Calistoga Lincoln Investments, LLC
935 Moraga Road, Suite 200
Lafayette, California 94549

MEMORANDUM

Dated: February 12, 2026

To: Greg Desmond, Planning & Building Director, City of Calistoga (gdesmond@calistogaca.gov)

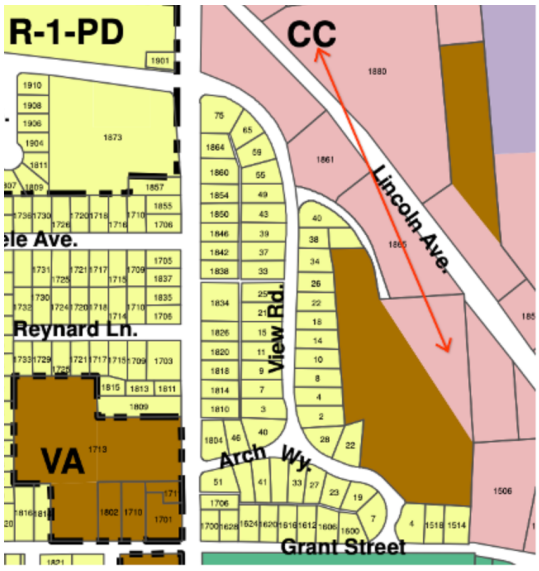
From: Brian Griggs, Calistoga Lincoln Investments LLC

Re: SB 330 Submission-1800 Lincoln

On behalf of Calistoga Lincoln Investments, LLC ("Applicant"), I am pleased to submit the attached SB 330 Application ("Application") for our proposed housing development project consisting of 112 housing units ("Project") to be located on 8.4 acres located at 1800 Lincoln Avenue (APN #'s 011-072-020, 011-101-002, and 011-101-003 (collectively the "Property") in the City of Calistoga ("City"). This memorandum will provide information on the Project's use of State Density Bonus Law set forth in Government Code section 65915 ("SDBL").

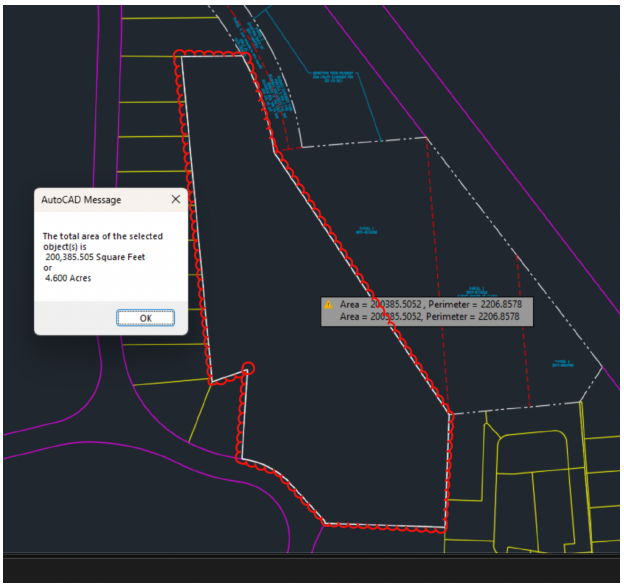
The Project has a base density of 92 units based on the 4.6 acres of R-3 Multi-Family Residential/Office (R-3) Zoning density (20 du/acre). The remaining acreage of the site is zoned Community Commercial (CC). By providing 10% of the base units (9.2 units which rounds up to 10 unites per SDBL) as low-income inclusionary units, the Project is entitled to a 20% density bonus (18.4 units which rounds up to 19 units per SDBL) which makes the project a total of 111 Units.

CURRENT ZONING:



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PARCEL CALCULATIONS:



Waivers- For projects that qualify for a density bonus under the SDBL, a jurisdiction may not "apply any development standard that will have the effect of physically precluding the construction" of the project. (Gov. Code § 65915(e)(1).) To effectuate this provision, the SDBL authorizes an applicant to request from the jurisdiction a "waiver or reduction" of any development standard that would physically preclude development of the project "at the densities or with the concessions or incentives permitted under [the SDBL]." (Id.) A "development standard" includes, but is not limited to, any "site or construction condition," such as height limits, setbacks, FARs, open space requirements, minimum lot area per unit requirements, and parking ratios imposed by any ordinance, planning document, or other law, policy, or regulation adopted by the city. (Gov. Code § 65915(o)(2).)

There is no limit to the number of Waivers an applicant may request for a project, and a request for a Waiver neither increases nor decreases the number of incentives/concessions to which the applicant is entitled. (Gov. Code § 65915(e)(2).) SDBL "includes very limited exceptions to its requirements and places the burden on a City to establish an exception applies." (Bankers Hill 150 v. City of San Diego (2022) 74 Cal.App.5th 755, 770.) To deny a request for a waiver the SDBL requires the City to "find, based on substantial evidence," that granting a waiver request would: 1) result in a "specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health and safety"; 2) result in an adverse impact to "any real property that is listed in the California Register of Historical Resources"; or 3) be contrary to state or federal law. (Gov. Code § 65915(e)(1); Bankers Hill 150 v. City of San Diego (2022) 74 Cal.App.5th 755, 770–771.)

The Project will identify the requested waivers with submission of our formal application.

Incentive-The Project is entitled to one incentive in exchange for providing the 10% low-income housing (Gov. Code § 65915(d)(2)(A)). City must grant the Incentive request unless it can make a written finding, based on substantial evidence, that: "(1) the incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs; (2) the incentive would have a specific, adverse impact on the public health or safety, or upon an historical resource listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households; or (3) would be contrary to state or federal law" (Gov. Code § 65915(d)(1)).

In reviewing an applicant's request for an incentive, the City may only require "reasonable documentation" showing cost reductions resulting from the incentive. (Gov. Code § 65915(j)(1)). The City may not require information, including financial information, that demonstrates that an incentive is necessary to make a SDBL project "economically feasible." (Schreiber v. City of Los Angeles (2021) 69 Cal.App.5th 549, 557-58.) In Schreiber, the court explained that there is a presumption that an incentive will result in cost reductions and that an applicant "is not required to establish that cost reductions will result." (Schreiber at 555). Instead, the City must approve the incentive request unless it makes one of the written findings above.

At this point in the entitlement process, the Applicant reserves the use of its incentive as the Project application progresses through City review.

California Environmental Quality Act ("CEQA")

Attachment 1 which analyzes the provisions of Assembly Bill 130 and the criteria set forth in Pub. Res. Code § 21080.66, Based on the information in Attachment 1, Applicant has determined that the Project qualifies for a statutory exemption and is thus exempt from the California Environmental Quality Act.

Summary

Applicant is excited to submit this 112-unit Project to the City and we look forward to working cooperatively with the City to provide much needed housing to the Calistoga Community. Applicant would welcome the opportunity to discuss the Project in detail in the near future including establishing a timeline for entitlements and addressing any questions Staff may have concerning Applicant's use of AB 130 and other State Housing Laws that are designed to facilitate the production of housing.