

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

Wednesday, April 25, 2012  
 5:30 PM  
 Calistoga Community Center  
 1307 Washington St., Calistoga, CA

Chairman Jeff Manfredi  
 Vice Chairman Paul Coates  
 Commissioner Carol Bush  
 Commissioner Nicholas Kite  
 Commissioner Walter Kusener

**A. ROLL CALL**

**Present:** Chairman Jeff Manfredi, Vice Chairman Paul Coates, Commissioners Carol Bush, Nick Kite and Walter Kusener. **Absent:** None. **Staff Present:** Ken MacNab, Planning and Building Manager, and Erik Lundquist, Senior Planner.

**H. PUBLIC HEARINGS**

- 2. BUSTERS BBQ LIVE ENTERTAINMENT.** Consideration of a Conditional Use Permit application requesting an amendment to Use Permit U 88-05 to allow amplified music / live entertainment at Buster's Barbecue and Bakery, 1207 Foothill Boulevard (APN 011-317-007) within the "DC-DD" Downtown Commercial-Design District Overlay Zoning District. This proposed action is exempt from the California Environmental Quality Act (CEQA) under Section 15301 of the CEQA Guidelines.

**Chairman Manfredi** noted that this item has been continued from the April 13, 2011 meeting of the Planning Commission.

*[Commissioner Kite had previously announced that he was recusing himself from this item because he was a neighboring property owner.]*

**Planning Manager MacNab** gave the staff report.

**Vice Chair Coates** asked at what distance would the proposed noise threshold of 60 dBA be measured. **Planning Manager MacNab** stated that the threshold would be measured at the property line of the subject site.

**Chairman Manfredi** opened the public hearing.

**Charles Davis**, 1207 Foothill Boulevard (applicant/proprietor). Mr. Davis commented on two of the recommended conditions:

1. Times. Mr. Davis expressed concern that the proposed weekend afternoon hours are during the peak restaurant time. Mr. Davis requested that the time frame be changed to 3 p.m. to 9 p.m.
2. Number of Events. Mr. Davis requested that number of events allowed be increased from two to three.

**Mr. Davis** responded to the comments regarding noise levels inside the restaurant. **Mr. Davis** stated that it is his intent to make acoustical improvements inside the building that would reduce perceived noise levels.

**Mr. Davis** also stated that he would install a sound system that would allow him to control the noise levels of individual instruments if necessary as well as the overall sound levels.

**Commissioner Kusener** asked **Mr. Davis** about why the proposed weekend hours of 12:00p to 4:00p do not work.

**Mr. Davis** explained that hours overlap with busiest times of the restaurant, and that changing the hours would allow him to hold events during off-peak times.

**Commissioner Bush** asked if periodically allowing events go to 9:00 p.m. would be acceptable. **Mr. Davis** said it would be.

**Commissioner Kusener** confirmed that when events are held there will be no change to how alcohol is sold on the property.

**Commissioner Kusener** asked for clarification on the condition related to replacement of the doors, and if **Mr. Davis** had been advised of this beforehand. **Planning Manager MacNab** stated that **Mr. Davis** is aware that the doors were not installed with required building permit review and knows that the doors cannot be kept closed while the enclosed patio area is occupied.

**Commissioner Kusener** asked **Mr. Davis** if he had any concern about keeping the doors closed during live entertainment events. **Mr. Davis** responded that he had no concern about closing the doors and that he would make the doors code compliant.

**Commissioner Kusener** asked **Mr. Davis** if he had any concerns about the availability of parking. **Mr. Davis** responded that parking is another reason why he would like the hours to be changed, noting that parking is pretty full during peak restaurant times and would be more available if events are held during off-peak times.

**Commissioner Bush** asked what the seating capacity was inside the enclosed patio area. **Mr. Davis** stated he believed it was rated for 65 people.

**Ann Scott**, 4281 Scott Way. **Ms. Scott** asked how air quality [*smoke from the barbecue*] would be monitored during "spare the air" days. **Ms. Scott** acknowledged that it wasn't the City's responsibility to enforce, but believes it should be honored. **Ms. Scott** also asked about the monitoring of noise and air quality levels related to motorcycles. **Ms. Scott** stated that the police department has been unwilling to enforce noise laws.

Ms. Scott stated that there is a parking problem related to Busters, noting that customers park along Foothill and run into Busters to buy food to go. Ms. Scott stated she believes this is a safety issue.

**Mr. Davis** responded to comments made by Ms. Scott related to air quality compliance.

**Ms. Scott** reiterated her point that air quality compliance is not being honored.

**Planning Manager MacNab** responded to Ms. Scott's question on how noise levels related to live entertainment would be enforced by the City.

**Dennis McNay**, 2653 Foothill Boulevard. Mr. McNay shared with the Planning Commission previous discussions he's had with the California Highway Patrol on enforcement of noise levels and stated it was his understanding that given budget constraints noise enforcement is a low priority.

**Norman Kiken**, 1520 Diamond Mountain Road. Mr. Kiken shared his observation of the test live entertainment event, stating that he did not hear any noise and thought the event looked well run.

**Clarence Luvisi**, 285 Rosedale Road. Mr. Luvisi stated that he supports the proposal for live entertainment. Mr. Luvisi shared his observations about air quality and smoke generated by Busters.

**Chairman Manfredi** closed the public hearing.

**Vice Chair Coates** asked Mr. Davis to confirm that he was willing to install acoustical measures, fix the doors and install sound controls. **Mr. Davis** confirmed that he was willing to do this. Mr. Coates stated that these measures give him a level of comfort about the proposal.

**Chairman Manfredi** noted that the primary use the property is a restaurant, and that music should be provided for the enjoyment of diners in a manner that adds to the ambiance of the restaurant.

**Chairman Manfredi** reviewed the noise attenuation measures Mr. Davis stated he is willing to install, including installation of sound controls and making the doors code compliant. Mr. Manfredi suggested that in addition to these measures proper signage should be installed to make it clear that doors are to be kept closed during live entertainment events. Mr. Manfredi also noted that Mr. Davis stated a willingness to make acoustical retrofits to the interior of the restaurant. Mr. Manfredi proposed that all of these measures be incorporated as conditions of approval and required before live entertainment events begin.

**Chairman Manfredi** polled the Planning Commission on thoughts about the hours, days and number of events that should be permitted. Mr. Manfredi suggested that the hours should be consistent across all days.

**Commissioner Bush** suggested that the hours be set from 4:00 p.m. to 8:00 p.m., with the ability to go to 9:00 p.m. four times per year. The Planning Commission concurred with these hours, provided that there is advance notice of the times when events would go to 9:00 p.m.

**Vice Chair Coates** asked for clarification on how notification of a 9:00 p.m. event would work.

**Chairman Manfredi** acknowledged that was consensus on the hours and asked the Commission for thoughts on how many days per week events should be allowed.

**Vice Chair Coates** suggested that live entertainment be allowed three times per week.

**Commissioner Kusener** asked the Commission if there would be any concern with a Friday, Saturday, Sunday schedule. Commissioners responded that any three days could be chosen by Mr. Davis, and if those were the days he wanted it would be OK.

**Commissioner Kusener** asked if the space was air conditioned. **Mr. Davis** stated that it was.

**Planning Manager MacNab** summarized the Commission's position as follows:

- There is support for the request to allow live entertainment.
- Prior to commencement of live entertainment events the following must occur: (1) installation of a sound control system; (2) installation of signage stating that the doors must be kept closed during live entertainment events; (3) installation of acoustical measures inside the enclosed patio area; and (4) installation of code compliant doors.
- Live entertainment can be held between the hours of 4:00 p.m. to 8:00 p.m., up to three times per week on any day.
- Up to four times per year, live entertainment events may go to 9:00 p.m. with advance notification to the Planning Department.

**MOVED** by Vice Chair Coates, seconded by Chairman Manfredi, to direct staff to file a Notice of Exemption for the project pursuant to Section 15301 of the CEQA Guidelines.

The motion carried with the following vote:

- AYES: (4) Manfredi, Coates, Bush, Kusener
- NOES: (0)
- ABSTENTIONS: (1) Kite
- ABSENT: (0)

**MOVED** by Commissioner Bush, seconded by Vice Chair Coates, to waive the requirement for Design Review approval pursuant to Section 17.06.020(B)(2) of the Zoning Ordinance, because there are no substantial design issues to be reviewed.

The motion carried with the following vote:

- AYES: (4) Manfredi, Coates, Bush, Kusener
- NOES: (0)
- ABSTENTIONS: (1) Kite
- ABSENT: (0)

**MOVED** by Commissioner Kusener, seconded by Vice Chair Coates, to adopt Planning Commission Resolution PC 2011-09 approving an amendment to Conditional Use Permit U 88-05 (U 88-05(A)) to allow amplified music and live entertainment indoors within Buster's Barbecue and Bakery located at 1207 Foothill Boulevard (APN 011-317-007) within the "DC-DD", Downtown Commercial-Design District Overlay Zoning District, subject to conditions of approval as amended.

The motion carried with the following vote:

- AYES: (4) Manfredi, Coates, Bush, Kusener
- NOES: (0)
- ABSTENTIONS: (1) Kite
- ABSENT: (0)