

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA AMENDING THE CALISTOGA MUNICIPAL CODE TO IMPLEMENT THE 2014 HOUSING ELEMENT AND STATE LAW (ZOA 2015-1)

1 **WHEREAS**, the State recently amended its definitions for supportive and
2 transitional housing with language now more specific to housing element law, and the
3 Zoning Code’s definitions to be updated accordingly; and

4 **WHEREAS**, there is also a need to add a definition for "target population," as
5 used by the State in connection with supportive housing; and

6 **WHEREAS**, the Zoning Code’s definition of “family” needs to be updated to
7 reflect current case law; and

8 **WHEREAS**, state law requires the City to allow “supportive housing” and
9 “transitional housing” in all zoning districts that allow a single-family residence as a
10 permitted use, and the Rural Residential and Rural Residential-Hillside Zoning Districts
11 do not currently provide for these types of housing; and

12 **WHEREAS**, state law allows the City to require a use permit for residential care
13 for seven or more elderly, chronically ill or disabled persons and this use it not currently
14 permitted in any manner in the R-3 District, and

15 **WHEREAS**, the Planning Commission reviewed the proposed Code
16 amendments at a public hearing on February 11, 2015, and after considering the public
17 record, including the staff report and findings, adopted PC Resolution 2015-2 forwarding
18 a recommendation that the City Council approve the proposed Code amendments; and

19 **WHEREAS**, the proposed amendments are not subject to the California
20 Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines
21 because it can be seen with certainty that there is no possibility that they may have a
22 significant effect on the environment.

23 **WHEREAS**, the City Council of the City of Calistoga reviewed and considered
24 this ordinance at a public hearing on March 3, 2015, noticed in accordance with state
25 and local law, and which included the written and oral staff report, the Planning
26 Commission’s recommendation and comments received from the general public and
27 interested agencies and parties.

28 **NOW, THEREFORE, THE CALISTOGA CITY COUNCIL DOES HEREBY**
29 **ORDAIN AS FOLLOWS:**

30 **SECTION ONE**

31 Findings. The above recitals are incorporated herein as if set forth herein in full
32 and each is relied upon independently by the City Council for its adoption of this
33 ordinance.

35 **SECTION TWO**

36 1. CMC Chapter 17.04, Definitions, is hereby amended as follows, where deleted
37 language is indicated by ~~strikeout~~ and added language is indicated by
38 underlining:

39 **17.04.230 Family.**

40 "Family" shall mean one person living alone, or two or more persons
41 ~~related by blood, marriage, or legal adoption or a group not exceeding four~~
42 ~~persons living as a single housekeeping unit occupying a dwelling unit and~~
43 living together as a single housekeeping unit that is characterized by the
44 following:

45 A. Shared use of a single common kitchen;

46 B. Shared household expenses;

47 C. Shared use of a common entry to the dwelling unit;

48 D. Shared use of all or virtually all areas of the dwelling unit at all times;

49 and

50 E. Occupation of the unit under a single lease if the unit is not occupied in part
51 by the owner.

52 **17.04.372 Housing, supportive.**

53 "Supportive housing" shall mean housing with no limit on length of stay, that is
54 occupied by a target population as defined in this Chapter, and that is linked to
55 on-site or off-site services that assist the supportive housing resident in retaining
56 the housing, improving his or her health status, and maximizing his or her ability
57 to live and, when possible, work in the community.

58 **17.04.373 Housing, transitional.**

59 "Transitional housing" and "transitional housing development" ~~shall mean means~~
60 buildings configured as rental housing and operated under program requirements
61 that call for the termination of assistance and recirculation of the assisted unit to
62 another eligible program recipient at some predetermined future point in time,
63 which shall be no less than six months.

64 **17.04.635.5 Target population**

65 "Target population" means low-income adults having one or more disabilities,
66 including mental illness, HIV or AIDS, substance abuse, or other chronic health
67 conditions, or individuals eligible for services provided under the Lanterman
68 Developmental Disabilities Services Act (Welfare and Institutions Code Division
69 4.5 commencing with Section 4500) and may, among other populations, include
70 families with children, elderly persons, young adults aging out of the foster care
71 system, individuals exiting from institutional settings, veterans, and homeless
72 people.

74 **SECTION THREE**

75 The following uses are hereby added to CMC 17.14.020(A), Uses Allowed
76 without a Use Permit in the RR Rural Residential District:

- 77 7. Supportive housing
78 8. Transitional housing

79 **SECTION FOUR**

80 The following uses are hereby added to CMC 17.15.030(B), Uses Allowed by a
81 Use Permit in the RR-H Rural Residential - Hillside District:

- 82 9. Supportive housing
83 10. Transitional housing

84 **SECTION FIVE**

85 The following use is hereby added to CMC 17.19.020(B), Uses Requiring a Use
86 Permit in the R-3 Multifamily Residential/Office District:

- 87 11. Residential care for seven or more elderly, chronically ill or disabled
88 persons, operated in accordance with State law

89 **SECTION SIX**

90 Environmental Review. This action has been reviewed in accordance with the
91 California Environmental Quality Act, CEQA Guidelines Section 15061(b)(3), the
92 “general rule” exemption. The City has determined that because it can be seen with
93 certainty that there is no possibility that the proposed amendments will have an impact
94 on the environment, this ordinance is therefore exempt from CEQA under the general
95 rule.

96 **SECTION SEVEN**

97 Severability. If any section, subsection, subdivision, paragraph, sentence,
98 clause, or phrase in this ordinance or any part thereof is for any reason held to be
99 unconstitutional or invalid or ineffective by any court of competent jurisdiction, such
100 decision shall not affect the validity or effectiveness of the remaining portions of this
101 ordinance or any part thereof. The City Council hereby declares that it would have
102 passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase
103 thereof irrespective of the fact that any one or more subsections, subdivisions,
104 paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or
105 ineffective.

106 **SECTION EIGHT**

107 Effective Date. This Ordinance shall take effect thirty (30) days after its passage
108 and before the expiration of fifteen (15) days after its passage, shall be published in

109 accordance with law, in a newspaper of general circulation published and circulated in
110 the City of Calistoga.

111 THIS ORDINANCE was introduced with the first reading waived at the City of
112 Calistoga City of Council meeting of the **3rd day of March, 2015**, and was passed and
113 adopted at a regular meeting of the Calistoga City Council **on the ___ day of ___, 2015**,
114 by the following vote:

115 **AYES:**
116 **NOES:**
117 **ABSENT:**
118 **ABSTAIN:**

119
120

Chris Canning, Mayor

121 **ATTEST:**

122

123

124

Kathy Flamson, City Clerk

Excerpt

**Draft MINUTES
CALISTOGA PLANNING COMMISSION
February 11, 2015**

A. ROLL CALL

Commissioners present: Chair Jeff Manfredi, Commissioners Scott Cooper, Paul Coates, Tim Wilkes. Absent: Vice Chair Carol Bush (excused). Staff present: Planning & Building Director Lynn Goldberg, Senior Planner Erik Lundquist.

G. PUBLIC HEARINGS

- 2. Zoning Ordinance Amendment ZOA 2015-1:** Consideration of a recommendation to the City Council to amend Zoning Code Chapters 17.04, Definitions; 17.14 RR Rural Residential District; 17.15 RR-H Rural Residential-Hillside District; and 17.19 R-3 Multifamily Residential/Office District

Planning Director Goldberg presented the staff report, explaining that the proposed amendments would implement the 2014 Housing Element and state law.

In response to questions from **Commissioner Wilkes**, Ms. Goldberg confirmed that the definitions for supportive and transitional housing and target population are based on the State's. The threshold of seven or more residents for the use permit requirement for a residential care operation is dictated by the State as well. A residential care operation for six or fewer persons is considered a permitted use under state law and the City cannot require a use permit for it.

In response to questions from **Commissioner Cooper**, Ms. Goldberg explained that notification to neighbors of a supportive housing project for six or fewer persons is not required because it is a permitted use and the City is pre-empted by state law from requiring a use permit. She noted that staff was not aware of any problems associated with an existing substance abuse facility in the city limits.

Chair Manfredi opened and closed the public hearing after there were no comments.

A motion by **Commissioner Wilkes** recommending adoption of a resolution recommending that the City Council amend the Calistoga Municipal Code to implement the 2014 Housing Element and state law was seconded by **Chair Manfredi** and approved unanimously.