

CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION NO. 2017-19

APPROVING A DENSITY BONUS AND AN AFFORDABLE HOUSING
CONCESSION/INCENTIVE FOR THE CALISTOGA VISTA PROJECT

1 **WHEREAS**, Healthy Buildings proposes to construct 50 condominiums at 1408
2 and 1506 Grant Street; and

3 **WHEREAS**, the applicant proposes to meet the inclusionary housing
4 requirements of Calistoga Municipal Code (CMC) Section 17.08.020 by providing 5
5 units (10% of the project's total units) at rents/sales prices affordable to low-income
6 households; and

7 **WHEREAS**, the applicant proposes to provide 3 additional low-income units, for
8 a total of 8, all of which would be income-restricted for a period of 55 years; and

9 **WHEREAS**, under certain conditions, California Government Code Sections
10 65915-65918 allows a developer to request a density bonus to construct more units on
11 a property than otherwise allowed by the Calistoga General Plan, and certain
12 concessions or incentives that are needed to ensure the project's economic feasibility;
13 and

14 **WHEREAS**, the project meets these conditions by providing a total of 8 low-
15 income units, and the applicant requests approval of a 28 percent density bonus to
16 allow a project density of 26 units per acre, which is within the 35 percent maximum
17 allowed by state law; and

18 **WHEREAS**, Housing Element Action A2.1-1 calls for the City to provide for the
19 approval of density bonuses and other incentives for projects that reserve units for
20 extremely low-, low- and moderate-income households, consistent with State law; and

21 **WHEREAS**, the applicant also requests approval of a modification to CMC
22 Section 17.22.060, which limits the height of primary buildings to 30 feet, to allow a
23 maximum project building height of 36 feet, 6 inches. The increased height is needed
24 to accommodate the three-story design of buildings that would house most of the units;
25 and

26 **WHEREAS**, the requested height increase would not result in negative impacts
27 to surrounding properties and the general neighborhood because potential visual
28 impacts would be mitigated by locating the three-story buildings in the middle of the site,
29 and not at the project's street frontage. Furthermore privacy impacts on neighboring
30 properties would be minimized by providing ample separation between the three-story
31 buildings and neighboring existing/future structures; and

32 **WHEREAS**, there is no basis for the City to deny the requested
33 incentive/concession by making any of the findings provided by Cal. Govt. Code
34 §65915(d)(1); and

35 **WHEREAS**, at a public meeting on December 13, 2017, the Planning
36 Commission considered the public record, including the written and oral staff reports,
37 and testimony presented during the meeting on this matter.

38 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
39 Commission that, based on the above findings, the requested density bonus and
40 affordable housing concession/incentive for the Calistoga Senior Apartments Project are
41 hereby approved, subject to the conditions of approval contained in Exhibit A attached
42 hereto.

APPROVED AND ADOPTED by the City of Calistoga Planning Commission at a
meeting held December 13, 2017 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Paul Coates, Chair

ATTEST:

Lynn Goldberg, Secretary

44 Exhibit A

45 **Conditions of Approval – Calistoga Vista Affordable Housing**

- 46 1. Prior to the occupancy of any project unit, an affordable housing agreement
47 between the developer and the City shall be recorded against the property
48 included in the project.
- 49 a. The affordable housing agreement shall be binding on all future owners and
50 successors in interest.
- 51 b. The affordable housing agreement and other required agreements shall be
52 prepared by the City at the developer's expense.
- 53 c. The affordable housing agreement shall include, but not be limited to, the
54 following:
- 55 i. The total number of affordable units, including those provided pursuant
56 to the City's inclusionary housing requirement and those provided in
57 order to obtain approval of the density bonus and concessions/incentives
58 from the City.
- 59 ii. The location, unit size (square feet), and number of bedrooms of each
60 affordable unit.
- 61 iii. A description of the household income group(s) to be targeted for rental
62 or purchase of the inclusionary units, and the standards for determining
63 the corresponding affordable rents or sales price(s).
- 64 iv. The term of affordability, which shall be a minimum of 55 years.
- 65 v. A schedule for completion of the affordable units and phasing of
66 development in relation to the construction of the unrestricted units.
- 67 vi. A description of remedies for breach of the agreement by either party.
68 The City may identify qualified purchasers as third party beneficiaries
69 under the agreement.
- 70 vii. Conditions governing the initial rental/sale and re-rental/resale of
71 affordable units to eligible households to ensure continued compliance
72 with the restrictions of this chapter.
- 73 viii. A condition requiring disclosure by the developer to the buyer of
74 affordable units of the existence of the deed restrictions affecting the
75 resale of the property.
- 76 ix. Conditions providing the City or its designee an option to subsequently
77 buy any of the affordable units for the purposes of providing affordable
78 housing.

