

**CITY OF CALISTOGA
PC RESOLUTION 2006-23**

**A RESOLUTION APPROVING CONDITIONAL USE PERMIT (U 2006-05)
AMENDING CONDITIONAL USE PERMIT (U 1987-05; U-2005-14) FOR THE
PACIFICO RESTAURANT LOCATED AT 1237 LINCOLN AVENUE WITHIN
THE DOWNTOWN COMMERCIAL-DESIGN DISTRICT OVERLAY ZONING
DISTRICT (APN #011-251-001)**

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WHEREAS, in 1987, the Planning Commission granted a Conditional Use Permit (U 1987-05) to allow operation of a restaurant in the Downtown Commercial – Design District Overlay zoning district at 1237 Lincoln Avenue; and

WHEREAS, on August 10, 2005, the Planning Commission granted a Conditional Use Permit Amendment (U 2005-14) to allow live and/or amplified music in the existing restaurant on Fridays, Saturdays and holidays; and

WHEREAS, on May 10, 2006, the Planning Commission reviewed the Conditional Use Permit amendment granted in August of 2005 as required by the conditions of approval and found that the music allowed by the Conditional Use Permit amendment has not had a negative effect on the neighborhood and may continue;

WHEREAS, on May 18, 2006, an application was submitted by restaurant owner Jaime Cortez requesting approval of an amendment to Conditional Use Permit (U 2006-05) to allow music entertainment to also take place on Thursdays and Sundays; and

WHEREAS, this action has been reviewed for compliance with the California Environmental Quality Act (CEQA) and has been determined Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15323 of the CEQA Guidelines; and

WHEREAS, the Planning Commission reviewed and considered this application at its regular meeting on June 14, 2006, and prior to taking action on the application, the Commission received written and oral reports by the Staff, and received public testimony; and

WHEREAS, the Planning Commission pursuant to Chapter 17.40.070 of the Calistoga Municipal Code has made the following findings for approval of the Conditional Use Permit Amendment (U 2006-05):

1. *The proposed development, together with any provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan and other applicable provisions of the Zoning Code including the finding that the use as proposed is*

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consistent with the historic, rural, small-town atmosphere of Calistoga;

The project site is designated in the City's General Plan and Zoning Ordinance for commercial land uses. The existing restaurant has been operating under Conditional Use Permit (U 1987-05) as approved in 1987. A Use Permit amendment (U 2005-14) was granted on August 10, 2005 to allow live and/or amplified music. The owners desire to provide musical entertainment on additional days, which is consistent with the small town atmosphere of Calistoga.

2. *The site is physically suitable for the type and density of development;*

No additional seating or physical changes to the existing restaurant are proposed with the application for musical entertainment.

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

The project is exempt from CEQA under Section 15323, normal operations of existing facilities for public gatherings. As conditioned, this use will not result in detrimental or adverse impacts upon the public resources, wildlife or public health, safety and welfare.

4. *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 wastewater treatment facility;*

The proposed use will not cause any additional water or wastewater treatment demand because the number of restaurant seats will not be increased and there is no physical expansion of the area of the restaurant.

5. *Approval of the use permit application shall not cause the extension of service mains greater than 500 feet;*

No new service mains are required for musical entertainment on additional days in an existing restaurant.

6. *An allocation for water and/or wastewater service pursuant to Chapter 13.16 CMC (Resource Management System) shall be*

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made prior to project approval. Said allocation shall be valid for one year and shall not be subject to renewal;

A new allocation for water and/or wastewater service is not required for the existing restaurant since no expansion is proposed.

- 7. *The proposed development presents a scale and design which are in harmony with the historical and small-town character of Calistoga;*

No physical or exterior changes to the existing restaurant building are proposed.

- 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;*

The existing restaurant is independently owned and operated and has existed at the site for over 15 years. It serves visitors and residents.

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

There are no exterior physical changes that will occur to the exterior of the existing restaurant building.

NOW, THEREFORE, BE IT RESOLVED by the City of Calistoga Planning Commission that based on the above Findings, the Planning Commission approves an amendment to a Conditional Use Permit (U-1987-05; U 2005-14), subject to the following eight (8) conditions of approval:

Planning Department:

- 1. This permit authorizes an Amendment to the Pacifico Restaurant Conditional Use Permit (U 1987-05; U 2005-14) to allow amplified and/or live music within the existing restaurant located at 1237 Lincoln Avenue. Live and/or amplified music shall be permitted on Friday and Saturday nights. Music is also permitted on the following holidays:

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| 1. Valentine's Day | 8. Independence Day |
| 2. Presidents' Day | 9. Labor Day |

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| 3. | St. Patrick's Day | 10. | Columbus Day |
| 4. | Cinco de Mayo | 11. | Halloween |
| 5. | Mother's Day | 12. | Veteran's Day |
| 6. | Memorial Day | 13. | New Year's Eve |
| 7. | Father's Day | | |

Acoustical music only shall be permitted on Thursday and Sunday nights.

Approval of this Conditional Use Permit is based on the presentation of materials kept on file by the Planning and Building Department. Minor modifications may be approved by the Planning and Building Director; major modifications require the approval of an amendment to the Use Permit by the Planning Commission, through the process established in the City of Calistoga Zoning Ordinance.

2. All applicable conditions imposed at the time of the original approval of U 1987-05 are still in effect.
3. Music shall not occur after 12:00 midnight.
4. All windows and doors shall be kept shut during musical performances and there shall be no flashing lights utilized. No music shall be performed outside the restaurant building.
5. The posted occupancy limit of ninety (90) shall not be exceeded.
6. The Conditional Use Permit shall be administratively reviewed on an annual basis to determine if there are any significant problems. In the event of substantial noise complaints (as determined by the Police Chief), the applicant shall submit and implement a noise mitigation plan subject to the review and approval of the Planning and Building Department. The mitigation plan may include soundproofing or reduction of hours of operation. All musical entertainment shall cease until the mitigation plan has been implemented.
7. The applicant shall obtain all required building permits for any interior alterations.
8. If the use has not commenced one year after the date of granting thereof, the use permit shall expire and become null and void. If the conditions are not fulfilled, or the use has become detrimental to the public health, safety or general welfare, then the permit may be

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revoked pursuant to the terms of Chapter 17 of the Calistoga
Municipal Code.

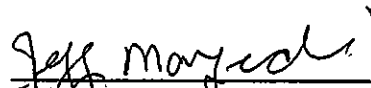
PASSED, APPROVED, AND ADOPTED on June 14, 2006, by the
following vote of the Calistoga Planning Commission:

AYES: MANFREDI, KINZIE and CASEY


NOES: NONE

ABSENT: CREAGER and DILL

ABSTAIN: NONE



Jeff Manfredi, Chairman

ATTEST: 

Kathleen Guill
Secretary to the Planning Commission