

CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2017-___

APPROVING USE PERMIT UP 2017-2 FOR A LARGE FAMILY CHILD CARE HOME
AT 1908 EMERALD DRIVE (APN 011-522-002)

1 **WHEREAS**, on February 3, 2017, Maria del Pilar Lopez submitted a request for a
2 use permit to operate a large family child care home at 1908 Emerald Drive; and

3 **WHEREAS**, the Planning Commission considered the request at a public hearing
4 on February 22, 2017, and prior to taking action on the application, received written and
5 oral reports by the staff, and public testimony; and

6 **WHEREAS**, this action is not a “project” as defined by the California
7 Environmental Quality Act (CEQA) and is therefore not subject to environmental review;
8 and

9 **WHEREAS**, the Planning Commission pursuant to CMC Section 17.40.030(D)
10 has made the following findings for the project:

11 1. Finding: Is in accord with the General Plan and any applicable planned
12 development.

13 Substantial evidence: The General Plan land use designation of the subject
14 property is Medium Density Residential, which allows single-family homes.
15 Family day care is considered a residential use by state law. There is no
16 applicable planned development.

17 2. Finding: Is in accord with all applicable provisions of this title.

18 Substantial evidence: The Zoning Code does not include specific regulations for
19 large family day care homes.

20 3. Finding: Will not substantially impair or interfere with the development, use or
21 enjoyment of other property in the vicinity.

22 Substantial evidence: There is limited on-street parking on this block of Emerald
23 Drive and it is not possible to reserve on-street spaces for the exclusive use of
24 the day care facility. Therefore, it appears that there could be inadequate parking
25 if several children were dropped off or picked up at the same time, and
26 neighbors’ driveways could be temporarily blocked. Conditions of approval will
27 help minimize potential parking problems.

28 4. Finding: Is consistent with and enhances Calistoga’s history of independently-
29 owned businesses, thus contributing to the uniqueness of the town, which is
30 necessary to maintain a viable visitor industry and promote its economy.

31 Substantial evidence: The proposed use is not considered a business by state
32 law.

- 33 5. Finding: Is resident-serving, in the case of a formula business.
34 Substantial evidence: The proposed use is not considered a formula business as
35 defined by Title 17.

36 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
37 Commission that based on the above findings, the Planning Commission approves the
38 subject use permit application, subject to the following Conditions of Approval.

- 39 1. This permit authorizes a large family day care home consistent with the narrative
40 and plans received by the City on February 3, 2017. The conditions listed below
41 are particularly pertinent to this permit.
- 42 2. This permit shall be null and void if not used within a year, or if the use is
43 abandoned for a period of one hundred and eighty (180) days. Once the use is
44 initiated, this permit shall be valid until it expires or is revoked pursuant to the
45 terms of this permit and/or Chapter 17.40 of the Calistoga Municipal Code.
- 46 3. This use permit does not abridge or supersede the regulatory powers or permit
47 requirements of any federal, state or local agency, special district or department
48 which may retain regulatory or advisory function as specified by statute or
49 ordinance. The applicant shall obtain permits and licenses as may be required
50 from each agency.
- 51 4. The Calistoga Fire Department shall conduct a fire safety inspection of the
52 property prior to initiation of the approved use.
- 53 5. A building permit shall be obtained for any construction occurring on the site that
54 is not otherwise exempt by the California Building Code or any state or local
55 amendment adopted thereto.
- 56 6. The large family day care home shall be the principal residence of the day care
57 provider, and the use shall be clearly incidental and secondary to the primary use
58 of the property as a residence. There shall be no outward signs or evidence of
59 the day care use and the residential character of the building and property shall
60 be maintained. No signs shall be displayed in conjunction with the approved use.
- 61 7. The operator of the large family day care home shall facilitate the staggered
62 drop-off and pick-up of children by allowing drop-offs and pick-ups to occur over
63 a minimum one-hour time period.
- 64 8. At no time shall the large family day care home operator's personal vehicles
65 interfere with use of the property's driveway for client vehicles.
- 66 9. The operator of the large family day care home shall obtain a City of Calistoga
67 business license prior to initiation of the approved use and maintain a valid
68 business license throughout the life of the operation.

APPROVED AND ADOPTED on February 22, 2017, by the following vote of the
Calistoga Planning Commission:

AYES:

NOES:

ABSENT:

ABSTAIN:

Paul Coates, Chair

ATTEST: _____
Lynn Goldberg, Secretary