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4 **ORDINANCE NO. 567**  
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6 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA,**  
7 **COUNTY OF NAPA, STATE OF CALIFORNIA, AMENDING ORDINANCE**  
8 **NO. 519 BY AMENDING SECTIONS OF TITLE 17 OF THE CALISTOGA**  
9 **MUNICIPAL CODE PERTAINING TO DEFINITIONS OF AND**  
10 **REGULATIONS FOR FORMULA BUSINESSES.**  
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13 The City Council of the City of Calistoga does hereby ordain as follows:  
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15 **SECTION ONE:**  
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17 The City Council of the City of Calistoga at its regular meeting of September  
18 5, 2000 considered as one of its items of business, noticed in accordance with  
19 Government Code Section 65090, this ordinance to be adopted in accordance with  
20 Code Section 65850; and  
21

22 **WHEREAS**, the City Council finds that the proposed text amendments pertaining to  
23 definitions of and regulations for formula businesses are consistent with the General  
24 Plan policies which relate to the quality of life desired in Calistoga and policies aimed  
25 at reinforcement of the downtown as the commercial and cultural center of the  
26 community; and  
27

28 **WHEREAS**, the City Council finds that the proposed text amendments are necessary  
29 to preserve the unique and historic character of Calistoga's downtown commercial  
30 district, including regulating the aspect of businesses, services and merchandise that is  
31 reflective of the history and people of the community, and which has become a  
32 cornerstone of the visitor industry; a key component in the City's economy; and  
33

34 **WHEREAS**, the City Council finds that the proposed text changes are not detrimental  
35 to the public health, safety or welfare.  
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38 **SECTION TWO:**  
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40 That the Planning Commission has determined that the proposed amendments  
41 to the City of Calistoga Municipal Code are not subject to the requirements of the  
42 California Environmental Quality Act (CEQA) pursuant to Section 15601(b)(3) of the  
43 CEQA Guidelines.  
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1           **SECTION THREE:**  
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3           That the following amendments to Title 17 (Zoning Ordinance) are hereby  
4 adopted:

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7           **17.04.132 Business, Formula**  
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9           “Formula Business” shall mean a business or use, which by contractual or other  
10 arrangement, established or recognized business practice, or membership affiliation,  
11 maintains any of the following:  
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- 13           a. business name common to a similar business located elsewhere;  
14           b. standardized services or uniforms common to a similar business located  
15 elsewhere;  
16           c. interior décor common to a similar business located elsewhere;  
17           d. architecture, exterior design, or signs common to a similar business located  
18 elsewhere;  
19           e. use of a trademark or logo common to a similar business located elsewhere  
20 (but not including logos or trademarks used by chambers of commerce, better  
21 business bureaus, or indicating a rating organization including, but not limited  
22 to AAA, Mobile or Michelin); or  
23           f. a name, appearance, business presentation or other similar features, which  
24 make the business substantially identical to another business within or outside  
25 Calistoga.  
26

27           **17.04.616 Restaurant, Formula**  
28

29           “Formula Restaurant” shall mean an eating establishment devoted to the preparation  
30 and offering of food and beverages for sale to the public for consumption either on or  
31 off the premises which, by contractual or other arrangement, established or recognized  
32 business practice, or membership affiliation, maintains any of the following:  
33

- 34           a. business name common to a similar business located elsewhere;  
35           b. standardized menus, ingredients, food preparation, uniforms, or other  
36 standardized features common to a restaurant located elsewhere;  
37           c. interior décor common to a similar business located elsewhere;  
38           d. architecture or exterior signs common to a similar business located elsewhere;  
39           e. use of a trademark or logo common to a similar business located elsewhere  
40 (but not including logos or trademarks used by chambers of commerce, better  
41 business bureaus, or indicating a rating organization including, but not limited  
42 to AAA, Mobile or Michelin); or  
43           f. a name, appearance or food presentation format which causes it to be  
44 substantially identical to another restaurant within or outside of Calistoga.  
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2 **17.04.639 Visitor Accommodations, Formula**  
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4 “Formula Visitor Accommodation” shall mean a business primarily devoted to  
5 providing transient occupancy to nonresidents, the use of which is subject to the  
6 transient occupancy tax (TOT), including but not limited to bed and breakfast inns and  
7 facilities, inns, hotels, motels, and spa and health resorts, and which, by contractual or  
8 other arrangement, established or recognized business practice, or membership  
9 affiliation, maintains any of the following:

- 10  
11 a. business name common to a similar business located elsewhere;  
12 b. standardized services or uniforms common to a similar business located  
13 elsewhere;  
14 c. interior décor common to a similar business located elsewhere;  
15 d. architecture, exterior design or signs common to a similar business located  
16 elsewhere;  
17 e. use of a trademark or logo common to a similar business located elsewhere  
18 (but not including logos or trademarks used by chambers of commerce, better  
19 business bureaus, or indicating a rating organization including but not limited  
20 to AAA, Mobile or Michelin); or  
21 f. a name, appearance or business presentation which makes the business  
22 substantially identical to other visitor accommodations within or outside of  
23 Calistoga.

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25 **17.40.070 Findings**  
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27 A. In approving or conditionally approving a use permit, the following findings  
28 shall be made:

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

35  
36 2. That the site is physically suitable for the type and density of  
37 development.

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

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44 4. Approval of the use permit application will not cause adverse  
45 impacts to maintaining an adequate supply of public water and an adequate  
46 capacity at the wastewater treatment facility.

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2           5. Approval of the use permit application shall not cause the  
3 extension of service mains greater than five hundred (500) feet.  
4

5           6. An allocation for water and/or wastewater service pursuant to Chapter  
6 13.16 (Resource Management System) shall be made prior to project approval. Said  
7 allocation shall be valid for one (1) year and shall not be subject to renewal.  
8

9           7. That the proposed development presents a scale and design which  
10 are in harmony with the historical and small town character of Calistoga;  
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12           8. That the proposed development be consistent with and enhance  
13 Calistoga's history of independent, unique, and single location businesses, thus  
14 contributing to the uniqueness of the town, which is necessary to maintain a  
15 viable visitor industry in Calistoga and to preserve its economy; and  
16

17           9. That the proposed development complements and enhances the  
18 architectural integrity and eclectic combination of architectural styles of  
19 Calistoga.”  
20

21           10. To receive a use permit, a finding shall be made that the proposed  
22 development or use would be resident serving as defined in Section 17.04.597. This  
23 finding shall only apply to Formula Businesses.  
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25           B. The Director of Planning and Building, in the case of an administrative use  
26 permit, or the Planning Commission, in the case of a minor or major use permit, may  
27 deny a use permit on any grounds provided by law, including failure to meet all the  
28 findings listed above in Section A. (Ord. 567, (part), 2000)  
29

30           **SECTION FOUR:**  
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32           If any section or portion of this ordinance is for any reason held to be invalid  
33 and or unconstitutional by a court or competent jurisdiction, such decision shall not  
34 affect the validity of the remaining portions of this ordinance.  
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36           **SECTION FIVE:**  
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38           This ordinance shall take effect thirty (30) days after its passage. Before  
39 expiration  
40 of fifteen (15) days after its passage by the City Council, the City Clerk shall cause to  
41 be published a summary of this ordinance in a newspaper of general circulation within  
42 the City of Calistoga.  
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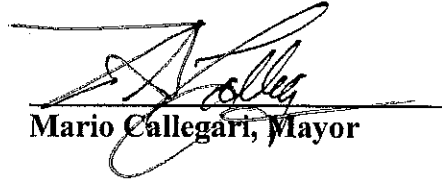
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THIS ORDINANCE was introduced with first reading waived at the City of Calistoga City Council meeting of September 15, 2000; and was PASSED AND ADOPTED this 19<sup>th</sup> day of September, 2000, by the following vote:

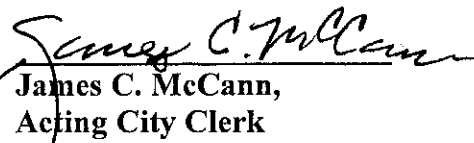
**AYES: Mayor Callegari; Vice Mayor Coates, Councilmembers Beck, Dohring, and Cinocco**

**NOES: None**

**ABSENT/ABSTAIN: None**



**Mario Callegari, Mayor**



**James C. McCann,  
Acting City Clerk**