

RESOLUTION NO. 2017-015

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA PROHIBITING THE ASSESSMENT OF CONNECTION FEES FOR WATER AND SEWER SERVICE FOR CERTAIN ACCESSORY DWELLING UNITS, AND ADOPTING DEVELOPMENT IMPACT FEES FOR ALL ACCESSORY DWELLING UNITS

WHEREAS, on March 17, 2015, the City Council adopted Resolution 2015-029, which revised the Standardized Use Table to add demand figures for second dwelling units on the City's water and wastewater treatment systems that are used to determine connection fees; and

WHEREAS, recent state legislation (SB 1069 and AB 2299) as codified in Govt. Code Section 65852.2(f)(2) now prohibits the City from considering certain accessory dwelling units (formerly known as second dwelling units) as new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities if the unit is created within a single-family residential zone and if the unit is contained within the existing space of a single-family residence or accessory structure; and

WHEREAS, on December 2, 2014, the City Council adopted Resolution 2014-110, which adopted a Schedule of Development Impact Fees that included fees for single-family dwellings but not for accessory dwelling units; and

WHEREAS, the fees for single-family dwellings were based on an average household size of 2.7 persons and accessory dwelling units are limited by the Calistoga Municipal Code to one bedroom and 750 square feet in size, resulting in an estimated average household size of 1.5 persons; and

WHEREAS, the households occupying accessory dwelling units therefore have a lesser demand for the City's administrative, cultural/recreational, fire, police and transportation facilities; and

WHEREAS, very few accessory dwelling units have been constructed in Calistoga, and possible developers of such units have identified the City's fees as one of the greatest impediments to their development as potentially-affordable housing; and

WHEREAS, Housing Element Action 1.2-2 calls for the City to consider reducing the development impact fees for second [accessory] dwelling units in order to encourage their construction; and

WHEREAS, the City Council considered the reduced development impact fees for accessory dwelling units at a regular meeting on January 17, 2017, and during its review, considered the public record, including the staff report, findings, and any written materials and testimony presented by the public; and

WHEREAS, the proposed fee revisions are exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines, the "general rule" exemption, because it can be seen with certainty that there is no possibility that the action in question may have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Calistoga that the use figures for second dwelling units shown in the Standardized Use Table for Resource Management System as adopted by Resolution 2015-029, shall not be applied to accessory dwelling units created within the space of a one-family residence or an accessory structure that legally existed on January 1, 2017.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Calistoga that the following development impact fees shall be added to the Schedule of Development Impact Fees and Nonresidential Development Housing Linkage Fees adopted by Resolution 2014-110 for all accessory dwelling units, including units created within the space of a one-family residence or an accessory structure that legally existed on January 1, 2017:

Development Impact Fees for Accessory Dwelling Units	
City Administrative	\$1,538.67
Cultural/Recreational	\$3,552.01
Fire	\$1,296.25
Police	\$344.51
Transportation	\$5,648.95

PASSED AND ADOPTED by the City Council at a duly-noticed regular meeting held the **7th day of February, 2017**, by the following vote:

AYES: Councilmembers Lopez-Ortega, Barnes and Kraus, Vice Mayor Dunsford and Mayor Canning

NOES:

ABSTAIN:

ABSENT:



CHRIS CANNING, Mayor

ATTEST:



MELISSA VELASQUEZ, Deputy City Clerk