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RESOLUTION 2008-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA APPROVING A LOCAL PREFERENCE POLICY FOR THE SALE OR RENTAL OF AFFORDABLE HOUSING UNITS TO INCOME ELIGIBLE HOUSEHOLDS.

WHEREAS, by adoption of the Housing Element in October, 2003, the City endorsed and committed to implementation of policies and programs for the provision of affordable housing in the community; and

WHEREAS, Goal H-3 in the Housing Element calls for the provision of housing to meet the needs of very-low income, low income and moderate income households, particularly those who work in Calistoga; and

WHEREAS, a draft Local Preference Policy establishing affordable housing preferences for income eligible households meeting specified criteria has been prepared by staff, and

WHEREAS, the Planning Commission considered the draft Local Preference Policy at a regular meeting held on December 10, 2008, and prior to taking action the Planning Commission received written and oral reports by the staff, and received public testimony. After considering the project, the Planning Commission adopted Resolution PC 2008-50 recommending adoption of the draft Local Preference Policy; and

WHEREAS, the City Council has reviewed and considered the draft Local Preference Policy at its regular meeting on December 16, 2008, and prior to taking action on the policy the Council received written and oral reports by the staff and received public testimony; and

WHEREAS, the City Council finds that approval of a Local Preference Policy for affordable housing will not result in detrimental or adverse impacts upon the public health, safety and welfare; and

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

THEREFORE, BE IT RESOLVED by the City Council of the City of Calistoga finds as follows:

1. Over the past ten years the tourist and service industries in Napa County have grown and created new jobs for area residents. During the same period housing costs increased significantly, making much of the housing in the Napa Valley unaffordable to the workers in the community. Even with the current decline in real estate property values, housing still remains unaffordable to families with low and very incomes. The lack of housing that is affordable to a large segment of the workforce in the County prevents workers from being able to live in the County. Often, these workers commute from neighboring county's (e.g., Lake, Solano and Sonoma) where housing is more affordable. This causes traffic congestion in the Valley (where roads have been designed for more limited traffic), which in turn creates environmental and community impacts. The lack of housing affordable to the workforce in the various municipalities also impacts the ability of revenue generating businesses to attract and retain employees.

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2. Employed residents and their families help to sustain the social fabric of the community through school enrollment, joining local social or civic or religious institutions, participation in community events, and through local volunteerism.
 3. Making affordable housing available to people who work in the City will help to reduce traffic congestion, vehicle miles traveled/greenhouse gas emissions, and gasoline consumption.
 4. The lack of affordable housing for the City's employees, particularly emergency service personnel, could impact the City's ability to protect life and property by reducing the staff available to respond effectively in the event of a natural disaster such as an earthquake, fire or flood.
 5. In an effort to provide housing opportunities for all segments of the community near job opportunities, the Napa Valley Housing Authority researched the possibility of its member constituencies, including the City of Calistoga, adopting local preference policies for new housing developments that would allow a preference for people working or living in the local jurisdiction in a manner that does not violate fair housing laws and ensures a fair and open selection process. To that end, a demographic study was commissioned by the Napa Valley Housing Authority that reports on the demographic characteristics of Napa County. That study, dated November 3, 2004, was prepared by Keyser Marston Associates, Inc., and is entitled "Demographic Information on Napa Residents and Workers" ("Demographic Study"). The Demographic Study is incorporated herein by reference.
 6. The Demographic Study collected data about residents and workers in the County as whole and within the various municipalities in the County. Generally, local preference policies are valid if they do not intentionally discriminate against any group protected by fair housing laws or if they do not have a disparate impact on any group protected by fair housing laws. The Demographic Study indicates that a preference policy for households that live or work within an individual jurisdiction in Napa County will not have a disparate impact on a protected group. As Tables 3 and 4 in the Demographic Study show, the vast majority of workers in each of the municipalities in Napa County reside in the County although a large percentage reside outside of the municipality in which they work. Commute distance is one method of determining the housing market area or the area that applicants for housing will be drawn from. This data demonstrates that the housing market for Napa County is generally located within the County itself, although those jurisdictions on the north and south ends of the County do see more employees from adjacent counties. The housing market, particularly for the City given that 75% of the City's workers reside in Napa County, can reasonably be defined as the County itself.
 7. The Demographic Study shows that the demographic profile for the City of Calistoga is similar to the County of Napa. Table 1 shows that 24% of Napa County residents are under the age of 18 and 20% of Calistoga residents are under the age of 18. Thirty-four percent (34%) of Napa County households have children under the age of 18 and 31% of Calistoga residents have children under the age of 18. Eighteen percent (18%) of Napa County residents are over the age of 62 and 22% of Calistoga residents are over the age of 62.

- 106 8. Table 1 also shows that the race and ethnicity of the populations are similar. Eighty
107 percent (80%) of Napa County residents are white, compared to 77% in Calistoga.
108 Twenty-four percent (24%) of County residents identified themselves as
109 Hispanic/Latino. Calistoga has a higher percentage of residents that identify
110 themselves as Hispanic/Latino (38%). A local preference policy will not have a
111 disparate impact on a protected ethnic group.
112
- 113 9. Table 4 shows that 43% of the people who work in Calistoga also live in Calistoga.
114 Seventy-five percent (75%) of the workers live in Napa County. A local preference
115 policy for workers employed within Calistoga will help reduce traffic congestion,
116 reduce greenhouse gas emissions and improve air quality. The policy proposed is
117 designed to achieve a significant governmental purpose of ensuring housing
118 opportunities are available to the workforce in the City, thus decreasing commuting
119 with all of its attendant detrimental impacts, including environmental degradation and
120 overuse of transportation infrastructure. Additionally, the preference policy ensures
121 that businesses essential to the City's economy continue to locate in the area by
122 providing housing opportunities for the necessary labor pool.
123
- 124 10. Given the similar demographics of the municipalities within the County, the fact that
125 the housing market can reasonably be defined as the County itself, and the analysis
126 of the demographic data specific to the City of Calistoga, a preference for
127 households that work or live within the City will not have a disparate impact on any
128 protected group by excluding any protected group and will further the above-
129 described governmental purposes served by such a preference.
130
- 131 11. Adoption of the proposed Local Preference Policy will further Goal H-3 in the
132 Housing Element which calls for the provision of housing to meet the needs of very-
133 low income, low income and moderate income households, particularly those who
134 work in Calistoga.
135
- 136 12. The findings above demonstrate that that the proposed Local Preference Policy is (1)
137 non-discriminatory; (2) consistent with the Fair Housing Act; and (3) furthers a
138 legitimate governmental purpose.
139

140 **BE IT FURTHER RESOLVED** that, based on the above findings, the City Council of
141 the City of Calistoga hereby approves the Local Preference Policy for the sale or rental of
142 affordable housing units to income eligible households.
143

144 **PASSED, APPROVED AND ADOPTED** by the City Council of the City of Calistoga
145 at a regular meeting held this ____ day of _____, 2008, by the following vote:
146

147 **AYES:**

148 **NOES:**

149 **ABSENT/ABSTAIN:**

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151
152
153
154 ATTEST: _____
155 SU SNEDDON,
156 City Clerk

JACK GINGLES, Mayor