

**RESOLUTION NO. 2015-047**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA SETTING AN IN-LIEU AFFORDABLE HOUSING FEE**

1           **WHEREAS**, Calistoga Municipal Code §§17.08.020(C) and 17.08.020(D) allow  
2 the payment of a fee under certain circumstances in-lieu of providing deed-restricted  
3 affordable units; and

4           **WHEREAS**, Calistoga Municipal Code §17.08.020(D)(4)(a)(ii) requires the  
5 amount of this in-lieu fee to be set by resolution of the City Council; and

6           **WHEREAS**, the in-lieu affordable housing fee provided for herein is based on the  
7 analysis and recommendations contained in the analysis prepared by Economic &  
8 Planning Systems, Inc., dated April 13, 2015 (“Affordable Housing In-Lieu Fee Analysis  
9 for Residential Development”), consistent with the most recent relevant case law and  
10 the principles of AB 1600 (the Mitigation Fee Act), codified at Government Code Section  
11 66000 et seq; and

12           **WHEREAS**, while this fee study established the maximum fee that could be  
13 charged under relevant City policies and California statutes, it is critical that the fee  
14 impose a proportionate burden on new development and be reasonably consistent with  
15 those of comparable cities. Furthermore, imposing the maximum fee could negatively  
16 affect the financial feasibility of new market-rate residential development. In addition,  
17 revenue generated through this fee is just one source of potential subsidy funds to help  
18 finance affordable housing projects; and

19           **WHEREAS**, at least fourteen (14) days prior to the date this resolution is being  
20 heard, notice was provided to any persons or organizations who had requested notice,  
21 in accordance with Government Code Section 66019; and

22           **WHEREAS**, notice of the hearing of the proposed fee was published twice in the  
23 manner set forth in Government Code Section 6062(a) as required by Government  
24 Code Section 66018; and

25           **WHEREAS**, a duly and properly-noticed public hearing was conducted by the  
26 City Council on May 19, 2015;

27           **NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of  
28 Calistoga as follows:

29           **SECTION ONE**

30           Findings.

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

33           B. The Council finds and determines this fee is consistent with state law (California  
34 Government Code Section 66000 et seq.). Specifically, the EPS Analysis establishes

35 that there is a reasonable relationship between the fee and the cost of meeting a  
36 market-rate development project's inclusionary housing requirement.

37 **SECTION TWO**

38 Adjustments. The City Council may periodically update the In-Lieu Affordable  
39 Housing Fee to reflect changing housing conditions within the community, including the  
40 actual costs of providing affordable housing.

41 **SECTION THREE**

42 Fee Adoption. The City Council hereby adopts an In-Lieu Affordable Housing Fee  
43 of \$12,000.

44 **PASSED AND ADOPTED** by the City Council at a duly noticed regular meeting  
45 held the **19th day of May, 2015**, by the following vote:

<b>AYES:</b>	<b>Councilmembers Kraus, Lopez-Ortega and Barnes, Vice Mayor Dunsford and Mayor Dunsford</b>
<b>NOES:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>None</b>
<b>ABSENT:</b>	<b>None</b>

  
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**CHRIS CANNING, Mayor**

**ATTEST:**

  
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**KATHY FLAMSON, City Clerk**