

ORDINANCE NO. 710

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA AMENDING THE CALISTOGA MUNICIPAL CODE TO IMPLEMENT THE 2014 HOUSING ELEMENT AND STATE LAW (ZOA 2015-1)

WHEREAS, the State recently amended its definitions for supportive and transitional housing with language now more specific to housing element law, and the Zoning Code's definitions to be updated accordingly; and

WHEREAS, there is also a need to add a definition for "target population," as used by the State in connection with supportive housing; and

WHEREAS, the Zoning Code's definition of "family" needs to be updated to reflect current case law; and

WHEREAS, state law requires the City to allow "supportive housing" and "transitional housing" in all zoning districts that allow a single-family residence as a permitted use, and the Rural Residential and Rural Residential-Hillside Zoning Districts do not currently provide for these types of housing; and

WHEREAS, state law allows the City to require a use permit for residential care for seven or more elderly, chronically ill or disabled persons and this use is not currently permitted in any manner in the R-3 District, and

WHEREAS, the Planning Commission reviewed the proposed Code amendments at a public hearing on February 11, 2015, and after considering the public record, including the staff report and findings, adopted PC Resolution 2015-2 forwarding a recommendation that the City Council approve the proposed Code amendments; and

WHEREAS, the proposed amendments are not subject to the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that they may have a significant effect on the environment.

WHEREAS, the City Council of the City of Calistoga reviewed and considered this ordinance at a public hearing on March 3, 2015, noticed in accordance with state and local law, and which included the written and oral staff report, the Planning Commission's recommendation and comments received from the general public and interested agencies and parties.

NOW, THEREFORE, THE CALISTOGA CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE

Findings. The above recitals are incorporated herein as if set forth herein in full and each is relied upon independently by the City Council for its adoption of this ordinance.

SECTION TWO

1. CMC Chapter 17.04, Definitions, is hereby amended as follows, where deleted language is indicated by strikeout and added language is indicated by underlining:

17.04.230 Family.

"Family" shall mean one person living alone, or two or more persons related by blood, marriage, or legal adoption or a group not exceeding four persons living as a single housekeeping unit occupying a dwelling unit and living together as a single housekeeping unit that is characterized by the following:

- A. Shared use of a single common kitchen;
- B. Shared household expenses;
- C. Shared use of a common entry to the dwelling unit;
- D. Shared use of all or virtually all areas of the dwelling unit at all times;
and
- E. Occupation of the unit under a single lease if the unit is not occupied in part by the owner.

17.04.372 Housing, supportive.

"Supportive housing" shall mean housing with no limit on length of stay, that is occupied by a target population as defined in this Chapter, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

17.04.373 Housing, transitional.

"Transitional housing" ~~and "transitional housing development"~~ shall mean means buildings configured as rental housing and operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

17.04.635.5 Target population

"Target population" means low-income adults having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Welfare and Institutions Code Division 4.5 commencing with Section 4500) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

SECTION THREE

The following uses are hereby added to CMC 17.14.020(A), Uses Allowed without a Use Permit in the RR Rural Residential District:

7. Supportive housing
8. Transitional housing

SECTION FOUR

The following uses are hereby added to CMC 17.15.030(B), Uses Allowed by a Use Permit in the RR-H Rural Residential - Hillside District:

9. Supportive housing
10. Transitional housing

SECTION FIVE

The following use is hereby added to CMC 17.19.020(B), Uses Requiring a Use Permit in the R-3 Multifamily Residential/Office District:

11. Residential care for seven or more elderly, chronically ill or disabled persons, operated in accordance with State law

SECTION SIX

Environmental Review. This action has been reviewed in accordance with the California Environmental Quality Act, CEQA Guidelines Section 15061(b)(3), the "general rule" exemption. The City has determined that because it can be seen with certainty that there is no possibility that the proposed amendments will have an impact on the environment, this ordinance is therefore exempt from CEQA under the general rule.

SECTION SEVEN

Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

SECTION EIGHT

Effective Date. This Ordinance shall take effect thirty (30) days after its passage and before the 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 of Council meeting of the **3rd day of March, 2015**, and was passed and adopted at a regular meeting of the Calistoga City Council **on the 17th day of March, 2015**, by the following vote:

AYES: Councilmembers Lopez-Ortega, Kraus and Barnes, Vice Mayor Dunsford and Mayor Canning
NOES: None
ABSENT: None
ABSTAIN: None



Chris Canning, Mayor

ATTEST:



Kathy Flamson, City Clerk