

CUP 2000-06(A)
LA PRIMA PIZZA LIVE ENTERTAINMENT
Correspondence Summary for November 16, 2009
Planning Commisison Meeting

	Date Received	Received From
1	07/30/09	Denise T. Drawsky
2	08/04/09	Sylvia Marciano
3	08/05/09	Gary Heitz
4	08/06/09	Gertrude A. Martin
5	08/06/09	Sonya Spencer
6	08/07/09	Urbani Place Homeowners (Multiple Signatories)
7	08/08/09	Tom Andrews
8	08/08/09	Edgar A. Lantz
9	08/10/09	Jack and Midge Geary
10	08/10/09	Cheryle Stanley
11	08/12/09	Eduardo Yanez
12	08/12/09	Julie Garcia
13	08/12/09	Irais Lopez
14	08/12/09	Marta Caldera
15	08/12/09	Ricardo Vera
16	08/12/09	Form Letters (21) submitted by Mitch Hawkins
17	Undated	Marie L. Toringio
18	09/17/09	Kristin Casey
19	09/18/09	Tracey Hawkins
20	09/18/09	David M. Goodrich
21	09/18/09	Caryl Maniscalco
22	09/20/09	Autumn Turley
23	09/22/09	Hawkins Family and Concerned Citizens of Calistoga
24	09/25/09	Pete P (illegible)
25	09/30/09	Christina Chadsey
26	11/06/09	Mitch and Tracey Hawkins

Mitch and Tracey Hawkins

P.O. Box 324

Calistoga, CA 94515

(707) 942-5998

November 6, 2009

Michele Kenyon, City Attorney

City of Calistoga

1232 Washington St.

Calistoga, CA 94515

RE: Use Permit Modification Request – U 2000-06(A); U2000-U2009-04 AUP2008-06; (And any other requests related to La Prima Pizza Use Permit)

Dear Ms. Kenyon

As you know, La Prima Pizza in Calistoga has requested a modification to their use permit. This modification is in direct conflict with the City of Calistoga General Plan – specifically, the Noise Element and Calistoga’s Entry Corridor/Gateway Areas; both local and state laws and ordinances as well as their Conditional Liquor License under the Alcoholic Beverage Control (ABC).

This business, La Prima Pizza, has a long and continuing history of violations with existing laws and codes including under-age drinking in and around the business, noise disturbance, traffic problems, parking in adjacent residential neighborhoods, property damage to neighboring residential structures, litter in the area, drug deals in the parking lot, amplified music without a use permit multiple times, and more - all documented in a long list of police reports which I have in my position. La Prima owners have refused to turn down music when contacted by police and stated that they do not intend to comply with their existing use permits or ABC liquor license to police and others – as recorded by numerous police records and in planning commission meetings.

We request a Cease and Desist on all Administrative Use Permits (AUP) at this facility due to their numerous and continued disregard (well over three times in the past several weeks alone) for their current use permit. We are also asking for a Cease and Desist for any consideration of any change in this use permit of any kind – amplified music, live music, outdoor or indoor music or loud voices, special events, or anything else that would require a permit. We ask that La Prima continue business without this modification on this malicious and nonsense addition to a residential neighborhood.

We are aware that city officials have met in secret with La Prima owners for the purpose of guiding them toward this modification. In addition to that announcements for meetings have failed to meet requirements of the Ralph M. Brown Open Meeting Act (commencing with Government Code Section 54950) which requires cities and counties to provide advance public notice of hearings and meetings of their councils, boards, and other bodies. Meetings and hearings must be open to the public.

We have reached out to La Prima and asked them to turn down the music on multiple occasions, all to no avail. We have then phoned the police and both Mr. Nunez and Mrs. Nunez, on separate occasions, refused to cooperate with police. My children have been prevented from going to sleep at night and have been frightened by the power of the music which shook the windows of our home and could be heard inside with the doors and windows closed. My children were crying and frightened during these times. There have been incidents when we have been awakened during the night by loud music, automobiles revving engines, loud groups of people outdoors at La Prima - and we cannot get any relief even though police are called out several times per incident. Our children are consequently experiencing mental and emotional stress due to the ongoing disturbance and noise. They are fearful and we are unable comfort them back to sleep for hours when they hear this music.

We have attended public meetings on this since July and voiced our concerns in person and in writing. We have made repeated requests for a professional sound study which have been ignored. We have been given no explanation describing the reasons that this project has not been subject to CEQA nor has there been a negative declaration report as we would expect - in particular, with respect to ambient noise, parking concerns, litter, traffic, City corridor & other aspects of the city's general plan, and all other potential impacts within the area affected by the requested modification to this use permit.

We are asking you, as the City Attorney, to evoke the law.

We are also requesting that you attend the next Planning Commission meeting of the City of Calistoga, scheduled for Monday, November 16, 2009 at 5:30pm.

Our family will have no recourse but to seek a detailed civil suit for damages and civil rights violations against the City of Calistoga, City Manager, Jim McCann and Charlene Gallina and perhaps others for non-enforcement of both City Code and violation of CEQA if our requests are not promptly met.

Sincerely,

Mitch Hawkins,

Tracey Hawkins

Sent Via E-Mail and US Mail November 6, 2009

Ken MacNab

From: Christina Chadsey [cchadsey@sbcglobal.net]
Sent: Tuesday, September 29, 2009 10:48 PM
To: Ken MacNab
Cc: laprimapizza@aol.com
Subject: La Prima Music Meeting

I just wanted to say that I attended the city meeting tonight regarding La Prima having live music. I only had a sitter for a short time and had to leave before I had a chance to express my support for La Prima. I was disappointed that I did not get a chance to speak as many of the people who were there in opposition did not really give others a chance to speak. I was also saddened by the fact that many of the complaints had nothing to do with music and many other issues were constantly dragged into the forefront which wasted more time. Regardless of what these other issues were, they constantly dragged the meeting away from it's focus and had no merit on tonights discussion.

I thought that the moderators and city officials did an excellent job trying to keep the meeting on track, they were simply outnumbered. I was also offended by the way the many of the parties opposing this issue attacked those who offered a supportive vote or an unsure vote. I had many questions, but just did not get a chance as the meeting was running long from the many long speeches that were given. Some people read 3 pages or more. That seems a little excessive and it made it difficult for others to give their opinion as many people had to leave before it was over.

I was speaking with one of the inhabitants in the neighborhood and asked what his experiences had been. He said he had no problems with La Prima, but he wasn't going to express his opinion as he was concerned about the backlash from several outspoken individuals in his neighborhood.

I was at the sound test done at La Prima and the music was peaceful and serene and not loud. I was happy to hear the city representatives say that in many cases they had to take the sound readings several times as the ambient noise from the surrounding houses was louder than the music from La Prima. I trust in the process that runs our city and I trust that the officials we have elected will base this decision on the same processes for which they have based other similar decisions and see that helping a local business is helping our city.

I have attended the meetings and the tests and have not seen or heard a valid reason to deny the permit. I have heard a lot of slander and innuendo against La Prima which I find distasteful. If you want to press your issue, use the facts and your integrity. Don't trade on rumors. I would just like to declare my support of La Prima. They have added a lot to the community both personally and professionally. They are always there in support of a cause or when help is needed. They are a friendly outgoing family who is only looking to add to the great community that they live in. I am proud to support their establishment.

Sincerely,

Christina Chadsey

9/25/09

I support music @ La Prima
City + owner + reasonable adults
should discuss and layout a
plan.

Pat Potvin
Calistoga

From: hhvineyards@aol.com [hhvineyards@aol.com]

Sent: Tuesday, September 22, 2009 10:43 PM

To: Plans Department; Lorie Goldbeck; Connie Minnick; Su Sneddon; Lorie Goldbeck; Jim McCann; Olivia Lemen; Frank DiFede; Julio Ambriz; Steve Campbell; Jonathan Mills; Jill Saunders; Jack Gingles; Michael Dunsford; Placido Garcia; Gary Kraus; Karen Slusser; Bill Mushallo; Mel Hammalian; Connie Minnick; Angela Madrigal; z Michelle Kenyon; Erik Lundquist; Brad Cannon; Kathy Guill; Matthew Freese; Dan Takasugi; Jim Smith; Louise Harrison; Jill Saunders; HHVineyards@aol.com

Subject: La Prima cited for serving Alcohol to Minors

Dear friends and neighbors,

It has come to our attention that La Prima Pizza has two recent violations against their Liquor License, one for serving alcohol to minors. We would like the City to look into this before proceeding forward with the request to alter the La Prima Use Permit.

We mentioned this to Ken McNab this evening when he was apparently conducting an unannounced "sound test" in our neighborhood. He stated that since he and not seen these violations himself he was not interested in knowing about them. We informed him that this information is public record with the ABC (Alcohol Beverage Control) and asked him to verify this for himself as we felt it was important. He flatly refused to honor this request stating that he would absolutely not contact the ABC nor consider this with regard to the requested change in the La Prima Use Permit to allow amplified music. We find this particularly egregious and disturbing. La Prima holds a full liquor license and intends to have indoor and outdoor parties for large groups of minor children with live amplified music. In addition, while advertising as a venue for children, school parties and birthday parties La Prima, stated that they were considering extending their service of alcohol to 2:am.

When we were speaking with Mr. McNab, he said that this was a "nice quiet neighborhood" and that we have room for a lot more noise here.

Mr. McNab's tone and manner were confrontational even though he was in our neighborhood at our dinner hour and we were discussing a matter that directly impacts us in our home and our lives. We would like to go on the record with a complaint against Mr. McNab's conduct. When he was on the sidewalk in front of our home his manner was extremely upsetting and we were compelled to ask him to leave.

We cannot help but feel that our rights are being trampled on by a single special interest and that Mr. McNab and perhaps others are not working for the overall good of the citizens of this city. This has already become very stressful for us and disruptive for our family, and our entire way of life.

We ask you for expressed support on this matter. Please contact city officials.

The Hawkins Family and Concened Citizens of Calistoga

Ken MacNab

From: Quinn Dover [dolphingirl3553@yahoo.com]
Sent: Sunday, September 20, 2009 8:04 PM
To: Ken MacNab
Subject: amplified music at la prima pizza

Dear Ken McNab,

My name is Autumn Turley. My family lives on 1910 Carli Drive, right across from La Prima Pizza. My mom informed me that La Prima Pizza is requesting a permit to allow them to play amplified music. I lived at 1910 Carli Dr. for three years, and do not feel that La Prima Pizza is a good place for amplified music. The restaurant is in the middle of a residential neighborhood, where there are many families with small children. La Prima Pizza has played amplified music on various occasions, contrary to the current ban, and the music carries all throughout the neighborhood. If this were not banned, it would affect the lives of many families in the area.

As a musician, I do not feel that La Prima Pizza is a good venue for amplified music. There are already many venues downtown that play amplified music where it doesn't disrupt the lives of families in the area. If La Prima Pizza wants to play amplified music, they should move to a more appropriate location.

Thank you for your consideration,

Autumn Turley

Caryl Maniscalco

157 Espana Way, Post Office Box 2143, Windsor, California 95492

ATTORNEY AT LAW

Phone (707) 579-5916

Direct Line (707) 838-9084

Fax (707) 838-9216

e-mail carylesq@aol.com

September 18, 2009

Ken MacNab
Senior Planner
City of Calistoga Planning and Building Department
1232 Washington St.
Calistoga, CA

Dear Mr. Mac Nab:

This is to memorialize our telephone conversation of yesterday afternoon, September 17, 2009. In that conversation I conveyed to you that I had had several phone calls from disturbed citizens of Calistoga. They were all very upset that the Planning Commission had met in secret with the owners of La Prima Pizza, without any notice or input from the citizens of Calistoga and allowed them to have a party on September 25, 2009, with outdoor amplified music.

Aside from the outrage of the citizenry, I expressed my concern that this meeting, whether face to face or by e-mail, as you stated it was, was likely in violation of the Brown Act. The public has a right to know when such meetings are held and has the right to express opinions concerning such actions.

I also expressed to you that noise was not the only issue with these so-called parties, which are, in reality, money-making events for La Prima Pizza. My clients are very concerned about the amount of police attention that this venue brings, especially when these outdoor music events are going on. They have reported property destruction, urinating in their yards, drunk driving in the neighborhood, and the general unruliness created by these events. Some of the residents have conveyed to me that they did not report the events to the police because they were afraid of retaliation from the owners of La Prima Pizza. Others reported the events but no reports were made because the citizens were not aware that it was necessary to expressly request that a report be made. I also received a copy of a letter to you from Kristin Casey, expressing her concerns about the obvious violation of the Calistoga General Plan.

We are hoping that the commission will reconsider this event and find a more scientific way to measure the noise and general disruption that these events cause, and to pay more attention to the disruption that has already been reported and documented by the Calistoga Police Department. It seems unreasonable and even cruel to the citizens of Calistoga to put them through another of these events *to see if it really is noisy*.

We are hoping to avoid litigation but these citizens feel that their rights to peaceful enjoyment of their homes is being violated and that the city General Plan and the nature of the community are also being violated.

Thank you for your attention to this matter.

Sincerely:



Caryl Maniscalco

Ken MacNab

From: David M. Goodrich, CPA [davidgoodrich@aol.com]
Sent: Friday, September 18, 2009 8:35 PM
To: Ken MacNab
Subject: La Prima Pizza (Amplified Music)

Evening,

I would like to echo others who have sent you emails regarding this topic.

While I recognize the current desperate state of the economy and the need to consider all alternatives, I do not believe the approval of live music at La Prima Pizza is one of them. In addition, the affect on the quality of life for those homes surrounding La Prima Pizza would be negative in many ways.

Please reconsider this decision and consider what is best for the community and not just for La Prima Pizza.

Thank you for your consideration.

/s/David M. Goodrich, CPA

KellyOatMLB@aol.com, LaurieatMLB@aol.com, lostinsafeway@gmail.com,
matt@araujoestate.com, MayorMario@aol.com, michaelsavage@paulreveresociety.com,
NAPALANDMAN@aol.com, naturedoc@spamedicine.com, oreilly@foxnews.com,
oldfaithfulgeyser@sbcglobal.net, piper@colbrook.com, pastordavidmw@att.net,
portersrepair@sbcglobal.net, polyphonicmonk@scarycow.com, pastordavid@pcusa.org,
phil@barrelbuilders.com, vince@tofaneliwine.com, dolphingirl3553@yahoo.com
Sent: Friday, September 18, 2009 1:19:10 PM GMT -08:00 US/Canada Pacific
Subject: Amplified Music at La Prima Pizza

Dear friends and neighbors,

Please read the below letter sent to Calistoga City officials this morning.

The La Prima business, Aldo and Betty Nunez, has for as many years as we can remember been barred from having amplified music due to a history of associated nuisance issues. The business was purchased by the current owners with the knowledge that the property, since its conversion from a residence, was not intended for amplified music as it sits in a residential district of town - in point of fact the original sale of the property stipulated no amplified music on the property at any time - ever. Now, city officials have broken all the rules to consider - and indeed allow - amplified music in spite of loud public outcry. Our elected, paid officials are ignoring the majority of local resident's concerns about the issue and have held private undisclosed meetings against state law to try to push this permit change through.

Please join with us in voicing your strong opposition to a change in use permit allowing amplified music and live entertainment in this residential neighborhood and protect residents from undesirable effects of excessive noise and nuisance. Please contact Ken McNabb, Senior Planner, City of Calistoga Planning and Building Department, at (707) 942-2827 or by e-mail at: kmacnab@ci.calistoga.ca.us and voice your opposition. We also strongly urge you to attend the neighborhood meeting Tuesday, September 29, 2009 Calistoga Community Center 1307 Washington Street 6pm.

Please forward this to any one you feel may be interested or of help.

Tracey Hawkins
1910 Carli Drive
Calistoga, CA 94515
September 18, 2009

Dear Ken McNab,

I am writing to express strongest opposition to the proposed "Live Entertainment Test" at La Prima Pizza.

La Prima currently does not have a permit for amplified music. At the last Planning Commission meeting where this was brought up residents were told there would be a public meeting on this with a special committee. This has not occurred. Residents also requested numerous times that a noise impact study be done prior to continuing the application for the requested change to the use permit. This has not been done.

According to the Calistoga General Plan, this is an area of town where the decibels already exceed the noise limit. We don't need a band to perform at La Prima Pizza in order to determine if the noise would be too loud for the residents and the church – all lying within very close proximity to La Prima. As you well know, the La Prima location has a long history of unwanted activity, especially related to live and amplified music, and police action.

In addition, it has become clear that private, closed door, conversations between the City and La Prima owners to make plans for this proposed "Live Music Test" have taken place. This is in clear violation of the Brown Act which guarantees the public's right to attend and participate in local government meetings and to prevent local government bodies from attempting to avoid public scrutiny by holding secret meetings such as the one you, the City, have had with La Prima owners.

We worked hard and saved our entire life to purchase our home in the quiet corner of Calistoga that we have called home for six years. We are raising our young children here. We do not intend to allow the selfish interests of one and the misguided abuse of power of the City of Calistoga to usurp our enjoyment of our home or to interfere with our daily life.

The Calistoga City's General plan specifically states: In Calistoga, noise is particularly important given the interest in retaining the small-town character of the community and because of the community's tradition of being a destination for rest and relaxation...Noise is ... objectionable when it interferes with people's daily life, such as in the evening when people are having conversation over dinner, or trying to sleep.

Amplified music at La Prima has already failed this test as police reports and the history of the location prove. Please also note that, in addition to the noise concern, a letter I already submitted to the Planning Commission with multiple signatures states that noise is not the only concern. Events with amplified music present a host of nuisance issues that cannot, in my view, be mitigated in this residential neighborhood. La Prima and the City have not made any attempt to acknowledge or address these factors.

We respectfully insist that this request for a change to the use permit be denied. We also request that a professional noise study from an unbiased professional company – such as was done by the pool project – paid for by La Prima Owners – not the City – be done PRIOR TO ANY AMPLIFIED MUSIC AT LA PRIMA.

With my sincere regards,

Tracey Hawkins

Ken MacNab

From: Kristin Casey [kncaseylaw@sbcglobal.net]
Sent: Thursday, September 17, 2009 3:32 PM
To: Ken MacNab
Cc: info@calistogapottery.com
Subject: from kristin casey

Ken,

Thank you for the public notice about your proposed "live entertainment test" for La Prima.

I wonder if you have had the opportunity to read the General Plan's Noise Element, which lauds Calistoga on being a "relatively quiet" town and which distinctly mandates that Calistoga shall "preserve current low levels of noise to maintain the City's rural atmosphere" and that Calistoga will "protect residents from the undesirable effects of excessive noise."

In addition, the General Plan calls for "ensuring noise exposure compatibility between neighboring land uses." One pertinent Action Item at page N-20 directs the City to "Revise the Noise Ordinance so that it contains quantitative measures to maintain Calistoga's existing low level of noise, as well as measures to address localized, temporary noise sources...."

The La Prima business has for as many years as I can remember been barred from having amplified music [and the business was purchased by the current owners with that knowledge], because it is not located in the central business area of town and is adjacent to residential neighborhoods.

In addition, this area is arguably within one of Calistoga's Entry Corridor/Gateway areas and the intent of the General Plan in regard to our gateways is that our rural small-town character will be especially preserved, and that uses in the gateways will not compete with Calistoga's downtown commercial core. Frankly, if City staff are in favor of amplified music at this gateway and if our appointed and elected representatives fail to adhere to the original intent for business in a gateway area, then I fear that our other gateways into town could be at risk of future businesses wanting amplified music which would interfere with residents' peace and quiet in their homes.

It has historically been the intent of the citizens of Calistoga that this place of business be a restaurant, not a loud music venue. I'm not sure I understand why City staff would promote the proposal for amplified music here and disregard the lengthy history of this issue, and why the very real concerns from residents of Calistoga would not be given the weight they deserve. Those of us who live in Calistoga value the fact that we can come home from work at the end of a work week and relax in relative peace in our own homes -- amplified music at the gateways to town, near residential areas that haven't historically had this kind of noise, would go a long way toward destroying our time at home.

I don't know why an "event test" is being conducted, given the clear mandate and spirit of our General Plan.

Thank you,
Kristin Casey

City of Calistoga Planning Commission
1307 Washington Street
Calistoga, CA 94515

Re: U 2009-04

Dear Commissioners.

I am a 91 year old who lives one block from La Prima Pizza, in the house my family has own for over 85 years. I do NOT want to spend the last nights of my life being forced to listen to music I don't wish to hear. Thank you for your consideration of this matter.

Sincerely,



Marie L. Torringio
1873 Lake Street
(corner of Lake and Money)
Calistoga, CA 94515

19 HOUSEHOLDS

To Whom It May Concern,

I am writing to express my opposition to the requested - or any - changes to the La Prima Pizza use permit - U 2009-04 - to allow amplified music/live entertainment indoors or outdoors any time of the day or night.

There are many major concerns related to this action including but not limited to the below:

- As documented by Calistoga Police Department, La Prima Pizza has a long history of misconduct already for violations of their existing permits and noise disturbances reported by residents.
- Serious parking concerns. La Prima has limited parking which does not accommodate the maximum occupancy of their establishment. During past events at La Prima vehicles were parked on streets within residential neighborhoods.
- Parking for large events at La Prima also conflicts with use of/access to the Oat Hill Mining Trail - a popular tourist and residential site.
- At past La Prima Events, individuals who were intoxicated were parked in local neighborhoods and then left in their vehicles - presumably driving while intoxicated through and out of residential neighborhoods.
- Traffic concerns at a major and dangerous intersection. This corner of Lincoln Ave., Lake Street., Hwy 29 and the Silverado Trail is already a busy and confusing intersection - the addition of heavy event traffic and amplified/live music will make things far worse.
- An increase of noise, from music and also from traffic especially late at night and on busy weekends, in close proximity to residential neighborhoods
- Late night music events have the potential for a myriad of concerns. The current permit does not allow for amplified music for good reason - to protect the peace and sanctity of our small town and to reflect the wishes of this community.
- La Prima sits at the corner of a residential district. They were asked to provide notice of this change only to houses within 300 feet. Outdoor amplified music from La Prima will be heard and will be disruptive to households within a much larger radius than 300 feet.
- When La Prima has illegally had amplified music neighbors phoned to ask them to turn it down but La Prima management/owners flatly refused until police were phoned. In addition, La Prima delivery vehicles have been speeding and playing loud music while making deliveries in Calistoga neighborhoods.
- This is a business that has proven to be an inconsiderate neighbor in this regard. We have no reason to believe that they will cooperate with citizen requests to quiet things down in the future, say, at midnight on a Wednesday, for example, if they are having an event or live music! This request shows their blatant disrespect for neighbors, local families and residents' wishes.

Respectfully signed Polly Thacker

Address 1801 N Oak St., Calistoga, CA 94515

Loud music from La Prima can be heard on N. Oak St!



To Whom It May Concern,

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Respectfully signed Francesca Hawkins (age 8)

Address 1410 cardi drive calistoga



To Whom It May Concern,

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Respectfully signed

Autumn Turley

Address

7970 Carli Dr.

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Respectfully signed

Tracey Hawkins

Address

1910 Carl Drive, Calistoga CA



To Whom It May Concern,

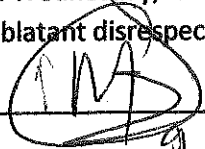
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Respectfully signed _____

Address _____


9 View Rd



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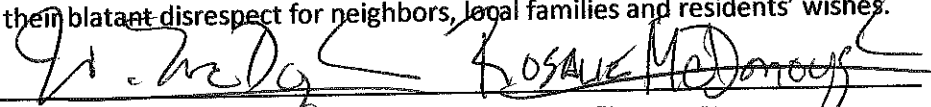
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Respectfully signed

Address


37 VIEW RD, CALISTOGA, CA 94515

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Respectfully signed W. D. Clark

Address 40 VIEW Rd



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Respectfully signed

Address

122 Fallside Calistoga CA 9495

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Respectfully signed

Bonnie R. Fagundes

Address

1755 N. Oak St, Calistoga CA 94515



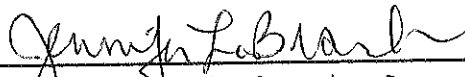
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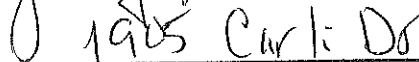
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Respectfully signed

Michael Claver + Lison Cleaver

Address

1754 N. OAK ST. CALISTOGA



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Respectfully signed

Mal McDonald Shirley C. McDonald

Address

1805 Aurora "

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Respectfully signed

Address

Sordella / Kurt Mendel
1705 N. Oak St. Calistoga

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Jira A. Mican
1743 N. Oak, Calistoga, CA



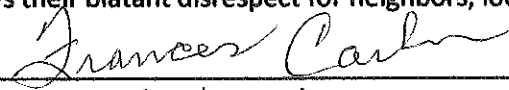
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Address

1751-N. Oak St.

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Respectfully signed Cindy Rae Newkirk

Address 1807 Aurora Dr. Calistoga, CA

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- This is a business that has proven to be an inconsiderate neighbor in this regard. We have no reason to believe that they will cooperate with citizen requests to quiet things down in the future, say, at midnight on a Wednesday, for example, if they are having an event or live music! This request shows their blatant disrespect for neighbors, local families and residents' wishes.

Respectfully signed

Beth Silverman

Address

1908 Corci Dr.

To Whom It May Concern,

I am writing to express my opposition to the requested - or any – changes to the La Prima Pizza use permit - U 2009-04 – to allow amplified music/live entertainment indoors or outdoors any time of the day or night.

There are many major concerns related to this action including but not limited to the below:

- As documented by Calistoga Police Department, La Prima Pizza has a long history of misconduct already for violations of their existing permits and noise disturbances reported by residents.
- Serious parking concerns. La Prima has limited parking which does not accommodate the maximum occupancy of their establishment. During past events at La Prima vehicles were parked on streets within residential neighborhoods.
- Parking for large events at La Prima also conflicts with use of/access to the Oat Hill Mining Trail – a popular tourist and residential site.
- At past La Prima Events, individuals who were intoxicated were parked in local neighborhoods and then left in their vehicles – presumably driving while intoxicated through and out of residential neighborhoods.
- Traffic concerns at a major and dangerous intersection. This corner of Lincoln Ave., Lake Street., Hwy 29 and the Silverado Trail is already a busy and confusing intersection – the addition of heavy event traffic and amplified/live music will make things far worse.
- An increase of noise, from music and also from traffic especially late at night and on busy weekends, in close proximity to residential neighborhoods
- Late night music events have the potential for a myriad of concerns. The current permit does not allow for amplified music for good reason – to protect the peace and sanctity of our small town and to reflect the wishes of this community.
- La Prima sits at the corner of a residential district. They were asked to provide notice of this change only to houses within 300 feet. Outdoor amplified music from La Prima will be heard and will be disruptive to households within a much larger radius than 300 feet.
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Respectfully signed

Address

1907 CarP Dr.

To Whom It May Concern,

I am writing to express my opposition to the requested - or any – changes to the La Prima Pizza use permit - U 2009-04 – to allow amplified music/live entertainment indoors or outdoors any time of the day or night.

There are many major concerns related to this action including but not limited to the below:

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Respectfully signed

Address

Chelsea Sutt
2013 Urbani Place

To Whom It May Concern,

I am writing to express my opposition to the requested - or any – changes to the La Prima Pizza use permit - U 2009-04 – to allow amplified music/live entertainment indoors or outdoors any time of the day or night.

There are many major concerns related to this action including but not limited to the below:

- As documented by Calistoga Police Department, La Prima Pizza has a long history of misconduct already for violations of their existing permits and noise disturbances reported by residents.
- Serious parking concerns. La Prima has limited parking which does not accommodate the maximum occupancy of their establishment. During past events at La Prima vehicles were parked on streets within residential neighborhoods.
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Respectfully signed

P. Carter

Address 1910A Carlie Drive, Calistoga CA 94515

ITEM I-1

July 20, 2009

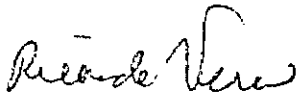
Calistoga Planning Commission,

Please Grant La Prima Pizza a variance for live music. My landlord used to be Marie L. Torrigino, she is not longer with us.

My family and I love coming over to La Prima, they have good food and great customer service. It would be nice to have more things to do in Calistoga.

Yes to La Prima's live entertainment plans.

Sincerely,



Ricardo Vera
1873 Lake Street
Calistoga, CA 94515

(907) 548-5558

ITEM I-1

July 23, 2009

City of Calistoga
Planning Department
Calistoga, CA 94515

I live very close to La Prima Pizza at 1906 Carli Dr. Never have I been disturbed by noises. Last year I recall when they had a DJ playing outdoors and even with amplified music wasn't bad at all. I understand they even want to do it mainly indoors so it should be fine.

I'm in favor of la Prima Pizza. Please grand a variance to live music to them.

Sincerely,

Marta Caldera (707) 331-0743

Marta Caldera
1906 Carli Dr.
Calistoga, CA 94515

ITEM I-1

City of Calistoga

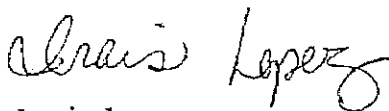
To Whom It May Concern:

My name is Irais Lopez. I own "Irais of the Valley" a business of Mexican arts, crafts and clothing here in Calistoga. I'm also part of "Casa de la Cultura" an after school and summer program that teaches children to dance ballet folklórico and to play guitar.

Betty Nunez has helped our program as well as the Art Center for over 3 years now. She is our Guitar instructor. We've been wanting to arrange a performance for parents to see how well their kids are doing and when we suggested to do it at La Prima Pizza's deck she informed us about her situation on regards to music and her intentions of doing things right with the right permits from the city.

Please grant this petition to La Prima. I support this 100 %.

Thank you,



Irais Lopez

2315 Foothill Blvd.

Calistoga, CA 94515

(707) 294-8379

ITEM I-1

Julie's Hair & Nail Spa
1621 Lincoln Avenue
Calistoga, CA 94515
(707) 942-1067

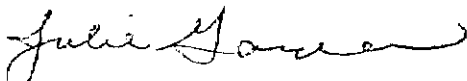
City of Calistoga
1232 Washington Street
Calistoga, CA 94515

Re: Music at La Prima

My name is Julie Garcia from Julie's Hair & Nail Spa. I'm also Elizabeth's sister. She supported me to open my own shop and now I'd like to support her business in getting the right approval for music. People might think that La Prima is planning to have blasting bands playing outdoors but I know my sister, she'll do things right.

She has many plans for La Prima and even for teens to come and hangout on an "Alcohol-free teen night" once in a while offering an inexpensive "All You Can Eat Buffet" plus dancing maybe once a month. I understand that she has had many requests from costumer's to use La Prima's deck for special events, and when they know they cannot have music, they simply cancel.

They need a chance to fight economy, please help them.


Julie Garcia
1812 Foothill Blvd.
Calistoga, CA 94515

ITEM I-1

July 23, 2009

City of Calistoga
Planning Commission
Calistoga, CA 94515

My name is Eduardo Yañez, owner of Palisades Deli. I support Aldo & Betty Nunez in the effort of including music at la Prima Pizza.

Economy is tough and been in the restaurant business, we understand that all they need is a fair chance to increase business sales.

Please allow La Prima to have live entertainment.

Sincerely,

Eduardo Yañez

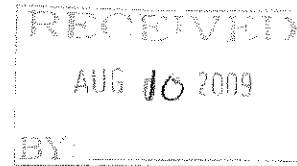
942-4705
337-6302

Eduardo Yañez
1458 Lincoln Ave
Calistoga, CA 94515

ITEM I-1

Cheryle Stanley
2021 Urbani Place
Calistoga, CA 94515

09 August 2009



City of Calistoga Planning Commission
Attn: Chairman Jeff Manfredi
Planning and Building Department
City Hall
Washington Street
Calistoga, CA 94515

Re: Conditional Use Permit application
La Prima Pizza, 1923 Lake Street

Dear Chairman Manfredi:

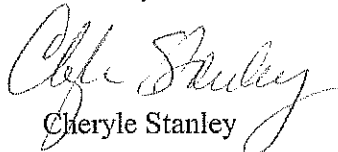
As a homeowner located at 2021 Urbani Place, Calistoga, I hereby notify you and the entire City of Calistoga Planning Commission that I **object** to the request of La Prima that would allow amplified music/live entertainment indoors or outdoors any time during business hours at the above 1923 Lake Street address.

In addition to the noise level which would impact this extremely quiet street/court, the parking situation would be difficult and unsafe in attempts to pass by enroute to and from my home.

Please pass this objection along to other members of the Planning Commission either prior to, or at the Public Hearing on Wednesday, August 12, 2009, at 5:30 p.m.

I will appreciate your help to maintain the quiet neighborhood in which we live.
Thank you.

Sincerely,


Cheryle Stanley

ITEM I-1

Aug 6 2009

Planning Commission

Att: Jeff Manfredi

We understand that La Prima Pizza has applied for amplified music at any time day or evening we are totally against this as it can be heard all over the neighborhood and we would lose our quiet time on our patio. At different times other here had loud music and it could be heard even in side our home.

Thank you for your attention to this matter.

Jack & Midge Beary
25 View Rd.

August 7, 2009

To WATH LEW GUILD
SAT JULY 8, 2009

City of Calistoga Planning Commission
Calistoga Community Center
1307 Washington Street
City of Calistoga, CA 94515

RE: U 2009-04

Dear Chairman and Members of the Calistoga Planning Commission,

I live at 1190 Silverado Trail near the intersection of 1923 Lake Street and Highway 29. I would be apposed to allowing music and live entertainment at this establishment for the following reasons:

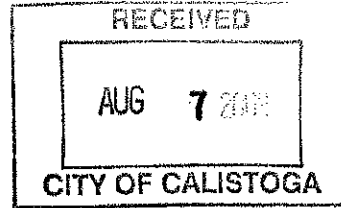
1. 1923 Lake Street is the only business in this area. It is total surrounded with residential homes, apartments or hotels. Load Music will infringe on everyone quality of life in this area.
2. The music would infringe on my privacy
3. Lastly, the noises are amplified off the valley floor and are extremely loud if you live above this area.

Thank you for your consideration,


Edgar A. Lantz

August 8, 2009

Calistoga Planning Commission
Jeff Manfredi, Chairman
City Hall
Calistoga, CA 94515



Dear Commissioners:

I understand that the owners of La Prima Pizza are requesting that they be allowed to have electronically amplified music to entertain their customers at their restaurant. I am asking that this request be denied on the basis of it being highly objectionable to the neighbors living on adjacent properties. I was present at the home of Ms. Sonya Spencer, 1901 Lake Street, one evening last summer when there was loud music coming from La Prima that made it very uncomfortable to even carry on a conversation. When we phoned the restaurant to object we were told that they had a permit from the Calistoga Police Department to have amplified music on that date. We were informed that they were to stop at 10:00 p.m., but it did go on for a period after that.

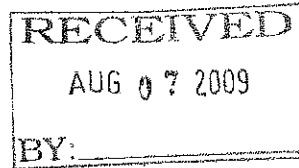
There is music to be heard coming from the restaurant at various times, but when it is not amplified it is not objectionable. I ask that you deny this request as it is totally inappropriate in a residential neighborhood with homes on adjacent properties.

Sincerely,



Tom Andrews
1560 Centennial Circle
Calistoga, CA 94515

Dennis Gamble
2019 Urbani Place,
Calistoga,
CA 94515-1144
707-942-0973



City of Calistoga Planning Commission,

6th August 2009

Regarding U2009-04 modification of use permit U2004-04
1923 Lake Street, Calistoga

Gentlemen,

As homeowners and residents of 2019 Urbani Place, we wish to lodge our objection to the captioned proposal to allow:

Amplified music/Live entertainment indoors and outdoors at any time during business hours.

(Note: This business operates as not only a take away/dine in restaurant but also as a full bar.)

We have no desire to limit the business's ability to operate profitably but do not wish to have the additional sound volume that amplified outside music would bring to our small community. We are quite satisfied if the music/live entertainment is limited to indoors, and no later than 10:00PM.

This business operates with limited parking on the right side of Falleri, a narrow two way road. There is no parking allowed on this road, which despite the signs to this effect have been ignored by many visitors to the establishment when the business parking area is full. This situation may be exacerbated if the change to the permit is granted.

We are also at a loss to understand why this permit change is exempt from CEQA as there is definitely a major change proposed to sound levels emanating from this establishment. The residents of Lake, Falleri, Urbani, Money and Highway 29 will all be greatly impacted by the increased sound level and the traffic "at any time."

We ask that the Planning commission decline the proposed change to the current permit for this establishment.

Regards,

Dennis Gamble
Bonnie Gracey Gamble

Larry W. + BARBARA SAWYER - 2015 URBANI

Grant Hill - 2016 Urbani Pl.

Laura + Randy Mendes - 2022 Urbani Pl.

August 6, 2009

Jeff Manfredi, Chairman
Calistoga Planning Commission
City of Calistoga
1232 Washington Street
Calistoga, CA 94515

Dear Honorable Chair Manfredi and members of the Planning Commission,

Summary

I am strongly opposed to the request to modify the CUP at 1923 Lake Street to allow amplified music. As you know, the business exists in a commercial overlay to a residential area. The back deck where the pizza parlor proposes amplified music is approximately 100 yards from my property, facing directly into my own back patio. In the past when the pizza parlor has presented (unpermitted) amplified music, it has literally shook my windows. The many negative and unacceptable impacts that this CUP modification presents include traffic, safety, quality of life, property value, noise, and privacy.

History

The structure at 1923 Lake Street was once owned by my grandparents, Alfredo and Argentina Falleri, who purchased it in 1924 along with 15 acres of land after immigrating from Italy. What is now the pizza parlor was their home. In 1935, they gave a piece of their land at Lake Street and Money Lane to their daughter Olivia and her new husband, Fred Heitz, and they built a home there, where I now live. After my grandmother Argentina passed away in the early 1970s, their house was sold. Over the years, single family homes surrounded the old house and the neighborhood remained appropriately quiet. The businesses that eventually came to occupy my grandparents' old house always respected the nature of the neighborhood. Occasionally live music would be presented but it was always unamplified acoustic music that would not impact the surrounding neighborhood. There has never been a precedent for the kind of amplified music that the pizza parlor is now requesting.

Current Situation

My house is located at 1901 Lake Street. The only thing that separates me from the pizza parlor are the old zinfandel vines that my grandparents planted, and which I continue to tend. The center of activity at my house has always been the back patio, which over the years has hosted innumerable get-togethers, parties, receptions, July 4 celebrations and so on. But beyond that, the patio is where I spend most afternoons, reading, puttering in the garden, checking on the vines, and enjoying the peace and quiet that is synonymous with living in Calistoga. Because of this, activity at the pizza parlor is a constant element of my life. I can see and hear people coming and going, kids yelling and running around their deck, customers chatting and laughing while they enjoy their food, and so on. I have

always respected owners of the pizza parlor, and have never complained about noise or tried to do anything that that would impact their ability to run a thriving business. In other words, following in the tradition that I learned in 72 years of living in Calistoga, I have tried to be neighborly.

Impacts

Noise. With this request for amplified music, I feel like the owners of the pizza parlor are not reciprocating. They are not being neighborly. It is astonishing to me that the idea of live amplified music in a quiet residential neighborhood would even be requested or considered. When they have tried to present live music in the past, it has made it impossible to be outside – it is simply too loud. And when I have gone inside, it has been hard to even hear my own television. There would simply be no way for me to live in my own home while the music was being presented.

Quality of Life. Live amplified music changes the atmosphere of any establishment where it is presented. This is why it's important to also ban live amplified music from being allowed inside the parlor. When amplified music is allowed, the atmosphere of the entire establishment changes from family-oriented to more of a drinking and “party” atmosphere. This would be inappropriate in a residential neighborhood.

Traffic safety. The poorly-conceived five-way intersection in front of the pizza parlor is a well-known safety hazard. Does the planning commission really want to accept liability for further increasing the hazard there by accepting a CUP modification that could well increase the probability of drunk drivers who will attempt to negotiate that dangerous intersection as they leave the pizza parlor?

Property value. Allowing a loud business in proximity to my home will decrease my property value. Further, my brother and I presently own three acres of open, in-fill residential land adjacent to the pizza parlor property. At some point we will want to develop this land with much-needed Calistoga housing. But who will want these houses if they are next to an establishment that blares live music into their backyards?

Privacy. As it is, customers who eat on the back deck of the pizza parlor have an unobstructed view into my back yard, my windows and so on. Increasing the activity on the deck will further degrade my sense of privacy.

In conclusion, I strongly encourage you to deny the modification request.

Sincerely,



Sonya Spencer
1901 Lake Street
Calistoga, CA 94515

2017 Urbani Place
Calistoga, CA 94515
August 5, 2009

Mr. Ken McNab, Sr. Planner
Calistoga Planning Commission
1232 Washington Street
Calistoga, California

Dear Mr. McNab:

Regarding the petition by LaPrima Pizza to allow amplified music and/or entertainment inside and outside their restaurant, please consider the following comments.

The area in which this business is located is strictly residential, save for LaPrima. It is a quiet, peaceful community, and we value this asset. So far, residents have had a friendly and peaceful neighbor in La Prima and we do not need amplified noise to disrupt that relationship.

I have no problem whatsoever with LaPrima having amplified noise **INSIDE** their restaurant. They have my blessing, but unfortunately will lose me as an in-house customer, for noise pollution is annoying to me. But amplified noise blasting throughout the neighborhood is another matter, and is not only unnecessary but unwelcome. One of the reasons people like LaPrima now is because they can enjoy a meal outside on a lovely Calistoga afternoon or evening, and actually carry on a conversation with their family and friends without shouting over the noise. This is indeed a rare and wonderful asset in Calistoga.

That amplified music will help business is questionable. But of it were to attract larger crowds, there is definitely a question of traffic and parking. Falleri Street is narrow and parking spaces are extremely limited. Even now, we have LaPrima customers who hope to evade traffic at Lake and Lincoln by going through on Urbani, which is, of course, impossible. Many speed back through when faced with the dead end.

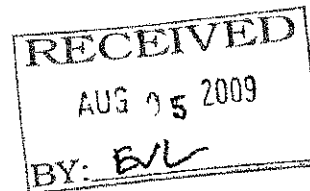
Please help to reduce noise pollution in Calistoga and limit the amplification of music to *inside* LaPrima restaurant. Thank you.

Sincerely yours,



Gertrude A. Martin

Calistoga Planning Commission
Attention: Jeff Manfredi, Chairman
1232 Washington St.
Calistoga, CA 94515



August 5, 2009

Re: Amplified Music at La Prima Pizza

Dear Mr. Manfredi,

It has come to my attention that the business located at 1923 Lake St., known as La Prima Pizza, has applied for a permit to have amplified music. As part owner of the property next door, I strongly object to the issuance of this permit. Not only will this result in the devaluation of our property, but it will certainly upset the piece and tranquility of this largely residential neighborhood. Low volume acoustic musical instruments would seem to be adequate to provide an inviting atmosphere for the business to attract customers.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Heitz". The signature is fluid and cursive.

Gary Heitz
4170 St. Helena Hwy.
Calistoga, CA. 94515

707 942-4157

August 4, 2009

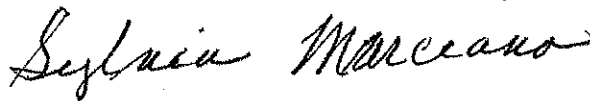
Dear Planning Commission,

I am a concerned citizen and life long resident of Calistoga. Upon reading my newspaper last week, I noticed that La Prima Pizza would like to have amplified music. I am very concerned about this. They moved in to that neighborhood knowing that live amplified music was not allowed. And now they want to change the rules, even though nothing else has changed. This is not fair to the people living nearby.

In addition, allowing La Prima Pizza to have amplified music will set a precedent allowing other businesses in Calistoga to also have amplified music. I urge a no vote on this matter.

Sincerely,

Sylvia Marciano
520 Sherry North
Calistoga, CA 94515

A handwritten signature in cursive script that reads "Sylvia Marciano". The signature is written in black ink and is positioned to the right of the typed name.

Ms. Denise T. Drawsky
Sierra Wellness Group, Inc.
P.O. Box 615
Calistoga, CA 94515-0615

Ms. Charlene Gallina
Director of Planning & Building
City of Calistoga
1232 Washington Street
Calistoga, CA 94515

July 27, 2009

Dear Ms. Gallina:

I am writing this letter in support of your granting a license for live music at La Prima Pizzeria, 1923 Lake St., Calistoga, CA 94515.

I was surprised to learn that I would not be able to book my company's event there, which would have brought in at least 2 dozen people from out of town, because of an issue with the city and a music license. I thought I recalled music being played there several years ago, and wondered what was different now.

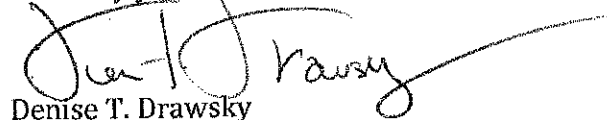
La Prima Pizzeria offers an affordable and friendly venue for families and small businesses alike. There are old and new restaurants in town that have live music, and I can see no reason why LaPrima should be any different.

Owner-operators Betty and Aldo Nunez support Calistoga schools and businesses, and are valued members of our diverse community.

As a fellow woman business owner and former Director of the California State Economic Network, I am well aware of the challenges that minority and women-owned businesses face. I value the diversity of our Calistoga business environment, and trust that you will ensure its continued vitality.

Thank you for your time and consideration.

Sincerely yours,



Denise T. Drawsky
Director of Sales and Marketing
Sierra Wellness Group, Inc.

