

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2012-__**

**RESOLUTION APPROVING CONDITIONAL USE PERMIT (U 2012-04)
ALLOWING A CONTRACTOR'S OFFICE AND STORAGE YARD AT 414
FOOTHILL BOULEVARD WITHIN THE "I", LIGHT INDUSTRIAL ZONING
DISTRICT (APN 011-260-045 TO -052; 011-260-076)**

1 **WHEREAS**, William Bounsall is the applicant of the subject property for
2 which this application is proposed; and
3

4 **WHEREAS**, William Bounsall, Kathy Bowser, Marion Bounsall and Jeff
5 Bounsall are the owners of the subject property for which this application is
6 proposed; and
7

8 **WHEREAS**, the Planning Commission has reviewed and considered this
9 application at its regular meeting on July 11, 2012 and prior to taking action on
10 the application, the Commission received written and oral reports by the Staff,
11 and received public testimony; and
12

13 **WHEREAS**, the Planning Commission pursuant to Chapter 17.40.070 has
14 made the following Conditional Use Permit findings for the project:
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- 16 1. The proposed development, together with any provisions for its design
17 and improvement, is consistent with the General Plan, any applicable
18 specific plan and other applicable provisions of the Zoning Code including
19 the finding that the use as proposed is consistent with the historic, rural,
20 small-town atmosphere of Calistoga.
21

22 Finding: The property is within the Light Industrial General Plan land use
23 designation. The Light Industrial land use designation allows heavy
24 commercial and light industrial uses, including manufacturing, auto repair,
25 bottling plants, storage, assembly, service and repair , and greenhouses.
26 The contractor's office and storage yard use is consistent with the Light
27 Industrial land use designation and is appropriately placed to minimize
28 conflicts with adjoining land uses. Additionally, the project is consistent
29 with the Entry Corridor and Overlay designations as described in the 2003
30 General Plan Update.
31

32 The Planning Commission has determined that the "I", Light Industrial
33 Zoning District allows for contractor's office and storage yards with a use
34 permit, therefore, the proposed use is an appropriate one at this location.
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- 36 2. The site is physically suitable for the type and density of development.
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38 Finding: The proposed use is an appropriate use on the site and is
39 consistent with General Plan policies and the zoning ordinance provisions.
40 The structures are scaled appropriately with the surrounding
41 developments and natural features.
42

43 3. The proposed development has been reviewed in compliance with the
44 California Environmental Quality Act (CEQA) and the project will not result
45 in detrimental or adverse impacts upon the public resources, wildlife or
46 public health, safety and welfare.
47

48 Finding: This project is exempt from environmental review based on the
49 categorical exemption for construction of small structures under Section
50 15303 of the California Environmental Quality Act (CEQA) Guidelines.
51

52 4. Approval of the use permit application will not cause adverse impacts to
53 maintaining an adequate supply of public water and an adequate capacity
54 at the wastewater treatment facility.
55

56 Finding: The project does not require connection to the City's public water
57 or the public sanitary sewer systems. As such, no adverse impacts to
58 public water and wastewater are foreseeable or anticipated.
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60 5. Approval of the use permit application shall not cause the extension of
61 service mains greater than 500 feet.
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63 Finding: The project will not be connected to public water or the public
64 sanitary sewer systems. As such, public water and wastewater mains will
65 not be extended.
66

67 6. An allocation for water and/or wastewater service pursuant to Chapter
68 13.16 CMC (Resource Management System) shall be made prior to
69 project approval. Said allocation shall be valid for one year and shall not
70 be subject to renewal.
71

72 Finding: The project will not be connected to public water or the public
73 sanitary sewer systems. As such, no allocation is necessary.
74

75 7. The proposed development presents a scale and design which are in
76 harmony with the historical and small-town character of Calistoga.
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78 Finding: The proposed development is limited in scope and scale and
79 involves the use of existing storage shed on the property. The uses and

80 structures are consistent with the rural landscape and agricultural uses
81 that existing on the site in within the vicinity.

82

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

87

88 Finding: William Bounsall Construction Inc., is not a large conglomerate,
89 or a corporation with multiple business enterprises. The independently
90 owned business will complement the local construction industry for
91 Calistoga, which is built upon and enhanced by other unique, non-
92 chained, non-branded businesses.

93

94 9. The proposed development complements and enhances the architectural
95 integrity and eclectic combination of architectural styles of Calistoga.

96

97 Finding: To the east and west of the property, along Foothill Boulevard,
98 area rural residential and agricultural uses. The proposed uses are in
99 character with these adjacent existing uses, The storage shed is an
100 existing building that already complements the residential and agricultural
101 uses on the property and within the peripheral areas of Calistoga. The
102 contractor's office trailer is also small and integrates into the rural area.

103

104 10. To receive a use permit, a finding shall be made that the proposed
105 development or use would be resident serving as defined in CMC
106 17.04.597. This finding shall only apply to formula businesses.

107

108 Finding: William L. Bounsall Construction is a privately owned and
109 operated business, not a formula business.

110

111 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
112 Commission that based on the above Findings the Planning Commission
113 approves the proposed project, subject to the following Conditions of Approval.

114

115 1. This permit authorizes the construction and operation of a contractor's
116 office and storage yard on the site consistent the site plans received May
117 21, 2012 consistent with all other City Ordinances, rules, regulations, and
118 policies. The conditions listed below are particularly pertinent to this
119 permit and shall not be construed to permit violation of other laws and
120 policies not so listed.

121

- 122 2. This permit allows a front yard setback of 5 feet from the front property line
123 and 15 feet from the side property line for all structures and equipment
124 associated with this contractor's office and storage yard.
125
- 126 3. Development and use of the contractor's office and storage yard shall
127 conform to all required conditions established herein. If the conditions to
128 the granting of this use permit have not been or are not complied with, or
129 the use which is established by this permit have become detrimental to the
130 public health, safety or general welfare, the Planning Commission may
131 consider an amendment to these conditions or possible revocation of this
132 permit to protect the public health, safety and general welfare of the
133 community, as set forth in the City's Zoning Ordinance. The Planning and
134 Building Department Director may approve minor amendments to this
135 conditional use permit provided that the amendment is still in substantial
136 conformance with the original approval. Any expansion of the contractor's
137 office and storage yard shall require a conditional use permit amendment
138 subject to review and approval of the Planning Commission.
139
- 140 4. Hours of operation shall be restricted to 7 a.m. to 5 pm Monday through
141 Saturday, unless substantial health, safety and welfare impacts occur. No
142 operations on Sundays are permitted. In which case the Planning and
143 Building Department or the Planning Commission may impose greater
144 restrictions. No stacks of materials stored outside shall exceed 6 feet in
145 height.
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- 147 5. The term of approval of this permit shall expire three years from the
148 permit's effective date, unless an extension and/or building permit has
149 been issued for the project prior to the expiration date.
150
- 151 6. All work performed in conjunction with this approval shall be by individuals
152 who possess a valid business license from the City of Calistoga.
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- 154 7. The property owner shall obtain a Building Permit for construction of all
155 buildings or structures located on the site, not otherwise exempt by the
156 Uniform Building Code or any State or local amendment adopted thereto.
157 An as-built permit shall be obtained for the existing contractor's office or a
158 replacement office.
159
- 160 8. Prior to issuance of all building permits, the property owner agrees to pay
161 all fees associated with plan check and building inspections, and
162 associated development impact fees rightfully established by City
163 Ordinance or Resolution, unless otherwise deferred by the Planning and
164 Building Department.

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9. The project, together with attendant utility and sanitary facilities, shall be developed in accordance with the Flood Management Ordinance, Chapter 18 of the Calistoga Municipal Code. Prior to occupancy, an Elevation Certificate shall be prepared and submitted to the Planning and Building Department certifying the base flood elevation and elevation of floodproofing.
10. Within 60 days of approval, an automated fire sprinkler system shall be installed throughout the existing 320 square foot trailer and/or any new structure subject to the review and approval of the Fire and Planning and Building Departments. A deferred fire sprinkler plan submittal is not permitted, unless otherwise acceptable to the Fire Chief. Water storage tank(s) and pump are subject to additional design review.
11. The property shall have illuminated address numbers that are clearly visible to the street day and night.
12. No signage shall be permitted as a result of this approval. All additional signage shall be subject to the approval of the Planning and Building Director.
13. Pursuant to Chapter 6.5 & 6.95 of the California Health and Safety Code, businesses that generate hazardous waste and/or store hazardous materials above threshold amounts shall file a Hazardous Waste Generator Application and/or Hazardous Materials Business Plan with the Department of Environmental Management within 30 days of said activities. All businesses must submit the required Business Activities Form which can be obtained from the Department of Environmental Management. Additionally, a permit may be necessary from the Calistoga Fire Department when the storage exceeds the limits set by the Calistoga Municipal Code or California Fire Code.
14. All Best Management Practices necessary to prevent stormwater pollution per NPDES shall be implement and maintained to the satisfaction of the City, including the follow:
 - a. All outdoor equipment and materials storage areas shall be designed to limit the potential pollutants to contact runoff.
 - b. Any non-hazardous liquids, such as latex paint, shall be stored indoors, unless otherwise approved by the City.

- 208 c. No vehicle/equipment maintenance shall be performed outdoors.
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210 15. Within 30 days of approval, the existing trailer shall be repainted with a
211 color similar to the existing color subject to the review and approval of the
212 Planning and Building Department.
213 16. Within 90 days, the structure shall be placed upon a permanent
214 foundation system subject to the review and approval of the Planning and
215 Building Department.
216

217 **PASSED, APPROVED AND ADOPTED** on July 11, 2012, by the following
218 vote of the Calistoga Planning Commission:
219

220 AYES:
221 NOES:
222 ABSENT:
223 ABSTAIN:

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JEFF MANFREDI, Chairman

229 ATTEST: _____
230 KENNETH G. MACNAB
231 Secretary to the Planning Commission