

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, ADOPTING A DEVELOPMENT AGREEMENT (DA 2007-02) FOR THE VINEYARD OAKS SUBDIVISION PROJECT [ZONING ORDINANCE TEXT AMENDMENT (ZO 2008-01), TENTATIVE SUBDIVISION MAP (TTM 2007-02) AND DESIGN REVIEW (DR 2008-01)], A 15-LOT RESIDENTIAL SUBDIVISION LOCATED AT 2400 GRANT STREET AND 1881 MORA AVENUE WITHIN THE "RR", RURAL RESIDENTIAL ZONING DISTRICT. (APNS: 011-010-013 & 014 AND 011-021-002)

1 The City Council of the City of Calistoga does hereby ordain as follows:
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3 **SECTION ONE:**
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5 **WHEREAS**, BNK Investments, LLC, on behalf of the property owners (Ira and
6 Lois Carter and 1881 More Avenue LLC.) requests an amendment to the Zoning
7 Ordinance to provide an alternative means for residential projects to satisfy the
8 affordable housing requirements and to subdivide approximately 18 acres of land into 15
9 single-family lots. The lots are approximately 1 acre in size. The subdivision includes a
10 lot line adjustment with the property to the east along Mora Avenue strictly for utility and
11 emergency vehicle access;
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13 **WHEREAS**, BNK Investments filed an application with the City of Calistoga for
14 the purpose of planning and developing the Project;
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16 **WHEREAS**, the Developers and the City of Calistoga have negotiated and
17 drafted a development agreement for the Project ("Development Agreement");
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19 **WHEREAS**, an environmental assessment, including preparation of an Initial
20 Study, determined that a Mitigated Negative Declaration was necessary to address the
21 environmental impacts associated with the Project;
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23 **WHEREAS**, adoption of this Development Agreement will not result in conflicts
24 with any other appropriate ordinance and to the extent such conflict exists, this
25 resolution is hereby repealed;
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27 **WHEREAS**, the Planning Commission has reviewed and considered this
28 application at its regular meeting on March 12, 2008, and prior to taking action on the
29 application, the Commission received written and oral reports by the Staff, and received
30 public testimony. After considering the project, the Commission adopted Resolution
31 2008-08 recommending approval of a Development Agreement based upon findings
32 presented in the Staff Report and subject to conditions of approval;
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34 **WHEREAS**, a public notice of the City Council public hearing of April 1, 2008 for
35 the Draft Initial Study/Mitigated Negative Declaration, Zoning Ordinance Text
36 Amendment, Development Agreement, Tentative Tract Map and Design Review was
37 published in the local newspaper and made available on the City's website;
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39 **WHEREAS**, the City Council has reviewed and considered the application for the
40 Project at its regular meetings on April 1, 2008 and April 15, 2008, considered as one of
41 its items of business, this Ordinance to be adopted in accordance with Government
42 Code Section 65090, this Ordinance to be adopted in accordance with Government
43 Code Section 65850, to include the written and oral staff report, proposed findings and
44 comments received from the general public and interested agencies and parties;
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46 **WHEREAS**, the City Council adopted the following findings with the introduction
47 of an Ordinance:
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- 49 1. The City Council duly adopted Ordinance No. 547 enacting procedures
50 for entering into development agreements.
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- 52 2. That this Development Agreement is a contract negotiated and entered
53 into voluntarily between the City of Calistoga, the owners of the subject
54 properties (Ira and Lois Carter and 1881 Mora LLC.), and the project
55 applicant (BNK Investments LLC) of the Vineyard Oaks Subdivision.
56
- 57 3. This Agreement furthers the public health, safety and general welfare and
58 is consistent with the General Plan and that there is no applicable specific
59 plan. City and Developer have further determined that the Project is a
60 development for which this Agreement is appropriate. This Agreement
61 will eliminate uncertainty regarding Existing Project Approvals and
62 Subsequent Project Approvals, thereby encouraging planning for,
63 investment in and commitment to development of the Property.
64 Continued use and development of the Property in accordance with this
65 Agreement is anticipated to provide substantial benefits and contribute to
66 the vitality of the City, thereby achieving the goals and purposes for which
67 the Development Agreement Statute was enacted.
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- 69 4. That this agreement contains conditions and obligations relating to the
70 performance stated in the resolution(s) approving the project.
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- 72 5. That the project known as Vineyard Oaks Subdivision is a project of
73 significance to the community and upon the community of Calistoga and
74 for that reason a development agreement is a proper use of the City's
75 authority to secure the project benefits for the community.
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77 **SECTION TWO:**
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79 The City Council hereby approves, adopts a Development Agreement for the
80 Vineyard Oaks Subdivision Project as provided in Exhibit A, attached hereto and
81 incorporated herein by reference, and authorizes the Mayor to execute the Development
82 Agreement upon the effective date of this Ordinance. Upon execution of the
83 Development Agreement by all parties, the City Clerk is hereby directed to record the
84 Development Agreement with the Napa County Recorder's Office.
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SECTION THREE:

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If any section or portion of this ordinance is for any reason held to be invalid and/or unconstitutional by a court or competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

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SECTION FOUR:

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THIS ORDINANCE shall take effect thirty (30) days after its passage and before expiration of fifteen (15) days after its passage, shall be published in accordance with law in a newspaper of general circulation published and circulated in the City of Calistoga.

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THIS ORDINANCE was introduced with the first reading waived at the City of Calistoga City Council meeting of the 15th day of April 2008, and was passed and adopted at a regular meeting of the Calistoga City Council on the ____ day of 2008, by the following vote:

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AYES:

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NOES:

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ABSENT/ABSTAIN:

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113

JACK GINGLES, Mayor

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ATTEST:

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116

117

SUSAN SNEDDON, City Clerk

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