

MEMORANDUM

June 1, 1988

TO: City Council

FM: Richard Spitler, Planning Director

RE: Use Permit U 88-5, Jesus and Ana Gonzales

Project Description

The applicants, Jesus and Ana Gonzales, applied for a Use Permit to allow on-sale beer and wine and to add 378 sq. ft. to an existing outdoor dining area at the Calistoga Drive-In, 1207 Foothill Boulevard (A.P. Numbers 11-310-06 and 07). Please refer to revised Site Plan dated 5-25-88.

Planning Commission Recommendation

The Planning Commission gave unanimous approval to the Use Permit (see attached excerpt of the unapproved May 25, 1988 Planning Commission Minutes). The following findings and conditions are recommended:

FINDINGS:

1. The proposed project, as conditioned, is consistent with the Calistoga General Plan and Title 17, Zoning Ordinance, Calistoga Municipal Code.
2. The proposed project is categorically exempt under Section 15301(e) of the California Environmental Quality Act.
3. The project is not subject to the Resources Management System.
4. Consumption of alcoholic beverages at an outdoor restaurant establishment in an uncontrolled area and situated adjacent to a major highway presents a potential safety problem unless certain mitigation measures are taken.
5. The project, as conditioned, will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.
6. The project increases the potential for traffic hazards unless changes are made to the ingress/egress and on-site circulation pattern.

7. Planning Staff has met with officials of the State of California Alcoholic Beverage Control (ABC) and was informed that the recommended conditions related to the on-sale service and consumption of beer and wine are appropriate due to the uniqueness of the outdoor service area and size of property. In addition, the ABC, upon the recommendation of the City, has the authority to place said conditions on the issuance of the "On-Sale Beer and Wine Eating Place License".

CONDITIONS:

1. That the applicants shall provide 5 additional parking spaces, asphalted and striped to city standards, the location of the parking spaces and ingress/egress shall be in substantial conformance with the amended site plan dated 5-25-88 and the "right hand turn only" sign located at the exit shall be retained.

2. That the existing landscaping shall be retained.

3. That the garbage container located at the southwest property line shall be relocated away from residential property to the satisfaction of the Planning Director. The garbage container shall be screened from view by an enclosure acceptable to the Planning Director and Upper Valley Disposal Co. and shall be steam cleaned at least every 30 days from May 1 to November 1.

4. That the recreational vehicle shall be removed from the site. An accessory structure in compliance with Uniform Building Code may be constructed at a location acceptable to the Planning Director.

5. That use of an outside address system for music or other use is prohibited.

6. That all outdoor lighting shall be placed and aligned in a manner to minimize glare to nearby residences.

7. That the additional outdoor eating area shall be constructed in substantial conformance with the amended site plan dated 5-25-88.

8. That any future expansion or change of use at this property shall be subject to a use permit.

9. That the applicant shall comply with the following restrictions related to the sale, service and consumption of beer and wine only:

a) That the sale, service or consumption of alcoholic beverages shall be limited to the front property dining area only. The applicant shall place two (2) ABC approved signs in the front of the restaurant and 4 ABC approved signs at the rear of the restaurant designating the restricted area. These signs shall be

printed in both English and Spanish and the specific wording and exact location of the signs shall be done in a manner deemed appropriate by the Planning Director.

b) That no alcoholic beverage will be served to any person in a motor vehicle.

c) That alcoholic beverages shall be limited to the accompaniment of food purchase and shall be served by an employee to the customer at a table in the designated area.

d) That alcoholic beverages shall be served only in paper or plastic cups that are red in color and that said cups shall not be used for non-alcoholic beverages.

e) That the sale, service and consumption of beer and wine shall be limited to the hours of 11:00 a.m. through 10:00 p.m. only.

f) That the designated area for consumption of alcoholic beverages, the frontage area facing the restaurant, shall be enclosed by a fence constructed of posts and wooden lattice design at a minimum height of 3 feet and shall not exceed 5 feet in height.

10. All signs shall be subject to the approval of the Planning Director.

11. Failure to abide by the conditions of this use permit and previously issued use permit conditions, where applicable, shall result in summary revocation of this use permit without further action by the city.

12. This use permit amendment supercedes all previous use permit conditions where there is a conflict. Otherwise, the previous use permit conditions shall remain in full force and effect.

13. That this use permit application shall be reviewed by the Planning Commission in six months and annually thereafter. Planning Staff shall submit a summary report regarding compliance or non-compliance with conditions.

Attachments