

CITY OF CALISTOGA

STAFF REPORT

TO: CHAIRMAN MANFREDI AND PLANNING COMMISSIONERS

FROM: KEN MACNAB, PLANNING AND BUILDING MANAGER

MEETING DATE: FEBRUARY 9, 2011

SUBJECT: LIVE ENTERTAINMENT AT LA PRIMA PIZZA RESTAURANT

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3 **REQUEST**
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5 **U 2000-06(A):** Presentation of the Live Entertainment Management Plan required pursuant to
6 Condition No. 9 of approved Conditional Use Permit U-2000-06(A) allowing amplified music and
7 live entertainment indoors at La Prima Pizza restaurant located at 1923 Lake Street (APN 011-
8 535-010) within the “CC-DD” (Community Commercial – Design District Overlay) Zoning District.
9 This item is for informational purposes only. No action is required or requested.

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11 **BACKGROUND**
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13 On November 16, 2009, the Planning Commission approved a request by Aldo and Betty
14 Nunez, the owners of La Prima Pizza, to amend Use Permit U 2000-06 to allow indoor live
15 entertainment, one night per weekend (Friday OR Saturday), between the hours of 5 p.m. and
16 9 p.m. Authorized live entertainment consists of acoustical musical performances by solo
17 artists, duos, trios and other small acts. DJ music and/or karaoke music is not allowed.

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19 On November 23, 2009, Mr. Mitch Hawkins, a neighbor to the business, filed an appeal of the
20 Planning Commission’s decision. The City Council considered Mr. Hawkins’ appeal at a public
21 hearing held during its regularly scheduled meeting on January 19, 2010. After considering
22 information presented by staff and testimony received from the appellant and from the public,
23 the City Council took action to deny the appeal. City Council Resolution 2010-003 sustaining
24 the Planning Commission’s decision to approve an amendment to Conditional Use Permit 2000-
25 06, subject to conditions, is attached to this report (Attachment 1).

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27 Condition No. 9 of the approved Conditional Use Permit amendment requires that a “Live
28 Entertainment Management Plan” be submitted for review and approval by the Planning and
29 Building Department prior to commencement of indoor live entertainment events. A Live
30 Entertainment Management Plan was submitted to the Planning and Building Department on
31 January 13, 2011, and approved on January 18, 2011 (see Attachments 2 and 3).

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33 During the Planning Commission’s review of the requested Use Permit amendment, staff made
34 a commitment to present the approved Live Entertainment Management Plan to the Planning

35 Commission as a publically noticed informational item. No action by the Planning Commission
36 is required or requested.

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38 **DISCUSSION**

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40 Condition No. 9 of the approved Use Permit amendment requires preparation of a Live
41 Entertainment Management Plan (LEMP) that identifies: (1) permanent and temporary physical
42 improvements or alterations to be made in effort to minimize off-site noise impacts, including
43 relocation / re-direction of the outdoor speakers at the deck; (2) operational procedures that will
44 be employed during live entertainment events; and (3) a notification plan for communications
45 between the business owner and city staff regarding live entertainment dates. Compliance with
46 each of these requirements is discussed below.

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- 48 1. Identify permanent and temporary physical improvements or alterations that will be
49 made to minimize off-site noise impacts, including re-location / re-direction of the outdoor
50 speakers on the deck.

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52 **STAFF COMMENTS:**

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54 *Indoor Live Entertainment*

55 The LEMP indicates that all windows and doors are to be shut by restaurant staff prior to
56 an indoor live entertainment event (Page 4 of LEMP).

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58 *Outdoor Amplified Music*

59 The previously existing outdoor speakers that were mounted on the exterior building wall
60 and positioned toward the outdoor deck have been permanently removed. New outdoor
61 speaker planters (Page 6) will be installed on the existing outdoor deck (Pages 9 and
62 11). The new speakers will be oriented eastward, away from the neighborhood to the
63 west.

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- 65 2. Identify operational procedures that will be employed during live entertainment events.

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67 **STAFF COMMENTS:**

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69 The LEMP states that the following operational procedures will be employed by
70 restaurant management and staff:

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- 72 a) A mandatory employee meeting to be held one hour before a scheduled event to
73 review event procedures, complaint procedures and parking procedures (Page 4).

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- 75 b) Distribution of performance guidelines to the talent (Page 5).

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- 77 c) Purchase and staff instruction on use of a sound meter for monitoring noise levels
78 (Pages 1 and 7). The maximum permitted noise level at any point along the subject
79 property line is 50 dba.

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- 81 d) Instructions for restaurant staff to monitor the street and parking areas for trash
82 (Page 4).

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3. A plan for notifying city staff of upcoming live entertainment dates.

STAFF COMMENT:

The LEMP states that La Prima Pizza will notify the City of upcoming events on a monthly basis (Page 2).

In conclusion, staff believes that the measures proposed for managing live entertainment events at La Prima Pizza restaurant are appropriate and responsive to neighborhood concerns.

NEXT STEPS

Following this presentation, La Prima Pizza is clear to proceed with holding indoor live entertainment events and to resume outdoor amplified music on their deck in accordance with the conditions of approval. Condition No. 12 of the Use Permit requires that administrative review be conducted on a quarterly basis during the first year (and on a semi-annual basis thereafter) to assess operations (including parking). Administrative review shall also be initiated upon receipt of two verified substantive complaints to determine whether any violations of the conditions of approval for this Use Permit have occurred. Should it be determined that modifications are needed or that a violation of the conditions of approval for the Use Permit has occurred, staff shall bring the Use Permit back to the Planning Commission for reconsideration.

ATTACHMENTS

1. City Council Resolution 2010-03
2. La Prima Pizza Live Entertainment Management Plan
3. City Correspondence dated January 18, 2011, approving the submitted Live Entertainment Management Plan