

**MINUTES**  
**CALISTOGA PLANNING COMMISSION**  
**January 13, 2021 at 5:30 p.m. via Zoom**

1 **Vice Chair Wilkes** called the meeting to order at 5:30 p.m. He read a special  
2 message concerning the conduct of the virtual meeting in accordance with  
3 provisions related to COVID-19.

4 **A. ROLL CALL**

5 Commissioners present: Chair Scott Cooper, Vice Chair Tim Wilkes, Commissioners  
6 Alissa McNair, Doug Allan and Jack Berquist. Staff present: Planning and Building  
7 Director Zach Tusinger, Permit Technician Claudia Aceves.

8 **B. PLEDGE OF ALLEGIANCE**

9 **C. ELECTION OF OFFICERS**

10 Nominated by **Vice Chair Wilkes**, **Commissioner Cooper** was voted Chair and  
11 approved unanimously (5-0). Nominated by **Chair Cooper**, **Vice Chair Wilkes** was  
12 re-appointed as Vice Chair approved unanimously.

13 **D. PUBLIC COMMENTS**

14 None

15 **E. ADOPTION OF MEETING AGENDA**

16 The meeting agenda was adopted as presented.

17 **F. COMMUNICATIONS/CORRESPONDENCE**

18 Director Tusinger notes that there were approximately 80 public comments received  
19 for the Dr. Wilkinson's mural. All comments were distributed to commissioners and  
20 posted on the website. Two more emails were received, to be read into the record.

21 **G. CONSENT CALENDAR**

- 22 1. **Approval of Draft Minutes from the December 9, 2020 meeting**
- 23 2. **Adoption of 2021 Planning Commission Regular Meeting Calendar**

The Consent Calendar was adopted as presented.

24 **H. PUBLIC HEARINGS**

25 1. **Continued Item – Dr. Wilkinson's Mural – Sign Permit SP 2020-4:**

26 Consideration of a sign permit design review for a proposed mural on the Fair  
27 Way façade of the Dr. Wilkinson's resort at 1507 Lincoln Avenue (APN 011-092-  
28 038). This proposed action is exempt from the California Environmental Quality  
29 Act (CEQA) under Section 15301 of the CEQA Guidelines.

30 Director Tusinger provides the staff report noting that as the hotel approaches  
31 the finish line of renovations, they are proposing a mural on the Fair Way façade,

32 which requires the commission's approval. He says this is a follow up from the  
33 two previous meetings, showing the street view of the proposed mural location  
34 and a rendition of the mural, which he notes has not changed since the last  
35 meeting. He recaps the Municipal Code guidelines for approving murals and  
36 reminds commissioners that the applicants were required to post a banner, which  
37 received at least 80 comments since posting.

38 **Commissioner Berquist** asks Director Tusinger for clarification that the mural  
39 design does not violate the General Plan or sign ordinance, to which Tusinger  
40 responds no.

41 **Robert Kline**, on behalf of applicant **Maki Bara**, addresses the commission  
42 commenting that he appreciates allowing the community to engage and did not  
43 expect such a universal reaction, acknowledging there were a few more negative  
44 comments than positive. He notes that they took the commissioners initial  
45 comments into consideration, including adding local elements to the mural, which  
46 is ironic because the local flower is what evokes a Hawaiian feel. He adds that  
47 the mural is a gift they'd like to provide the community and while it does benefit  
48 them, it is meant to create discourse without being negative.

49 The artists, **Will and Nikki Callnan**, echo Mr. Kline's comments adding that art is  
50 meant to draw a reaction, so they are excited about the amount of community  
51 engagement.

52 **Chair Cooper** comments that he appreciates them getting the banner up quickly  
53 and appreciates the artwork.

54 Public comments by **Karen Lynn Ingalls** and **Donna Higgins** are in favor of the  
55 mural, noting that Calistoga should not become a place of censorship that  
56 doesn't welcome creativity and questioning the definition of "historical" when  
57 applied to public art. Commenter **Marta** is opposed to the mural believing that is  
58 it too large and not and not in keeping with Calistoga's small town feel.

59 Two public comments received via email by **Pat Merchant** and **Laurie Shelton**  
60 were in favor of the mural welcoming business during these hard times as well as  
61 uplifting each other.

62 **Vice Chair Wilkes** addresses some comments that were received, clarifying that  
63 the Planning Commission invites public input and their job is to listen, as  
64 comments claimed what the commission was doing was unnecessary. He adds  
65 that if there is an inclination to approve the mural, he would like to attach a  
66 condition to remove the three flowers.

67 **Chair Cooper** adds that they are taking comments in an effort to approve the  
68 mural, as he doesn't know a lot about art and wanted to learn the community's  
69 opinion.

70 **Commissioner McNair** says her position has not changed and supports the  
71 mural and art. She adds she counted the comments at 42 (for) to 55 (against).

72 **Commissioner Allan** says his stance also hasn't changed and thinks art doesn't  
73 need to please everyone and should spark conversation, as this piece has done,  
74 and should not be offensive, which this piece is not. He disagrees with **Vice**  
75 **Chair Wilkes'** comment about removing the flower and thinks the artist should  
76 create the art.

77 **Commissioner McNair** adds that the applicant mentioned modifying the flower,  
78 noting that she likes either the poppies or popcorn flower and would still support  
79 the art with or without the flowers.

80 **Commissioner Allan** reiterates that he supports the artist's vision.

81 **Commissioner Berquist** considering the applicant and community perspectives,  
82 says the art is not in violation of any codes, is on private property and doesn't  
83 believe it is inappropriate or offensive. He was happy with the community  
84 participation noticing many comments focused around the flowers and the  
85 appropriateness to town, which he said is personal and hard to define. He  
86 comments he is supportive of the art without forcing them to make any changes.

87 **Chair Cooper** comments that his challenge was the resistance against  
88 considering suggestions by commissioners. He liked the depiction of the  
89 Palisades, which were ultimately removed by the artist.

90 A motion by **Commissioner Allan** to approve the item as presented is seconded  
91 by **Commissioner Berquist** and approved by all except **Chair Cooper** (4-1).

92 **3. Indian Springs Food & Beverage Expansion – Design Review DR 2020-10**  
93 **and Use Permit UP 2020-12:** Consideration of design review and use permit  
94 applications to permit the addition of a new food & beverage establishment with  
95 outdoor dining near Lincoln Avenue on the lawn of the Resort at Indian Springs  
96 at 1712 Lincoln Avenue (APN 011-340-027). This proposed action is exempt  
97 from the California Environmental Quality Act (CEQA) under Section 15303 of  
98 the CEQA Guidelines.

99 Director Tusinger provides the staff report describing the proposed project to  
100 install a manufactured airstream with prep kitchen and bar to facilitate outdoor  
101 dining, to be permanently connected to utilities. He notes that due to COVID, the  
102 hotel had a similar establishment temporarily and is now seeking to make it  
103 permanent. He shows an example photo of a similar setup the applicant is  
104 interested in doing, as well as a site plan showing relation to Lincoln Avenue,  
105 noting a 15-foot setback as it is zoned Community Commercial. He says draft  
106 conditions include lighting to be dark sky compliant, no amplified music or

107 entertainment and signage to be reviewed by staff. He says this is intended to be  
108 a permanent amenity.

109 **Vice Chair Wilkes** asks if they will be serving alcohol. Director Tusinger  
110 responds the applicants intend to serve alcohol, which will require separate ABC  
111 approval. He adds that ABC has a rigorous process and if anything came up that  
112 merited bringing it back to commissioners, staff would accommodate.

113 **Commissioner Allan** says he understands this kind of situation requires some  
114 type of partition, which he asks the applicant for clarification.

115 Applicant, **Daniel Merchant**, responds that their liquor license carries across the  
116 entire property. He says this proposal would go next to an existing event space  
117 where there is a prep kitchen, which already has ABC sign-off.

118 **Commissioner Allan** wonders if ABC would require anything more than  
119 stanchions and the degree to which they apply their standards and Mr. Merchant  
120 adds that it usually includes the “no alcohol beyond this point” which they already  
121 have on property.

122 **Commissioner McNair** asks for clarification about the prep kitchen near the  
123 restrooms and if it is intended for this proposal and **Mr. Merchant** responds that  
124 it would be mostly used for storage. He adds that it is part of an existing meeting  
125 room and is mainly for refrigeration. He says the food prep will be occurring at  
126 the restaurant, although the airstream will include the equipment necessary  
127 including refrigeration.

128 **Commissioner McNair** asks for clarification on the live music, and **Mr.**  
129 **Merchant** responds that there was live acoustic guitar during the summer meant  
130 as mellow background music. He comments on the vicinity of hotel rooms, which  
131 would deter them from having loud music.

132 **Commissioner Berquist** comments that he thinks it would be a great addition  
133 and wonders if there is a requirement for additional screening or landscape.  
134 Director Tusinger responds that staff is recommending a final landscape plan be  
135 approved and commissioners may add additional requirements if the applicant  
136 agrees.

137 **Commissioner Allan** asks about operating hour restrictions. Director Tusinger  
138 responds that ABC has some requirements and the city has a noise ordinance  
139 and the PD would enforce any complaints.

140 **Mr. Merchant** says they intend to close at 9 p.m. or sooner, as they observed the  
141 crowd dies down by 8 p.m.

142 **Chair Cooper** asks about the use permit, and Director Tusinger responds that if  
143 the Merchants want to move the airstream from its proposed fixed location, it  
144 would require a new Design Review or Use Permit to go before the commission.

145 **Commissioner McNair** asks to make clear the amplified music.

146 **Vice Chair Wilkes** asks about disposable cups and plates making alcohol  
147 consumption difficult to police, which Mr. Merchant said they did during the  
148 summer and had no trouble policing.

149 **Vice Chair Wilkes** adds that amplified music doesn't sound like an issue and  
150 doesn't have a problem with it as long as it stays within the city noise ordinance,  
151 to which Commissioner Berquist and Vice Chair Cooper agree.

152 A motion by **Commissioner Allan** that Planning Commission adopt a resolution  
153 approving Use Permit 2020-12 and Design Review 2020-10 with the change in  
154 striking the "No amplified music or entertainment allowed," is seconded by **Vice**  
155 **Chair Wilkes** and approved unanimously (5-0).

156 **3. Municipal Code Amendment – ZOA 2020-3:** Consideration of a  
157 recommendation to the City Council regarding proposed amendments to the  
158 Calistoga Municipal Code Title 17 Zoning. The amendments are intended to  
159 modify the limits and requirements for new tasting rooms in the Downtown  
160 Commercial and Community Commercial Zoning Districts. This proposed action  
161 is exempt from the California Environmental Quality Act (CEQA) under Section  
162 15305 of the CEQA Guidelines.

163 Consultant Planner, **Justin Shiu**, of M-Group presents the discussion item. He  
164 reminds commissioners he first brought the discussion item to them in November  
165 regarding regulating wine tasting rooms in the downtown area. After receiving  
166 commissioner feedback, staff proposed updating the zoning code text and  
167 preparing a tasting room policy for regulating wine tasting rooms. Mr. Shiu says  
168 the zoning code updates are minor with the biggest change being the creation of  
169 a new tasting room definition from "Winery Tasting Room" to "Tasting Room," to  
170 encompass other types of alcohol. He adds the new tasting room policy would be  
171 a supplemental document to the zoning code. The policies proposed include limit  
172 of two permits per year, limit of 12 storefronts along Lincoln Avenue in DC  
173 district, 18 storefronts in DC district as a whole, limit of 2 storefronts along  
174 Washington Street in CC district and 8 storefronts in CC district as a whole.

175 Due to a technical difficulty, **Director Tusinger** jumps in for Mr. Shiu noting that  
176 this would be a policy referral recommended by Planning Commission to City  
177 Council.

178 **Mr. Shiu** says staff is also proposing a secondary use requirement, which would  
179 make 25 percent of the net floor area dedicated to a secondary use in addition to

180 tasting room to promote retail diversity. Additionally, staff recommends the  
181 secondary use be at the front of the establishment.

182 **Vice Chair Wilkes** asks whether during the analysis, were physical extensions of  
183 retail on Lincoln Avenue were taken into consideration. Director Tusinger  
184 responds that the percentages are based on the number of storefronts downtown  
185 currently. He adds that part of the reason for recommending bifurcating into  
186 municipal code amendments that refer to a separate policy document is that as  
187 downtown changes, the city can respond to changing conditions effectively.

188 **Vice Chair Wilkes** adds that for all the years of discussion, staff nailed it.

189 **Commissioner Allan** asks if there were any more public comments and Director  
190 Tusinger recalls some comments from previous discussions, but none for this  
191 meeting. **Commissioner Allan** adds that he wants to make the number of tasting  
192 rooms clear, as Calistoga Wine Stop is a retail wine shop and the Grade is  
193 closed. Director Tusinger responds that the Wine Stop has a tasting room use  
194 permit and the Grade's use permit runs with the land, both of which have not  
195 lapsed yet.

196 **Commissioner McNair** asks about historical trends in approving tasting rooms.  
197 Director Tusinger says applications come in waves, but he has seen up to two or  
198 three a year at the most. He adds that staff is doing their best to propose  
199 something and start a conversation based on the analysis of different cities and  
200 based on commissioner feedback, staff recommends that they incorporate non-  
201 wine retail to a project.

202 **Commissioner Berquist** asks if there are advertising requirements for signage  
203 as retail versus tasting room. Director Tusinger responds there isn't anything in  
204 particular related to signage, although staff is working on the signage ordinance  
205 separately. He adds that anything proposed would have to comply with the  
206 allowed uses in the zoning district, in regards to retail.

207 **Commissioner Allan** says he believes this is a solution in search of a problem.  
208 He doesn't see a problem in the number of tasting rooms, but sees a problem  
209 with all the empty storefronts. Rather than limiting, we should be promoting wine.

210 **Commissioner McNair** references places like Healdsburg and Carmel which  
211 have tasting room after tasting room as a counter to Commissioner Allan's  
212 comment.

213 **Vice Chair Wilkes** comments that they've heard from the community for years  
214 about limiting tasting rooms adding that because it is not an issue right now  
215 doesn't mean it won't become an issue in a month or later.

216 **Commissioner Allan** says they should focus on the landlords who won't rent at  
217 a lower rate for businesses we need.

218 **Vice Chair Wilkes** adds that this gives them a tool to be able to reject a tasting  
219 room if there is public outcry. He says it is a good place to start and can be  
220 modified.

221 **Commissioner Berquist** agrees with Allan that it's better to have tasting rooms  
222 than empty storefronts but realizes it can be changed.

223 **Chair Cooper** adds that this will give them the ability to slow tasting rooms down,  
224 which has been a community concern for a long time.

225 **Commissioner McNair** comments that the proposed numbers feel comfortable  
226 and likes the retail idea for tasting rooms.

227 **Commissioner Allan** adds that he can recognize there is plenty of room to grow.

228 A motion by **Vice Chair Wilkes** that the Planning Commission adopt a resolution  
229 recommending to the city council approval of zoning code amendments to modify  
230 tasting room standards and to adopt a separate tasting room policy is seconded  
231 by **Commissioner McNair** and approved by all except Commissioner Allan (4-1).

232 **I. MATTERS INITIATED BY COMMISSIONERS**

233 **Vice Chair Wilkes** asks Director Tusinger about the Dr. Wilkinson's signage,  
234 which has not been removed since the last meeting. Director Tusinger says he  
235 will follow up with them to remove the temporary signage.

236 **J. DIRECTOR'S REPORT**

237 Director Tusinger reports that he will be taking time off in February and is doing  
238 his best to get current items in the January meetings. There are no major items  
239 for February, as of yet, and if any time sensitive material comes up he will make  
240 a meeting happen. He says Justin Shiu will be at the next meeting. Director  
241 Tusinger also updates the commissioners on the two remaining buildings  
242 requiring retrofits, which should occur this year.

243 **K. ADJOURNMENT**

244 On a motion from **Chair Cooper** that is adopted unanimously (5-0), the meeting was  
245 adjourned at 7:20 p.m.

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Claudia Aceves, Secretary