

**CITY OF CALISTOGA
PLANNING AND BUILDING DEPARTMENT**

Conditional Use Permit No. U 2003-4

Steve Franquelin, Applicant and Owner
Calistoga Pet Clinic
(Assessor's Parcel No. 011-400-003)

Approved by the Planning Commission
August 13, 2003

Findings:

1. On June 25, 2003, an application was submitted by Steve Franquelin, owner of Calistoga Pet Clinic, requesting a Conditional Use Permit to establish a 3,960 square foot veterinary clinic.
2. The City recognizes that the property may be developed with a veterinary hospital, and authorizes this permit to establish the use. Should the use be expanded, an amendment to this permit is required according to existing provisions contained in the City's Zoning Ordinance.
3. As conditioned in this permit, the proposed project will be in substantial conformance with the goals and policies of the City's 1990 General Plan.
4. The proposed use is consistent with the historic, rural, small-town atmosphere of Calistoga and is physically suitable for the type and density of development proposed.
5. The proposed development will be consistent with and enhance Calistoga's history of independent, unique and single location businesses, thus contributing to the uniqueness of the town, which is necessary to maintain a viable visitor industry in Calistoga and to preserve its economy.
6. The City has determined that the proposed use is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the CEQA guidelines.
7. As conditioned in this permit, the project will not be detrimental to the health, safety, and welfare of persons residing or working in the surrounding neighborhood or in the City as a whole because veterinary clinics are allowed in this zone with the granting of a Conditional Use Permit.
8. The site is physically suitable for the type and density of development because the project meets the dimensional standards applicable to the Rural Residential (R-R) District. Required parking is anticipated to be accommodated by the 14 parking spaces that are proposed to be located behind the proposed structure.

37 9. Approval of the use permit application will not cause adverse impacts to
38 maintaining an adequate supply of public water and an adequate capacity at the
39 City's wastewater treatment facility. The approved use has received an allocation
40 for water and includes a septic tank. The amount of the allocation granted for
41 development of a veterinary clinic on the site is 1.37 acre feet per year.
42

43 10. Approval of this use permit application shall not cause the extension of service
44 mains greater than five hundred (500) feet. As submitted, there will be no change
45 to existing services.
46

47 **Conditions:**
48

49 1. This permit authorizes the operation of a veterinary clinic on the site consistent
50 with all City Ordinances, rules, regulations, and policies. The conditions listed
51 below are particularly pertinent to this permit and shall not be construed to permit
52 violation of other laws and policies not so listed.
53

54 2. Approval of this permit is limited to conformance with the land use provisions
55 contained in the City's Zoning Ordinance. Use of the property shall be limited to
56 those uses identified in the Findings above and the Staff Report dated August 13,
57 2003. Any changes to the approved use are subject to the provisions of the
58 Zoning Ordinance, as it exists now or may be amended in the future.
59

60 3. Operation of the use shall conform to all required conditions established herein, as
61 approved by the Planning Commission on August 13, 2003. Failure to comply with
62 these conditions may result in amendment by the Planning Commission or
63 possible revocation to protect the public health, safety and general welfare of the
64 community, as set forth in the City's Zoning Ordinance.
65

66 4. Minor amendments to this permit may be approved by the Planning and Building
67 Department, provided that the permit is still in substantial conformance with the
68 original approval.
69

70 5. The primary use of the property is for a veterinary clinic.

71 6. The business operator shall maintain all site improvements according to City
72 standards in a clean and orderly manner on a daily basis, to include the
73 maintenance of exterior light fixtures in working order, proper sign illumination and
74 paint in good condition free from chipping or peeling.
75

76 7. The business operator shall comply with all applicable local, State, and Federal
77 laws.
78

79 8. Because the public water system is not adequate to supply the required fire flow
80 for this project, the building shall include an automatic fire sprinkler system.

- 81
82 9. All signage associated with the proposed veterinary clinic shall be subject to
83 design and review approval. No signage shall be installed until a permit is
84 approved by the City through the Design Review process established in Municipal
85 Code Chapter 17.06 and until a building permit is issued.
86
87 10. Sandwich boards or other portable signs shall not be allowed.
88
89 11. The applicant shall be responsible for obtaining a Building Permit for the proposed
90 building.
91
92 12. Occupancy or use of the building shall be subject to issuance of a business
93 license.
94
95 13. The business shall be open to the public only between the hours of 9 a.m. to 5:30
96 p.m. Monday through Friday and 9:00 a.m. to 1 p.m. on Saturday.
97
98 14. Boarding of animals shall be limited to special needs animal hospital patients.
99
100 15. The veterinary clinic shall operate in compliance with the City's Noise Ordinance.
101
102 16. Any future exterior alterations, expansion or other new construction shall be
103 subject to Design Review approval.
104
105 17. Only 2 animals shall be out in the play area at one time and only during business
106 hours. All animals out in the play area shall be supervised. Animals shall not be
107 out in the play area during night time hours.
108
109 18. A permit for the installation of the engineered septic system must be secured from
110 the Department of Environmental Management prior to issuance of a Building
111 Permit.
112
113 19. An annual sewage permit must be obtained for the engineered sewage disposal
114 system prior to issuance of a final on the project. The septic system monitoring, as
115 required by this permit must be fully complied with.
116
117 20. Pursuant to Chapter 6.95 of the California Health and Safety Code, businesses
118 that generate hazardous waste and/or store hazardous materials above threshold
119 amounts shall obtain a permit and file an approved plan with the Department of
120 Environmental Management within 30 days of said activities. If the business does
121 not generate hazardous materials above threshold quantities, a Hazardous
122 Materials Negative Declaration shall be filed.
123

- 124 21. Any medical waste generated on site must comply with the Medical Waste
125 Management Act of the California Health and Safety Code Sections 11760-
126 118360.
127
- 128 22. The amount of the allocation granted for development of a veterinary clinic on the
129 site is 1.37 acre feet per year. This has been established as the baseline for the
130 Calistoga Vet Clinic and this baseline shall not be exceeded. Failure to meet this
131 requirement, or to obtain additional resources through the City's growth
132 management ordinance, could result in enforcement action and possible closure of
133 the use based on its potential to adversely affect the community's ability to serve
134 its customers.
135
- 136 23. Exterior lighting shall only be on during operating hours.
137
- 138 24. Prior to issuance of the Building Permit for the proposed structure, a drainage plan,
139 prepared by a certified Engineer, shall be submitted to and approved by the City of
140 Calistoga Public Works Department.
141
- 142 25. To ensure that patrons of this business utilize the parking and main entry provided
143 at the rear of the proposed structure and do not park on Highway 128, the walkway
144 leading to Foothill Boulevard along the west of the project site shall be omitted.
145
- 146 26. All runoff from paved surfaces shall be directed to natural drainage areas, and
147 shall, to the extent practicable include bio-filtration through the use of vegetative
148 swales or similar means.
149
- 150 27. The driveway improvements shall be reviewed and permitted by Cal Trans.
151
- 152 28. The driveway improvements appear to encroach on the neighbors' property. Prior
153 to submittal of a Building Permit, evidence of a shared access easement is
154 required.
155
- 156 29. Landscaping, fencing, lighting and signage shall be subject to Design Review by
157 the Planning Commission prior to issuance of a building permit. Property owners
158 within 300 feet of the project site shall be notified of the Design Review hearing 10
159 days before the hearing date.

CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2005-21

FILE COPY

A RESOLUTION APPROVING DESIGN REVIEW (DR 2005-13) TO ALLOW LANDSCAPING, FENCING AND LIGHTING PURSUANT TO THE PREVIOUSLY APPROVED CONDITIONAL USE PERMIT EXTENSION (U 2004-10) FOR THE CALISTOGA PET CLINIC LOCATED AT 2960 FOOTHILL BOULEVARD WITHIN THE "RR" RURAL RESIDENTIAL ZONING DISTRICT (APN 011-400-003)

1 **WHEREAS**, on August 13, 2003 the Planning Commission approved a
2 Conditional Use Permit (U 2003-04) to establish a 3,960 square foot veterinary clinic
3 with 29 conditions of approval;
4

5 **WHEREAS**, on August 25, 2004 the Planning Commission authorized a
6 Conditional Use Permit Extension (U 2004-10) to allow a one-year extension of time in
7 order to establish the use;
8

9 **WHEREAS**, Condition #29 of Conditional Use Permit (U2003-04) requires that
10 the Planning Commission review and approve landscaping, fencing, lighting and
11 signage prior to issuance of a building permit;
12

13 **WHEREAS**, an application was submitted by Steve Franquelin, property owner
14 of 2960 Foothill Boulevard, on May 18, 2005 requesting approval of Design Review (DR
15 2005-13) to allow landscaping, fencing, lighting and signage pursuant to the previously
16 approved Conditional Use Permit (U 2003-4) and Conditional Use Permit Extension (U
17 2004-10) for the Calistoga Pet Clinic;
18

19 **WHEREAS**, the project site is located in the Rural Residential (RR) District. A
20 veterinary clinic requires a Conditional Use Permit in the "RR", Rural Residential district.
21 A Conditional Use Permit (The standards applicable to development in the RR District
22 establish that prior to approving a building permit for a residential project that exceeds
23 4,000 square feet of floor area including garages and outbuildings, the applicant shall
24 be granted Design Review approval;
25

26 **WHEREAS**, the Planning Commission considered the request at its regular
27 meetings of June 8, 2005, June 22, 2005, July 13, 2005, and August 10, 2005. Prior to
28 taking action on the application, the Planning Commission received written and oral
29 reports by the staff, and received public testimony;
30

31 **WHEREAS**, this action has been reviewed for compliance with the California
32 Environmental Quality Act (CEQA) and is exempt from the requirements of the CEQA
33 pursuant to Section 15303 and 15304 of the CEQA guidelines; and
34

35 **WHEREAS**, the Planning Commission adopted the following findings as part of
36 its deliberations on the project:
37

- 38 1. The project, with the conditions attached herein, is consistent with the City's 2003
39 General Plan Update and Zoning Ordinance relating to development in the RR
40 District.

41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87

2. The Design Review is not an approval of the use and/or principal structure, but rather an approval of a phase (i.e., landscaping, lighting, and fence details) of the project. Once all the conditions have been satisfied in this Design Review and the previously approved Conditional Use Permit Extension (U 2004-10), the Planning and Building Department will consider the Building Permit application.
3. As conditioned in this permit, the project will not be detrimental to the health, safety, and welfare of persons residing in the surrounding neighborhood or in the City as a whole because accessory structures are allowed in this district.
4. The proposed development presents a scale and design, which are in harmony with the historical and small town character of Calistoga; particularly when considering its location is within an established rural residential neighborhood and the hardscapes will be adequately screened from adjoining rural properties.

NOW, THEREFORE, BE IT RESOLVED by the City of Calistoga Planning Commission that based on the above Findings, the Planning Commission approves the proposed project, subject to following 14 Conditions of Approval:

1. This permit authorizes landscaping, fencing, and lighting pursuant to the plans received July 27, 2005 by the Planning and Building Department. Minor modifications that do not result in increased environmental impacts may be approved in writing by the Planning and Building Department Director.
2. This project shall substantially conform to the project and site plans received July 27, 2005.
3. Prior to occupancy of the Calistoga Pet Clinic, all landscape, fencing and lighting improvements authorized by this permit shall be installed. All improvements shall be maintained throughout the life of the project, and shall be replaced as necessary.
4. Prior to occupancy of the Calistoga Pet Clinic, signage desired of the applicant shall be subject to Design Review approval by the Planning Commission. Property owners within 300 feet of the project site shall be notified of the Design Review hearing 10 days before the hearing date. No signs shall be installed on the project site, building or in the windows, other than signs exempted by City Ordinance.
5. All fencing shall meet the requirements of Chapter 17.52 of the Calistoga Municipal Code and be located so that the fencing will not impede vehicular traffic.
6. No trees shall be removed or work done within a tree protective zone of any protected tree without first receiving approval from the Department of Public Works, in consultation with an Arborist, pursuant to Section 19.01 of the

Calistoga Municipal Code. In addition, a tree replacement plan and/or mitigation plan shall be reviewed and approved by the Public Works Department for any trees to be removed from the site.

7. All lighting shall be designed and equipped with motion detector switching and shall be switch to the off position between the hours of 8:00 p.m. and 6:00 a.m. or between the hours of business, which ever is more restrictive. In the event that substantiated lighting complaints are received the Planning and Building Department Director may enforce stricter lighting regulations in order to reduce lighting impacts on adjoining properties.
8. The permit holder shall permit the City of Calistoga or representative(s) or designee(s) to make periodic inspections at any reasonable time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
9. This permit shall be null and void if not used by August 10, 2006.
10. This permit shall be valid until it expires or is revoked pursuant to the terms of this permit and/or Title 17 of the Calistoga Municipal Code.


AYES: Manfredi, Casey, Creager, Dill and Kinzie

NOES: None

ABSENT: None

ABSTAIN: None


Jeff Manfredi, Chairman

ATTEST: 
Kathleen Guill
Secretary to the Planning Commission

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2006-17**

A RESOLUTION APPROVING CONDITIONAL USE PERMIT AMENDMENT (U 2005-19) OF THE PREVIOUSLY APPROVED CONDITIONAL USE PERMIT (U 2003-04) FOR THE CALISTOGA PET CLINIC ON THE PROPERTY LOCATED AT 2960 FOOTHILL BOULEVARD (APN 011-400-003) WITHIN AN "RR", RURAL RESIDENTIAL ZONING DISTRICT

1 **WHEREAS**, Steve and Rebecca Franquelin, property owners, are the applicants
2 of the subject property for which this application is proposed;

3
4 **WHEREAS**, on August 13, 2003 the Planning Commission approved a
5 Conditional Use Permit (U 2003-04) to establish a 3,960 square foot veterinary clinic
6 with 29 conditions of approval;

7
8 **WHEREAS**, on August 25, 2004 the Planning Commission authorized a
9 Conditional Use Permit Extension (U 2004-10) to allow a one-year extension of time in
10 order to establish the use;

11
12 **WHEREAS**, on September 12, 2005 the property owners submitted a Conditional
13 Use Permit Amendment request pursuant to the previously approved Conditional Use
14 Permit (U 2003-4) and Conditional Use Permit Extension (U 2004-10) for the Calistoga
15 Pet Clinic in order to relocate the driveway and the structure on the site;

16
17 **WHEREAS**, the Planning Commission considered the request at its regular
18 meeting of April 26, 2006. Prior to taking action on the application, the Planning
19 Commission received written and oral reports by the staff, and received public
20 testimony;

21
22 **WHEREAS**, this action has been reviewed for compliance with the California
23 Environmental Quality Act (CEQA) and is exempt from the requirements of the CEQA
24 pursuant to Section 15332 of the CEQA guidelines; and

25
26 **WHEREAS**, the Planning Commission pursuant to Chapter 17.40.070 has made
27 the following Conditional Use Permit findings for the project:

- 28
29 1. The proposed development, together with any provisions for its design and
30 improvement, is consistent with the General Plan, any applicable specific plan
31 and other applicable provisions of the Zoning Code including the finding that the
32 use as proposed is consistent with the historic, rural, small-town atmosphere of
33 Calistoga.

34
35 Response: The project has design features, which make the development
36 compatible with the surrounding natural setting. The proposal will meet "RR"
37 zoning district setbacks, height limits and parking requirements. Staff finds that
38 the application complies with the review criteria and intent of the Rural
39 Residential land use designation. Furthermore, the project is consistent with the
40 goals, objectives and policies of the 2003 General Plan Update.

- 1 2. The site is physically suitable for the type and density of development.

42
43 Response: The site is physically suitable for the type and density of
44 development because the project meets the purposes and general principals
45 contained in the "RR", Rural Residential.

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

51 Response: Staff has determined that the proposed project is Categorically
52 Exempt from the requirements of the California Environmental Quality Act
53 (CEQA) pursuant to Section 15332 CEQA Guidelines.

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

59 Response: The total water and wastewater capacity needed for this project is
60 1.370 ac-ft/year of water and 0.00 ac-ft/year of wastewater. The increase in
61 resource demand and supply has been secured and has been previously
62 accounted for and will have limited impacts on the City's public facilities.

- 63
64
65 5. Approval of the use permit application shall not cause the extension of service
66 mains greater than 500 feet.

67 Response: This use will not result in an extension of an existing service main.

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

73 Response: Given the history of this property designated on the City's "Stand-by
74 and Other Obligations List", currently being managed by the Public Works
75 Department. Stand-by or Other Obligations" is recognized as a property with an
76 existing water and/or sewer account, but no active consumption of domestic
77 water or wastewater treatment capacity. Any property on this list protects an
78 owner's ability to pursue development, even in an environment of limited
79 resources.

80
81
82 Furthermore, On January 4, 2005, the City Council adopted Ordinance #616,
83 which established a growth management system applicable to all development in
84 all zoning districts. However, pursuant to Section 19.02.050(D) of the Calistoga
85 Municipal Code, projects placed on this list were exempted from the Growth
86 Management Allocation process. Section 19.02.050(D) of the Calistoga Municipal
87 Code states,

8
89
90
91
92
93
94
"Dwellings or nonresidential structures on existing parcels of record which have paid water and wastewater connection fees prior to the effective date of the ordinance codified in this chapter and are paying water meter service charges and/or a wastewater capacity allocation charge to maintain a water and/or wastewater allocation [i.e. Listed on Stand-by or Other Obligations]"

95
96
97
98
Therefore, Approval of the use permit application will not cause adverse impacts to maintaining an adequate supply of public water and an adequate capacity at the City's wastewater treatment facility.

- 99
100
101
102
103
104
105
106
107
108
7. The proposed development presents a scale and design which are in harmony with the historical and small-town character of Calistoga.

Response: The subject neighborhood is situated near the City Limits and is comprised of a mix of older and a few newer single-family homes located on larger rural properties. The Foothill Boulevard entry corridor, in the project vicinity, also includes other features such as a variety of agricultural use and open space. The proposed fencing and abundance of plantings are appropriate for the nature of the use in the existing settings.

- 109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
8. The proposed development is consistent with and will enhance Calistoga's history of independent, unique, and single location businesses, thus contributing to the uniqueness of the town, which is necessary to maintain a viable visitor industry in Calistoga and to preserve its economy.

Response: The Calistoga Pet Clinic remains a locally-owned and operated business, which has successfully been in business on Lincoln Avenue for the past 13 years and will continue, at this location, to be operated in a fashion that is in keeping with the rural, small-town character of the community.

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

Response: The proposed improvements are in keeping with the character and scale of the nearby rural residential developments. The proposed landscaping and fencing will reduce any potential monotonous repetition. In addition, the approved veterinary use and structural appearance will help to define the rural area while maintaining an adequate balance of agricultural establishments.

NOW, THEREFORE, BE IT RESOLVED by the City of Calistoga Planning Commission that based on the above Findings, the Planning Commission approves the proposed project, subject to following eleven (11) Conditions of Approval:

1. This permit authorizes the development of a 3,960 square foot veterinary clinic on the site consistent the Site Plans received by the Planning and Building Department and consistent with all other City Ordinances, rules, regulations, and

5 policies. The conditions listed below are particularly pertinent to this conditional
136 use permit amendment and shall not be construed to permit violation of other
137 laws and policies not so listed. In addition, all other previously approved permits
138 and conditions of approval (i.e. Conditional Use Permit (U 2003-04), Conditional
139 Use Permit Extension (U 2004-10) and Design Review (DR 2005-13)) shall
140 remain valid under the provisions and duration of this permit.

- 141
- 142 2. This use permit amendment has been approved by the Planning Commission on
143 April 26, 2006. The use permit amendment shall be valid until April 26, 2007.
144 Minor modifications which do not increase environmental impacts may be
145 approved in writing by the Planning and Building Director. More significant
146 modifications may be approved through the use permit amendment process
147 depending on the scope of such proposed modifications as determined by the
148 Planning and Building Director.
- 149
- 150 3. The Planning Commission may revoke the use permit in the future if the
151 Commission finds that the use to which the permit is put is detrimental to the
152 health, safety, comfort or welfare of the public, or causes a nuisance.
- 153
- 154 4. The owner(s) shall permit the City of Calistoga or representative(s) or
155 designee(s) to make periodic inspections at any reasonable time deemed
156 necessary in order to assure that the activity being performed under authority of
157 this permit is in accordance with the terms and conditions prescribed herein.
- 158
- 159 5. This use permit amendment does not abridge or supercede the regulatory
160 powers or permit requirements of any federal, state or local agency, special
161 district or department which may retain regulatory or advisory function as
162 specified by statute or ordinance. The applicant shall obtain permits as may be
163 required from each agency.
- 164
- 165 6. All project related flooding impacts shall be mitigated by the project developer.
166 Drainage improvements shall be designed by a civil engineer in accordance with
167 the Napa County Design Criteria and any applicable adopted City drainage
168 plans. The capacity and condition of existing drainage facilities downstream of
169 the development shall be analyzed and off-site drainage improvements shall be
170 constructed as necessary. Site grading and drainage improvements shall be
171 shown on the construction plans.
- 172
- 173 7. The private detention basin on the parcel shall be designed to achieve a
174 reduction in the post-construction downstream flow rate as compared with the
175 existing flow rate for the 10, 25 and 100 year storm events. Maintenance of the
176 detention basin shall be the responsibility of the property owners. Any water
177 pending or standing over a 72-hour period may be subject to mosquito
178 abatement.
- 179
- 180 8. Prior to building permit issuance, the construction drawings shall indicate that the
181 fencing located along the northwestern property line is five feet off the property

2 line and landscaping is to be installed at the base of the fence subject to the
183 review and approval of the Planning and Building Department.
184

- 185 9. The permit holder shall minimize all vehicular and fugitive dust by use of water or
186 dust palliative. Stockpiling shall be assisted by sufficient watering and/or other
187 approved dust control methods to minimize dust. Access roads shall receive
188 frequent watering and/or palliative treatment as needed to prevent dust from
189 leaving the parcel boundaries. Completed areas shall be treated to minimize
190 wind blown dust. If valid dust complaints are received, the Department and/or Air
191 Quality Management District (BAAQMD) may require the submittal and
192 implementation of an effective dust mitigation plan.
193
- 194 10. All vehicles and heavy equipment shall be maintained to prevent the leakage or
195 spillage of hazardous fluids and other pollutants into the environment such as,
196 but not limited to, diesel fuel, motor oil and hydraulic fluid. Any discharge of
197 hazardous fluids or pollutants shall be immediately cleaned up with the
198 contaminated soil stored, transported and disposed of pursuant to applicable
199 county, state and federal regulations.
200
- 201 11. Should any archaeological materials be discovered in the development of this
202 property, all activity shall be halted in the vicinity of the find(s), and a qualified
203 archaeologist retained to evaluate the find(s) and recommend mitigation
204 procedures, if necessary, subject to the approval of the Planning and Building
205 Director.
206

207 **PASSED, APPROVED AND ADOPTED** on April 26, 2006, by the following vote
208 of the Callistoga Planning Commission:
209


210
211 AYES: Manfredi, Kinzie, Casey, Creager and Dill
212

213 NOES: None.
214

215 ABSENT: None.
216

217 ABSTAIN: None.
218

219 
220 Jeff Manfredi, Chairman

221
222
223 ATTEST: 
224 Kathleen Guill
225 Secretary to the Planning Commission