

MINUTES
CALISTOGA PLANNING COMMISSION
April 28, 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, Doug Allan and Jack Berquist. Staff present: Planning Director Zach
7 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 were few comments, which were forwarded to
15 Commissioners.

16 **F. CONSENT CALENDAR**

17 1. **Approval of Draft Minutes from the April 14, 2021 meeting.**

18 The consent calendar was adopted unanimously.

19 **G. PUBLIC HEARINGS**

20 1. **Use Permit UP 2021-2 and Design Review DR 2021-1: Calistoga Inn & Napa**
21 **Valley Brewing Company:**

22 Consideration of a use permit and design review application to allow for the expansion
23 of the existing apartment and existing brewery facilities at the Calistoga Inn & Napa
24 Valley Brewing Company located at 1250 Lincoln Avenue (APN 011-232-004). This
25 proposed action is exempt from the California Environmental Quality Act (CEQA)
26 under Section 15303 of the CEQA Guidelines.

27 Director Tusinger provides the staff report, noting that the property currently features
28 an inn, restaurant, brewery, and an apartment. He says the request is to expand the
29 rear two-story structure that Commissioners approved in 2013, which would include
30 additional square footage for a bedroom in the apartment and brewery space for
31 storage. He notes that the expansion would not be as tall as existing structure, nor
32 would it come out to the street.

33 **Commissioner McNair** asks about the two dumpsters and how they would change.
34 Director Tusinger says they would disappear, and a trash enclosure constructed.

35 **Vice Chair Wilkes** asks about using a metal roof and applicant, **Michael Dunsford**,
36 responds that it is an aesthetic preference to change some of the material selection,
37 adding that he wanted to showcase the brewery function and enhance event space.

38 **Chair Cooper** asks if they expect increase in beer production and **Mr. Dunsford**
39 responds that it would increase production capabilities as a direct function of the
40 restaurant to allow more beer selections throughout the year.

41 **Vice Chair Wilkes, Commissioners Allan, Berquist and McNair** express their
42 support of the project.

43 A motion by **Commissioner Berquist** that the Planning Commission adopt a
44 resolution approving Use Permit UP 2021-2 and Design Review DR2021-1 allowing a
45 second floor apartment expansion and first floor brewery expansion at Calistoga Inn
46 is seconded by **Commissioner Allan** and approved unanimously (5-0).

47 **2. Sign Permit SP 2021-1: Aubert Wines Signage:**

48 Consideration of a sign permit design review application to allow for a monument sign
49 in a Planned Development adjacent to Silverado Trail for Aubert Wines located at 333
50 Silverado Trail North (APN 011-050-031). The signage would be located in an
51 easement located on APN 011-050-030. This proposed action is exempt from the
52 California Environmental Quality Act (CEQA) under Section 15303 of the CEQA
53 Guidelines.

54 Director Tusinger provides the staff report providing background on the relevant sign
55 code, which requires Planning Commission approval, including allowable signage
56 dimensions. He notes that Aubert Wines, located off Silverado Trail, has no street
57 frontage. He explains that two signs are proposed; one large monument sign off
58 Silverado Trail and a logo sign at the gate at entry to property. He shows mockups of
59 the two signs and notes that the monument sign has a built-in lighting component for
60 commissioners to consider. He adds that staff visited all Silverado Trail signs to review
61 their sizing.

62 **Vice Chair Wilkes** asks Director Tusinger about whether the signage is backlit, and
63 Director Tusinger says it is not, it is a halo lighting around the text of the sign. Vice
64 Chair Wilkes then asks for clarification on the conclusion of visiting the other signs
65 and Director Tusinger says that most of the signs are as large as allowable and bigger
66 than a person.

67 **Commissioner McNair** asks for clarification on allowable square footage being
68 contingent on frontage since there is technically no frontage. Director Tusinger
69 responds that the code is unclear and the commission can make determinations.

70 **Commissioner McNair** then asks to confirm the dimensions match the drawing
71 depicted in the staff report. Director Tusinger confirms that it is very similar.

72 **Chair Coates** adds that measurements are all consistent with the same dimensions
73 as this subject. Director Tusinger says the main sign is different than any other sign
74 along Silverado Trail, and points out it is the only sign that features a post and beam
75 cantilever structure.

76 **Commissioner Berquist** comments that he is unclear if the intention is to include or
77 exclude the beams that support the sign, asking if that is included in the allowable sign
78 square footage. Director Tusinger says the code is unclear and comments that
79 commissioners can consider the method of measurement and has flexibility.

80 **Commissioner Berquist** asks whether there is a similar project to go off of and
81 Director Tusinger says many signs were approved at the staff level without record of
82 the decision making. He adds that staff would want to rewrite the sign code and
83 remove these ambiguities.

84 **Chair Cooper** says that the property should have a reasonably sized sign based on
85 its location and suggests measuring the sign itself without the supporting beams.

86 Applicant, **Robert Sanders**, comments that they worked with the client and staff to
87 come up with several sign alternatives. He adds that they did a visibility study and
88 there were no issues with traffic and the energy put into the details of the design.

89 **Commissioner Allan** asks the applicant about the signs backlighting. **Mr. Sanders**
90 responds they will sidelight the "Aubert" and add a light glow accentuating the
91 perimeter of the sign noting that it is all low volt lighting.

92 **Commissioner Allan** asks about operating hours and winery operator, **Philip Gift**,
93 says there will be no verbiage on the sign regarding hours, but will serve as an
94 identifier for the winery as customers usually receive directions. He adds that the
95 cantilever design was the best fit to get the winery visibility from Silverado Trail.

96 **Vice Chair Wilkes** asks neighboring winery owner, **Brian Harlan** of Brian Arden
97 Winery, for his opinion on the sign. Mr. Harlan responds that he has no problem with
98 it, except for the scale which he believes is too large.

99 **Mr. Harlan** comments that it should be measured as the entire structure and would
100 want to see a mockup sign or storey poles to see its scale. Director Tusinger says that
101 is an option for commissioners but is not required.

102 **Commissioner Berquist** asks the amount of size reduction **Mr. Harlan** suggests and
103 he responds that when he applied for a sign, it was measured as the entire structure
104 by the former city planner, as it was also a monument sign and believes it should be
105 50 square feet for entire structure.

106 **Vice Chair Wilkes** comments that to him, the sign presented is 31 and a half square
107 feet and the rest of it is not a sign, but the structure holding the sign and is separate.
108 He adds that this should be made clear in the sign code in the future.

109 **Commissioner Allan** agrees with Vice Chair Wilkes, adding that they have a right to
110 hold their sign up and they have chosen a cantilever. He thinks it is an appealing sign
111 that fits within 32 square feet.

112 **Chair Cooper** comments that he thinks it is an elegant design and agrees the sign
113 size fits the code parameter.

114 **Commissioner McNair** says the list of other sign sizes is helpful, which lets her feel
115 comfortable with the proposed sign size and its surroundings.

116 **Commissioner Berquist** agrees with commissioners on how to measure the sign and
117 thinks it is appropriate.

118 A motion by **Vice Chair Wilkes** that the Planning Commission adopt a resolution
119 approving Sign Permit SP21-1 for Aubert Winery at 333 Silverado Trail is seconded
120 by **Commissioner Allan** and approved unanimously (5-0).

121 **3. Use Permit UP 2021-3: Lawer Restaurant, Tasting Room, and Demonstration**
122 **Winery:**

123 Consideration of a use permit and similar use determination application to allow for
124 the establishment of a wine tasting use and demonstration winery use, both as
125 secondary uses to a restaurant, within the existing space of the former Brannan's Grill
126 at 1374 Lincoln Avenue (APN 011-231-001). This proposed action is exempt from the
127 California Environmental Quality Act (CEQA) under Sections 15301 and 15303 of the
128 CEQA Guidelines.

129 Director Tusinger reports that the building is in the prominent corner of Lincoln Avenue
130 and Washington Street, which has been vacant since 2018. The applicant, owner of
131 the Lawer tasting room, is in contract to buy the building, which also houses the
132 Chamber of Commerce. He provides the floor plan, noting that the Chamber would
133 have a slightly smaller footprint. He comments on the addition of a demo winery to be
134 used for educational purposes, including a portable bottling machine, requiring use
135 similar to a microbrewery. He says the Lawer tasting room would be re-located, which
136 would require a use permit subject to the new tasting room policy. He adds that the
137 building would primarily return to a restaurant use noting that the use permit for a
138 tasting room becomes null and void if the restaurant ceases to operate.

139 **Chair Cooper** asks how this would affect the use permit of the tasting room and
140 Director Tusinger responds that use permits run with the land and if a substantially
141 similar use came into the current Lawer space within six months, they could assume
142 the use permit and it would not be subject to a 25 percent other space use. Director

143 Tusinger adds that if a use permit were approved for wine tasting at the new location,
144 there would be one more potential wine tasting approval in eight months.

145 **Commissioner Berquist** asks if the restaurant will be open or if there will be
146 separation between restaurant and tasting room. Director Tusinger says no
147 substantial changes are proposed and there will be no demising wall between the two.

148 **Commissioner Berquist** asks about the Chamber space and Director Tusinger says
149 the office space will decrease, which should not trigger Planning Commission approval
150 and would be negotiated between owner and tenant.

151 **Commissioner McNair** asks for clarification about condition number 5 regarding
152 small groups and intent of marketing events, as she would prefer the restaurant be
153 open most of the time. Director Tusinger responds that condition 5 can be left to
154 commissioners to modify.

155 **Commissioner Allan** asks about the rights of the owner to use the sidewalk for
156 seating. Director Tusinger says a small amount of seating against the wall is typically
157 allowed without additional review, if sidewalk width allows.

158 Applicant, **Betsy Lawer**, comments that she is excited to do something with the
159 property and is still putting together ideas and concepts for the space and looks
160 forward to hearing Commissioners' input.

161 **Vice Chair Wilkes** asks about the potential odors from the demo winery, what diners
162 can expect if they just want to eat, and if there is a way to mediate the smelly doorway
163 next door to the Chamber entrance.

164 **Ms. Lawer** responds that there will be no crushing and odors would be like a barrel
165 room. She says her concept is to have a culinary arts education center and have
166 pairing menus with mostly wine and cider. She adds that she would want to negotiate
167 the 25 percent solely for diners.

168 **Commissioner Allan** wonders whether the 25 percent requirement could be hours of
169 operations committed to dining.

170 **Commissioners** and **Ms. Lawer** discuss the idea that the function be primarily a
171 restaurant with a tasting menu concept, without referring to it as an education center
172 for those who just wish to have dinner without a tasting component to accommodate
173 more people.

174 **Commissioner Allan** asks about the demo winery, expressing concern about barrel
175 ingress and egress, deliveries, fermentation and bottling on site, which is a loud, labor
176 intensive process for Washington St. He asks what improvements are proposed for
177 the exterior of the building and whether they intend to serve wines outside of the Lawer
178 brand.

179 **Ms. Lawer** responds that she would be open to barrel aging and then bottling
180 elsewhere, as suggested by **Commissioner Allan**, as they are only three weeks into
181 the concept. She says they would paint and add new signage and would intend to only
182 serve their wine.

183 **Commissioner Allan** disagrees with only serving their wine, as a restaurant would
184 serve more than one kind if the use is 25 percent restaurant.

185 **Vice Chair Wilkes** suggests a corkage fee to allow other wines.

186 **Ms. Lawer** asks about the possibility of selling other labels from her brand and
187 Commissioners re-iterate their preference and desire to have a full restaurant with a
188 wine variety to also attract more locals, as it is a key location in town. They re-discuss
189 the idea of a tasting menu versus a regular menu, as Ms. Lawer is interesting in
190 including a wine education component. She clarifies that intent is not an event center
191 and would likely just take reservations, as a regular restaurant operation would. She
192 adds there is no need to worry about primarily using the space as a restaurant, given
193 how much floor space is dedicated to the restaurant.

194 Public comment by **Cante Swearingen** expresses support of Ms. Lawer and her
195 business endeavors in town as well as outside of Calistoga.

196 **Vice Chair Wilkes** entertains the idea of moving forward, as he says the market will
197 inform its needs for that space. He mentions approving the proposed restaurant
198 concept with the exclusion of the wine bottling aspect.

199 **Chair Cooper** agrees about excluding wine bottling and suggests the idea of hand
200 bottling instead and Ms. Lawer says she is open to going several different directions
201 with that.

202 **Commissioner McNair** asks whether **Ms. Lawer** feels confident with the feedback to
203 put the process on hold or to seek approval. She says she understands they wouldn't
204 object to demo winery without the bottling plant.

205 **Director Tusinger** says they are moving in the right direction to offer a more traditional
206 menu during the evening hours, as well as a tasting menu.

207 **Vice Chair Wilkes** adds that he would not feel compelled to require additional wines
208 be served because in the long term, the market will determine if that model is
209 successful, and **Commissioner Allan** proposes 25 percent of wines be different.

210 **Chair Cooper** says the restaurant is the primary use and the motion is on approving
211 the tasting room and demo winery.

212 **Commissioners** further discuss the event aspect, questioning whether the restaurant
213 would shut down to the public, the number of times, what constitutes a small group for
214 an event.

215 **Ms. Lawer** asks for clarification on the definition of an event and Director Tusinger
216 responds that staff would consider an event closed to public, requiring advertising,
217 ticket sales, etc. He adds that they can request to modify the use permit to include
218 events after operating to get a better idea of their needs.

219 **Commissioner Allan** suggests adding a condition of approval to condition three for
220 aging and fermenting only and condition four to require 25 percent of different wine
221 sales.

222 **Commissioner McNair** suggests defining a small group event as under 20.

223 **Commissioner Berquist** says he would be ok with that as long as the restaurant
224 could continue operating for the general public.

225 **Ms. Lawer** asks for clarification about events versus a reservation and
226 **Commissioner McNair** says reservations come into play with the restaurant use and
227 events come with the tasting room use, adding that she wants to create boundaries
228 as there are currently none.

229 **Vice Chair Wilkes** comments that the idea of special event permitting is primarily
230 because a facility requires some level of public service, and Ms. Lawer should not
231 need it as long as it doesn't preclude diners from having dinner there.

232 **Commissioner McNair** says she wants to clarify events as they relate to tasting
233 rooms and **Commissioner Allan** asks if it is in fairness to other tasting rooms.

234 **Director Tusinger** says this language came from conditions of approval for other
235 tasting room permits in town.

236 A motion by **Commissioner Allan** that the Planning Commission adopt a resolution
237 approving a similar use determination use permit allowing for the establishment of a
238 tasting room and ancillary demonstration winery use at the restaurant located at 1374
239 Lincoln Avenue with amendments on Condition of Approval number three clarifying
240 that demo winery is allowed fermentation and aging of wine, and condition number
241 four that 25 percent of wines sold at restaurant not be associated with applicant's label
242 is seconded by **Vice Chair Wilkes** with an amendment to change the language to 25
243 percent of wines "offered for sale," is approved unanimously (5-0).

244

245 **H. MATTERS INITIATED BY COMMISSIONERS**

246 **Commissioner Allan** asks to discuss the signage they approved at Dr.
247 Wilkinson's at a future meeting.

248 **I. DIRECTOR'S REPORT**

249 **Director Tusinger** reports that he has no applications ready for the next meeting.

250 **J. ADJOURNMENT**

251 On a motion from **Chair Cooper** that is adopted unanimously (5-0), the meeting was
252 adjourned at 7:55 p.m.

Claudia Aceves, Secretary

draft