CITY OF CALISTOGA PLANNING COMMISSION RESOLUTION PC 2008-33

A RESOLUTION APPROVING A VARIANCE ALLOWING A REDUCED STREET AND HIGHWAY SETBACK ON THE PROPERTY LOCATED AT 1003 FOOTHILL BOULEVARD (APN 011-310-013) WITHIN THE "DC-DD", DOWNTOWN COMMERCIAL-DESIGN DISTRICT

2 WHEREAS, Jaime and Virginia Cortez, property owners, submitted a request to 3 allow a 0'-0" front yard setback along Foothill Boulevard, where 20'-0" is required 4 pursuant to Section 17.56.030(D); and 5 6 WHEREAS, the Planning Commission considered the request (VA 2006-09) at 7 its regular meeting on August 13, 2008, pursuant to Government Code Section 65090. 8 Prior to taking action on the application, the Commission received written and oral 9 reports by the staff, and received public testimony; and 10 11 **WHEREAS**, the Planning Commission adopted the following findings: 12 13 Conditions apply to the property that do not apply generally to other properties in Α. 14 the same zone or vicinity, which conditions are a result of lot size or shape, 15 topography, or other circumstances over which the applicant has no control. 16 17 Response: Because of special circumstances, including the location of existing 18 structures, a strict application of this development standard would deprive the 19 subject property of privileges enjoyed by other properties in the vicinity. 20 21 B. The variance is necessary for the preservation of a property right of the applicant 22 substantially the same as is possessed by owners of other property in the same 23 zone or vicinity. 24 25 Response: This variance does not constitute a special privilege inconsistent with 26 the limitations on other properties in the vicinity and in the "DC" zoning district. 27 28 C. The authorization of the variance will not be materially detrimental to the 29

purposes of this Title, be injurious to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of City development plans or policies.

<u>Response:</u> This project will not be detrimental to the public health, safety and welfare or injurious to other properties in the vicinity.

D. The variance requested is the minimum variance which will alleviate the hardship.

Response: The granting of this variance is consistent with the intent of the Zoning Ordinance and General Plan and is the minimum variance needed to alleviate the hardship.

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WHEREAS, an environmental assessment, including preparation of an Initial Study, determined that a Mitigated Negative Declaration was necessary to address the environmental impacts associated with the Project;

NOW, THEREFORE, BE IT RESOLVED by the City of Calistoga Planning Commission that based on the above findings, the Planning Commission approves the proposed Variance, subject to the following conditions of approval.

CONDITIONS

1. This permit authorizes a reduced highway and street setback along Foothill Boulevard as shown on the plans dated December 10, 2008 to the Planning and Building Department. Minor alterations that do not result in increased environmental impacts may be approved in writing by the Planning and Building Department Director.

2. This permit shall be null and void if not used by August 13, 2009, or if the use is abandoned for a period of one (1) year.

3. The permit holder shall permit the City of Calistoga or its representatives or designees to make periodic inspections at any reasonable time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

5. This permit may be revoked if the use for which the permit was granted is conducted as to be detrimental to the public health, safety, or welfare or as to be a nuisance, or upon other grounds as listed in Section 17.42.050 of the Calistoga Municipal Code.

PASSED, APPROVED, ADOPTED on August 13, 2008, by the following vote of the Calistoga Planning Commission:

75 AYES: 76 NOES: 77 ABSENT: 78 ABSTAIN:

Clayton	Creager,	Vice	Chairman

ATTEST: ______ Kathleen Guill

Secretary to the Planning Commission