

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2015-___**

**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**

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 meetings on December 10, 2014 and December 9, 2015
21 and prior to taking action on the application, the Commission received written
22 and oral reports by 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. The drainage
55 improvements are adequate to accommodate the existing and anticipated
56 developments.

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

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

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

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

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

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

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

79 Supporting Evidence: No allocation is required for this use permit
80 amendment.

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

83 Supporting Evidence: No physical or exterior changes to the existing
84 structure are proposed.

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

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

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

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

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

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

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

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

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

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

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

131 4. Finding: The variance requested is the minimum variance which will
132 alleviate the hardship.

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

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

- 147 1. This use permit amendment and variance authorize a veterinary clinic to be
148 located on a parcel one acre in size as submitted by application on March 6,
149 2014 to the Planning and Building Department.
- 150 2. All other previously-approved permits and conditions of approval (i.e.,
151 Conditional Use Permit U 2003-04, Conditional Use Permit Amendment U
152 2005-19 and Design Review DR 2005-13) for the clinic shall remain valid
153 under the provisions of this permit.
- 154 3. The existing solid wood-board fence along the southeastern property line
155 shall remain and/or may be replaced in its current location on the north
156 side of the existing oak trees after the construction of the driveway. In the
157 event that the fence precludes a full 20-foot wide driveway the fence may
158 be installed on top of the proposed asphalt berm to ensure a 20-foot wide
159 driveway is maintained. Privacy screening shall not be extended
160 northeasterly on the property boundary beyond the existing fence unless
161 allowed by the Planning and Building Department upon development of
162 Parcel 2. Agricultural fencing or landscaping shall be encouraged instead
163 of solid fencing.
- 164 4. This use permit amendment and variance shall be null and void if not used
165 within a year unless an extension has been granted consistent with the
166 Zoning Code. However, the 12-month initial approval period may be
167 extended by an approved parcel map and may remain valid under the terms
168 of the approved parcel map.

169 **PASSED, AND ADOPTED** on December 9, 2015, 2015, by the following
170 vote of the Calistoga Planning Commission:

171 **AYES:**
172 **NOES:**
173 **ABSENT:**
174 **ABSTAIN:**

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JEFF MANFREDI, Chairman

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ATTEST: _____
Lynn Goldberg
Secretary to the Planning Commission

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