

**CALISTOGA PLANNING COMMISSION
STAFF REPORT**

To: Calistoga Planning Commission
From: Zach Tusinger, Planning & Building Director
Meeting Date: April 28, 2021
Subject: **Lawer Estates Restaurant, Tasting Room, and Demonstration Winery – Similar Use Determination and Use Permit Application UP 2021-3**

1 **ITEM**

2 Consideration of a use permit and similar use determination application to allow for the
3 establishment of a wine tasting use and demonstration winery use, both as secondary
4 uses to a restaurant to be located within the existing space of the former Brannan’s Grill
5 at 1374 Lincoln Avenue (APN 011-231-001).

6 **PROJECT SETTING**

7 The property at 1374 Lincoln
8 Avenue is currently vacant
9 since the Brannan’s Grill
10 closed in 2018. The rear
11 portion of the property is
12 occupied by the Calistoga
13 Chamber of Commerce and
14 Visitor Center.



1374 Lincoln as viewed from the intersection of Lincoln and Washington

15 Surrounding uses include the
16 aforementioned visitor
17 center, the vacant Bosco’s
18 Restaurant next door on
19 Lincoln Avenue, the new
20 blown glass gallery that is in
21 the process of relocating to
22 the space of the former All Season’s Bistro across Washington Street, and a variety of
23 other shops, restaurants, and tasting rooms located on the opposite side of Lincoln.

24 **PROJECT DESCRIPTION**

25 Applicant Betsy Lawer seeks permission from the Planning Commission to relocate their
26 existing tasting room located at 1255 Lincoln Avenue to the former Brannan’s Grill
27 Restaurant at 1374 Lincoln Avenue (see Attachment 2 for a full project description). The
28 project would include reopening the restaurant with a new concept focused on small
29 plates with food and wine pairing options. The tasting room component would occupy
30 the space of the former restaurant’s bar. No hard liquor would be served on the
31 property, only win and beer. The other notable portion of the project proposal is the
32 inclusion of a small demonstration winery. As described by the applicant and as shown

33 on the plans, the demonstration winery would be very narrow in scope and capacity (no
34 more than 20 barrels annually, and only the fermenting and bottling done on site). The
35 applicant views this ancillary demonstration winery use as an educational amenity that
36 will showcase barrel fermentation and small-scale winemaking techniques. As part of
37 the tasting room and restaurant space, a small retail component will also be included.

38 The small second floor space will continue to serve as office space, and the Calistoga
39 Chamber and Visitor Center will remain in its current location, albeit with a slightly
40 reduced footprint within the building.

41 **ANALYSIS**

42 The project's consistency with the City's applicable plans, policies and codes is
43 evaluated below.

44 Calistoga General Plan

45 The project site is designated by the General Plan's Land Use Map as Downtown
46 Commercial, which allows the establishment and expansion of businesses for visitors
47 and residents.

48 The Downtown Character Area overlay, which also applies to this property, encourages
49 and supports a diversity of land uses. The approval of this project would mean a further
50 expansion of a unique business in the downtown area and the revitalization of a
51 prominent downtown space which has sat vacant for over two years.

52 Allowing for the relocation of the tasting room activities to this site and the establishment
53 of a limited winery operation on the property in conjunction with the reopening of the
54 restaurant space for restaurant use would be consistent with General Plan Economic
55 Development Objective ED-1.2, which encourages the expansion of economic activity in
56 Calistoga that builds on the community's strengths.

57 Zoning Code

58 The project site is zoned Downtown Commercial (DC). Tasting Rooms are allowed by
59 use permit subject to limitations, and breweries and cottage industries, both of which
60 may be comparable in some ways to a demonstration winery, are also allowed by use
61 permit.

62 The Planning Commission has the ability to make a similar use determination per the
63 procedures and findings outlined in CMC Subsection 17.03.090.B The Zoning Code
64 specifically contemplates that "in the development of a comprehensive zoning
65 ordinance, not all uses of land can be listed, nor all future uses be anticipated; or a 'use'
66 may have been omitted from the list of those specified as permissible in each of the
67 various zones herein designated; or ambiguity may arise concerning the appropriate
68 classification of a particular use within the meaning and intent of this title" (CMC
69 17.03.090.A). In this case, winery functions are only specifically allowed, to varying
70 degrees, by use permit in the Rural Residential District and the Industrial District.
71 However, it is unlikely that extremely small-scale (20 barrels or less, with no onsite
72 crushing), 'demonstration wineries' paired with other uses such as is proposed here

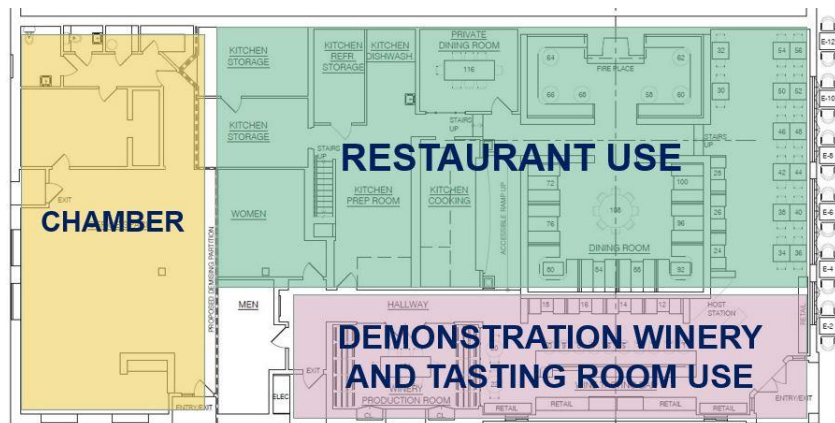
73 were ever specifically considered. In many ways a demonstration winery is no different
74 than a small-scale brewery (aging and fermentation, combined with limited bottling and
75 distribution), or a cottage industry, where the retail sales of products or merchandise
76 made on the premises is allowed. Proposed findings for a similar use determination are
77 included in the draft resolution.

78 No new parking or parking fees would be required for this project.

79 Tasting Room Policy Compliance

80 The new tasting room, should it be approved, would need to comply with the City's
81 newly adopted Tasting Room Policy (Attachment 4). The Policy limits the City to
82 approving no more than two tasting rooms per calendar year and limits the number of
83 tasting rooms in storefronts along specific streets and in certain districts. The proposed
84 application is within these limits established by the policy.

85 Separately, the policy
86 mandates a secondary
87 use consisting of at least
88 25% of the building's net
89 floor area that is distinct
90 from the tasting room.
91 While the demonstration
92 winery component is
93 certainly not separate and
94 distinct, the Planning
95 Commission may be able



96 to determine that the large
97 restaurant use is. It should
98 be noted that the
99 restaurant is likely to serve
100 many of the same wines

Approximate breakdown of proposed uses within the building between restaurant, and the tasting room/demonstration winery. Chamber space shown for reference purposes. See Attachment 3 for more detail.

101 as the tasting room and would have an emphasis on wine pairings with meals.
102 However, an emphasis on wine and wine pairings is not uncommon at restaurants in
103 Napa Valley. The proposed restaurant use occupies more than 50% of the proposed
104 business's net floor area and is located prominently at the front of the establishment.

105 Proposed findings for the use permit are included in the draft resolution. Commensurate
106 draft conditions of approval for all the proposed uses in this project are also included in
107 the draft resolution (Attachment 1).

108 **ENVIRONMENTAL REVIEW**

109 The use permit application is Categorically Exempt from the requirements of the
110 California Environmental Quality Act (CEQA) pursuant to Sections 15301 and 15303 of
111 the CEQA Guidelines.

112 **PUBLIC COMMENT**

113 As of April 21, 2021, no comments regarding this application had been received.

114 **FINDINGS**

115 To reduce repetition, all the necessary findings to approve the use permit application
116 are contained in the draft resolution.

117 **RECOMMENDATION**

118 Based on the information and analysis contained in this report, staff recommends that
119 the Planning Commission, after conducting a public hearing on the matter, adopt the
120 attached resolution approving the similar use determination and Use Permit UP 2021-3.

ATTACHMENTS

1. Draft Resolution
2. Project Description
3. Existing Floor Plan and Proposed Floorplan
4. Tasting Room Policy