

# CITY OF CALISTOGA

## STAFF REPORT

**TO:** CHAIR MANFREDI AND MEMBERS OF THE PLANNING COMMISSION  
**FROM:** ERIK V. LUNDQUIST, SENIOR PLANNER  
**MEETING DATE:** DECEMBER 10, 2014  
**SUBJECT:** CALISTOGA PET CLINIC – 2960 FOOTHILL BOULEVARD  
USE PERMIT AMENDMENT UP 2014-15, VARIANCE  
VA 2014-3 AND PARCEL MAP PM 2014-1

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### 1 ITEM

2 Consideration of a parcel map to divide the property located at 2960 Foothill  
3 Boulevard into 2 parcels, and a use permit amendment and variance to allow the  
4 existing veterinary clinic to be located on a 1-acre parcel.

### 5 PROJECT SETTING

6 The front half of the 2.15-acre property was developed in 2007 with a veterinary  
7 clinic. Access to the parking area at the rear of the building is via a paved  
8 driveway on the eastern side of the property. The remaining portion of the  
9 property is vacant and contains native grasses and a scattering of trees. A  
10 shallow retention pond also exists on the northern half of the property. The  
11 property currently has City water service and a septic system.

12 The property is at the western city limits. Surrounding the property to the north,  
13 east and west are light agricultural and low density residential land uses located  
14 in the Rural Residential Zoning District. South of the property, across Foothill  
15 Boulevard, are also light agricultural and residential land uses located within the  
16 Rural Residential-Hillside Zoning District.

### 17 PROJECT DESCRIPTION

18 The property owners propose to divide the property into two parcels: a 1-acre  
19 parcel containing the veterinary clinic (Parcel 1) and a vacant 1.15-acre parcel  
20 (Parcel 2). The vacant parcel is intended for residential development but would  
21 be sold undeveloped. No additional development is anticipated or foreseen on  
22 the parcel containing the veterinary clinic. Access to the vacant parcel would be  
23 via a 15-foot wide easement located on the panhandle portion of the adjoining lot  
24 located at 2996 Foothill Boulevard.

25 A 20-foot wide emergency vehicle access (EVA) along the eastern property line  
26 would provide secondary access for emergency vehicles to Parcel 2. City water

27 would also be extended along the eastern property line to service future  
28 development on the property and a septic system is proposed to be installed for  
29 sewage disposal.

30 In this case a use permit amendment and variance are also warranted in order to  
31 allow a veterinary clinic on a 1-acre parcel. The use permit amendment is  
32 necessary in order to find that a 1-acre parcel is an appropriately-sized lot for a  
33 veterinary clinic since the Planning Commission originally approved the use  
34 permit finding that the 2-acre parcel was appropriate. The variance is necessary  
35 to allow the reduced parcel size rather than the minimum lot size of 2 acres, as  
36 required for veterinary clinics in the RR District per CMC Section  
37 17.14.020(B)(3)(a).

## 38 **ANALYSIS AND DISCUSSION**

### 39 **A. General Plan Conformance**

40 Lands designated Rural Residential in the General Plan Land Use Element serve  
41 as a buffer between the agricultural lands around the city and the urbanized part  
42 of Calistoga. Maximum densities allowed in areas designated Rural Residential  
43 may be up to one dwelling unit per acre<sup>1</sup>. The density is determined through the  
44 subdivision review process based upon an assessment of established  
45 performance standards. The proposed parcel map is in compliance and  
46 consistent with the standards established by the General Plan in that the lot sizes  
47 and configurations would be consistent with the rural character and would ensure  
48 that sufficient open space is preserved.

### 49 **B. Zoning Conformance**

50 The proposed parcels conform to the development standards in Section  
51 17.14.040 CMC in terms of a minimum lot width of 100 feet, minimum lot depth of  
52 200 feet, minimum parcel size of 40,000 square feet. The proposed parcels  
53 would have adequate room to satisfy the building setback requirements and  
54 parking requirements of two spaces per dwelling unit pursuant to CMC Section  
55 17.36.130. However, the parcel map would result in a veterinary clinic located on  
56 a 1-acre parcel. CMC Section 17.14.020(B)(3)(a) requires a minimum lot size of  
57 2 acres for a veterinary clinic. The applicants have requested a variance to allow  
58 the veterinary clinic to be located on a 1-acre parcel. A use permit amendment is  
59 also necessary since the original use permit U 2003-4 and first use amendment  
60 U 2005-19 were originally approved based upon the finding that the 2-acre parcel  
61 size was appropriate for the use.

62 Use Permit Amendment: This use permit amendment request does not propose  
63 any changes to the conditionally-approved uses. This use permit amendment is

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<sup>1</sup> CMC Section 16.16.130(A) limits the maximum density to one unit per two acres when utilizing a septic disposal system. The applicants have petitioned the City Council for an exception to the requirements to connect to the City's sanitary sewer system to allow utilization of a septic system and a waiver from the density standards when a septic system is utilized. See Section E of this report for further details.

64 necessary in order to amend the written “findings” that were adopted in support  
65 of the original approval. The Planning Commission must amend their findings to  
66 support the approval of the use on a 1-acre parcel so there is a legal standing.

67 CMC Section 17.40.070 *Findings* provides ten findings that must be supported in  
68 order to approve the use permit amendment. Although all of the findings must be  
69 made, to assist the Planning Commission, staff has identified two findings that  
70 pertain and/or have a direct correlation to the reduced parcel size. These specific  
71 findings are discussed below:

72 Finding 1: That the proposed development, together with any  
73 provisions for its design and improvement, is consistent with the  
74 General Plan, any applicable specific plan and other applicable  
75 provisions of this code including the finding that the use as  
76 proposed is consistent with the historic, rural, small-town  
77 atmosphere of Calistoga.

78 Supporting Evidence: The General Plan Land Use Element allows  
79 a maximum residential density of up to 1 dwelling unit per acre  
80 within the Rural Residential land use designation. The Community  
81 Identity Element further establishes that rural areas shall be  
82 comprised of agriculture, open space and large single-family  
83 homes, which in-part identify Calistoga as a small town. The  
84 veterinary clinic located on a 1-acre parcel will adhere to the  
85 residential density standard and will maintain its rural character  
86 since its association with the agriculture uses will continue. The  
87 veterinary clinic will continue to handle animals and animal health  
88 issues similar to other agricultural uses currently allowed in the  
89 Rural Residential land use designation.

90 Finding 2: That the site is physically suitable for the type and  
91 density of development.

92 Supporting Evidence: The characteristics of the 1-acre site are  
93 suitable for the veterinary clinic, considering the size, shape,  
94 location, topography, existence of improvements and natural  
95 features. The parcel is 325.56 feet long by 133.80 feet wide and  
96 has negligible slope. The property is connected to City water and  
97 has an on-site septic system for sewage disposal. The veterinary  
98 clinic and its ancillary uses have occupied 1 acre of the property for  
99 over 7 years, separated from the back acre by a fence without  
100 resulting in any negative effects.

101 As shown above and as enumerated in the attached use permit amendment  
102 resolution, staff is of the opinion that the veterinary clinic located on the 1-acre  
103 parcel may be supported and a use permit amendment granted with the new  
104 findings.

105 Variance: Veterinary clinics in the RR District are to be developed on lots of two  
106 acres or more in size in order to provide separation from adjoining uses in the  
107 event of boarding large animals. Upon review of the existing operation, site  
108 layout and proposed uses<sup>2</sup>, staff has found that the property's long narrow  
109 configuration and orientation of the structure near the highway address  
110 incompatibility concerns that the two-acre minimum lot size is intended to  
111 achieve. Because of the property's narrow configuration, the two-acre minimum  
112 size requirement has little relevancy to providing separation to adjoining uses on  
113 the east and west. Allowing the property to be split for future construction of a  
114 residence will provide greater separation and buffer to the existing residences to  
115 the north. Therefore, based upon these findings and the findings explicitly listed  
116 in the attached resolution, staff is supportive of the variance allowing a veterinary  
117 clinic on a 1-acre parcel at this specific location.

118 It should also be noted that on October 22, 2008, the Planning Commission  
119 adopted Resolution No. 2008-43 approving a variance allowing the veterinary  
120 clinic on a 1-acre parcel. However, the variance was never exercised and it is  
121 now null and void.

#### 122 **D. Growth Management**

123 The contemplated project would not require a Growth Management Allocation  
124 pursuant to CMC Section 19.02.050(K), which exempts minor residential  
125 subdivisions in the Rural Residential land use designation.

#### 126 **E. Public Utilities and Infrastructure**

127 Water: The veterinary clinic is currently connected to the City's water main  
128 located along Foothill Boulevard. The parcel map indicates that an easement  
129 would be provided along the southeastern property line of proposed Parcel 1 in  
130 order to extend a new waterline to serve proposed Parcel 2. A condition of  
131 approval requires that a 20-foot wide EVA and waterline easement be provided  
132 on the final map.

133 Water for fire suppression will need to be provided subject to the review and  
134 approval of the Public Works and Fire Departments. A fire hydrant will also need  
135 to be provided at Foothill Boulevard, upon a determination from the Public Works  
136 Department that there is adequate water pressure. The domestic water line  
137 would be construction upon development of Parcel 2.

138 Sewer: The veterinary clinic uses an existing on-site septic system for sewage  
139 disposal. Proposed Parcel 2 also proposes to install an on-site septic system.  
140 However, per CMC Section 16.16.130, all new subdivisions are required to

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<sup>2</sup> The Planning and Building Department received a use permit amendment application on June 7, 2013 requesting an expansion of use. The application is still pending and is subject to the Planning Commission's review and approval upon its completeness. If this parcel map is approved it should not be construed that the Planning Commission supports and/or rejects the pending application. The pending use permit amendment application for expansion of use will be considered on its own merits.

141 connect to the City's sanitary sewer system unless the City Council grants an  
142 exception to the connection requirements. CMC Section 16.16.130(B) states that  
143 the City Council may grant an exception to the requirement to connect to the  
144 City's sanitary sewer provided that the proposed minimum parcel size is two  
145 acres and the overall density is not greater than 1 unit per two acres. The  
146 applicants have requested an exception to the requirement to connect to the City  
147 sanitary sewer system and have also requested a waiver from the minimum  
148 parcel size and density standard. The City Council may waive the parcel size and  
149 density standard per CMC Section 16.02.080.

150 Since the Planning Commission does not have the authority to grant the  
151 exception or waiver requests, a condition of approval would require that the  
152 applicants extend the sewer mainline over 1,600 feet from the intersection of  
153 Highland Court across the project frontage. A condition of approval has also  
154 been included that would require a deed restriction limiting the two properties to  
155 one dwelling unit so as not to exceed the maximum density. The applicant has  
156 initially agreed to these conditions with the understanding and hope that the City  
157 Council will subsequently consider and grant their requests.

158 Storm Water Drainage: Hogan Land Services, Inc. prepared a preliminary  
159 drainage analysis dated June 23, 2014 concluding that with the existing swales  
160 and upon construction of a new infiltration trench the property would adequately  
161 convey storm water off site in a volume not exceeding the current flow. A  
162 condition of approval would require minor grading and trenching, and a drainage  
163 easement for conveyance of water across the properties.

164 Roadways:

165 *Foothill Boulevard:* Per the Calistoga Municipal Code, the design and  
166 improvement of the parcel map shall be consistent with the General Plan. Foothill  
167 Boulevard is classified as an arterial street in the General Plan. Section  
168 12.040.110(A) of the Calistoga Municipal Code states:

169 *"Arterial Street Section. The arterial street section shall have an 84-foot*  
170 *right-of-way, a four-foot public utility easement on each side between the*  
171 *right-of-way line and the sidewalk and a six-foot sidewalk on each side*  
172 *with vertical curb and gutter. The roadway section shall be 64 feet*  
173 *between curb faces to comprise a 14-foot parking-bicycle lane, a 12-foot*  
174 *traveled lane, a 12-foot turning lane, a 12-foot traveled lane, and a 14-foot*  
175 *parking-bicycle lane."*

176 CMC Section 12.04.120 provides flexibility for implementing a different roadway  
177 section upon Planning Commission approval. The Public Works Department has  
178 expressed that the existing configuration of Foothill Boulevard is adequate to  
179 handle the existing and proposed traffic. Widening the roadway and installing  
180 curb, gutter and sidewalk would dramatically change the character to a more  
181 urbanized condition. Staff suggests that no roadway improvements along Foothill  
182 Boulevard be required to preserve the rural nature of the area. This approach

183 would also be consistent with the goals of the General Plan Entry Corridor No. 5,  
184 which is to preserve the rural open space character.

185 *Private Driveway Access:* No change would occur to the driveway accessing the  
186 veterinary clinic. Proposed Parcel 2 would be accessed via an easement over  
187 the pan handle portion of the adjoining parcel. The terms and conditions of this  
188 easement are described in the "Agreement for Maintenance of Roadway  
189 Easement" (the "Agreement") recorded April 25, 1990 in the Napa County  
190 Recorder's Office. Section 8 of the Agreement indicates that a new parcel  
191 resulting from a subdivision shall contribute to the road maintenance fund and  
192 shall also be required to make an additional contribution to equal the cost of  
193 improvements required to bring the road standard beyond the existing level.

194 The road maintenance fund has not been established and will be established  
195 when it becomes necessary, as per the Agreement. Once the fund is established,  
196 the property will be obligated to contribute to road maintenance. Since the fund  
197 has not been established, it is also staff's opinion that making any additional  
198 contribution to upgrading the road should not be required at this time but instead  
199 the applicants should be responsible for the actual upgrades.

200 To meet the intent of the Agreement and reduce the impact from the new parcel,  
201 staff recommends that the roadway be upgraded by installing a standard  
202 driveway approach at the Foothill Boulevard/roadway intersection, repave the  
203 roadway and install a turnout where the future driveway is planned<sup>3</sup> to access  
204 Parcel 2. Additional access easements would be required to address those  
205 portions of the driveway approach located on Parcel 1 and an additional 5-foot  
206 easement would be required along the entire western property boundary to  
207 accommodate those improvements located on Parcel 1 and 2 (e.g., roadway,  
208 utilities, drainage). Beyond the required turnout, a non-access easement will be  
209 required to preclude access from the easement onto proposed Parcel 2.  
210 Conditions of approval have been included requiring these aforementioned  
211 improvements and easements, which are also depicted on the attached map.

212 Emergency Vehicle Access: Since the private roadway does not meet the  
213 minimum standard for emergency vehicle access, a condition of approval  
214 requires that a 20-foot wide chip-seal EVA be installed unless reduced by the  
215 Fire Chief. Installation of the EVA may require the relocation of the existing trash  
216 enclosure. A condition of approval requires the relocation of the trash enclosure  
217 prior to recordation of the parcel map. The EVA improvements would be  
218 required upon development of Parcel 2. The EVA easement would be recorded  
219 concurrently with the final map.

220 Underground Utilities: Per CMC Section 16.16.090(A), the property owners  
221 would be required to underground the existing overhead utilities. The property

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<sup>3</sup> Constructing an adequate turnout may require additional drainage improvements (i.e., installation of a new culvert). The property owners will be responsible for these improvements and the appropriate easements.

222 owners have submitted a request to waive the undergrounding requirements.  
223 However, the Planning Commission does not have the authority to waive the  
224 undergrounding requirements. As such, a condition of approval has been  
225 incorporated into the draft resolution requiring that the overhead utilities along  
226 Foothill Boulevard and along the northwestern property boundary be  
227 undergrounded. Subsequent to approval, the waiver request will be forwarded to  
228 the City Council for their consideration.

#### 229 **E. Trees**

230 An arborist report indicates there are 65 trees on the property. It appears that 44  
231 are protected per the City's Tree Ordinance. Infrastructure improvements (i.e.,  
232 EVA, waterline, septic system) may result in impacts to a few of the protected  
233 trees. In accordance with the City's Tree Ordinance, a tree protection and  
234 replacement plan will be required to be submitted to the City for review and  
235 approval to reduce the impact to the trees during construction.

#### 236 **G. Archaeological Resources**

237 This parcel map does not propose any major ground disturbances and/or  
238 alterations to the land. However, development in the future may occur on the  
239 property. To properly evaluate and potentially mitigate impacts to known  
240 resources or any discovered during construction, ground-disturbing construction  
241 activities must be monitored by an archaeologist, in consultation with a tribal  
242 member.

#### 243 **FINDINGS**

244 To reduce repetition, all of the appropriate findings are contained in the attached  
245 resolution.

#### 246 **PUBLIC COMMENTS**

247 To date, no written comments have been received regarding the proposed  
248 project.

#### 249 **ENVIRONMENTAL REVIEW**

250 These actions are not subject to the California Environmental Quality Act (CEQA)  
251 under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with  
252 certainty that there is no possibility that the project may have a significant effect  
253 on the environment.

#### 254 **RECOMMENDATIONS**

- 255 1. Approve the use permit amendment and variance with conditions
- 256 2. Approve the proposed parcel map with conditions

#### **ATTACHMENTS**

1. Vicinity Map
2. Draft Use Permit Amendment and Variance Resolution
3. Draft Parcel Map Resolution

Calistoga Pet Clinic parcel map PM 2014-1, UP 2014-15, VA 2014-3  
2960 Foothill Boulevard  
December 10, 2014  
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4. Written Project Description dated July 30, 2014
5. Tentative Parcel Map received November 6, 2014
6. Arborist Report received November 6, 2014
7. Drainage Analysis received June 23, 2014
8. Agreement for Maintenance of Roadway Easement
9. Staff's recommended private roadway improvements
10. Existing Calistoga Pet Clinic Land Use Entitlements