

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2019-XX**

**APPROVING USE PERMIT UP 2019-12 AND DESIGN REVIEW DR 2019-7 FOR A
TREE CARE BUSINESS WITH THE RELATED STORAGE OF EQUIPMENT AND
VEHICLES, AND THE CONSTRUCTION OF A WORKSHOP STRUCTURE AT 507
WASHINGTON STREET**

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2 **WHEREAS**, on July 2, 2019, the Planning and Building Department received
3 applications from Joe Branum requesting a use permit and design review approval to
4 allow for the establishment of a tree care business with the related storage of equipment
5 and vehicles, and the construction of a 600-square foot structure; and

6 **WHEREAS**, the Planning Commission considered the request at a public hearing
7 on August 28, 2019. Prior to taking action on the applications, the Planning Commission
8 received written and oral reports by the staff, and received public testimony; and

9 **WHEREAS**, this action has been reviewed for compliance with the California
10 Environmental Quality Act (CEQA) and is exempt from the requirements of the CEQA
11 pursuant to Section 15303 of the CEQA Guidelines; and

12 **WHEREAS**, pursuant to CMC Section 17.03.090(B), the Planning Commission
13 has made the following similar use determination findings in order to conditionally-
14 permit a workshop and related equipment and vehicle storage associated with a tree
15 care business within the Light Industrial District:

- 16 1. Finding: The use is in keeping with the stated intent and purpose of the zoning
17 district.

18 Supporting Evidence: An intent and purpose statement is not provided within the
19 Light Industrial District. However, the General Plan designation for the property is
20 also Light Industrial, which states that the intent is to “apply the designation to
21 certain areas of the city where existing industrial uses occur where industry can
22 be isolated or buffered from residential use.” The tree care business with related
23 equipment and vehicle storage on the property, which is not readily visible from a
24 public right-of-way, meets the stated purpose and intent of the General Plan,
25 which is the policy document that is implemented by the zoning districts.

- 26 2. Finding: Investigations have disclosed that the subject use and its operation are
27 compatible with the uses permitted in the zoning district within which it is
28 proposed to be located.

29 Supporting Evidence: The tree care business with the related storage of
30 equipment and vehicles is compatible with the other uses permitted in the Light
31 Industrial Zoning District since the suggested use and the other permitted uses
32 involve service-oriented uses and storage.

- 33 3. Finding: The subject use is similar to one or more uses permitted in the zoning
34 district within which it is proposed to be located.

35 Supporting Evidence: The tree care business with the related equipment and
36 vehicle storage is similar to listed conditionally-permitted uses such as mini-
37 storage and warehouses.

- 38 4. Finding: The subject use will not cause substantial injury to the health, safety, or
39 welfare of the occupants or their property in the zoning district in which it is
40 proposed to be located.

41 Supporting Evidence: Conditions of approval would ensure that the tree care
42 business with the related equipment and vehicle storage would be operated in a
43 safe and orderly manner that would not result in injury to the health, safety and
44 welfare of people or property.

45 **WHEREAS**, the Planning Commission pursuant to CMC Section 17.40.030(D)
46 has made the following findings for the project's use permit application:

- 47 1. Finding: Is in accord with the General Plan and any applicable planned
48 development.

49 Substantial evidence: The project is consistent with all applicable General Plan
50 policies. The proposed uses are similar to those allowable in the Light Industrial
51 Land Use Designation and the intensity of the project is appropriate.

- 52 2. Finding: Is in accord with all applicable provisions of the Zoning Code.

53 Substantial evidence: The I: Light Industrial Zoning District conditionally allows
54 uses storage uses similar to what is proposed. The use is consistent with all Light
55 Industrial District development standards, including maintaining the same
56 setbacks as the abutting R-3 Multi-Family/Office zoned property as required by
57 the Zoning Code and would comply with the parking requirements associated
58 with these uses by providing off-street parking.

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

61 Substantial evidence: The property is adequate in size, shape, location, and
62 physical characteristics to accommodate the type and intensity of proposed
63 modifications and associated uses. No impacts to surrounding properties are
64 anticipated due to the project's design and operational characteristics, and
65 conditions of approval. No substantial noise or traffic impacts are expected from
66 the project.

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

70 Substantial evidence: The project involves a small, independently-owned tree
71 care business that will continue to serve the town's residents.

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

76 **WHEREAS**, the Planning Commission pursuant to Chapter 17.41.050 has made
77 the following design review findings for the project:

78 1. Is in accord with the General Plan and any applicable planned development.
79 Supporting Evidence: The project is consistent with all applicable General Plan
80 policies. The proposed uses are similar to those allowable in the Light Industrial
81 Land Use Designation and the intensity of the project is appropriate.

82 2. Is in accord with all applicable provisions of the Zoning Code.
83 Supporting Evidence: The I: Light Industrial Zoning District conditionally allows
84 uses similar to what is proposed. The use is consistent with all Light Industrial
85 District development standards, including maintaining the same setbacks as the
86 abutting R-3 Multi-Family/Office Zoned property as required by the Zoning Code
87 and would comply with the parking requirements associated with these uses by
88 providing on-site off-street parking.

89 3. Is consistent with any adopted design review guidelines to the extent possible.
90 Supporting Evidence: The proposed design, colors, and materials are consistent
91 with the existing architecture of other structures in the immediate area.

92 4. Will not impair or interfere with the development, use or enjoyment of other
93 property in the vicinity or the area.
94 Supporting Evidence: The property is adequate in size, shape, location, and
95 physical characteristics to accommodate the type and intensity of proposed
96 modifications and associated uses. No impacts to surrounding properties are
97 anticipated due to the project's design and operational characteristics, and
98 conditions of approval. No noise or traffic impacts are expected from the project.

99 **THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning Commission
100 that based on the above findings, the Planning Commission approves the subject use
101 permit and design review applications, subject to the attached conditions of approval
102 (Exhibit A).

103 **ADOPTED** on August 28, 2019 by the following vote of the Calistoga Planning
104 Commission:

AYES:

NOES:

ABSENT:

ABSTAIN:

Resolution No. PC 2019-XX
Joe Branum Tree Care
Use Permit UP 2019-12 and Design Review DR 2019-7
August 28, 2019
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Paul Coates, Chair

ATTEST: _____
Lynn Goldberg, Secretary

1 **Conditions of Approval** for Use Permit UP 2019-12 and Design Review DR 2019-7:

2 **General**

- 3 1. The improvements and uses hereby permitted shall substantially conform to the
4 plans and project description dated July 31, 2019, received as part of applications UP
5 2019-12 and DR 2019-7 by the Planning and Building Department, except as noted
6 in the permit conditions.
- 7 2. Minor modifications to the project design that do not generate environmental
8 impacts may be approved in writing by the Planning and Building Director.
- 9 3. This approval shall be null and void if not used within a year, unless an extension
10 and/or building permit has been issued for the project prior to the expiration date.
- 11 4. This approval does not abridge or supersede the regulatory powers or permit
12 requirements of any federal, state or local agency, special district or department
13 which may retain regulatory or advisory function as specified by statute or
14 ordinance. Permits shall be obtained as may be required from each authority.

15 **Planning Department**

- 16 5. Final lighting details shall be submitted for review with the project's building permit
17 application.
- 18 6. A pedestrian access easement along the Napa River shall be recorded prior to the
19 issuance of a certificate of occupancy for the project.
- 20 7. The proposed front porch is approved only conceptually and shall be subject for
21 final review and approval by staff at the time of building permit submittal.

22 **Public Works Department**

- 23 8. Obtain an encroachment permit for all work within (or use of) the public right-of-
24 way. Applications can be found online at www.ci.calistoga.ca.us under Download
25 Documents and submitted at City Hall (1232 Washington Street).
- 26 9. All improvements shall be constructed per the City of Santa Rosa applicable
27 Standards.
- 28 10. The new sewer force main should be connected to the 18" line in Washington
29 Street with a 4" sweep.
- 30 11. Establish a wastewater baseline for the property with the City and purchase
31 additional allocations of wastewater as necessary.

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