

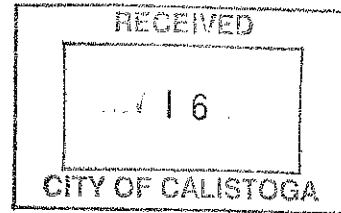
November 16, 2009

Owner La Prima Pizza  
1923 Lake Street  
Calistoga, Ca.

Re: For Amendment For Use Permit U 2000-06

To Planning Commissioners:

Chairman Jeff Manfredi, Vice-Chairman Clayton Creager, Commissioner Carol Bush,  
Commissioner Paul Coates, Commissioner Nicholas Kite



I have read the Staff Report from Ken McNab Senior Planner "Conditional Use Permit (U 2000-06(A)) To Amend Use Permit U 2000-06 To Allow Amplified Music and Live Entertainment At La Prima Pizza Restaurant. I also read Resolution No. PC 2009-19.

Our focus at La Prima Pizza is to have music indoors. Our goal is to be a good neighbor and have concern for the residents in our area while we are having our music performance. With music indoors we believe it is dampened and not audible beyond the four corners of our business property. While the music was inside our establishment audio testing has revealed that the music is within the city's acceptable audio requirements, in fact the Staff Report revealed that noise measurements taken by the staff were at or below the threshold of "normally acceptable and conditionally acceptable" thresholds. And too, in concern of the additional audio testing or noise study it was determined that "the staff does not believe that additional audio measurement would result in a finding of unacceptable levels." So I strongly feel that additional testing is not necessary.

We will not have DJ and karaoke entertainment but direct our music performance towards acoustic music with minimal amplification. Our plan is to have music either Friday or Saturday nights once a week between the hours of 5 PM and 10 PM. During the hours of our music performance we will have staff monitoring the property and that includes most importantly the patio deck and the west parking area next to Falleri Drive. Staff will be looking as well to remove any trash and litter.

During our music performance the windows will be shut and the doors will be monitored to make sure they remain closed.

As for the outdoor patio speakers I question the removing of the speakers when they can actually be removed from the location they are at, (where they are pointing in a westerly direction), and direct the speakers east and north towards our building. I have hired a consultant to advise and help me manage my music performances; we can together measure the audio levels of the relocated speakers and manually set a standard of volume. Staff and I will actively monitor the volume and make sure that it is set to our standard and conform to audible standards.

I have reservations about the recommended additional parking. I feel that my venture to have music at our business is under a lot of scrutiny and we will be reviewed on a quarterly basis. In that consideration I strongly feel that to expend monies for the additional construction for parking is putting that cost at risk. Also in reviewing the parking recommendation I am concerned with the determination. The outdoor patio is used in the formula to determine the amount of parking spaces that will be required for us to provide under the amendment. I question that reasoning, as the patio will not be used for the indoor music performance. The seating capacity inside my business is 65; my point is that the Staff Report implies that there will be an increase in attendance at my business during the music performances. The Staff Report states that the increase will cause the effect of more "disruption" to the surrounding community. Also the Staff Report cites the most recent Zoning Codes to determine the required parking spaces. The formula of 1 parking space per 100 sq. ft. Measuring both indoor at 2,697 sq. ft. and the outdoor at 2,634 sq. ft. Equaling 27 plus 26 totaling 53 spaces required. Then reduces that number by 25% to require 40 parking spaces.

I am very concerned about this formula. In my Use Permit that was acquired through the purchase of my business, the requirement is 1 parking space per 200 sq. ft. In that formula the restaurant will compute to 14 required parking slots and the Patio will require 13 totaling 27. Then reducing that by 25% brings the required

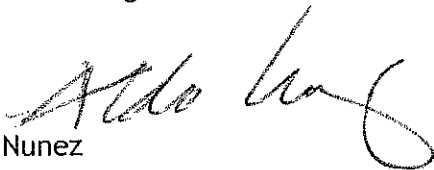
amount to 21 parking slots. There are 22 parking slots on the property now. And I can additionally add 6 more to equal 28.

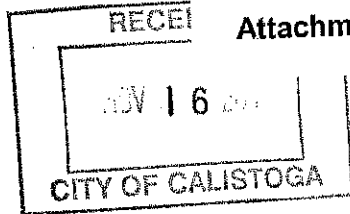
What's important to remember about the additional parking is this, the seating capacity is only 65 persons inside my business and the music performances are inside the restaurant. My additional concern for the additional parking is also this; that it is recommended that I use crushed rock or gravel and I believe that will enhance the sound of vehicles arriving and leaving raising the outside disturbance noise levels even more. It will also cause dust during the summer months that may be uncomfortable for my close neighbors.

I keep going back and reminding myself that this is about music and I am a big music fan. My desire when I started this process was to have music at my restaurant. If given the opportunity to have music at La Prima Pizza we will do our best to meet the required conditions for the Live Entertainment Permit.

With Warm Regards:

Aldo Nunez

A handwritten signature in black ink, appearing to read "Aldo Nunez", written in a cursive style.



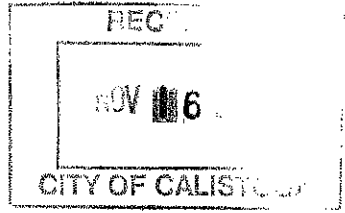
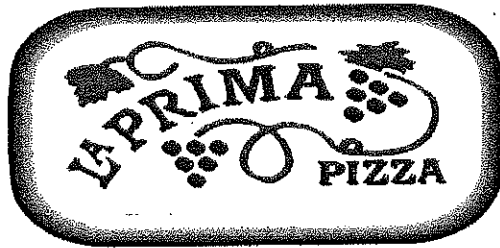
Attachment 2

Limited, not too loud Music...Thank you for your Support!

We don't want to cause any inconvenience

& would love to work with everyone!

Name (Print)	Address	Signature
Marge Hill	P.O. Box 205	Marge Hill
Veronica Gomez	1416 Myrtle St '13	Veronica Gomez
RANDY THOMAS	CALISTOGA FLOREST	Randy Thomas
Sylvia Thomas	Calistoga Florist	Sylvia Thomas
Judith R. Humphrey	Calistoga	Judith R. Humphrey
Robert Whaley	Calistoga	Robert Whaley
John Waters	Calistoga	John Waters
Shirley Liu	Calistoga	Shirley Liu
Kendall Ward	1805 N. Oak St	Kendall Ward
Mary V. Holt	Calistoga	Mary V. Holt
Ted Turner	3156 Sharp Rd	Ted Turner
Sison Treng	1000 Treng Rd	Sison Treng
JULIE TAYLOR	2428 JANIS WAY	Julie Taylor
Wendy	730 Eastern	Wendy
Stella A Trocchi	2412 Foothill Blvd	Stella Trocchi
Rosanna Hughes	1312 Myrtle St Calistoga	Rosanna Hughes
Clara Ibarra	P.O. Box 1247	Clara Ibarra
Tina Stadelhofer	2017 Table Rock Ct.	Tina Stadelhofer
Kathy Pogam	1220 Tucker Rd	Kathy Pogam
MARK SKINNER	2131 Foothill Blvd	Mark Skinner
Courtney Klatt	3285 Hwy 128	Courtney Klatt
Pauline Menden	Holly Calistoga	Pauline Menden
PAUL ANDREWS	66 Holly Calistoga	Paul Andrews
Jose R. Garcia	444 Rosedale	Jose R. Garcia
Ang Garcia	2200 Piccett	Ang Garcia
Juan Hernandez	1608 Lake St	Juan Hernandez
Rafael Cendejas	1408 Lake St	Rafael Cendejas



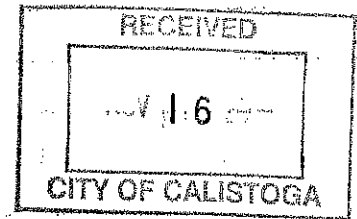
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Name	Address	Signature
Pravara	81 Box 5472 Peter Sa	[Signature]
Tom Hill	2539 TARA HILLS Dr SAN PABLO	[Signature]
Julio Garcia	1812 Foothill Blvd, Calistoga	[Signature]
Bernice	1433 Lake St, Calistoga	[Signature]
Palin Dubois	1404 3rd St, 94515	[Signature]
Juan Gonzalez	1521 Hawley St, Calistoga	[Signature]
JOSÉ CEMPAZ	P.O. box 1043	[Signature]
Fran Perez	APT J	[Signature]
MYRA DIAZ	6535 Freeway Dr Napa	[Signature]
DENNIS SORDAN	103 CLARET SOUTH	[Signature]
[Signature]	Calistoga CA	[Signature]
G. Los	129 [unclear] Calistoga CA	[Signature]
Sandra	129 Tatipit Forest, Calistoga, CA	[Signature]
Elisa	129 Tatipit Forest, Calistoga, CA	[Signature]
Baudelia	129 Tatipit Forest, Calistoga, CA	[Signature]
Michael Thomas	1921 School St, Calistoga, CA	[Signature]
Susan Herrman	2006 Main apt. 1, Calistoga, CA	[Signature]
Or Harry		[Signature]
JESUS MENDOZA	1160 LARNEAD LN, CALISTOGA	[Signature]
Leslie & Kathryn	25 Rose, Calistoga, Calif	[Signature]
Barbara Filburn	1508 Fairway, Calistoga	[Signature]
Bob & Molly	1271 [unclear] Blvd, Calistoga	[Signature]
Art Lee	220 High St	[Signature]
Lynne Michaelson-Lee	220 High St, Calistoga	[Signature]
Andrea Harvey	204 Urbani Plaza, Calistoga	[Signature]
Jose Garcia	2900 Pickett RD, Calistoga	[Signature]
Rufino Romero	2201 Pickett RD	[Signature]

Angie Gonzalez

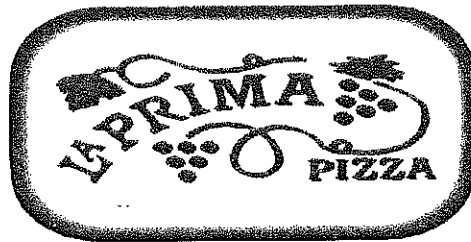
2015 Table Rock Ct.  
Calistoga CA 94515



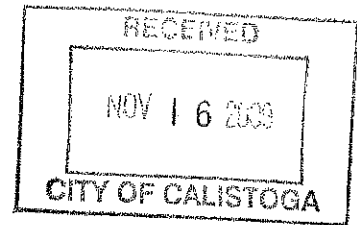
I have lived in the surrounding area by the prima pizza for 15 years. Never had I had a problem with the noise level in the years that they have been open. In fact the only instances I have heard any sort of noise has been from the fairgrounds when they hold special events. Also I believe the prima will not be holding special events every night. I don't see why it should be a problem. If anything it will bring the community together for a good time and some great food!

Angie Gonzalez

*Pasadena Market  
and close neighbor*



Aldo & Elizabeth Nuñez  
1923 Lake St. Calistoga, CA 94515  
(707) 942 8716



RE: Live Music at La Prima Pizza Calistoga

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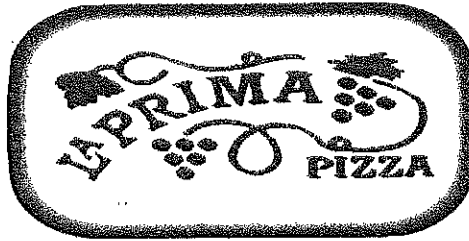
Thank you!!!

Yes  I support La Prima to indoor music.

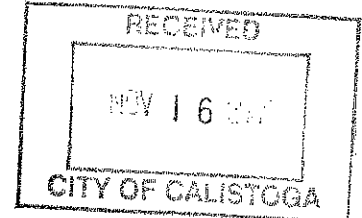
No  I do not support La Prima.

Name & Adress: Edvardo Yanez - Pasadena Market

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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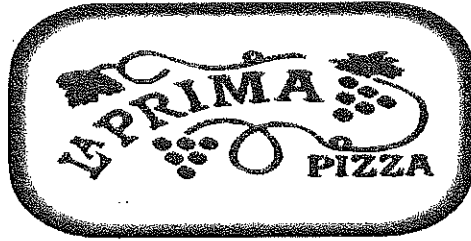
No \_\_\_\_\_ I do not support La Prima.

Name & Adress: Carlos Martin Del Campo. 38 Brannan St.

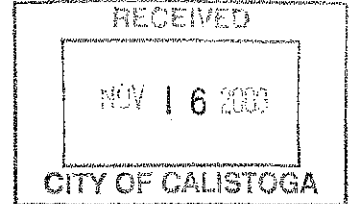
Comments: Representing "La Pradera Apartments".  
General Manager

Carlos M. Del Campo





Aldo & Elizabeth Nuñez  
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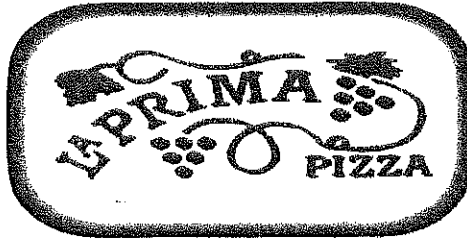
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No  I do not support La Prima.

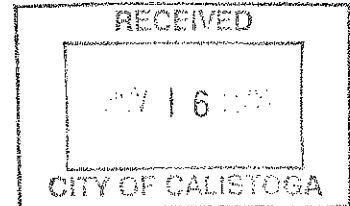
Name & Adress: Rafael Leon 1327 Monte Vista. Ap. F.

Comments: 

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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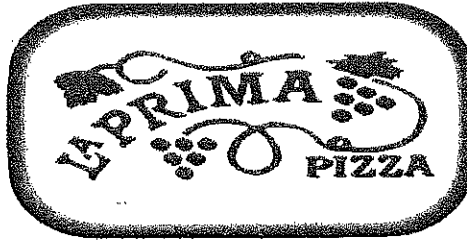
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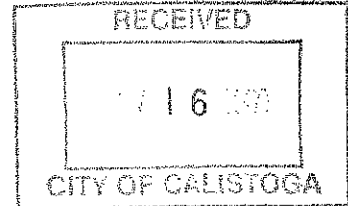
Comments:

Mannel Garcia - Pacifico's Manager  
38 Broadway St. Cal.

Mannel Garcia



Aldo & Elizabeth Nuñez  
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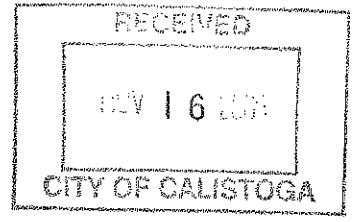
Name & Address: Gloria Preciado - 114 Mills Ln. SH.

Comments: *Gloria Preciado*

Closest neighbor



Aldo & Elizabeth Nuñez  
1923 Lake St. Calistoga, CA 94515  
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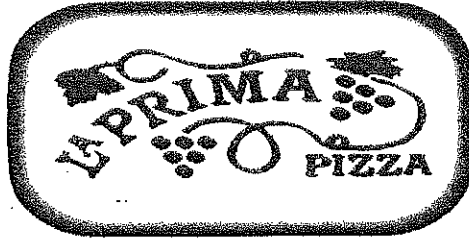
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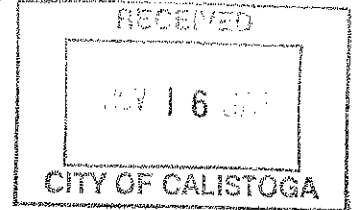
Thank you!!!

Yes  I support La Prima to indoor music. 5-10 pm  
No  I do not support La Prima.

Comments: Ricardo Vera - closest neighbor  
(707) 548-5558  
2080 Lake Co. Hwy.



Aldo & Elizabeth Nuñez  
1923 Lake St. Calistoga, CA 94515  
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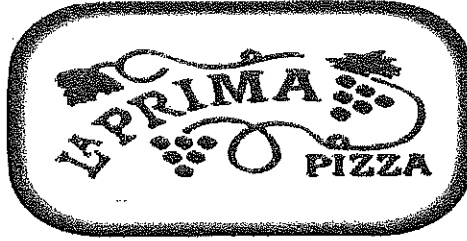
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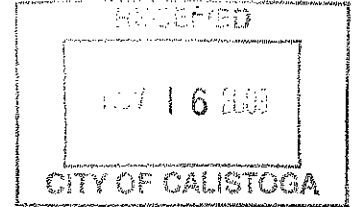
Comments: Daniel Calistoga Resident

40 Brannan St. - Cal

  
Daniel Fabanik



Aldo & Elizabeth Nuñez  
1923 Lake St. Calistoga, CA 94515  
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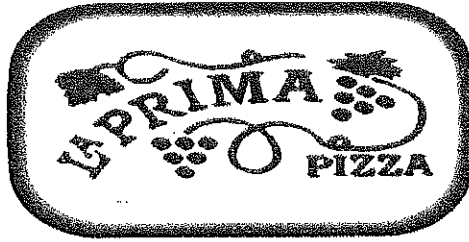
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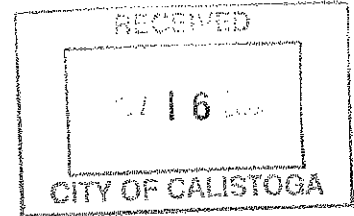
No  I do not support La Prima.

Comments:

Julie & Carlos Garcia  
1812 Foothill Blvd  
Calistoga,  
94564



Aldo & Elizabeth Nuñez  
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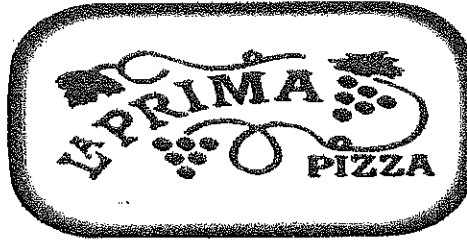
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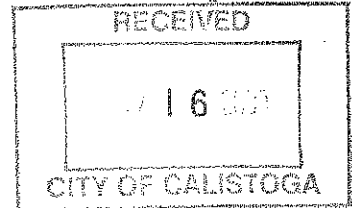
Thank you!!!

Yes  I support La Prima to indoor music. No later than 10:00 pm  
No  I do not support La Prima.

Comments: Angelica Gonzalez - close neighbor  
fellow Mr. Carl.  
  
Angelica Gonzalez



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Yes  I support La Prima to indoor music.

No  I do not support La Prima.

Name & Adress: Pilar Lopez 5160 Sharp Rd - Calistoga

Comments: Do not treat La Prima Different

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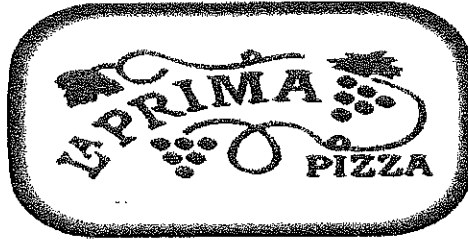
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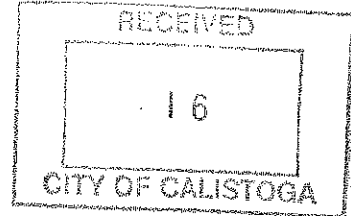
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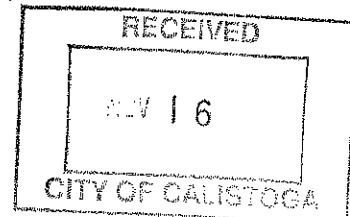
Name & Adress: RANDY THOMAS - CALISTOGA FLORIST

Comments: Fair change

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dalton Piercey  
Consultant Music Entertainment  
1036 Pueblo Ave #15  
Napa, Ca.

November 16, 2009



Re: For Amendment For Use Permit U 2000-06

To Planning Commissioners:

Chairman Jeff Manfredi, Vice-Chairman Clayton Creager, Commissioner Carol Bush,  
Commissioner Paul Coates, Commissioner Nicholas Kite

I have read in its entirety the Staff Report from Ken McNab Senior Planner "Conditional Use Permit (U 2000-06(A)) To Amend Use Permit U 2000-06 To Allow Amplified Music and Live Entertainment At La Prima Pizza Restaurant. I also read Resolution No. PC 2009-19.

Before I offer comments on the discussion of music at La Prima Pizza, I would offer some information on my experience. I have been in the music entertainment industry for 38 years as a performing musician. I have a Bachelors Degree from Sonoma State University in Digital Multimedia Arts and Recording Engineering. I have been a Concert Sound Reinforcement Technician for more than 20 years. I worked sound at the Theater and Music Departments at SSU for 7 years. I am a Milestone Member of the National Academy Of Recording Arts and Sciences, San Francisco Chapter. I am also the Executive Director Of The Napa Musicians Performance Guild and I am known around the Calistoga Chamber and Calistoga as the "Music Guy". I have been employed as a music consultant for the Calistoga Chamber going into my 2<sup>nd</sup> year. I have had experience in working with different individuals who have wanted to develop music ventures in their businesses. I am active in Napatown in concern of our music industry and music venues. Over the years through that activity I have learned very much about the city process for awarding use permits for entertainment. Recently I have been hired by Aldo Nunez as a consultant to work with him on developing and managing his music venture.

I would first like to offer information on my three experiences in observing audio and outdoor disturbances at the La Prima location and vicinity. My first arrival at

La Prima on Thursday August 20<sup>th</sup>, 2009 found the business open and the area quiet. As I approached the patio deck area I found the outdoor speaker system volume to be set at a low level in which I could not hear it loudly above the traffic on Lake Street. On my second investigation on Thursday September 10<sup>th</sup>, 2009 I arrived at the location at 10:38 PM. At that time the business was closed however I found teenagers with 4 Boom Cars in the back parking lot. Hanging out. As there were no cars parked by the employee entrance and La Prima was closed I would assume that these kids were not part of the La Prima staff. Music was at a moderate level coming from one of the cars. On my last trip to La Prima on September 24<sup>th</sup>, 2009 also after closing, I parked on Lake Street and walked to the back parking lot on Falleri. I waited for a time to get a sense for the sounds of the residential area's around La Prima, it was pretty much the average in neighborhood noise, until a pickup truck was driving by and was booming music as it passed on the way to the apartments down the street.

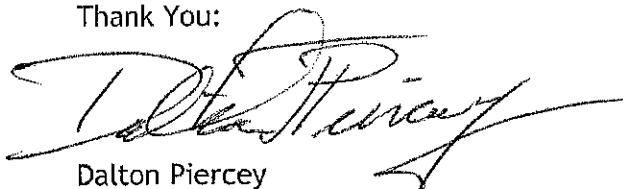
My point here is this: In some of these cases where I have been to the city and community hearings where an individual has been pursuing a use permit for music, time and again I have found some community members demonizing the individual seeking the permit. In these cases it is important to consider all the elements involved and to be fair to the individual and fair to the concerns of the community as well. I looked at all the Police reports in concern of La Prima Pizza and there have been complaints, however there has not been a series of consecutive complaints over a continuous period of time that would substantiate the claims made by some objecting neighbors. What draws my attention in this case is that no thought has been given to Aldo Nunez in that he is not responsible for all the noise generated in the community that surrounds La Prima Pizza. In fact it should be considered that there is an apartment in the area. It is clear that other individuals of their own accord make noise in that neighborhood too. Important to mention is that during the stock car races I could hear that noise at the La Prima location as well.

If decided tonight that La Prima should been given the opportunity to go forward and have live music at their location, I will be working on a moderate level with Mr. Nunez to monitor the conditions in occurrence with the music performance.

Also if necessary we will develop a plan for acoustical improvements to the inside location should the decibel levels prove to be above the already determined threshold.

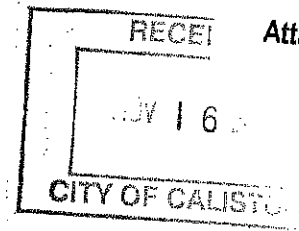
After reading the PC Staff Report some of the requested conditions are doable. Aldo and I will continue to spot check decibel readings and streamline the music performances. I believe that this music venture can be successful for both the community and La Prima Pizza, because Aldo and staff have a commitment to manage the events well. Aldo Nunez and I have discussed this carefully and he agrees.

Thank You:

A handwritten signature in black ink, appearing to read "Dalton Piercey". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Dalton Piercey

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Attachment 4

November 16, 2009

City of Calistoga

Planning Commission

This issue has been continued – against loud public outcry - for many months. We, the community of Calistoga and neighbors of La Prima Pizza, have expended enormous resources and commented in great detail expressing our strong opposition to the requested change in this use permit. As all previously stated opinions, facts and comments are already committed to the record, I will limit my points tonight to the below points:

Maximum Occupancy as Posted at the establishment on November 16, 2009 is 80. Ken MacNab left us a phone message today stating that it was 120.

In truth, according to Brad Cannon of the Calistoga Building Department, La Prima has does not have an Occupancy Certificate on file with the city. Mr. Cannon informed me that any change in use that may increase occupancy or additional uses that would require a change to their use permit would require compliance with various codes, regulations and agencies' approval including the following: Building; Environmental Health; Fire; Health and Safety; Accessibility; Width of Path of Travel; Additional Lighting; Exits; Zoning; Planning; General Plan; Parking; Department of Health.

Parking is inadequate and suggested increase in parking would require CEQA and Planning approval prior to counting the spaces for the increased use. Parking as it stands now is not adequate for any Intensification of Use. Parking has been recorded in the bike path, neighboring private properties, etc.

While the intensification of use may be exempt from CEQA pursuant to Section 15304(3) regarding water use, the required CEQA exemption has not been filed prior to stating that this permit is exempt from CEQA – and to our knowledge is not filed now.

There are other elements of CEQA that are not addressed in Section 15304(3) that are relevant such as Ambient Noise, Parking, Highway Corridor and more.

Existing use permit is not for a music venue. The exemption from CEQA does not take into account the intensification of use that a music venue will bring and therefore **does** require a CEQA. If it requires a change of permit, it should be clear that the existing use is changing enough to bear compliance with CEQA under California State Law.

This is not a commercial building and bathrooms are not up to standards for this level of intensification of use.

The requirement for Design Review should **not** be waived in this matter.

This is not a sound proof building that was built or remodeled to meet the Sound Standards that are addressed in the 2003 General Plan.

There is no mechanism for enforcement of Live Music or Amplified Voices.

There is no mechanism for enforcement of occupancy limit

According to tonight's report by Ken McNab, the former use-permit has been violated by Police Records eight times. (Please note that actual figure is far more than the eight.)

There has been no enforcement of the numerous violations of existing permits at this business.

(For example, a letter dated October 6, 2009 from Ken MacNab to Betty Nunez has the following language: 'Any violation of these terms is subject to code enforcement by the City.' As Mr. MacNab states in his report, on October 12, 2009, Mr. MacNab witnessed amplified music audible over 500 feet from the business. No code enforcement has been enacted to date for this or any of the many violations.)

To even consider a use permit for intensification of Noise is reckless and negligent. The amplified band will be advertised and hundreds of people would be in attendance. The occupancy limit will not be enforced.

Fire Chief has not been contacted for input or comment on this Intensification of Use.

The Police Department has not commented publicly on this intensification of use – However an unnamed neighbor (afraid of retaliation) said that a police officer of 20 years has suggested that no live music or amplified voices at all should be allowed at this location.