



City of Calistoga  
Planning Commission  
**Agenda Item Summary**

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<b>DATE</b>	September 26, 2018
<b>ITEM</b>	<b>Draft Minutes of September 12, 2018 Meeting</b>
<b>RECOMMENDATION</b>	Approve minutes with any necessary changes

**MINUTES**  
**CALISTOGA PLANNING COMMISSION**  
**September 12, 2018**

**A. ROLL CALL**

1 Commissioners present: Chair Paul Coates, Vice Chair Tim Wilkes, Alissa McNair,  
2 Walter Abernathy, Scott Cooper. Absent: None. Staff present: Planning and Building  
3 Director Lynn Goldberg.

4 **B. PLEDGE OF ALLEGIANCE**

5 **C. PUBLIC COMMENTS**

6 None

7 **D. ADOPTION OF MEETING AGENDA**

8 The meeting agenda of September 12, 2018 was accepted as presented.

9 **E. COMMUNICATIONS/CORRESPONDENCE**

10 None.

11 **F. CONSENT CALENDAR**

12 **1. Minutes for the August 22, 2018 Planning Commission meeting**

13 The minutes were accepted as presented.

14 **G. PUBLIC HEARINGS**

15 **1. Municipal Code Amendment ZOA 2018-2:** Consideration of a recommendation  
16 to the City Council regarding a proposed amendment to Calistoga Municipal  
17 Code 17.48.040(C)(3) to increase the number of marijuana plants that may be  
18 cultivated outdoors on certain residentially-zoned properties for personal use

19 Director Goldberg presented the staff report, noting that the Calistoga Police  
20 Department has not logged any complaints related to personal cannabis  
21 cultivation (either indoors or outdoors) since adoption of the regulations  
22 approximately one year ago. No information is available about the number of  
23 local residential properties with cultivation activities, because the City chose to  
24 forego any type of permitting requirement. The City of Napa allows the indoor or  
25 outdoor residential cultivation of up to six plants for personal use. None of the  
26 other Napa County jurisdictions currently allow personal outdoor cultivation.

27 In response to a question from **Commissioner McNair**, Ms. Goldberg explained  
28 that there are no regulatory differences between plants grown personally for  
29 medicinal or recreational purposes; they are all legal.

30 In response to a question from **Vice Chair Wilkes**, Ms. Goldberg was unable to  
31 provide the origin of the State's six-plant limitation.

32 **Commissioner Abernathy** wondered how many plants it takes to supply a  
33 household. It seems it would depend on the type of plant and how well it was

34 cultivated. The limitation should be based on the cultivation yield and how much  
35 can be consumed on-site.

36 **Commissioner Cooper** related that an acquaintance was allegedly able to stock  
37 his entire dispensary with the yield from six outdoor plants, which produced 36  
38 pounds of marijuana. The City could return to the two-plant limitation if increasing  
39 the number of plants proves to be a problem.

40 Ms. Goldberg observed that there was no “magic number” for how many outdoor  
41 plants should be allowed, since there can be a wide range of yield, and the  
42 potential negative impacts cannot be projected in detail.

43 In response to a question from **Chair Coates**, Ms. Goldberg responded that the  
44 City of Napa’s regulation allowing six outdoor plants was only recently adopted  
45 and she had no feedback to share on whether there had been associated  
46 problems with that number.

47 **Chair Coates** opened and closed the public hearing after there were no public  
48 comments.

49 **Commissioner McNair** reported that four persons have approached her seeking  
50 an increase in the number of outdoor plants allowed. Although they didn’t request  
51 a certain number, four plants seem reasonable.

52 **Vice Chair Wilkes** shares **Commissioner Abernathy’s** concern about how  
53 many plants it takes to supply a household. There doesn’t seem to be a  
54 drumbeat in the community that two plants is not enough. He wonders why the  
55 City is considering increasing the number allowed.

56 **Chair Coates** believes that the number of plants allowed doesn’t matter. People  
57 will grow what they want and whatever they can get away with. He hasn’t heard a  
58 lot of community support for increasing the number of outdoor plants. However,  
59 no one in attendance at the meeting has expressed opposition to increasing the  
60 number, either.

61 **Vice Chair Wilkes** supports splitting the difference at four plants, although there  
62 doesn’t appear to be a compelling community need to increase above two; no  
63 one in the audience is advocating for more.

64 **Commissioner Cooper** observed that more than two plants may be needed to  
65 supply a household if someone isn’t a talented grower.

66 **Vice Chair Wilkes** noted that if allowing the maximum of six plants proves to be  
67 a nuisance, then the City will have to knock it back to a lower number.

68 A motion by **Commissioner Abernathy** and seconded by **Vice Chair Wilkes** to  
69 adopt a resolution recommending to the City Council approval of a Zoning Code  
70 amendment to increase the number of marijuana plants that may be cultivated  
71 outdoors for personal use to four plants was approved unanimously.

72       **2. 1339 Lincoln Avenue Demolition Design Review DR 2017-10:** Consideration  
73       of a design review application for the demolition of the one-story building located  
74       at 1339 Lincoln Avenue

75       **Commissioner Abernathy** announced a proximity conflict of interest with the  
76       project and left the meeting.

77       Director Goldberg presented the staff report and recommended approval of the  
78       design review application to allow demolition of the building, which is eligible for  
79       listing in the California Register of Historical Resources. Although the Calistoga  
80       General Plan seeks to preserve the city's historic resources, the building's stone  
81       walls are too deteriorated to allow retrofitting or reconstruction, according to the  
82       opinions of two structural engineers that were confirmed by the Calistoga  
83       Building Standards Appeals and Advisory Board. The project's environmental  
84       impact report includes a mitigation measure that requires an as-built survey of  
85       the building using 3D laser scanning prior to its demolition that will provide  
86       archival-quality printed and digital images. A condition of approval would also  
87       require that each building stone be labeled as the building is dismantled and that  
88       certain building elements be preserved for possible re-use or donation. She  
89       reported that only one comment on the draft EIR had been received, which was  
90       from Caltrans referring to the need for an encroachment permit if the demolition  
91       involved its right-of-way. She clarified that the Commission needs to adopt two  
92       resolutions – one certifying the EIR and one approving the design review  
93       application.

94       In response to a question from **Commissioner Cooper**, Ms. Goldberg replied  
95       that no financial assistance is available for the retrofitting of unreinforced  
96       masonry buildings, but most of the city's URM buildings have been reinforced or  
97       are about to be. He understands that public safety trumps everything, but it's  
98       unfortunate that a historic building has to be demolished.

99       **Commissioner McNair** reported that tax credits are available for historic  
100       buildings that are actually listed on the historic register.

101       **Vice Chair Wilkes** noted that the proposed demolition is not related to economic  
102       considerations.

103       **Chair Coates** opened and closed the public hearing after there were no public  
104       comments.

105       **Vice Chair Wilkes** reiterated that the Building Standards Advisory and Appeals  
106       Board had reviewed the demolition request in detail. There's been a very diligent  
107       analysis by the applicant and the project's architectural historian. Demolition is  
108       the inevitable response in this case. With implementation of the documentation  
109       and preservation requirements, he hopes for a second life for the property.

110       **Chair Coates** concurred that the applicant is going to extremes to document the  
111       building's design and preserve some of its materials.

112 A motion by **Vice Chair Wilkes** and seconded by **Commissioner Cooper** to  
113 adopt a resolution certifying the final environmental impact report, and adopting a  
114 mitigation measure, findings of fact and a statement of overriding considerations  
115 was approved unanimously.

116 A motion by **Vice Chair Wilkes** and seconded by **Chair Coates** to adopt a  
117 resolution approving Design Review application DR 2017-10 was approved  
118 unanimously.

119 **H. MATTERS INITIATED BY COMMISSIONERS**

120 **Vice Chair Wilkes** appreciates the two local newspapers highlighting the upcoming  
121 Planning Commission agenda items. He has received comments from the public as  
122 a result. **Commissioner McNair** noted that she had, as well.

123 **I. DIRECTOR REPORT**

124 Director Goldberg reported that a new Senior Planner had been hired and will start  
125 employment with the City on October 1.

126 **J. ADJOURNMENT**

127 The meeting was adjourned at 5:57 p.m.

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Lynn Goldberg, Secretary