

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

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2       **WHEREAS**, in 2000, the Planning Commission granted a Conditional Use Permit  
3 (U 2000-06) to establish a full-service restaurant and bar at 1923 Lake Street; and  
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5       **WHEREAS**, on July 23, 2009, an application was submitted by restaurant owner  
6 Betty Nunez requesting approval to amend Use Permit U 2000-06 to allow live  
7 entertainment and amplified music to occur at the subject property; and  
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9       **WHEREAS**, the Planning Commission reviewed and considered this application  
10 at its regular meeting on August 12, 2009, and continued it's review of the application to  
11 provide additional time for evaluation of potential noise impacts and an opportunity for  
12 the business owner and neighborhood residents to meet and discuss the proposal  
13 further in a less formal meeting environment; and  
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15       **WHEREAS**, the Planning Commission continued its review and consideration of  
16 this application at its regular meeting on November 16, 2009, and prior to taking action  
17 on the application, the Commission received written and oral reports by the Staff, and  
18 received public testimony; and  
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20       **WHEREAS**, this action has been reviewed for compliance with the California  
21 Environmental Quality Act (CEQA) and has been determined Categoricaly Exempt from  
22 the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines; and  
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24       **WHEREAS**, the Planning Commission pursuant to Chapter 17.40.070 of the  
25 Calistoga Municipal Code has made the following findings for approval of the Conditional  
26 Use Permit Amendment (U 2000-06(A)):  
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- 28       1.       The proposed development, together with any provisions for its design  
29               and improvement, is consistent with the General Plan, any applicable  
30               specific plan and other applicable provisions of the Zoning Code including  
31               the finding that the use as proposed is consistent with the historic, rural,  
32               small-town atmosphere of Calistoga;  
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34       **FINDING:** The project site is zoned for commercial land uses. The existing  
35 restaurant has been operating as a restaurant establishment since 1982.  
36 Calistoga is determined in Municipal Code Section 17.02.040 to be primarily,  
37 essentially and predominantly a residential community wherein business and  
38 commerce are an enhancement and supportive to the quality of life and City's  
39 residential character. Efforts to expand activities at an existing restaurant that  
40 could adversely affect the adjoining residential quality of life could potentially be

41 inconsistent with the General Plan. Conditions of approval have been  
42 incorporated into the project approval that will ensure potential impacts are kept  
43 to a minimum and that the project will not significantly detract from the rural,  
44 small-town atmosphere of the area.

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

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48 FINDING: The restaurant and bar is an enclosed space with adequate facilities  
49 and space for live entertainment or amplified music. Windows and doors will be  
50 kept closed when live entertainment or amplified music occurs to minimize noise  
51 levels outside of the restaurant. A sufficient amount of undeveloped land exists  
52 on the site to accommodate the provision of additional parking spaces for  
53 customers.

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

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60 FINDING: This project is exempt from CEQA under Section 15301 of the CEQA  
61 Guidelines (Existing Facilities).

- 62  
63 4. Approval of the use permit application will not cause adverse impacts to  
64 maintaining an adequate supply of public water and an adequate capacity  
65 at the wastewater treatment facility;

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

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

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

- 75  
76 6. An allocation for water and/or wastewater service pursuant to Chapter  
77 13.16 CMC (Resource Management System) shall be made prior to  
78 project approval. Said allocation shall be valid for one year and shall not  
79 be subject to renewal.

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81 FINDING: The current allocation for water and wastewater is sufficient to  
82 accommodate the addition of live entertainment one night per week to the  
83 existing use. No additional allocation for water and/or wastewater is required.

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

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

- 93  
94 8. The proposed development is consistent with and will enhance  
95 Calistoga's history of independent, unique, and single location  
96 businesses, thus contributing to the uniqueness of the town, which is  
97 necessary to maintain a viable visitor industry in Calistoga and to  
98 preserve its economy; and  
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100 FINDING: Approval of the request for live entertainment will help to sustain an  
101 established and locally-owned business in the community. It also will increase  
102 opportunities for residents and visitors to enjoy music performed by local and  
103 area musicians.

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

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108 FINDING: This proposal does not alter the architectural character of the existing  
109 structure or other structures in Calistoga. Therefore, this finding is not  
110 applicable.

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112 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning  
113 Commission that based on the above Findings, the Planning Commission approves an  
114 amendment to Conditional Use Permit U 2000-06, subject to the following seventeen  
115 (17) conditions of approval:

- 116  
117 1. This permit authorizes an Amendment to Conditional Use Permit U 2000-06 to  
118 allow amplified music and/or live entertainment indoors within La Prima Pizza  
119 Restaurant located at 1923 Lake Street. Live entertainment shall be permitted  
120 indoors one night per week on Friday or Saturday night only between the hours  
121 of 5:00 and 9:00 p.m. No live entertainment is permitted outdoors.  
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123 2. All applicable conditions of Conditional Use Permit U 2000-06 remain in effect,  
124 except as may be modified by the conditions below.  
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126 3. Indoor live entertainment shall be restricted to acoustical music acts only (with  
127 minimal amplification).  
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129 4. Music accompanied by a DJ and karaoke music shall be prohibited.  
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131 5. Windows shall be kept shut during live entertainment performances and doors  
132 shall not be left open.  
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134 6. Indoor live entertainment shall be conducted in a manner that is ancillary and  
135 complementary to the primary permitted use as a restaurant and bar.

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7. Indoor live entertainment performances and outdoor amplified music shall not exceed a decibel level of 50 as measured 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 overflow parking. Improvement plans, identifying access points, signage, landscaping and dust control measures, shall be submitted to the Planning and Building Department for review and approval prior to construction of improvements.
  9. Indoor live entertainment performances shall be conducted consistent with the approved "live entertainment management plan" required by Condition No. 10.
  10. Prior to commencement of indoor live entertainment events, a live entertainment management plan shall be submitted for review and approval by the Planning and Building Director. The live entertainment management plan shall identify: (1) permanent and temporary physical improvements or alterations to be made in effort to minimize off-site noise impacts, including relocation / re-direction of the outdoor speakers at the deck; (2) operational procedures that will be employed during live entertainment events; and (3) a notification plan for communications between the business owner and city staff regarding live entertainment dates.
  11. No outdoor amplified music shall be allowed until the live entertainment management plan required by Condition No. 10 has been approved by the Planning and Building Director.
  12. The owner or owner's employees shall pick up litter on and in the vicinity of the site on a weekly basis.
  13. This Conditional Use Permit shall be administratively reviewed on a quarterly basis during the first year (and on a semi-annual basis thereafter) or upon receipt of two verified substantive complaints to determine whether any violations of the Conditions of Approval for this Use Permit have occurred. Should it be determined that violation of the Conditions of this Use Permit have occurred, staff shall bring the Use Permit back to the Planning Commission for reconsideration.
  14. Posted occupancy limits in the restaurant/bar areas shall not be exceeded.
  15. Installation of entertainment-related fixtures in the restaurant or bar area (such as a dance floor, DJ booth, special lighting or sound system) shall not be permitted prior to review and approval by the Planning and Building Department.
  16. The Planning Commission may revoke this use permit in the future if the Commission finds that the use to which the permit is put is detrimental to the health, safety, comfort and welfare of the public, or constitutes a nuisance.

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17. This permit shall be null and void if not used by November 16, 2010, or if the use is abandoned for a period of 180 days.


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


AYES: MANFREDI, CREAGER, BUSH, AND KITE

NOES: NONE

ABSENT: COATES

ABSTAIN: NONE

  
\_\_\_\_\_  
Jeff Manfredi, Chairman

ATTEST:   
\_\_\_\_\_  
Kathleen Guill  
Secretary to the Planning Commission