

**MINUTES**  
**CALISTOGA PLANNING COMMISSION**  
**April 14, 2021 at 5:30 p.m. via Zoom**

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

4       **A. ROLL CALL**

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

8       **B. PLEDGE OF ALLEGIANCE**

9       **C. PUBLIC COMMENTS**

10       None

11       **D. ADOPTION OF MEETING AGENDA**

12       The meeting agenda was adopted as presented.

13       **E. COMMUNICATIONS/CORRESPONDENCE**

14       Director Tusinger reports there was no correspondence received.

15       **F. CONSENT CALENDAR**

16       1. **Approval of Draft Minutes from the February 24, 2021 meeting.**

17             The consent calendar was adopted unanimously.

18       **G. PUBLIC HEARINGS**

19       1. **CalMart Generator Enclosure – ADR 2021-2**

20       Consideration of an Administrative Design Review Referral for a new enclosure for an  
21 emergency Generator at CalMart, located at 1491 Lincoln Avenue, APN 011-205-001.  
22 The proposed project is categorically exempt from the California Environmental  
23 Quality Act (CEQA) under Section 15303 of the CEQA Guidelines.

24       Director Tusinger provides the staff report, noting the frequent power outages in  
25 Calistoga affecting the grocery store, which requires sufficient power for refrigeration.  
26 He comments the generator is proposed to go in a largely unimproved section of  
27 gravel on the corner of Fair Way and First Street. He explains the generator would be  
28 8 ½ feet tall, which would be screened for appearance and acoustical purposes, and  
29 the project would include landscaping, adding that while fencing is limited to eight feet,  
30 staff would recommend allowing a 10-foot screening structure in this situation.

31       **Vice Chair Wilkes** asks Director Tusinger if there will be an irrigation plan and Director  
32 Tusinger responds that if commissioners approve this item, applicant will move

33 forward with submitting a more formal design including landscaping details and that  
34 public works will provide input.

35 **Commissioner Berquist** asks if it is typical to need a foot and a half extra to cover  
36 an eight-foot structure and Director Tusinger responds that it varies case by case but  
37 should help with acoustics. **Commissioner Berquist** asks about the decibel level limit  
38 and **Vice Chair Wilkes** responds 80. **Commissioner Berquist** asks how close the  
39 generator comes to that and Director Tusinger says the generator noise is in  
40 compliance and with the additional screening should not be an issue, adding that it  
41 will only run during emergency power shutoffs.

42 Applicant, **Bill Shaw**, comments that he has been thinking about adding a generator  
43 for many years after many inconsistencies with PG&E, adding that he is excited about  
44 the landscaping, which is long overdue.

45 **Chair Cooper** asks if the generator will power 100 percent of the electrical needs of  
46 the store and **Mr. Shaw** confirms that it would.

47 **Commissioner Berquist** asks if it is gas powered and **Mr. Shaw** responds it is diesel  
48 powered and runs for 24 hours on a full tank.

49 During public comment, **Gloria Parada** asks why the neighboring residents of Fair  
50 Way Manor were not notified and Director Tusinger confirmed that public notices were  
51 mailed to all neighboring properties within 500 feet of the project, that a public hearing  
52 notice ran in The Tribune, and that public hearing notices were posted with the  
53 agenda on the public notice boards. In response to a question from **Commissioner**  
54 **McNair** he indicated it is possible the park owner did not notify individual residents.

55 **Vice Chair Wilkes** comments on the fencing option to also surround the transformer,  
56 which he would oppose and would prefer just the landscaping coverage, to which  
57 **Commissioner McNair** agrees, adding that she sees the need and importance of this  
58 project and a chain link fence is not typically promoted.

59 **Mr. Shaw** says he is comfortable with not extending the fence.

60 A motion by **Vice Chair Wilkes** that the Planning Commission adopt a resolution  
61 approving Administrative Design Review ADR2021-2 with is seconded by  
62 **Commissioner McNair** and approved unanimously (4-0).

## 63 **2. Telecommunications Ordinance – ZOA 2020-2:**

64 Consideration of a Wireless Telecommunications Ordinance to provide uniform and  
65 comprehensive regulations and development standards for permitting, development,  
66 siting, installation, design, operation, and maintenance of wireless communications  
67 facilities in the City of Calistoga. No California Environmental Quality Act (CEQA)  
68 analysis is required for this action. The proposed action is not a project under CEQA

69 pursuant to CEQA Guidelines section 15061(b)(3), and is otherwise exempt under  
70 sections 15303, 15304, and 15305 of the CEQA Guidelines.

71 Director Tusinger introduces Assistant City Attorney **Sergio Rudin**, who he credits as  
72 the primary author of the draft ordinance. Director Tusinger provides the staff report  
73 noting that while everything is moving in the direction of wireless communication and  
74 thus further regulations, the city does not have firm procedures or regulations in place,  
75 thereby losing its ability to exercise its maximum level of discretion. He says that for  
76 the last 18 months, the city has been working with the city attorney's office to develop  
77 an ordinance. The ordinance would establish permit requirements, applicability and  
78 mandated exemptions, application processing procedures, would allow staff to bring  
79 in independent experts to help review applications, establish location and  
80 configuration preferences, among other requirements. He says the 40-page draft  
81 utilizes best practices from other cities, including demonstration of compliance with  
82 FCC Electromagnetic Frequency Safety Standards, prioritization of locations, design  
83 considerations, clutter reduction, public rights-of-way, and procedures to comply with  
84 FCC "shot clock," and standard conditions of approval.

85 **Chair Cooper** asks how long the federal and state laws have been in place to this  
86 degree. **Mr. Rudin** says some of the laws have been in place since the 1950s, with  
87 the big development being the Telecommunications Act of 1996 subjecting cities to  
88 regulations at a federal level and is everchanging.

89 **Vice Chair Wilkes** asks if an applicant pursuing a master use permit should identify  
90 each location. **Mr. Rudin** responds that typically if there are a lot of locations in the  
91 right of way being proposed, they would sign one master license agreement not  
92 location dependent and then submit a master use permit that governs all identified  
93 locations or submit use permits on a case-by-case basis subject to the master license  
94 agreement. **Vice Chair Wilkes** asks about abandonment on private sites with private  
95 leases, noting that the burden of execution appears to be on the lessor and not the  
96 lessee. **Mr. Rudin** says that under this proposed ordinance, applicants are required to  
97 submit a bond that covers the cost of removal on both public and private land. **Vice**  
98 **Chair Wilkes'** third question is regarding best practices for prioritization and whether  
99 there is a scoring method to encourage the higher priority locations. **Mr. Rudin**  
100 responds that the applicant must demonstrate that they have analyzed the city's  
101 preferred locations and if their need cannot be met, ultimately it would be difficult for  
102 the city to reject based on location preferences.

103 **Chair Cooper** clarifies that preferences are not binding but are a guidance that they  
104 don't have to adhere to. **Mr. Rudin** responds that the applicant must demonstrate  
105 they've considered and analyzed a preferred location, adding that wireless providers  
106 have certain rights with co-locating facilities.

107 **Commissioner Berquist** asks if there are existing wireless telecommunications  
108 operations in the city that would not comply with these new standards. Director  
109 Tusinger responds that there are existing wireless facilities within the city, including at  
110 the fairgrounds and downtown area, but there has been no analysis to whether they  
111 would be in full compliance with the proposed regulations, but are recent and would  
112 not have any large non-conformities as far as he's aware as a result of the ordinance.

113 **Commissioner Berquist** asks if the health risks around electromagnetic frequencies  
114 are well established or still open for question. **Mr. Rudin** responds that the city has no  
115 jurisdiction over the health question other than verifying that it is in compliance when  
116 constructed with the emissions limits set by the FCC, which is the subject matter  
117 expert on human safety limits. **Commissioner Berquist** clarifies that if a provider is  
118 in compliance with the FCC regulations, the city would have no liability issues and **Mr.**  
119 **Rudin** confirms, adding that local jurisdictions still have zoning authority.

120 **Commissioner McNair** asks how the FCC complies with best practice number one  
121 (Electromagnetic Frequency Safety Confirmation) works. **Mr. Rudin** says applicants  
122 submit reports certified by an engineer or someone competent in radio frequency  
123 emission safety design as part of the permit application, adding that some jurisdictions  
124 require emissions testing post construction. **Commissioner McNair** asks if there is a  
125 standard to test regularly and **Mr. Rudin** responds that testing as built is usually  
126 sufficient because they can't increase in power beyond what they are designed for,  
127 although it is advisable to have post construction testing at least once.

128 **Commissioner McNair** asks about the concealment and whether the existing towers  
129 on Rosedale and Petrified Forest Road mimic a native tree species. Director Tusinger  
130 says the intent is that they look like pine trees of some variation and would probably  
131 be considered a native trees species.

132 **Vice Chair Wilkes** returns to the issue of abandonment referencing a line in the  
133 ordinance wondering if wording can be changed. **Mr. Rudin** says the only person the  
134 city would have jurisdiction over under the ordinance is the permit applicant, adding  
135 that the bond addresses the city's remedy for removal. **Vice Chair Wilkes** asks if the  
136 bond is placed by a lessor or a lessee in the case of private property and **Mr. Rudin**  
137 responds that it is placed by the permit applicant, or the lessee.

138 **Chair Cooper** asks staff if any 5G applications have been submitted. Director  
139 Tusinger says he is not aware of any and usually come into play with small cell  
140 facilities, which Calistoga does not have. **Mr. Rudin** says 5G deployments usually  
141 take time to reach lesser populated areas. **Chair Cooper** asks if staff has run into any  
142 conflict with past applications and Director Tusinger says no.

143 During public comment, **Lana Richardson** asks how this ordinance would have  
144 affected the locations proposed for the monopoles by ITC. Director Tusinger says the

145 ITC proposal wasn't a wireless communications facility application, it was for warning  
146 sirens, adding that in the future ITC may apply to locate wireless communications  
147 equipment on those facilities, which would be subject to regulation. In any event he  
148 says, the only two installed were installed in the County, not the City.

149 A motion by **Commissioner Berquist** that the Planning Commission adopt a  
150 resolution recommending to the City Council approval of zoning code amendments  
151 for a wireless telecommunications ordinance is seconded by **Vice Chair Wilkes** and  
152 approved unanimously (4-0).

#### 153 **H. MATTERS INITIATED BY COMMISSIONERS**

154 **Commissioner Cooper** asks for an update on the glass blowing application, and  
155 Director Tusinger says they are moving forward with just a show room.

156 **Commissioner McNair** asks for an update on the International Order of Odd  
157 Fellows building retrofit and Director Tusinger says the property owner has  
158 experience doing seismic retrofits of historic buildings in San Francisco and have  
159 not decided on their planned use of the building yet. He adds that their plan is to  
160 be completed with the retrofit project by July 4.

#### 161 **I. DIRECTOR'S REPORT**

162 **Director Tusinger** reports that staff has four items queued up for the April 28  
163 meeting.

#### 164 **J. ADJOURNMENT**

165 On a motion from **Chair Cooper** that is adopted unanimously (4-0), the meeting was  
166 adjourned at 6:35 p.m.

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Claudia Aceves, Secretary