



City of Calistoga
Planning Commission
Agenda Item Summary

DATE	November 8, 2017
ITEM	Zoning Code Amendments to Re-Instate Inclusionary Housing Requirement for Rental Housing Projects (ZOA 2017-4)
STAFF CONTACT	Lynn Goldberg, Planning & Building Director
POTENTIAL CONFLICTS	None
RECOMMENDATION	Recommend to the City Council adoption of the proposed amendments to Calistoga Municipal Code Title 17, Zoning
SUGGESTED MOTION	"I move that the Planning Commission adopt a resolution recommending to the City Council approval of Zoning Code amendments to re-instate the inclusionary housing requirement for rental housing projects"

**CALISTOGA PLANNING COMMISSION
STAFF REPORT**

To: Chair Coates and Members of the Planning Commission
From: Lynn Goldberg, Planning & Building Director
Meeting Date: November 8, 2017
Subject: Zoning Code Amendment to Re-Instate Inclusionary Housing Requirement for Rental Housing Projects - ZOA 2017-4

1 **ITEM**

2 Consideration of a recommendation to the City Council to amend Calistoga Municipal
3 Code Chapter 17.08, Affordable Housing, to re-instate the inclusionary housing
4 requirement for rental housing projects

5 **BACKGROUND**

6 In the interest of facilitating the development of housing that is affordable to lower- and
7 moderate- income households, the City requires residential ownership projects of 5 or
8 more dwelling units to include affordable units, known as “inclusionary housing.”
9 (Projects of 5 to 19 units may pay an in-lieu fee for each required affordable unit rather
10 than providing the units on-site.)

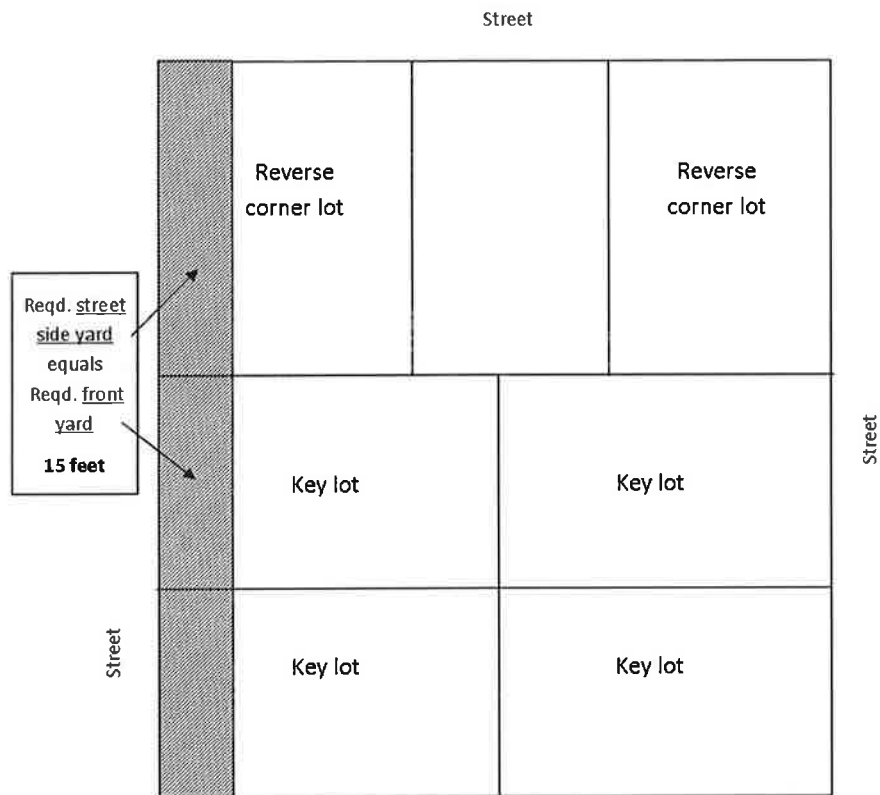
11 Prior to 2015, the City’s inclusionary requirement also applied to rental housing projects.
12 However, following the *Palmer/Sixth Street Properties L.P. v. City of Los Angeles*
13 decision, which interpreted the limitation on rents charged for inclusionary apartments to
14 be a form of rent control, the Zoning Code was amended to exempt rental projects from
15 the inclusionary requirement.

16 Assembly Bill No. 1505, which was recently signed by the Governor, declares the
17 California Legislature’s intent to supersede this court decision to the extent that it
18 conflicts with a local jurisdiction’s authority to impose an inclusionary requirement on
19 rental projects.

20 **DISCUSSION**

21 The proposed Zoning Code revisions would amend Chapter 17.08, Affordable Housing,
22 to re-instate the inclusionary housing requirement for rental housing projects of 20 units
23 or more.

24 The attached draft resolution also includes a revision to the minimum required street
25 side yard for a reverse corner lot in the R-3 Zoning District from 20 feet to 15 feet. The
26 20-foot figure was included in error as part of a wholesale re-organization of the R
27 Zoning Districts in 2014 (Ord. 699). The minimum side yard for a reverse corner lot in
28 the R-3 District should be identical to the minimum required front yard (i.e., 15 feet).



29 **ENVIRONMENTAL REVIEW**

30 The proposed Zoning Code amendments have been reviewed in accordance with the
31 California Environmental Quality Act and the City has determined that CEQA Guidelines
32 Section 15061(b)(3), the “general rule” exemption, applies because it can be seen with
33 certainty that there is no possibility that the amendments may have a significant effect
34 on the environment. Therefore, the proposed action is exempt from CEQA.

35 **RECOMMENDATION**

36 Adopt a resolution recommending to the City Council approval of a Zoning Code
37 amendment to re-instate the inclusionary housing requirement for rental housing
38 projects

ATTACHMENTS

1. Draft resolution