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**CITY OF CALISTOGA
PC RESOLUTION 2009-19**

A RESOLUTION APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT U 2000-06 (U 2000-06(A)) ALLOWING AMPLIFIED MUSIC AND LIVE ENTERTAINMENT INDOORS WITHIN LA PRIMA PIZZA RESTAURANT LOCATED AT 1923 LAKE STREET (APN 011-535-010) WITHIN THE “CC-DD”, COMMUNITY COMMERCIAL-DESIGN DISTRICT OVERLAY ZONING DISTRICT

WHEREAS, in 2000, the Planning Commission granted a Conditional Use Permit (U 2000-06) to establish a full-service restaurant and bar at 1923 Lake Street; and

WHEREAS, on July 23, 2009, an application was submitted by restaurant owner Betty Nunez requesting approval to amend Use Permit U 2000-06 to allow live entertainment and amplified music to occur at the subject property; and

WHEREAS, the Planning Commission reviewed and considered this application at its regular meeting on August 12, 2009, and continued it’s review of the application to provide additional time for evaluation of potential noise impacts and an opportunity for the business owner and neighborhood residents to meet and discuss the proposal further in a less formal meeting environment; and

WHEREAS, the Planning Commission continued its review and consideration of this application at its regular meeting on November 16, 2009, and prior to taking action on the application, the Commission received written and oral reports by the Staff, and received public testimony; and

WHEREAS, this action has been reviewed for compliance with the California Environmental Quality Act (CEQA) and has been determined Categoricaly Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines; 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 2000-06(A)):

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

46 FINDING: The project site is zoned for commercial land uses. The existing
47 restaurant has been operating as a restaurant establishment since 1982.
48 Calistoga is determined in Municipal Code Section 17.02.040 to be
49 primarily, essentially and predominantly a residential community wherein
50 business and commerce are an enhancement and supportive to the
51 quality of life and City's residential character. Efforts to expand activities
52 at an existing restaurant that could adversely affect the adjoining
53 residential quality of life could potentially be inconsistent with the General
54 Plan. Conditions of approval have been incorporated into the project
55 approval that will ensure potential impacts are kept to a minimum and that
56 the project will not significantly detract from the rural, small-town
57 atmosphere of the area.

58
59 2. The site is physically suitable for the type and density of
60 development;

61
62 FINDING: The restaurant and bar is an enclosed space with adequate
63 facilities and space for live entertainment or amplified music. Windows
64 and doors will be kept closed when live entertainment or amplified music
65 occurs to minimize noise levels outside of the restaurant. A sufficient
66 amount of undeveloped land exists on the site to accommodate the
67 provision of additional parking spaces for customers.

68
69 3. The proposed development has been reviewed in compliance with
70 the California Environmental Quality Act (CEQA) and the project
71 will not result in detrimental or adverse impacts upon the public
72 resources, wildlife or public health, safety and welfare;

73
74 FINDING: This project is exempt from CEQA under Section 15301 of the
75 CEQA Guidelines (Existing Facilities).

76
77 4. Approval of the use permit application will not cause adverse
78 impacts to maintaining an adequate supply of public water and an
79 adequate capacity at the wastewater treatment facility;

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81 FINDING: The City's water system and wastewater treatment facility is
82 adequate to serve this project.

83
84 5. Approval of the use permit application shall not cause the extension
85 of service mains greater than 500 feet;

86
87 FINDING: Approval of this use permit application shall not cause the
88 extension of service mains greater than 500 feet;

89

- 90 6. An allocation for water and/or wastewater service pursuant to
91 Chapter 13.16 CMC (Resource Management System) shall be
92 made prior to project approval. Said allocation shall be valid for one
93 year and shall not be subject to renewal.
94

95 FINDING: The current allocation for water and wastewater is sufficient to
96 accommodate the addition of live entertainment one night per week to the
97 existing use. No additional allocation for water and/or wastewater is
98 required.
99

- 100 7. The proposed development presents a scale and design which are
101 in harmony with the historical and small-town character of
102 Calistoga;
103

104 FINDING: No new structures or alterations to existing structures are
105 being proposed as part of the project. Improvement of the undeveloped
106 area to be made accessible for customer parking will require
107 administrative review and approval prior to construction. Through this
108 process staff will ensure that the design does not impact or detract from
109 existing neighborhood qualities.
110

- 111 8. The proposed development is consistent with and will enhance
112 Calistoga's history of independent, unique, and single location
113 businesses, thus contributing to the uniqueness of the town, which
114 is necessary to maintain a viable visitor industry in Calistoga and to
115 preserve its economy; and
116

117 FINDING: Approval of the request for live entertainment will help to
118 sustain an established and locally-owned business in the community. It
119 also will increase opportunities for residents and visitors to enjoy music
120 performed by local and area musicians.
121

- 122 9. The proposed development complements and enhances the
123 architectural integrity and eclectic combination of architectural
124 styles of Calistoga.
125

126 FINDING: This proposal does not alter the architectural character of the
127 existing structure or other structures in Calistoga. Therefore, this finding is
128 not applicable.
129

130 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
131 Commission that based on the above Findings, the Planning Commission
132 approves an amendment to Conditional Use Permit U 2000-06, subject to the
133 following sixteen (16) conditions of approval:

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1. This permit authorizes an Amendment to Conditional Use Permit U 2000-06 to allow amplified music and/or live entertainment indoors within La Prima Pizza Restaurant located at 1923 Lake Street. Live entertainment shall be permitted indoors one night per week on Friday or Saturday night only between the hours of 6:00 and 9:00 p.m. No live entertainment or amplified music is permitted outdoors.
 2. All applicable conditions of Conditional Use Permit U 2000-06 remain in effect, except as may be modified by the conditions below.
 3. Indoor live entertainment shall be restricted to acoustical music acts only (with minimal amplification).
 4. Music accompanied by a DJ and karaoke music shall be prohibited.
 5. Windows shall be kept shut during live entertainment performances and doors shall not be left open.
 6. Indoor live entertainment shall be conducted in a manner that is ancillary and complementary to the primary permitted use as a restaurant and bar.
 7. Indoor live entertainment performances shall not be audible from the public right-of-way.
 8. Prior to commencement of indoor live entertainment events, the vacant area west of the restaurant building shall be made accessible and available for customer and employee parking. Improvement plans shall be submitted to the Planning and Building Department for review and approval prior to construction of improvements.
 9. Prior to commencement of indoor live entertainment events, the existing outdoor speakers facing the outdoor deck area shall be removed.
 10. Outdoor amplified music is prohibited anywhere on the subject property and shall not be permitted.
 11. The owner or owner's employees shall pick up litter on and in the vicinity of the site on a weekly basis.
 12. This Conditional Use Permit shall be administratively reviewed on a quarterly basis during the first year (and on a semi-annual basis thereafter) to determine whether any violations of the Conditions of Approval for this Use Permit have occurred. Should it be determined that

178 violation of the Conditions of this Use Permit have occurred, staff shall
179 bring the Use Permit back to the Planning Commission for
180 reconsideration.

181

182 13. Posted occupancy limits in the restaurant/bar areas shall not be
183 exceeded.

184

185 14. Installation of entertainment-related fixtures in the restaurant or bar area
186 (such as a dance floor, DJ booth, special lighting or sound system) shall
187 not be permitted prior to review and approval by the Planning and Building
188 Department.

189

190 15. The Planning Commission may revoke this use 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 16. This permit shall be null and void if not used by November 16, 2010, or if the
196 use is abandoned for a period of 180 days.

197

198 **PASSED, APPROVED, AN ADOPTED** on November 16, 2009, by the
199 following votes of the Calistoga Planning Commission:

200

201

202 AYES:

203

204 NOES:

205

206 ABSENT:

207

208 ABSTAIN: Coates

209

210

Jeff Manfredi, Chairman

211

212

213

214 ATTEST: _____

215

Kathleen Guill

216

Secretary to the Planning Commission