

**CITY OF CALISTOGA  
PLANNING COMMISSION  
RESOLUTION PC 2008-15**

**A RESOLUTION APPROVING CONDITIONAL USE PERMIT (U 2008-02) ALLOWING  
OPERATION OF A 70-SEAT RESTAURANT AND WINE BAR IN AN EXISTING 2,500  
SQUARE-FOOT COMMERCIAL SPACE LOCATED IN THE MT. VIEW HOTEL AT  
1457 LINCOLN AVENUE (APN 011-205-018) WITHIN THE “DC-DD”, DOWNTOWN  
COMMERCIAL-DESIGN DISTRICT**

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1           **WHEREAS**, Michael Wood / Mt. View Hotel Partners is the owner of the subject  
2 property for which this application is proposed; and  
3

4           **WHEREAS**, Matthew Spector / Matyson Corporation is the applicant of the  
5 subject use for which this application is proposed; and  
6

7           **WHEREAS**, this action has been reviewed for compliance with the California  
8 Environmental Quality Act (CEQA) and is exempt from the requirements of the CEQA  
9 pursuant to Section 15301 of the CEQA guidelines; and  
10

11           **WHEREAS**, the Planning Commission has reviewed and considered this  
12 application at its regular meeting on April 23, 2008 and prior to taking action on the  
13 application, the Commission received written and oral reports by the Staff, and received  
14 public testimony; and  
15

16           **WHEREAS**, the Planning Commission pursuant to Chapter 17.40.070 has made  
17 the following Conditional Use Permit findings for the project:  
18

- 19       1.       The proposed development, together with any provisions for its design and  
20 improvement, is consistent with the General Plan, any applicable specific plan  
21 and other applicable provisions of the Zoning Code including the finding that the  
22 use as proposed is consistent with the historic, rural, small-town atmosphere of  
23 Calistoga.  
24

25           FINDING: The property is located within the Downtown Commercial land use  
26 designation and the “DC-DD”, Downtown Commercial-Design District overlay  
27 zoning district. The proposed use is consistent with the policies, objectives and  
28 actions of the General Plan and will comply with the applicable provisions of the  
29 Zoning Ordinance.  
30

- 31       2.       The site is physically suitable for the type and density of development.  
32

33           FINDING: The proposed restaurant will be located in an existing commercial  
34 space that was previously occupied by a restaurant and has interior facilities and  
35 improvements suitable for a restaurant use.  
36

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

- 41            FINDING: This project is exempt from CEQA under Section 15301.  
42  
43            4.        Approval of the use permit application will not cause adverse impacts to  
44            maintaining an adequate supply of public water and an adequate capacity at the  
45            wastewater treatment facility.  
46  
47            FINDING: No adverse impacts to water and wastewater will occur as a result of  
48            this project. The current allocation for water and wastewater is sufficient to  
49            accommodate the re-establishment of a restaurant use in this location.  
50  
51            5.        Approval of the use permit application shall not cause the extension of service  
52            mains greater than 500 feet.  
53  
54            FINDING: This use will not result in an extension of an existing service main.  
55  
56            6.        An allocation for water and/or wastewater service pursuant to Chapter 13.16  
57            CMC (Resource Management System) shall be made prior to project approval.  
58            Said allocation shall be valid for one year and shall not be subject to renewal.  
59  
60            FINDING: A new allocation for water and/or wastewater service is not required  
61            for the proposed restaurant since it will replace a previous restaurant of a similar  
62            size. No increase in water consumption or wastewater generation is anticipated  
63            by this proposal (see response under No. 4 above).  
64  
65            7.        The proposed development presents a scale and design which are in harmony  
66            with the historic and small-town character of Calistoga.  
67  
68            FINDING: The owner is only proposing minor alterations to the interior of the  
69            building. All exterior materials, paint colors, trim, moldings, and other decoration  
70            will remain the same. The proposed alterations will not result in a scale of  
71            development that is different from what currently exists at the Mt. View Hotel and  
72            Spa or that is different from the character of surrounding development.  
73  
74            8.        The proposed development is consistent with and will enhance Calistoga's  
75            history of independent, unique, and single location businesses, thus contributing  
76            to the uniqueness of the town, which is necessary to maintain a viable visitor  
77            industry in Calistoga and to preserve its economy.  
78  
79            FINDING: The architectural design, location, height and size of the structure will  
80            retain the character of the community by preserving the existing architectural  
81            features and layout of the property.  
82  
83            9.        The proposed development complements and enhances the architectural  
84            integrity and eclectic combination of architectural styles of Calistoga.  
85  
86            FINDING: No exterior physical changes will occur to the exterior of any buildings  
87            on the site as a result of this application (see response under No. 8 above).  
88

89           **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning  
90 Commission that based on the above Findings the Planning Commission approves the  
91 proposed project, subject to the following Conditions of Approval.  
92

- 93       1.       This permit authorizes the operation of a 70-seat restaurant and wine bar in an  
94 existing 2,500 square-foot commercial space located in the Mt. View Hotel. The  
95 use shall substantially conform to the project description submitted by the applicant  
96 and the site plan dated March 8, 2008, except as noted in the permit conditions.  
97 The Planning and Building Department may approve minor amendments to this  
98 use permit provided that the permit is still in substantial conformance with the  
99 original approval. No outdoor seating or live music is permitted as part of this  
100 permit. Any future exterior alterations, expansion or other new construction shall  
101 be subject to Design Review approval.  
102
- 103       2.       The applicant agrees to submit an application for Building Permit for all  
104 improvements located on the site, not otherwise exempt by the Uniform Building  
105 Code or any State or local amendment adopted thereto. Prior to issuance of all  
106 building permits, the applicant agrees to pay all fees associated with plan check  
107 and building inspections, and associated development impacts fees rightfully  
108 established by City Ordinance or Resolution.  
109
- 110       3.       All necessary permits shall be obtained from applicable Federal, State and County  
111 agencies having jurisdiction over this project prior to commencement of any  
112 operations. Plans, designed by a licensed architect or engineer, which indicate  
113 accessibility and energy compliance shall be provided to the Building Department.  
114
- 115       4.       No outdoor storage of equipment and/or materials associated with the use shall  
116 be permitted beyond that which is authorized by the appropriate sections of the  
117 Calistoga Municipal Code pertaining to outdoor storage or as specified herein.  
118
- 119       5.       All uses involving the use or storage of combustible, explosive, caustic or  
120 otherwise hazardous materials shall comply with all applicable local, state and  
121 federal safety standards and shall be provided with adequate safety devices.  
122
- 123       6.       The applicant shall comply with the California Uniform Retail Food Facilities Law for  
124 food and water service to the public.  
125
- 126       7.       The operator of the restaurant facility shall obtain a separate food facility operating  
127 permit through the Napa County Environmental Management Department prior to  
128 commencing operation.  
129
- 130       8.       Prior to building permit issuance, complete plans and specifications containing  
131 equipment layout, finish schedule and plumbing plans for this food and/or  
132 beverage facility, including appropriate grease interceptors, floor mat washing  
133 facilities and employee restrooms, shall be submitted for review and approval by  
134 the County Department of Environmental Management.  
135

- 136 9. Prior to building permit issuance, the applicant shall meet with the Fire  
137 Department to review alteration plans. The alteration plans shall indicate that the  
138 kitchen area is equipped with a hood and duct fire suppression system and that  
139 all requirements of the building occupancy group have been meet subject to the  
140 satisfaction of the Planning and Building and Fire Departments.  
141
- 142 10. All installed exterior signs shall be maintained in a clean and neat condition free  
143 from graffiti, dirt, grease, chipped, faded or peeling paint, broken or inoperable  
144 parts, or similar conditions that detract from the aesthetic quality of the  
145 community.  
146
- 147 11. The applicant shall obtain a license from the State Department of Alcoholic  
148 Beverage Control prior to operation.  
149
- 150 12. Prior to occupancy and commencement of use, a waste management plan  
151 providing the following information shall be submitted for approval:  
152
- 153 A. The location and type of all trash, waste and recycling receptacles on the  
154 property.  
155
- 156 B. Identification of the trash, waste or recycling receptacles to be used by  
157 the hotel, spa, bar and restaurant to dispose of their respective waste.  
158
- 159 C. The location and operation of the mat washing and equipment cleaning  
160 areas shall be provided, to assure that wastewater from these operations  
161 is directed into the sanitary sewer, not the storm drain, and that rain/storm  
162 water that falls onto this area does not enter the sanitary sewer.  
163
- 164 D. The location and operation of the grease and cooking oil collection and  
165 storage system shall be provided, with such system designed and  
166 operated to prevent such grease/oil from entering either the sanitary  
167 sewer or the storm drain systems, and is instead removed regularly by a  
168 grease/oil disposal service and disposed of lawfully.  
169
- 170 E. Narrative describing/establishing hotel and tenant procedures for timely  
171 placement of trash receptacles in and out of enclosed areas on collection  
172 days.  
173
- 174 F. The parties responsible for moving trash receptacles in and out of  
175 enclosures on collection days.  
176
- 177 G. The parties responsible for cleaning and maintaining areas where trash  
178 receptacles are stored on the property.  
179
- 180 Once approved by the City, the property owner and/or applicant shall be required to  
181 comply with the waste management plan as a condition of approval of this use  
182 permit.  
183

- 184 13. The permit holder shall permit the City of Calistoga or representative(s) or  
185 designee(s) to make periodic inspections at any reasonable time deemed  
186 necessary in order to assure that the activity being performed under authority of this  
187 permit is in accordance with the terms and conditions prescribed herein.  
188  
189 14. The Planning Commission may revoke the permit in the future if the Commission  
190 finds that the use to which the permit is put is detrimental to the health, safety,  
191 comfort and welfare of the public, or constitutes a nuisance.  
192  
193 15. This permit shall be null and void if not used by April 23, 2009, or if the use is  
194 abandoned for a period of 180 days.  
195

196 **PASSED, APPROVED AND ADOPTED** on April 23, 2008, by the following vote  
197 of the Calistoga Planning Commission:

198  
199 AYES:

200  
201 NOES:

202  
203 ABSENT/ABSTAIN:

204

205

206

207

208

209

210

\_\_\_\_\_  
JEFF MANFREDI, CHAIRMAN

ATTEST: \_\_\_\_\_  
Kathleen Guill  
Secretary to the Planning Commission