

**ORDINANCE NO. XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, ADOPTING AN AMENDMENT TO THE ZONING ORDINANCE (ZO 2008-01), SPECIFICALLY SECTION 17.08.02(A) APPLICABLE PROJECTS OF THE AFFORDABLE HOUSING REGULATIONS**

The City Council of the City of Calistoga does hereby ordain as follows:

**SECTION ONE:**

**WHEREAS**, BNK Investments, LLC, requests an amendment to the Zoning Ordinance to provide an alternative means for residential projects to satisfy the affordable housing requirements and to subdivide approximately 18 acres of land into 15 single-family lots. The lots are approximately 1 acre in size. The subdivision includes a lot line adjustment with the property to the east along Mora Avenue strictly for utility and emergency vehicle access;

**WHEREAS**, an Initial Study/Mitigation Negative Declaration (IS/MND) was completed in accordance with applicable CEQA Guidelines, and on February 1, 2008 the IS/MND was circulated for public and agency review and comment. Copies of the IS/MND were made available to the public at the Department of Planning and Building on February 1, 2008, and the IS/MND was distributed to interested parties and agencies. On February 1, 2008, a notice of the Planning Commission public hearing of March 12, 2008 to review the IS/MND was published in the local newspaper;

**WHEREAS**, the Planning Commission has reviewed and considered this application at its regular meeting on March 12, 2008, and prior to taking action on the application, the Commission received written and oral reports by the Staff, and received public testimony. After considering the project, the Commission adopted Resolution 2008-06 recommending approval of a Text Amendment to the Zoning Ordinance based upon findings presented in the Staff Report;

**WHEREAS**, a public notice of the City Council public hearing of April 1, 2008 for the Draft Initial Study/Mitigated Negative Declaration, Development Agreement, Zoning Ordinance Text Amendment and the proposed project planning actions was published in the local newspaper and made available on the City's website;

**WHEREAS**, the City Council has reviewed and considered the application for the Project at its regular meetings of April 1, 2008 and April 15, 2008, considered as one of its items of business, this Ordinance to be adopted in accordance with Government Code Section 65090, this Ordinance to be adopted in accordance with Government Code Section 65850, to include the written and oral staff report, proposed findings and comments received from the general public and interested agencies and parties;

**WHEREAS**, the City Council finds that amending Chapter 17.08 of the Zoning Ordinance to provide an alternative means for residential projects to satisfy the affordable housing requirements is, in part, implementation of General Plan Objective H-3.1, Policy P-3; and

**WHEREAS**, the City Council finds that the amendment will provide an alternative means for residential projects to satisfy the affordable housing requirements.

**SECTION TWO:**

Section 17.08.020(A), Applicable Projects of Title 17 (Zoning Ordinance) of the Calistoga Municipal Code is hereby amended to read in its entirety as follows:

**Chapter 17.08.020 Applicable Projects.**

A. Residential Projects. All projects consisting of five or more residential units shall set aside and make available a minimum of 20 percent of the units within the project to households of low or moderate income. Provided, as part of a development agreement approved under the provisions of Chapter 17.39 of this code or any other circumstances deemed appropriate by the City Council, the City may accept land, the payment of money into the Calistoga Affordable Housing Trust Fund or other appropriate solutions which are found to adequately address the project's obligation upon a finding, by the City Council that (a) the alternative provides a comparable or superior benefit to the City's affordable housing supply, and (b) the alternative is consistent with the City's Housing Element.

**SECTION THREE:**

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.

**SECTION FOUR:**

**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.

**THIS ORDINANCE** was introduced with the first reading waived at the City of Calistoga City Council meeting of the 15<sup>th</sup> 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:

**AYES:**

**NOES:**

**ABSENT/ABSTAIN:**

\_\_\_\_\_  
**JACK GINGLES, Mayor**

**ATTEST:**

\_\_\_\_\_  
**SUSAN SNEDDON, City Clerk**