercial (CC) district – Allowed, conditionally  
217 permitted and prohibited uses" of Chapter 17.22 (Commercial Land Use Districts) of Title 17  
218 (Zoning) of the Calistoga Municipal Code is hereby amended to read and provide as follows:

219  
220 "A. The following uses are allowed in the CC district and shall only require an  
221 administrative use permit when located in an entry corridor as defined in the 2003  
222 General Plan Update. When an administrative use permit is required, the  
223 administrative use permit shall be processed in the same manner as provided in  
224 CMC 17.22.040(A)(9)(b).

- 225
- 226 1. Resident-serving retail and service uses including, but not limited to: grocery
- 227 stores; fruit and vegetable markets; bicycle sales and repair shops; bicycle
- 228 rentals and tours; furniture sales; audio-video stores; florists; frame shops;
- 229 clothing and apparel businesses; health clubs; dry cleaning, not including
- 230 processing plants; laundromats; tailors; shoe repair; retail sales and repair of
- 231 household goods and appliances; and hobby and craft shops;
- 232
- 233 2. Newsstands and bookstores;
- 234
- 235 3. Personal service establishments, such as spas, beauty salons, and
- 236 barbershops;
- 237

- 238 4. Business and professional offices, such as for accountants, lawyers,  
239 architects, engineers, realtors, and financial advisors;
- 240
- 241 5. Medical or dental clinics;
- 242
- 243 6. Banks and financial institutions, without drive-up facilities;
- 244
- 245 7. Veterinary clinics, without boarding facilities;
- 246
- 247 8. Dance studios and schools;
- 248
- 249 9. Art galleries;
- 250
- 251 10. Emergency Shelters as defined in Chapter 17.04 CMC, subject to the  
252 following development standards:
  - 253
  - 254 a. No more than 20 beds shall be permitted by right in the CC zoning  
255 district.
  - 256
  - 257 b. Temporary shelter may be made available to residents for no more  
258 than 180 days in any 12 month period.
  - 259
  - 260 c. A client intake/waiting area shall be provided at a minimum of 10  
261 square-feet per bed provided at the facility, with a minimum of 100  
262 square-feet. Said intake/waiting area shall be in a location not  
263 adjacent to the public right-of-way. If located at the exterior of a  
264 building, the intake/waiting area shall be visually separated from  
265 public view by a minimum of six (6) foot tall landscape screen or a  
266 minimum six (6) foot tall decorative wall, and shall provide  
267 consideration for shade/rain provisions.
  - 268
  - 269 d. Adequate external lighting shall be provided for security purposes
  - 270
  - 271 e. Security personnel shall be provided during the hours that the  
272 emergency shelter is in operation.
  - 273
  - 274 f. At least one facility manager shall be on-site at all hours that the  
275 facility is open. Additional support staff shall be provided, as  
276 necessary, to ensure that at least one staff member is provided in all  
277 segregated sleeping areas, as appropriate.
  - 278
- 279 11. Uses determined by the Planning Commission to be similar in nature, as  
280 provided for according to the procedures in Chapter 17.02 CMC. (Ord. 685, §  
281 10, 2012)."
- 282

**SECTION ELEVEN:**

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285 Section 19.02.060.C entitled "Allocation procedures" of Chapter 19.02 (Growth Management  
286 System) of Title 19 (Environmental Protection) of the Calistoga Municipal Code is hereby amended  
287 to read and provide as follows:  
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- 289 "C. Within 30 days from receipt of the City Manager's report, and not later than  
290 September 15th of each year, the City Council, by resolution, shall confirm  
291 the number of residential units and amount of water for nonresidential use  
292 available for allocation and establish a list of development objectives for  
293 residential and nonresidential development by order of priority for the  
294 upcoming year. The list may or may not include the general development  
295 objectives identified in CMC 19.02.070(A) and (B), and shall be consistent  
296 with goals and policies in the City's General Plan. The list shall be used by  
297 the City to evaluate applications for allocations in the event that the number  
298 of allocations requested in a given year exceeds the number of allocations  
299 that are available for that year. When the availability of annual allocations for  
300 residential units is less than what would normally be allowed for  
301 accommodating a population growth rate of 1.35%, priority in awarding  
302 allocations for residential units shall be given to lower income housing  
303 projects and to special needs housing projects. (Ord. 685, § 11, 2012)."  
304

305 **SECTION TWELVE:**  
306

307 Section 19.02.060.F entitled "Allocation procedures" of Chapter 19.02 (Growth Management  
308 System) of Title 19 (Environmental Protection) of the Calistoga Municipal Code is hereby amended  
309 to read and provide as follows:  
310

- 311 "F. Annual allocations may be increased by drawing from unused annual  
312 allocations in previous, current or future five-year cycles, as approved by City  
313 Council resolution, provided that the combined average residential allocations  
314 do not result in a population growth rate of more than 1.35% or a non-  
315 residential water distribution exceeding the quantity specified in Chapter  
316 13.16 CMC for the five-year cycle(s) from which the allocations are drawn  
317 from. (Ord. 685, § 12, 2012)."  
318

319 **SECTION THIRTEEN:**  
320

321 Section 19.02.060.H entitled "Allocation procedures" of Chapter 19.02 (Growth Management  
322 System) of Title 19 (Environmental Protection) of the Calistoga Municipal Code is hereby amended  
323 to read and provide as follows:  
324

- 325 "H. Once a development has received an allocation, all required discretionary  
326 and nondiscretionary approvals and permits necessary to commence  
327 construction must be obtained within 24 months of the date of allocation. In  
328 the case of a subdivision, recordation of a final subdivision map or final parcel  
329 map must be completed within 36 months of the date of allocation. With  
330 respect to subdivisions, the following additional provisions shall apply:  
331

- 332 1. All necessary permits for construction on the lots of record shall be  
333 obtained and construction commenced on all lots of record within  
334 three years of the recordation of the final map.



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2. Thirty percent of the required water and wastewater connection fee shall be paid for all of the lots of record within 18 months of the recordation of the final map.
  3. If at the end of the three-year period, the processing of permits for construction has not been obtained and construction commenced, the water and wastewater connection fee paid to the City shall be forfeited.
  4. Relief from the three-year timeframe set forth in this section may be granted by the City Council. (Ord. 685, § 13, 2012)."

348 **SECTION FOURTEEN:**

349  
350 Section 19.02.060.I entitled "Allocation procedures" of Chapter 19.02 (Growth Management  
351 System) of Title 19 (Environmental Protection) of the Calistoga Municipal Code is hereby amended  
352 to read and provide as follows:  
353

- 354 "I. Failure to receive the necessary permits to commence construction, or in the  
355 case of a subdivision to receive approval and recordation of a final  
356 subdivision map or final parcel map, shall deem the allocation expired. The  
357 Planning and Building Director may authorize two extensions, each for a  
358 period of up to 12 months; provided, that the applicant is actively seeking  
359 permit approval or when warranted by extenuating circumstances. (Ord. 685,  
360 § 14, 2012)."

361  
362 **SECTION FIFTEEN:**

363  
364 Section 19.02.060.G.7 entitled "Allocation procedures" of Chapter 19.02 (Growth  
365 Management System) of Title 19 (Environmental Protection) of the Calistoga Municipal Code is  
366 hereby amended to read and provide as follows:  
367

- 368 "7. Applications for projects exceeding available annual allocations may be  
369 awarded allocations from the combined average annual allocation identified  
370 under subsection (F) of this section; provided, that the allocations do not  
371 result in a population growth rate of more than 1.35% or a non-residential  
372 water distribution exceeding the quantity specified in Chapter 13.16 CMC for  
373 the five-year cycle(s) from which the allocations are being drawn. (Ord. 685, §  
374 15, 2012)."

375  
376 **SECTION SIXTEEN:**

377  
378 Section 19.02.070.A entitled "General development objectives for awarding allocations" of  
379 Chapter 19.02 (Growth Management System) of Title 19 (Environmental Protection) of the  
380 Calistoga Municipal Code is hereby amended to read and provide as follows:  
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- 382 "A. Preference for residential allocations shall generally be given to projects that  
383 include one or more of the following:  
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1. Construction of deed restricted residential units that the majority of units go towards the goal of fulfilling the City’s remaining regional housing need in the very low-, low- and/or moderate-income housing categories as defined by the General Plan.
  2. Construction of residential units that will be available to households of moderate income as defined by the General Plan.
  3. Construction of residential units that are proposed as part of a mixed-use development project.
  4. Construction of residential units on vacant, underdeveloped or redeveloped land with necessary public infrastructure in place.
  5. Construction of residential units that will be available to special need housing groups or population as defined by the General Plan. (Ord. 685, § 16, 2012).”

403 **SECTION SEVENTEEN:**

404  
405 Section 19.02.080(A) entitled “Carryover of unused allocations” of Chapter 19.02 (Growth  
406 Management System) of Title 19 (Environmental Protection) of the Calistoga Municipal Code is  
407 hereby amended to read and provide as follows:  
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- 409 “A. Any unused allocations, or allocations which expire as provided in CMC 19.02.060(I),  
410 shall be carried over for future annual allocations either within or between five-year  
411 cycles, provided that the carried-over allocations do not result in a population growth  
412 rate of more than 1.35% or a non-residential water distribution exceeding the  
413 quantity specified in Chapter 13.16 CMC for the five-year cycle(s) from which the  
414 allocations are being carried over from. (Ord. 685, § 17, 2012).”  
415

416 **SECTION EIGHTEEN:**

417  
418 Environmental Clearance.  
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420 This action has been reviewed in accordance with the California Environmental Quality Act.  
421 CEQA Guidelines Section 15061(b)(3), the “general rule” exemption, states that where it can be  
422 seen with certainty that there is no possibility that the activity in question may have a significant  
423 effect on the environment, the activity is not subject to CEQA. The City has determined that the  
424 activity in question, Municipal Code amendments implementing adopted housing programs, will not  
425 have any impact on the environment and therefore is exempt from CEQA under the general rule.  
426

427 **SECTION NINETEEN:**

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429 Severability.  
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431 If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this  
432 ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by  
433 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the  
434 remaining portions of this ordinance or any part thereof. The City Council hereby declares that it

435 would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase  
436 thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs,  
437 sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

438

439 **SECTION TWENTY:**

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441 Effective Date.

442

443 **THIS ORDINANCE** shall take effect thirty (30) days after its passage and before the  
444 expiration of fifteen (15) days after its passage, shall be published in accordance with law, in a  
445 newspaper of general circulation published and circulated in the City of Calistoga.

446

447 **THIS ORDINANCE** was introduced with the first reading waived at the City of Calistoga City  
448 of Council meeting of the 7<sup>th</sup> day of August, 2012, and was passed and adopted at a regular  
449 meeting of the Calistoga City Council on the 21<sup>st</sup> day of August, 2012, by the following vote:

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451 **AYES:**

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453 **NOES:**

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455 **ABSENT/ABSTAIN:**

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**JACK GINGLES, Mayor**

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462 **ATTEST:**

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**AMANDA DAVIS, Deputy City Clerk**

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