

CITY OF CALISTOGA  
PLANNING COMMISSION  
RESOLUTION PC 2014-\_\_\_

APPROVING USE PERMIT AMENDMENT UP 2014-15 AND VARIANCE  
VA 2014-3 ALLOWING A VETERINARY CLINIC ON A 1-ACRE PARCEL AT  
2960 FOOTHILL BOULEVARD

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1           **WHEREAS**, CMC Section 17.14.020(B)(3)(a) requires a minimum lot size  
2 of 2 acres for a veterinary clinic; and

3           **WHEREAS**, on March 6, 2014, RKMS Investments, LLC submitted an  
4 application for a use permit amendment and variance in order to allow a  
5 veterinary clinic on a 1-acre parcel at 2960 Foothill Boulevard (APN 011-400-  
6 003); and

7           **WHEREAS**, the applicants have also filed an application for a parcel map  
8 PM 2014-1 to subdivide the 2.15-acre property into two parcels; and

9           **WHEREAS**, the original use permit U 2003-4 and first use permit  
10 amendment U 2005-19 allowing the veterinary clinic were originally approved  
11 based upon the finding that the 2-acre parcel size was an appropriate size for the  
12 use; and

13           **WHEREAS**, a use permit amendment is necessary in order to amend the  
14 written findings of fact that were originally adopted in order to support the  
15 veterinary clinic use on a 1-acre parcel so there is legal standing; and

16           **WHEREAS**, approval of this use permit amendment and variance will  
17 enable the Planning Commission's consideration of a parcel map dividing the  
18 property into two 1-acre parcels; and

19           **WHEREAS**, the Planning Commission reviewed and considered this  
20 application at its regular meeting on December 10, 2014 and prior to taking  
21 action on the application, the Commission received written and oral reports by  
22 the Staff, and received public testimony; and

23           **WHEREAS**, this action has been reviewed for compliance with the  
24 California Environmental Quality Act (CEQA) and is exempt from the  
25 requirements of the CEQA pursuant to Section 15061(b)(3) of the CEQA  
26 guidelines; and

27           **WHEREAS**, the Planning Commission pursuant to Chapter 17.40.070 has  
28 made the following findings for the application:

- 29       1.     Finding: The proposed use, together with any provisions for its design and  
30           improvement, is consistent with the General Plan, any applicable specific  
31           plan and other applicable provisions of the Zoning Code including the  
32           finding that the use as proposed is consistent with the historic, rural, small-  
33           town atmosphere of Calistoga.

34        Supporting Evidence: The General Plan Land Use Element allows a  
35        maximum residential density of 1 dwelling unit per acre within the Rural  
36        Residential land use designation. The Community Identity Element further  
37        establishes that rural areas shall be comprised of agriculture, open space  
38        and large single-family homes, which in part identify Calistoga as a small  
39        town. The veterinary clinic located on a 1-acre parcel will adhere to the  
40        residential density standard and will maintain its rural character since its  
41        association with agricultural uses will continue. The veterinary clinic will  
42        continue to handle animals and animal health issues similar to other  
43        agricultural uses currently allowed in the Rural Residential land use  
44        designation.

- 45        2.        Finding: The site is physically suitable for the type and density of  
46        development.

47        Supporting Evidence: The characteristics of the 1-acre site are suitable for  
48        the veterinary clinic, considering the size, shape, location, topography,  
49        existence of improvements and natural features. The parcel is 325.56 feet  
50        long by 133.80 feet wide and has negligible slope. The property is  
51        connected to City water and has an on-site septic system for sewage  
52        disposal. The veterinary clinic and its ancillary uses have occupied less  
53        than 1-acre of the property for over 7 years, separated from the back acre  
54        of land by a fence without resulting in any negative effects.

- 55        3.        Finding: The proposed development has been reviewed in compliance  
56        with the California Environmental Quality Act (CEQA) and the project will  
57        not result in detrimental or adverse impacts upon the public resources,  
58        wildlife or public health, safety and welfare.

59        Supporting Evidence: This action is not subject to the California  
60        Environmental Quality Act (CEQA) under Section 15061(b)(3) of the  
61        CEQA Guidelines because it can be seen with certainty that there is no  
62        possibility that the use permit amendment may have a significant effect on  
63        the environment.

- 64        4.        Finding: Approval of the use permit application will not cause adverse  
65        impacts to maintaining an adequate supply of public water and an  
66        adequate capacity at the wastewater treatment facility.

67        Supporting Evidence: The proposed use permit amendment will not affect  
68        water or wastewater treatment demand.

- 69        5.        Finding: Approval of the use permit application shall not cause the  
70        extension of service mains greater than 500 feet.

71        Supporting Evidence: This use permit amendment will not result in  
72        extension of an existing service main.

73 6. Finding: An allocation for water and/or wastewater service pursuant to  
74 Chapter 13.16 CMC (Resource Management System) shall be made prior  
75 to project approval. Said allocation shall be valid for one year and shall not  
76 be subject to renewal.

77 Supporting Evidence: No allocation is required for this use permit  
78 amendment.

79 7. Finding: The proposed development presents a scale and design which  
80 are in harmony with the historical and small-town character of Calistoga.

81 Supporting Evidence: No physical or exterior changes to the existing  
82 structure are proposed.

83 8. Finding: The proposed development is consistent with and will enhance  
84 Calistoga's history of independent, unique, and single location businesses,  
85 thus contributing to the uniqueness of the town, which is necessary to  
86 maintain a viable visitor industry in Calistoga and to preserve its economy.

87 Supporting Evidence: The use is independently owned and operated and  
88 the structure has existed at the site for a number of years. It will continue  
89 to serve residents of the community.

90 9. Finding: The proposed development complements and enhances the  
91 architectural integrity and eclectic combination of architectural styles of  
92 Calistoga.

93 Supporting Evidence: There are no exterior physical changes that will  
94 occur to the exterior of the existing structure.

95 **WHEREAS**, the Planning Commission pursuant to Chapter 17.42.020 has  
96 made the following findings for the variance application:

97 1. Finding: Conditions apply to the property that do not apply generally to  
98 other properties in the same zone or vicinity, which conditions are a result  
99 of lot size or shape, topography, or other circumstances over which the  
100 applicant has no control.

101 Supporting Evidence: Allowing the existing veterinary clinic on 1-acre  
102 parcel in this case is appropriate because the property's long narrow  
103 configuration and orientation of the structure near the highway will address  
104 incompatibility concerns that the two-acre minimum lot size is intended to  
105 achieve and will not reduce the parcel size beyond what is generally  
106 allowed in the RR District.

107 2. Finding: The variance is necessary for the preservation of a property right  
108 of the applicant substantially the same as is possessed by owners of other  
109 property in the same zone or vicinity.

110        Supporting Evidence: Since the property is developed with a veterinary  
111        clinic the parcel is required to maintain a parcel size of two acres or more.  
112        Absent a veterinary clinic, the property could be developed at a minimum  
113        40,000 square feet, provided all other applicable standards are satisfied.  
114        In this particular case, the preservation of an additional acre of land is not  
115        warranted for sound attenuation or odor impacts. As such, the property is  
116        being held to a more restrictive standard than other properties in the same  
117        zone.

118        3.        Finding: The authorization of the Variance will not be materially  
119        detrimental to the purposes of this Title, be injurious to property in the  
120        zone or vicinity in which the property is located, or otherwise conflict with  
121        the objectives of City development plans or policies

122        Supporting Evidence: Granting of this variance will not adversely affect  
123        the public health, safety or welfare; will not alter the essential character of  
124        the general vicinity; will not cause a hazard or a nuisance to the public;  
125        and will not allow an unreasonable circumvention of the requirements of  
126        the zoning regulations. The variance will allow creation of a parcel to be  
127        further developed with a residence that will provided additional buffer to  
128        neighbors further north.

129        4.        Finding: The variance requested is the minimum variance which will  
130        alleviate the hardship.

131        Supporting Evidence: The rural residential General Plan land use  
132        designation requires a land use density of one dwelling unit per acre. The  
133        Rural Residential RR Zoning District requires a minimum lot size of 40,000  
134        square feet where either City water or sanitary sewer is available. The  
135        two-acre requirement for the veterinary clinic is more restrictive than that  
136        which is typically required for the development in the RR District.  
137        Justification for requiring a greater lot size in this particular case does not  
138        have merit. Allowing the veterinary clinic to be located on a 1-acre parcel  
139        will alleviate the hardship and will not reduce the minimum lot size below  
140        that required by the "RR" District.

141        **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning  
142        Commission that based on the above findings, the Planning Commission  
143        approves the use permit amendment and variance, subject to following  
144        conditions of approval:

145        1.        This use permit amendment and variance authorize a veterinary clinic to be  
146        located on a parcel one acre in size as submitted by application on March 6,  
147        2014 to the Planning and Building Department.

148        2.        All other previously-approved permits and conditions of approval (i.e.,  
149        Conditional Use Permit U 2003-04, Conditional Use Permit Amendment U

150 2005-19 and Design Review DR 2005-13) for the clinic shall remain valid  
151 under the provisions of this permit.

152 3. This use permit amendment and variance shall be null and void if not used  
153 within a year unless an extension has been granted consistent with the  
154 Zoning Code. However, the 12-month initial approval period may be  
155 extended by an approved parcel map and may remain valid under the terms  
156 of the approved parcel map.

157 **PASSED, AND ADOPTED** on December 10, 2014, by the following vote  
158 of the Calistoga Planning Commission:

159 AYES:

160 NOES:

161 ABSENT:

162 ABSTAIN:

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\_\_\_\_\_  
JEFF MANFREDI, Chairman

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168 ATTEST: \_\_\_\_\_  
169 Lynn Goldberg  
170 Secretary to the Planning Commission