

CITY OF CALISTOGA

STAFF REPORT

TO: CHAIRMAN MANFREDI AND MEMBERS OF THE PLANNING COMMISSION

FROM: ERIK V. LUNDQUIST, ASSOCIATE PLANNER

MEETING DATE: OCTOBER 22, 2008

**SUBJECT: VETERINARY CLINIC MINIMUM LOT SIZE VARIANCE;
2960 FOOTHILL BOULEVARD (APN 011-400-003)**

1 **REQUEST:**
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3 Consideration of a Variance (VA 2008-03) to the Calistoga Municipal Code, Section
4 17.14.020(3)(a), which requires veterinary clinics be located on lots larger than two
5 acres. Property owners, Stephen and Rebecca Franquelin are requesting to allow the
6 Calistoga Pet Clinic on a lot totaling 1.075 acres in size. The Calistoga Pet Clinic is
7 currently on a 2.15 acre lot located at 2960 Foothill Boulevard (APN 011-400-003)
8 within the "RR" Rural Residential Zoning District. This proposed action is exempt from
9 the California Environmental Quality Act (CEQA) under Section 15305 of the CEQA
10 Guidelines.
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12 **BACKGROUND:**
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14 On October 24, 2001 the Planning Commission recommended to the City Council
15 adoption of an Ordinance relating to veterinary clinics. On December 4, 2001 the City
16 Council adopted Ordinance No. 579 amending Chapter 17.14 of the Calistoga Municipal
17 Code (CMC) establishing regulations and development standards to allow veterinary
18 clinics with boarding facilities in the "RR", Rural Residential Zoning District. The City
19 Council adopted the Ordinance as recommended by the Planning Commission with no
20 modifications. Specifically, Section 17.14.020(3)(a) was added, which now states:
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22 *"3. Veterinary clinics with animal boarding facilities. The issuance of a*
23 *conditional use permit shall be in accordance with the Findings contained in*
24 *Section 17.40.010 of this Title [Zoning Ordinance] and shall also comply with*
25 *the following:*

- 26 *a. The minimum lot size shall be two (2) acres.*
27 *b. Noise associated with the conditionally permitted use shall be mitigated to*
28 *a level consistent with otherwise permitted uses established in this*
29 *Chapter.*

- 30 c. *Odors associated with the conditionally permitted use shall be mitigated to*
31 *a level consistent with otherwise permitted uses established in this*
32 *Chapter.*
33 d. *New facilities and expansions have received design review approval*
34 *consistent with the provisions contained in Chapter 17.06.”*
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36 Subsequent to adoption of Ordinance No. 579, the Franquelin’s applied for and were
37 granted Conditional Use Permit (U 2003-04) on August 13, 2003 to develop and operate
38 the Calistoga Pet Clinic on the 2.15 acre property located at 2960 Foothill Boulevard. On
39 September 5, 2007 the structure was finished and the Calistoga Pet Clinic began
40 operations.

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42 Since commencement of operations at the Calistoga Pet Clinic, the Franquelin’s have
43 discussed with Staff requirements and the ability to develop a single family residence on
44 the remaining portion of the property behind the clinic. Pursuant to the “RR” District, a
45 single family residence is an allowed use provided all of the applicable development
46 standards are adhered. However, based upon the Franquelin’s recent letter received
47 by the Planning and Building Department on September 25, 2008 it appears that their
48 intent has changed. The Franquelin’s now propose to split the parcel into two separate
49 1.075 acre parcels. In order to split the parcel, a Variance to Section 17.14.020(3)(a)
50 CMC is warranted to allow Calistoga Pet Clinic to be located on a parcel 1 acre in size.
51 The Franquelin’s submitted this Variance request on September 25, 2008.

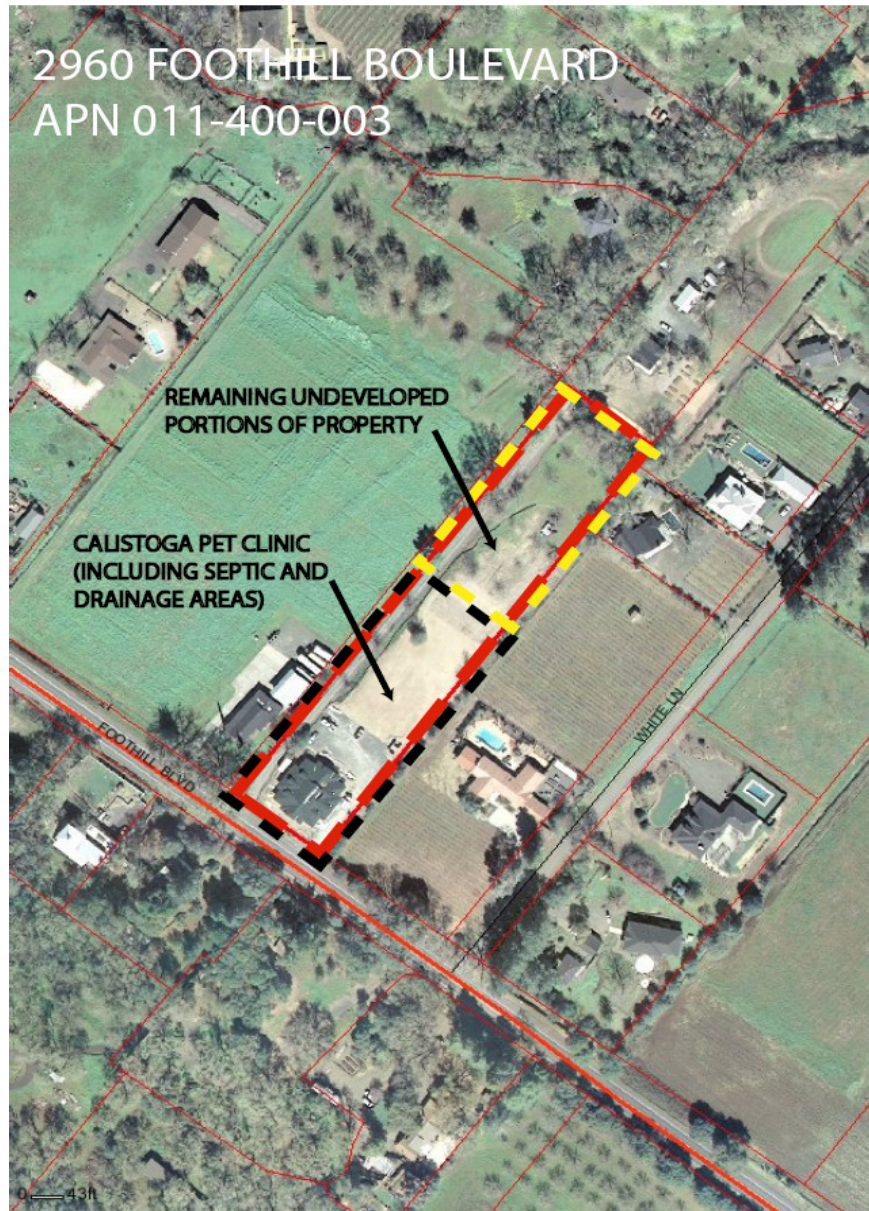
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53 Should the Planning Commission approve this Variance, the Franquelin’s will pursue a
54 Growth Management Allocation to process a Parcel Map to split the property into
55 approximately 1 acre lots, which is subject to further review and approval by the City
56 Council and Planning Commission.

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58 **DISCUSSION AND STAFF ANALYSIS:**
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60 The Planning Commission originally considered the proposed Veterinary Clinic
61 Ordinance during their meetings of September 26, 2001 and October 24, 2001.
62 Subsequent to these public hearings, it appears that the Planning Commission
63 recommended that veterinary pet clinics be developed on lots two acres or more in size
64 to provide enough land for those clinics that may be approved to board large animals
65 such as horses, emu, goats, etc. The Planning Commission also felt that clinics on
66 parcels two acres or more would provide additional separation from adjoining rural
67 residential parcels. The Planning Commission meeting minutes of September 26, 2001
68 and October 24, 2001 are attached for the Commission’s review.

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70 The Calistoga Pet Clinic has been in operation for over a year now, which has provided
71 staff time to review and compare the effectiveness of the adopted development
72 standards against the actual operation. Upon review of the existing operation and site
73 layout, staff has found that the property’s long narrow configuration, orientation of the

74 structure near the highway and previously adopted conditions of approval address
75 incompatibility concerns that the two acre minimum lot size is intended to achieve.
76 Because of the property's narrow configuration, the two acre minimum size requirement
77 has little relevancy to providing separation to adjoining uses on the east and west. The
78 previously adopted conditions of approval prohibit animal boarding or kenneling. As
79 such, the reservation of the remaining 1-acre portion of the site is not needed for animal
80 boarding, which was the original intent of requiring two acres rather than 1 acre.
81 Therefore, based upon these findings and the findings listed below Staff is supportive of
82 this Variance for this specific location.
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FINDINGS:

The following is a summary of justification for a Variance from the veterinary clinic's two acre minimum lot size regulations:

- A. *Conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.*

Response: Ordinance 579 was originally established to accommodate the development of the Calistoga Pet Clinic. When the Ordinance was originally considered, the language drafted was specific to the property characteristics at the time; since the property is two acres in size the language in the Ordinance established that veterinary clinics only be located on parcels two acres or more in size. Allowing the Calistoga Pet Clinic on 1 acre parcel in this case is appropriate because of the structure's orientation near the highway and narrow configuration, which specific to this particular property.

- B. *The Variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.*

Response: Since the property is developed with a veterinary clinic the parcel is required to maintain a parcel size of two acres or more per Ordinance 579. Absent a veterinary clinic, the property could be developed at a minimum 40,000 square feet, provided all other applicable standards are satisfied. In this particular case, the preservation of an additional acre of land is not warranted for sound attenuation or boarding of large animals. As such, the property is being held to a more restrictive standard than other properties in the same zone without reason.

- C. *The authorization of the Variance will not be materially detrimental to the 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*

Response: Granting of this variance will not adversely affect the public health, safety or welfare; will not alter the essential character of the general vicinity; will not cause a hazard or a nuisance to the public; and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

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

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133 Response: The Rural Residential General Plan land use designation requires a
134 land use density of one dwelling unit per acre. The "RR", Rural Residential
135 Zoning District requires a minimum lot size of 40,000 square feet where either
136 City water or sanitary sewer is available. The two acre requirement for the
137 Calistoga Pet Clinic is more restrictive than that which is typically required for the
138 development in the "RR" District. Justification for requiring a greater lot size in
139 this particular case does not have merit. Allowing a Calistoga Pet Clinic to be
140 located on a 1.075 acre lot will alleviate the hardship and will not reduce the
141 minimum lot size as required by the "RR" District.

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143 **ENVIRONMENTAL REVIEW**

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145 The request for this Variance is categorically exempt from the requirements of the
146 California Environmental Quality Act (CEQA) pursuant to Section 15305 of the CEQA
147 Guidelines. Therefore, no further environmental evaluation or review is required for
148 action on this Variance request.

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150 **PUBLIC COMMENTS**

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152 To date no written public comments have been received regarding this matter. Verbal
153 comments were received regarding the operations compliance with the existing use
154 permit conditions. To date, Staff finds that the property is in reasonable compliance
155 with their existing entitlements. Staff will continue to monitor the operations.

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157 **RECOMMENDATIONS**

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159 A. File a Notice of Exemption for the Variance pursuant to Section 15305 of the
160 CEQA Guidelines.

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162 B. Staff is recommending approval of Variance (VA 2008-03) allowing Calistoga Pet
163 Clinic to be situated on a lot totaling 1.075 acres in size located at 2960 Foothill
164 Boulevard (APN 011-400-003) within the "RR" Rural Residential Zoning District,
165 based upon the findings provided in the staff report and subject to conditions of
166 approval.

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168 **SUGGESTED MOTIONS**

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170 Categorical Exemption

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172 I move that the Planning Commission direct Staff to file a Notice of Exemption for the
173 Project pursuant to Section 15305 of the CEQA Guidelines.

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176 Variance

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178 I move that the Planning Commission adopt Resolution PC 2008-43 approving Variance
179 (VA 2008-03) allowing Calistoga Pet Clinic to be situated on a lot totaling 1.075 acres in
180 size located at 2960 Foothill Boulevard (APN 011-400-003) within the "RR" Rural
181 Residential Zoning District, based upon the findings provided in the staff report and
182 subject to conditions of approval.

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184 NOTE: The applicant or any interested person is reminded that the Calistoga Municipal
185 Code provides for a ten (10) calendar day appeal period. If there is a disagreement with
186 the Planning Commission, an appeal to the City Council may be filed. The appropriate
187 forms and applicable fee must be submitted prior to 5:00 p.m. on or before the tenth
188 calendar day following the Commission's final determination.

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190 **ATTACHMENTS:**

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- 192 1. Draft Variance PC Resolution No. 2008-43
- 193 2. Applicant's Written Submittal received September 25, 2008
- 194 3. Planning Commission Meeting Minutes of September 26, 2001
- 195 4. Planning Commission Meeting Minutes of October 24, 2001