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**CITY OF CALISTOGA  
PC RESOLUTION 2008-31**

**A RESOLUTION APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT U 2006-05 (U 2006-05(A)) ALLOWING LIVE ENTERTAINMENT IN THE EVENT BANQUET ROOM WITHIN THE PACIFICO RESTAURANT LOCATED AT 1237 LINCOLN AVENUE WITHIN THE DOWNTOWN COMMERCIAL-DESIGN DISTRICT OVERLAY ZONING DISTRICT (APN #011-251-001)**

**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 June 14, 2006, the Planning Commission reviewed and approved an application 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**, on June 3, 2008, an application was submitted by restaurant owner Jaime Cortez requesting approval to allow live entertainment in a planned event banquet room consistent with the terms and conditions of Use Permit U 2006-05; and

**WHEREAS**, this action has been reviewed for compliance with the California Environmental Quality Act (CEQA) and has been determined Categorical Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the CEQA Guidelines; and

**WHEREAS**, the Planning Commission reviewed and considered this application at its regular meeting on June 25, 2008, and prior to taking action on the application, the Commission received written and oral reports by the Staff, and received public testimony; and

45           **WHEREAS**, the Planning Commission pursuant to Chapter 17.40.070 of  
46 the Calistoga Municipal Code has made the following findings for approval of the  
47 Conditional Use Permit Amendment (U 2006-05(A)):  
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- 49       1.     The proposed development, together with any provisions for its design  
50 and improvement, is consistent with the General Plan, any applicable  
51 specific plan and other applicable provisions of the Zoning Code including  
52 the finding that the use as proposed is consistent with the historic, rural,  
53 small-town atmosphere of Calistoga;  
54

55           FINDING: The project site is designated in the City's General Plan and  
56 Zoning Ordinance for commercial land uses. The existing restaurant has  
57 been operating under Conditional Use Permit (U 1987-05) as approved in  
58 1987. A Use Permit amendment (U 2005-14) was granted on August 10,  
59 2005 to allow live and/or amplified music. Use Permit 2005-14 was  
60 subsequently amended to allow live entertainment to occur on additional  
61 days (U 2006-05). The owners desire to allow live entertainment to occur  
62 in planned event banquet room expansion in the restaurant, which is  
63 consistent with the small town atmosphere of Calistoga.  
64

- 65       2.     The site is physically suitable for the type and density of development;  
66

67           FINDING: The planned event banquet room is located in a commercial  
68 district within an existing building that contains compatible uses. The  
69 proposed design incorporates noise attenuation features that will minimize  
70 impacts to surrounding sensitive noise receptors.  
71

- 72       3.     The proposed development has been reviewed in compliance with the  
73 California Environmental Quality Act (CEQA) and the project will not result  
74 in detrimental or adverse impacts upon the public resources, wildlife or  
75 public health, safety and welfare;  
76

77           FINDING: This project is exempt from CEQA under Section 15303 (Class  
78 3 – Conversion of Small Structures).  
79

- 80       4.     Approval of the use permit application will not cause adverse impacts to  
81 maintaining an adequate supply of public water and an adequate capacity  
82 at the wastewater treatment facility.  
83

84           FINDING: The City's water system and wastewater treatment facility is  
85 adequate to serve this project.  
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- 87       5.     Approval of the use permit application shall not cause the extension of  
88 service mains greater than 500 feet.

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FINDING: Approval of this use permit application shall not cause the extension of service mains greater than 500 feet.

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

FINDING: The current allocation for water and wastewater is sufficient to accommodate the proposed renovation and reuse of storage warehouse.

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

FINDING: The design of proposed project is in harmony with the historic and small-town character of Calistoga. The scale and height of the banquet room facility is appropriate for the use and the site. The design incorporates features that are sensitive to surrounding properties. The proposed project will update and improve the Elm Street façade of the building.

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.

FINDING: The proposed improvements are consistent with Calistoga's history of independent, unique and single location businesses and will contribute to the uniqueness of the town by adding a complementary use to an existing business that will serve both residents and visitors.

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

FINDING: A stucco finish will be applied to new exterior walls consistent with the exterior finish of the existing building. The new finish will replace existing clapboard siding and result in consistent treatment along the rear of the building. The renovated portion of the building will also incorporate matching colors and trim. Other design features include a rooftop cupola element and clerestory windows. Roof pitches and materials will tie into and complement the range of rooflines and materials that exist in the area. Collectively, these design features will enhance the architectural integrity

132 of the building and compliment the eclectic mix of architectural styles  
133 found in Calistoga.

134  
135 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning  
136 Commission that based on the above Findings, the Planning Commission  
137 approves an amendment to Conditional Use Permit U 2006-05, subject to the  
138 following nine (9) conditions of approval:

139  
140 1. This permit authorizes an Amendment to the Pacifico Restaurant  
141 Conditional Use Permit for Live Entertainment (U 2006-05) to allow  
142 amplified and/or live music within the event banquet room at Pacifico  
143 Restaurant located at 1237 Lincoln Avenue. Live entertainment shall be  
144 permitted on Thursday, Friday, Saturday and Sunday nights in the  
145 restaurant and bar area and in the event banquet room. In the event  
146 banquet room only, live entertainment may start at noon (12:00 p.m.) on  
147 Saturdays and Sundays. Music is also permitted on the following  
148 holidays:

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- |     |                      |                     |
|-----|----------------------|---------------------|
| 150 | 1. Valentine's Day   | 8. Independence Day |
| 151 | 2. Presidents' Day   | 9. Labor Day        |
| 152 | 3. St. Patrick's Day | 10. Columbus Day    |
| 153 | 4. Cinco de Mayo     | 11. Halloween       |
| 154 | 5. Mother's Day      | 12. Veteran's Day   |
| 155 | 6. Memorial Day      | 13. New Year's Eve  |
| 156 | 7. Father's Day      |                     |

157  
158 The use and improvements shall substantially conform to the project  
159 description submitted by the applicant and the site plan dated June 3, 2008,  
160 except as noted in the permit conditions. The Planning and Building  
161 Department may approve minor amendments to this use permit provided  
162 that the permit is still in substantial conformance with the original approval.  
163 No outdoor seating is permitted as part of this permit. Any future exterior  
164 alterations, expansion or other new construction shall be subject to  
165 Conditional Use Permit and/or Design Review approval.

166  
167 2. All applicable conditions of Conditional Use Permit U 1987-05 and U  
168 2008-03 remain in effect.

169  
170 3. Music shall not occur after 12:00 midnight.

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172 4. All windows and doors shall be kept shut during musical performances. No  
173 music shall be performed outside the restaurant building.

174

- 175 5. Posted occupancy limits in the restaurant/bar areas and the event banquet  
176 room shall not be exceeded.  
177
- 178 6. Live entertainment events shall not be permitted simultaneously in the  
179 restaurant/bar and banquet room.  
180
- 181 7. The Conditional Use Permit shall be administratively reviewed on an  
182 annual basis to determine if there are any significant problems. In the  
183 event of substantial noise complaints (as determined by the Police Chief),  
184 the applicant shall submit and implement a noise mitigation plan subject to  
185 the review and approval of the Planning and Building Department. The  
186 mitigation plan may include soundproofing or reduction of hours of  
187 operation. All musical entertainment shall cease until the mitigation plan  
188 has been implemented.  
189
- 190 8. The Planning Commission may revoke the permit in the future if the  
191 Commission finds that the use to which the permit is put is detrimental to  
192 the health, safety, comfort and welfare of the public, or constitutes a  
193 nuisance.  
194
- 195 9. This permit shall be null and void if not used by June 25, 2009, or if the use  
196 is abandoned for a period of 180 days.  
197

198 **PASSED, APPROVED, AN ADOPTED** on June 25, 2008, by the following  
199 votes of the Calistoga Planning Commission:  
200

201 AYES:

202 NOES:

203 ABSENT:

204 ABSTAIN:  
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\_\_\_\_\_  
Jeff Manfredi, Chairman

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216 ATTEST: \_\_\_\_\_  
217 Kathleen Guill  
218 Secretary to the Planning Commission