

**CITY OF CALISTOGA
PLANNING COMMISSION
REGULAR MEETING MINUTES**

**Wednesday, June 25, 2008
5:30 PM
Calistoga Community Center
1307 Washington St., Calistoga, CA**

**Chairman Jeff Manfredi
Vice- Chairman Clayton Creager
Commissioner Carol Bush
Commissioner Paul Coates
Commissioner Nicholas Kite**

“California Courts have consistently upheld that development is a privilege, not a right.”

Among the most cited cases for this proposition are Associated Home Builders, Inc. v. City of Walnut Creek, 4 Cal.3d633 (1971) (no right to subdivide), and Trent Meredith, Inc. v. City of Oxnard, 114 Cal. App. 3d 317 (1981) (development is a privilege).

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Chairman Manfredi called the meeting at 5:31 PM.

ROLL CALL

Present: Chairman Jeff Manfredi, Vice-Chairman Clayton Creager, Commissioners Nicholas Kite Carol Bush, and Paul Coates. **Staff:** Charlene Gallina, Planning and Building Director, Erik Lundquist, Associate Planner, and Kathleen Guill, Planning Commission Secretary. **Absent::** Ken MacNab, Senior Planner.

B. PUBLIC COMMENTS

C. ADOPTION OF MEETING AGENDA

There was motion by Commissioner Kite, seconded by **Vice-Chairman Creager** to adopt the Agenda as presented. **Motion carried: 5-0-0-0.**

D. CONSENT CALENDAR

1. Planning Commission Minutes of the regular meeting of June 11, 2008

There was motion by **Vice Chairman Creager**, seconded by **Commissioner Bush** to approve the Planning Commission Minutes of the regular meeting of June 11, 2008 as provided. **Motion carried: 5-0-0-0.**

E. TOUR OF INSPECTION

F. COMMUNICATIONS/CORRESPONDENCE

G. PUBLIC HEARING

1. **U 2008-03, DR 2008-06 and U 2006-05(A):** Consideration of Conditional Use Permit and Design Review applications to allow reconstruction and conversion of an existing 1,402 square foot warehouse/storage area within the Pacifico Restaurant into an event banquet room, and modification of Use Permit U 2006-05 to allow amplified music / live entertainment in the banquet room. The property is located at 1237 Lincoln Avenue (APN 011-251-001) within the “DC-DD”, Downtown Commercial-Design District Overlay Zoning District. This proposed action is exempt

37 from the California Environmental Quality Act (CEQA) under Section 15303 of the CEQA
38 Guidelines.

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40 **Director Gallina** reported Pacifico's Restaurant had been in operation for more than 20 years.
41 She summarized the historical use noting the initial use permit was approved in 1987, with the
42 most recent amended use permit allowing live entertainment in 2006. The applicant is now
43 proposing a new banquet facility that will replace the existing warehouse/storage area and will
44 include the addition of two new ADA restrooms as per the floor plan provided with the Staff
45 Report. It was noted the banquet room has been designed with public access from the interior via
46 the front entrance on Lincoln Avenue and restaurant or bar sitting will not be allowed in the
47 banquet room. The applicant has further requested modification to allow for live entertainment
48 within the event banquet room. Staff is supporting this request noting it is consistent with the
49 existing permitted conditions. No simultaneous events will be allowed to occur within the
50 restaurant and banquet room. Director Gallina referenced Condition 1, noting staff had
51 inadvertently left out the reference condition for acoustical music on Thursday and Sunday nights
52 and would correct the language in the resolution. The proposal is consistent with the General
53 Plan and the code does allow for payment of in lieu fee, (9 parking spaces, tier one rate because
54 it is an existing facility). An overview of the design, height, trash enclosure, and
55 landscape/screening was provided, also noting the expansion/conversion does not require a
56 Growth Management allocation. Staff concluded advising findings were met and subject to
57 conditions as per page 10 of the Staff Report.

58

59 **Commissioner Kite** questioned when did a change in use of an existing building require meeting
60 the requirements for a new building and how did this become a requirement.

61

62 **Director Gallina** reported when there is any change of commercial use or additional square
63 footage it triggers the requirement for a fire sprinkler system to be installed in the whole facility,
64 not just the banquet facility and the applicant is in agreement.

65

66 **Commissioner Coates** shared concern with parking, noting we do have residential and a Bed &
67 Breakfast right behind the establishment and he assumed Staff had looked at this.

68

69 **Commissioner Bush** inquired about the capacity of the room/occupancy.

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71 **Director Gallina** confirmed parking was reviewed and reported the current restaurant occupancy
72 is 74 persons and the bar is 55 persons.

73

74 **Elena Demato**, 1300 Cedar, shared her concerns with potential issues with construction
75 management and expansion of allowed music practices. She reported an existing unaddressed
76 problem with the restaurants current glass bottle disposal practices very early in the morning,
77 creating a high enough level of noise to awake her and her new baby. She reported her attempts
78 at advising restaurant staff with no response from the owner. She stated this alone increased her
79 concern with construction practices and how the building will be sound efficient. She stated she
80 opposed expansion without knowing how activities will be handled, and requested if the sound
81 proofing is not satisfactory could it be conditioned activities would stop at 10:00 PM. She stated
82 she did not oppose the business expanding, other than the questions she had raised.

83

84 **Bev More**, Architect, 3074 Foothill Blvd., provided an overview of design elevations advising the
85 cupola will not be visible from across Lincoln. She reported the project was scaled to the

86 neighborhood and reminded a six unit townhome development will be going in across the street.
87 She believed the size and scale will be compatible or of lesser size than any project that may be
88 proposed on the other undeveloped corner. Ms. More reported the applicant was agreeable to the
89 need to sprinkler the facility and noted the additional bathrooms will accommodate the
90 accessibility requirements for the entire building. While she was unaware of an existing issue with
91 the trash, she was sure the applicant will do whatever is possible to try to reduce the noise,
92 however most garbage pickup in Calistoga is early AM.

93
94 **Vice-Chairman Creager** asked about sound proofing/noise standards.

95
96 **Bev More** reported there are no sound proof code standards, however they will insulate to reduce
97 noise, including dual glazed windows. The four windows facing the street will not be able to open.
98 She emphasized the rear door was for an emergency exit and/or for staff to go to the trash
99 enclosures, so there shouldn't be any more activity back there than there has been and they will
100 definitely be cleaning it up.

101
102 **Director Gallina** noted there is a condition that any time there is live entertainment the windows
103 and doors must be shut.

104
105 **Chairman Manfredi** advised that closed windows and doors has been part of the existing use
106 permit conditions.

107
108 **Commissioner Coates** noted the rear exit is required to be unlocked during business hours and
109 asked if there is a way to assure people will not use the area outside the banquet room for
110 smoking etc. when a function is in progress.

111
112 **Bev More** stated the area will be posted as an emergency exit only and they could add crash
113 hardware for an alarm to sound if the door is used inappropriately. However they would prefer
114 signage because the employees may need to use the door to access storage rooms.

115
116 **Chairman Manfredi** suggested a crash bar with no smoking signs, and no alarm.

117
118 **Elena Damato** asked if certain codes could specify restricted hours.

119
120 **Director Gallina** reminded the sole purpose is for banquet facilities and not just for music. This is
121 not a dance facility.

122
123 **Dan Neilsen**, representing Ursula and Lou Tieber, advised they were concerned with potential
124 sound levels and wanted to make sure the potential problem would be addressed. He further
125 advised he believed they have crash bars you can turn the alarm on and off for exit.

126
127 **Mary Sue Frediani**, 1255 Lincoln Avenue, opened discussion advising she did not receive
128 notification of the Public Hearing. Project comments included:

- 129
- 130 • It was great there would be another place for large events;
 - 131 • She was concerned with additional parking, noting the restaurant patrons were notorious
132 for parking in her lot.
 - 133 • As far as the music she did not have a problem, but suggested they consider providing
134 more than one kind of music.

135 **June Knoblich**, 1018 Cedar Street, shared a concern for an increased level of music that might
136 be heard. He reported last summer their windows were left open. She noted there is no problem
137 in the case of acoustical music, but amplified music is loud. Mrs. Knoblich concluded noting they
138 are not opposed to the facility, just the noise.

139
140 **Director Gallina** reminded if anyone experiences a problem with the music to please call and
141 report it. Our investigation included contacting the Police Department and there has been no
142 record of complaints since initial concerns were addressed.

143
144 **Tony Damato**, 1300 Cedar, and licensed contractor, reported there are specified things that can
145 be required for sound barrier.

146
147 **Jorge Cortez**, 2119 Oat Hill Ct., apologized for any disruption by his staff when emptying the
148 garbage, noting normal cleanup/garbage should be accomplished at 10:00 AM and he will talk to
149 his staff. As far as restricting use of the back door he was agreeable.

150
151 **Vice-Chairman Creager** asked Mr. Cortez to please review and alert employees of the concern
152 with the noise associated with the bottle removal procedures and commit to correcting the
153 problem.

154
155 **Jorge Cortez** agreed to addressing the bottle/garbage issue. He further stressed that the
156 purpose of this addition is mainly to provide a banquet facility, but may include music, but it will
157 not be on a regular basis. Continuing he stated he felt the City had been unfair about the
158 conditions imposed related to music, because other businesses with music in town have no
159 conditions and are reported that the use has been grandfathered. The system is not fair to
160 everybody. He reported across the street the Calistoga Inn music is really loud, and even plays
161 outside on the patio, and other businesses also already play loud music. Everybody should have
162 the same conditions.

163
164 **Commissioner Coates** suggested noise could also be addressed if they consider a simple
165 stagger stud design, reporting it does help.

166
167 **Bev More**, reported that method was not really all that affective, however they will be using two
168 layers of sheetrock, and there is a new product line of sheetrock that is more dense and layered,
169 and has a reported sound reduction of three times.

170
171 **Commissioner Coates** acknowledged that areas to reduce sound were being investigated.

172
173 **Jorge Cortez** noted he looked forward to an approval of the project because it will provide a good
174 use.

175
176 **Tony Damato**, suggested the use of double sheet rock with sound channel, noting just a stucco
177 wall would not be sufficient.

178
179 **Bev More** stated they have done a lot of research and the use of sound channel is debatable,
180 however they would not just use standard sheet rock. She reported consultation with a sound
181 rating engineer in St. Helena.

182
183 **Chairman Manfredi** closed the public portion of discussion at 6:24 PM.

184 **Chairman Manfredi** stated this is a good project and he admired the improved maintenance of
185 PacifiCo since they have taken ownership. He advised that the only way the City will know a
186 noise problem exists is if the public reports it. If any project generates public complaints. We
187 have a process to abate the problem. Chairman Manfredi further noted that what ever happens
188 across the street from the project is not on the plate for discussion under this agenda item.

189
190 **Director Gallina** advised if the City receives numerous complaints we can agendaize a discussion
191 for the Planning Commission to look at issues and this process does trigger the Public Noticing
192 procedures for notification of the surrounding neighborhood.

193
194 **Chairman Manfredi** reported when Pacifico first opened under their ownership that they had
195 some minor problems and to their credit they immediately addressed them.

196
197 **Director Gallina** reported the City does have a code enforcement process and everyone is
198 welcome to submit a complaint for investigation and abatement.

199
200 **Commissioner Kite** advised that even though every business may not have a conditional permit,
201 it does not mean they can do what they like.

202
203 **Commissioner Bush** commented noting the design of the addition will be a nice improvement on
204 the corner.

205
206 There was motion by **Commissioner Kite**, seconded by **Vice-Chairman Creager** to direct Staff
207 to file a Notice of Exemption for the Project pursuant to Section 15303 of the CEQA Guidelines.
208 **Motion carried: 5-0-0-0.**

209
210 There was motion by **Vice-Chairman Creager**, seconded by **Commissioner Coates** to Adopt
211 Resolution PC 2008-30 approving Conditional Use Permit (U 2008-03) and Design Review (DR
212 2008-06) to allow reconstruction and conversion of an existing 1,402 square foot
213 warehouse/storage area into an event banquet room in the Pacifico Restaurant located at 1237
214 Lincoln Avenue (APN 011-251-001) within the "DC-DD", Downtown Commercial-Design District
215 Overlay Zoning District, subject to conditions of approval as amended regarding the use of the
216 back door. **Motion carried: 5-0-0-0.**

217
218 **Director Gallina** recommended the following condition be added: *Installation of entertainment-*
219 *related fixtures in the event banquet room (such as a dance floor, DJ booth, special lighting or*
220 *sound system) shall not be permitted prior to review and approval by the Planning and Building*
221 *Department.*

222
223 There was motion by **Commissioner Bush**, seconded by **Commissioner Coates** to approve
224 Resolution PC 2008-31 amending Conditional Use Permit U 2006-05 (U 2006-05(A)) to allow
225 amplified music /live entertainment in the banquet room at Pacifico Restaurant located at 1237
226 Lincoln Avenue (APN 011-251-001) within the "DC-DD", Downtown Commercial-Design District
227 Overlay Zoning District, subject to conditions of approval as amended. **Motion carried: 5-0-0-0.**

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229 **H. NEW BUSINESS**

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231 **I. MATTERS INITIATED BY COMMISSIONERS**

233 **J. DIRECTOR'S COMMENTS/PROJECT STATUS**

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235 **K. ADJOURNMENT**

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237 There was motion by Commissioner Coates, seconded by Commissioner Kite to adjourn to the
238 meeting to the Special Joint City Council and Planning Commission meeting of June 25, 2008, at
239 6:30 PM. **Motion carried: 5-0-0-0.**

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241 The next regular meeting of the Planning Commission is scheduled for Wednesday, July 09, 2008
242 at 5:30 PM.

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248 _____
Kathleen Guill,
249 Secretary to the Planning Commission

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