

MINUTES

CALISTOGA PLANNING COMMISSION

August 13, 2014

The meeting was called to order at 5:30 pm.

A. ROLL CALL

Commissioners present: Vice Chair Carol Bush, Commissioners Scott Cooper, Paul Coates, Tim Wilkes. Absent: Chair Jeff Manfredi (excused). Staff present: Planning & Building Director Lynn Goldberg, Senior Planner Erik Lundquist.

B. PLEDGE OF ALLEGIANCE

C. PUBLIC COMMENTS

None.

D. ADOPTION OF MEETING AGENDA

The meeting agenda of August 13, 2014 was accepted as presented.

E. COMMUNICATIONS/CORRESPONDENCE

An e-mail from Leslie Wilkes regarding item G.2. was distributed to the Commission.

F. CONSENT CALENDAR

1. Minutes for the July 23, 2014 Planning Commission meeting

The July 23, 2014 minutes were unanimously adopted as presented.

G. PUBLIC HEARINGS

1. **Buster's BBQ Use Permit Amendment UP 2014-7:** Consideration of a use permit amendment to allow entry/exit doors to remain open during live entertainment located at 1207 Foothill Boulevard

Senior Planner Lundquist reviewed the background of the previously-approved use permit and an overview of the request to amend one of the conditions of approval to allow the restaurant's doors to remain open during live entertainment. He noted that two of the current Commissioners were not Commission members during review of the previous application. The Commission could direct that another set of noise measurements be taken during a live entertainment event or it could decline to approve the use permit amendment.

Vice-Chair Bush opened the public hearing.

Charles Davis, applicant, explained that in order to keep the doors closed, he would have to install swinging doors, which would interfere with his building or require the removal of some parking. He needs to keep the doors open in order to comply with ADA accessibility requirements.

Commissioner Wilkes noted that the doors have to remain open for health and safety for emergency egress, not ADA accessibility, and must swing outwards.

He would like to have additional noise tests conducted with low background noise and the doors open and shut, in order to understand what the measurements are at the property lines, since some of the 2012 noise readings fell in the "Conditionally Acceptable" range.

Mr. Davis expressed a willingness to re-test the noise, but with the type of music that he wants, i.e., a three-piece jazz band with a vocalist.

Senior Planner Lundquist noted that the 2012 tests were conducted with "worst case" music because the approval would run with the land.

Mr. Davis expressed a willingness to have permission for the live entertainment expire if he sells the business.

Commissioner Cooper noted that the information in the applicant's July 17th letter, detailing the difficulties associated with installing swinging doors, could be considered new information that wasn't available to the previous Commission. He would be interested in observing another test, since he wasn't on the Commission at the time of the previous test.

Commissioner Coates suggested that instead of voiding the approval for live entertainment upon transfer of ownership, any proposed change to the type of music could be re-evaluated by the Commission.

In response to a question from **Vice-Chair Bush**, **Mr. Davis** confirmed that acoustical improvements had been made to the business, including the installation of double-paned windows and ceiling insulation.

Doug Cook observed that since the 2012 noise tests were not conducted at the property lines, but on nearby properties, the noise levels would likely be louder there.

Vice-Chair Bush closed the public hearing.

A motion by **Commissioner Coates** to continue the matter to an appropriate date after additional noise testing has been conducted was seconded by **Commissioner Wilkes** and approved unanimously.

2. Roam Antiques Use Permit UP 2014-9: Consideration of a use permit to allow outdoor sales associated with an antique store located at 1124 Lincoln Avenue

Commissioner Coates recused himself from the item because he had done work on the property for the property owner and left the meeting.

Senior Planner Lundquist presented the staff report for the application. The main concern regarding the proposed outside display is that while the applicant's type of merchandise is appropriate for display, any subsequent operator's may not be; hence the recommended condition prohibiting transfer of the use permit for outdoor merchandise display upon change of ownership or type of business. He concurs with some of Ms. Wilkes' suggestions that were submitted in her e-mail and has prepared some possible additional conditions of approval if the Commission supports them.

Vice-Chair Bush opened the public hearing.

Mario Sculatti, applicant, noted that the property has been enhanced greatly both inside and out. The business has been very successful, with 80 to 90 visitors per day. They offer a number of large antiques, such as wagons, so having the front yard as a display area would be very helpful to the business. He believes that Ms. Wilkes' comments are very appropriate, and would agree to a prohibition of outside storage. He noted that his inventory will be changing all the time, but will always be tasteful. He would like to keep the northern-most driveway and not remove it, as recommended by condition of approval No. 5, since it would be much easier to move large pieces of equipment on and off the property. Regarding condition of approval No. 4, the sidewalk is in good condition except for an area around a PG&E box which is constantly driven over by customers of the adjoining gas station. He would like to exempt removal of hazards from that area.

Ron Sculatti noted that it is difficult to back a truck with a trailer onto the property and it blocks traffic on Lincoln Avenue. Having the two driveways is safer because they can simply drive through the property. He would like to have the red curb in front replaced with a yellow zone for customer-loading purposes.

Senior Planner Lundquist noted that the City Council would have to act on the yellow curb request. He concurs that the utility box is sinking and will continue to do so with more traffic associated with the business. The City has a policy that there be no driveways on Lincoln Avenue, which is the basis for condition of approval No. 5. The curb is very shallow and could be driven over, but would be likely damaged if it was constantly used for that purpose.

Commissioner Wilkes thinks that the items appear to not be arranged as a display, but as merchandise that has been recently delivered. Items are randomly placed and it appears to be a storage area. They need to be better arranged. The planned fence and landscaping will help, but there is an art to display and it doesn't appear to be happening.

Mario Sculatti stated that Commissioner Wilkes' comment is the exact opposite of all the comments they have received about the outdoor display. They frequently get customers who come in to the business because of the outdoor display. However, he agrees it needs to be tweaked more to be visually appealing and he thinks the planned fencing and landscaping will help. He would be happy to have friends curate the display and limit it to larger objects.

Senior Planner Lundquist suggested the following additional conditions of approval to respond to the Commission's concerns:

- Landscaping shall be installed around the perimeter of the outdoor sales and display area with in-ground planting and/or planters.
- Only items larger than 2 cubic feet may be displayed outdoors, unless approved by the Planning and Building Department.
- Outdoor storage shall be prohibited.

- The outdoors sales and display area shall be permanently maintained in a professional and attractive manner at the discretion of the Planning and Building Department.

Commissioner Cooper supports the project and looks forward to it being even better.

Doug Cook supports the business, but shares the concerns of Ms. Wilkes about the outdoor display's appearance and agrees with the proposed conditions.

Vice-Chair Bush closed the public hearing.

Commissioner Wilkes understands the City's desire to minimize driveways on Lincoln Avenue, but he supports allowing both curb cuts to remain, since they are existing and because of the nature of the business, especially if they prevent traffic from being blocked.

Commissioner Cooper supports keeping the driveways if landscaping is provided across them when they are not actively being used.

Senior Planner Lundquist noted that the Public Works Department could require the property owner to repair the sidewalk at any time, regardless of the use permit application.

Commissioner Wilkes agreed that the Commission can't negotiate the sidewalk repair requirement. He supports approval of the use permit with the additional conditions of approval suggested by staff and the deletion of condition of approval #5 that requires removal of the northern-most driveway.

Vice-Chair Bush believes that the business is a tremendous asset to the town and it is a huge improvement to the site.

Mario Sculatti agrees with the conditions as modified and acknowledged that display is critical to retail.

A motion by **Commissioner Wilkes** and seconded by **Commissioner Cooper** to approve a use permit allowing outdoor sales associated with an antique store located at 1124 Lincoln Avenue, with the deletion of condition of approval #5 and the addition of the four conditions of approval as proposed by staff, was approved unanimously.

H. MATTERS INITIATED BY COMMISSIONERS

Commissioner Cooper expressed concern about the long delay at the traffic signal when traveling on Washington Street. **Senior Planner Lundquist** explained that Caltrans is unwilling to repair the timing because of the bad pavement condition. He suggested filing a complaint with the Police Department, which may get the situation addressed if enough complaints are filed.

I. DIRECTOR REPORT

Director Goldberg requested that the Commission's meeting of August 27, 2014 be cancelled due to a lack of agenda items. The Commission concurred with the request.

J. ADJOURNMENT

The meeting was adjourned at 6:27 p.m.



Lynn Goldberg
Planning Commission Secretary

