

ORDINANCE NO. 673

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA,
STATE OF CALIFORNIA ADDING TITLE 17.12,
ECONOMIC DEVELOPMENT MEASURES TO THE MUNICIPAL CODE**

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

SECTION ONE:

WHEREAS, the State of California and the local economy of Calistoga are currently experiencing an economic recession leading to a dearth in development activity and new business starts within the City of Calistoga; and

WHEREAS, the City has an interest in promoting beneficial development and local job growth through the adoption of certain economic development measures that will reduce barriers to development and new business start-up during the economic downturn; and

WHEREAS, this Ordinance contains specific measures targeted at stimulating building and business development and job growth and shall act as an overlay to the existing provisions of the Calistoga Municipal Code to take precedence over any existing provisions of the Calistoga Municipal Code in the event of any inconsistency, for the duration of the ordinance, and

WHEREAS, the City Council finds that the City's Zoning Ordinance and Zoning Map were adopted by Ordinance No. 460 on February 5, 1991; and

WHEREAS, the Planning Commission considered the proposed economic development measures and implementing Municipal Code amendment at its regular meeting on December 8, 2010. Prior to taking action on the application, the Planning Commission received written and oral reports by the staff, and received public testimony; and

WHEREAS, the Planning Commission held a duly noticed public hearing on this Zoning Ordinance Text Amendment on December 8, 2010, and adopted Resolution PC 2010-18 forwarding a recommendation of an approval of this Ordinance by the City Council; and

WHEREAS, the City Council of the City of Calistoga has reviewed and considered this text amendment at its regular meeting on December 21, 2010, and January 18, 2011, as one of its items of business, noticed in accordance with Government Code Section 65090, this Ordinance to be adopted in accordance with 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; and

WHEREAS, the City Council finds that the proposed amendment will help promote economic development within the City by removing regulatory barriers; and

WHEREAS, the City Council finds the proposed amendment is necessary and proper for the economic well-being and overall public welfare of the community; and

WHEREAS, this action has been determined to not be subject to the California Environmental Quality Act (CEQA) under Sections 15061(b)(3), 15301, 15303, 15305 and 15332 of the CEQA Guidelines.

SECTION TWO:

A new Chapter 17.12 entitled "Economic Development Measures" is hereby added to Title 17 of the Calistoga Municipal Code to read and provide as follows:

Chapter 17.12

ECONOMIC DEVELOPMENT MEASURES

Sections:

- 17.12.010 Application of this Chapter
 - 17.12.020 Extensions and Reactivations
 - 17.12.030 Off-Street Parking Deficiencies
 - 17.12.040 Payment of Development Impact Fees
- 17.12.010 Application of This Chapter.

Notwithstanding any other provision of the Calistoga Municipal Code, the following provisions shall control and prevail for a period of three years following the effective date of the ordinance adopting this Chapter, unless otherwise amended by subsequent action of the Council.

17.12.020 Extensions and Reactivations.

A. The time limit for cease of operation of existing Conditional Use Permits is hereby extended from 6 months to 24 months, which will allow more time for a vacant building to be reused with the same use and conditions of the existing Conditional Use Permit.

B. All existing approved project entitlements, excepting projects for which a Development Agreement has been entered into with the City, are hereby automatically extended for a period equal to three-years from the date the entitlement was approved and/or took full effect, but not to exceed the period of time an accompanying tentative map is in effect for any project.

C. Project entitlements approved in 2011, excepting projects for which a Development Agreement is entered into with the City, shall be valid for a three year period and may be extended for an additional one-year period.

D. Any and all project approvals granted within the calendar year 2008, 2009 or 2010, may be granted reactivation by the Planning and Building Director, in his/her discretion. The property owner/applicant must request reactivation by submittal of an application and payment of application fee. The application for reactivation will be reviewed to determine consistency with the City's 2003 General Plan and any General Plan amendments in effect at the time of application for reactivation, as well as current City goals, policies and standards. A request for reactivation may be administratively approved by the Planning and Building Director, subject to the following:

1. The project is determined to be consistent with the General Plan and meets the requirements of applicable zoning regulations (unless specific exceptions were granted as part of the original approval).

2. Written notice of the request for reactivation of an expired approval is mailed to all property owners within 300 feet of the subject property. Such notice shall be given not less than 10 days before the date the application is scheduled for a decision by the Planning and Building Director.
3. No substantial concerns are raised by surrounding property owners or are identified by the Planning and Building Director. If substantial concerns are identified, the request for reactivation shall be scheduled for consideration at a Public Hearing before the Planning Commission and/or City Council in accordance with Section 17.02.200 of the Calistoga Municipal Code.

Any reactivated project must comply with current building codes.

E. The time limit for maintaining a legal nonconforming status is hereby extended from six months to 24 months, which will allow for a longer period of vacancy between uses.

17.12.030 Off-Street Parking Deficiencies.

Provision of additional off-street parking spaces and/or payment of in-lieu parking fees by businesses moving into an existing commercial space shall not be required if the deficiency is no more than 10 spaces or no more than 25% of the total required number of parking spaces, whichever is greater.

17.12.040 Payment of Development Impact Fees.

The time for collection of Development Impact fees is hereby changed from the time a building permit or business license is issued to issuance of a Certificate of Occupancy or as part of an approved payment plan, excepting payment of school impact fees and other fees not within the jurisdiction of the City. Interest charges and penalties for non-payment or late payments may be included as part of the approved payment plan. Additional alternatives for payment of development impact fees may be identified as part of a pending update to the City's impact fees. Any alternative options for payment of impact fees developed subsequent to the adoption of this ordinance may also be considered.

For the purposes of this Chapter, "Development Impact fees" are defined to include development-related fees adopted by the City Council to offset the impacts of development on the community. Examples of such fees include water and wastewater connection fees, public safety impact fees, quality of life fees, school impact fees and in-lieu housing impact fees. "Development Impact fees" do not include entitlement application processing fees or costs associated with on- or - off site improvements that have been required as a condition of project approval.

SECTION THREE:

This Ordinance shall be in effect for a period of three (3) years from the effective date of this Ordinance, after which time this Ordinance shall automatically expire and terminate and shall be of no further force and effect, unless otherwise amended or extended by Council action.

SECTION FOUR:

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

SECTION FIVE:

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 **21st day of December, 2010**, and was passed and adopted at a regular meeting of the Calistoga City Council on the **18th day of January, 2011**, by the following vote:


**AYES: Mayor Gingles, Vice Mayor Dunsford, Councilmembers Canning, Kraus,
and Slusser**

NOES: None

ABSTAIN/ABSENT: None

ATTEST:


SUSAN SNEDDON, City Clerk


JACK GINGLES, Mayor