

CITY OF CALISTOGA

STAFF REPORT

TO: CHAIR MANFREDI AND MEMBERS OF THE PLANNING COMMISSION
FROM: ERIK V. LUNDQUIST, SENIOR PLANNER
MEETING DATE: SEPTEMBER 24, 2014
SUBJECT: USE PERMIT AMENDMENT UP 2014-7
BUSTER'S BARBECUE & BAKERY
1207 FOOTHILL BOULEVARD

1 ITEM

2 Consideration of a use permit amendment to allow entry/exit doors to remain open
3 during live entertainment located at 1207 Foothill Boulevard.

4 BACKGROUND

5 On April 25, 2012, the Planning Commission adopted Resolution PC 2011-09 allowing
6 indoor live entertainment with conditions of approval. Condition No. 2 requires the
7 installation of code-compliant doors¹ at all entry points and the installation of signs at
8 the doorways stating that the doors shall remain closed during live events.

9 On June 25, 2014, Charles Davis and Barbara Jolly submitted a request to amend their
10 use permit to allow the enclosed seating area doors to remain open during live
11 entertainment. In their submission and in a supplemental letter dated July 17, 2014, the
12 applicant and Ms. Jolly assert that the configuration of the existing buildings makes it
13 infeasible to replace the existing sliding doors with swinging doors and relocating the
14 doors to another location would potentially impact parking. They also indicate that
15 during the test event of 2012, the doors and windows were completely open and the
16 event did not exceed 60 dBA².

17 On August 13, 2014, the Planning Commission considered the use permit amendment
18 request. Subsequent to its discussion, the Planning Commission continued the matter in
19 order to conduct additional noise testing. On September 3, 2014, a publicly-noticed test
20 event was held between the hours of 6:00 p.m. and 8:00 p.m. Results and observations
21 from the test live entertainment are reviewed in the discussion section of this report.

¹ The current sliding doors do not meet code requirements for accessibility and exiting and must be kept open at all times when the enclosed patio area is occupied.

² Sound energy travels in waves and is measured in frequency and amplitude. Amplitude measures how forceful the wave is. It is measured in decibels or dBA of sound pressure. 0 dBA is the softest level that a person can hear. Normal speaking voices are around 65 dBA. A rock concert can be about 120 dBA.

22 **DISCUSSION**

23 Goal N-1 of the Noise Element in the General Plan is to “preserve current low levels of
24 noise in Calistoga to maintain the City’s rural atmosphere.” Policy, P3 (General Plan,
25 Page N-23) under this goal stipulates that new development shall not be approved
26 unless generally consistent with the Noise Compatibility Guidelines contained in Figure
27 N-4. “Conditionally acceptable” noise levels are defined for residential and transient
28 occupancy areas in Figure N-4 as noise levels between 60 and 75 dBA. As a result of
29 the original noise test on April 4, 2012, the Planning Commission found the volume of
30 the music “conditionally” acceptable and adopted conditions of approval to address
31 noise reduction and insulation requirements, which included the following:

- 32 • Installation of code compliant doors at both entry/exit points into the enclosed
33 patio area so that doors can be kept closed during live entertainment events
- 34 • Installation of a sound system that allows for the control of overall volume
35 levels
- 36 • Installation of improvements specifically designed to attenuate noise levels
- 37 • Prohibition of music accompanied by DJ and karaoke music
- 38 • Limitation of a decibel level 60 at any property line
- 39 • Prohibition of live entertainment anywhere outdoors
- 40 • Windows shall be kept shut during live entertainment

41 As a result of the use permit amendment request, on August 13, 2014, the Planning
42 Commission determined it would be beneficial to conduct a secondary noise
43 assessment in order to determine whether or not the door closure condition was
44 effective in reducing noise levels.

45 On September 3, 2014, a publicly-noticed test live entertainment event was conducted
46 at the subject business between the hours of 6:00 p.m. and 8:00 p.m. Sound levels
47 were measured by Planning and Building Director Lynn Goldberg and Senior Planner
48 Erik Lundquist using a hand-held sound meter. The table below summarizes the
49 measured sound level readings at the various points identified on the map on the
50 following page during the event. Sound levels near the Craftsman Inn were measured
51 at an approximate range of 56 to 67 dBA. Sound levels at the property line closet to
52 nearby residences located east of the site were measured at an approximate range of
53 58 to 67dBA.

54 Outdoor noise levels observed by staff at adjoining property lines while live
55 entertainment was occurring were measured in the “conditionally acceptable” range,
56 similar to the findings of the initial noise test in 2012. Staff again found noise levels
57 generated by rush hour traffic alone to be higher than the noise levels measured when
58 music and rush hour traffic were occurring simultaneously and having the doors closed
59 had little to no effect on the noise levels during the rush hour traffic. Measurements
60 taken when traffic was lighter showed noise levels somewhat higher at 67 dB and at

61 that time door closure caused a subtle decrease in noise, which by General Plan
 62 standards is still considered a "conditionally acceptable" range.

Noise Level Readings – September 3, 2014 Test Live Entertainment Event

	6:15 p.m. Rush Traffic		7:10 p.m. Light Rush Traffic		7:40 p.m. No Rush Traffic	
	Doors open	Doors closed	Doors open	Doors closed	Doors open	Doors closed
1213 Foothill (Locations 1 & 2)	56-61 dBA	57 dBA	56-61 dBA	57 dBA	65-67 dBA	57-58 dBA
1101 Foothill (Locations 3 & 4)	58-62 dBA	61-63 dBA	60-64 dBA	58-61 dBA	65-67 dBA	59-62 dBA



BUSTER'S BARBECUE
Noise Meter Locations



64 In staff's opinion, the doors have little effect on the overall noise levels, and with the
65 limitations already established (i.e., time and frequency of events) the use would be
66 compatible with the adjoining land uses if the doors are open. However, it is still
67 necessary for the windows to remain closed during the events since they are oriented
68 towards the adjoining property lines. On the other hand, the doors face inward toward
69 the kitchen. As such, staff supports the use permit amendment to allow entry/exit doors
70 to remain open during live entertainment.

71 Furthermore, staff recommends that the Planning Commission amend condition of
72 approval number 5, which limits the decibel level to 60 decibels at the property lines. In
73 staff's opinion, this is not a reasonable condition considering the traffic noise that is
74 already occurring during the planned events. It would be more reasonable to set a 70
75 decibel limitation. The draft resolution attached allows the increase in decibels.
76 However, the Planning Commission may wish to discuss this matter further.

77 **RECOMMENDATION**

78 Approve Use Permit Amendments

ATTACHMENTS:

1. Draft Resolution approving Use Permit Amendment
2. Letter from Charles Davis and Barbara Jolly received Jun 25, 2014
3. Letter from Charles Davis and Barbara Jolly received July 17, 2014
4. Resolution PC 2011-09