



CALISTOGA PLANNING COMMISSION

STAFF REPORT

To: Calistoga Planning Commission
From: Jeff Mitchem, Planning & Building Director
Meeting Date: March 23, 2022
Subject: Calistoga Depot Use Permit Amendment UP 2022-5

ITEM

Consideration of a use permit amendment application to allow minor changes to use intensity and location at 1458 Lincoln Avenue (APN 011-211-012). The project site is within the Downtown Commercial (DC) District and is regulated by Calistoga Municipal Code Chapter 17.21. All components of the proposal are compliant with the use provisions and development standards therein.

BACKGROUND

The project site is listed on the National Register of Historic Places (NRHP) (NR#77000313), the California Register of Historical Resources (CRHR), and is listed as California State Landmark #687. It is also listed as a Category A resource for the City of Calistoga.

On August 11, 2021, the City of Calistoga Planning Commission approved by resolution use permit UP 2021-5 to allow a tasting room accompanied by a microbrewery, retail sales, grocery/restaurant with alcohol and wine sales within the existing Calistoga Depot and associated train cars.

All uses proposed in this subject use permit amendment application were previously approved by UP 2021-5. This use permit amendment is triggered by changes that are expanded or re-located from those previously approved.

PROJECT DESCRIPTION

Following, is a summary of the proposed revisions to the previously approved site configuration specifically considered by this use amendment request (refer to Attachment C):

- **Brewery & Outdoor Dining – Expanded Use.** UP 2021-5 permitted alcohol sales as a use elsewhere on the site and outdoor dining in the south side-yard (Ace Hardware side) and not in the rear-yard as now proposed. As proposed, the primary dining area (pizza oven and seating) will remain in the side-yard, while the brewing operations are moved to the rear-yard. Additionally, storage components of the site program are proposed to be located near the rear property line. Therefore, the proposal to also use the rear-yard for this use is considered an *expanded use* from that previously approved.

- **Saloon Car – Expanded Use.** Though UP 2021-5 permitted alcohol sales as a use elsewhere on the site, it did not specify this car as a point of sale for alcohol. Instead, it identified the use of this car as “kitchen / service to-go”. Therefore, the proposal to also use the train car for alcohol sales is considered an *expanded use* from that previously approved.
- **Oyster/Champagne Car – Expanded Use.** Though UP 2021-5 permitted alcohol sales as a use elsewhere on the site, it did not specify this car as a point of sale for alcohol. Instead, it identified the use of this car as “retail”. Therefore, the proposal to also use the train car for alcohol sales is considered an *expanded use* from that previously approved.
- **Mexican Restaurant Car – Relocated Use.** UP 2021-5 specified the use of this car as “retail” and permitted “restaurant” use in another car. The proposal identifies the use of this train car as “restaurant”. Therefore, the proposed train car use is considered a *re-located use* from that previously approved.
- **Commercial Kitchen Car – Relocated Use.** UP 2021-5 specified the use of this car as “retail” and permitted “commercial kitchen” use in another car. The proposal identifies the use of this train car as “kitchen”. Therefore, the proposed train car use is considered a *re-located use* from that previously approved.

DISCUSSION

Consistency Analysis

NOTE: The proposed changes subject to this amendment request (UP 2022-5) are de minimis and do not change the consistency analysis previously conducted by staff for UP 2021-5. They are included herein for reference.

The project’s consistency with applicable provisions of the City’s plans, policies and codes is evaluated below.

GENERAL PLAN

The subject building is identified by the Calistoga General Plan as a Category A Primary Historic Resource. Continued preservation of the structure through repurposing in a sensitive manner would be consistent with the following provisions of the Community Identity Element.

Goal CI-3 Conserve Calistoga’s historic, architectural and cultural resources.

Objective CI-3.1 Protect historic properties as representatives of Calistoga’s rich and varied heritage.

Policy 3.1-1 The preservation of historic properties shall be encouraged through restoration, sensitive renovation and adaptive reuse.

Policy 3.1-2 All properties listed as Category A – Primary Historic Resources shall be preserved and protected.

The subject property is also within the Downtown Character Area Overlay - Historic District Sub-Area of the Land Use Element.

ZONING ORDINANCE

The project is broadly consistent with the various provisions found in the Calistoga Municipal Code, specifically Title 17: Zoning. There are no issues with development standards as all the structures on the property are existing and only minimal modifications are proposed to the outside.

In terms of uses, tasting facilities are allowed by use permit as are alcohol sales. The City recently updated its ordinance and policies related to tasting rooms. The City limits the permitting of tasting room to no more than two per calendar year starting from the effective date of the ordinance. Since the ordinance went into effect, one tasting room use has been approved, that of Lawer's at the former Brannan's Grill restaurant on the corner of Lincoln and Washington. Should the Commission approve this item, no additional tasting room permits could be granted this calendar year. Additionally, tasting rooms are to be permitted in no more than 12 storefronts along Lincoln and no more than 18 storefronts in the Downtown Commercial District as a whole. The City has not yet reached either of those limits. Finally, the approved Tasting Room Policy requires at least 25% of the floor area of a space where tastings are to be permitted to be for a secondary use such as retail. This project would exceed the 25% requirement threshold for a secondary use through the inclusion of retail and the restaurant/grocery/deli use in the front of the building.

This proposal has also been evaluated in terms of the City's formula business ordinance (see the definition of a formula business at CMC 17.04.132). While the applicant does own businesses such as Oakville Grocer that have components and offerings that are similar in nature to what is proposed under this application, staff believes that the unique name, arrangement, architecture, interior décor, and other components of the proposal nullify any significant concerns related to this potentially being considered a formula business. A formula business would require a separate use permit from the Planning Commission.

One issue that frequently comes up when repurposing historic properties in the downtown is parking. Properties are generally only required to provide new off-street parking or pay fees *when a use is being intensified or square footage added*. In the case of the Depot, it has served for many years as retail and light restaurant uses (and even tasting uses). However, no physical off-street parking exists that is dedicated to the Depot.

Parking ratios in the Zoning Ordinance are based on usage/square footages. Relevant parking ratios for the purposes of this property and project are as follows (see CMC 17.36.140 Off-Street Parking for Commercial and Industrial Uses):

- Restaurant = 1 space per 100 square feet
- Retail Sales, General = 1 space per 200 square feet

- Tasting Rooms and patios are not specifically called out in the code, but the practice has been to treat both like conventional restaurant space = 1 space per 100 square feet.

Based on staff's calculations, the parking that was required under the Depot's most recent former uses (and which would be credited to this project) are as follows:

- Front restaurant area (Palisades) = 17 spaces
 - Main floor/great hall (retail + limited wine tasting) = 15 spaces
 - Existing outdoor patio for restaurant = 20 spaces
 - Existing train cars (retail + restaurant use) = 28 spaces
- TOTAL = 80 spaces**

In reality, the true day to day demand of the Depot has rarely actually been 80 spaces. To a large degree, the uses under the current proposal are not changing significantly, though due to the investment in the property contemplated by the project applicant, it can be assumed the actual daily demand will be higher than it has been in the past.

Based on the square footages of the different proposed uses, staff calculates the parking demand for this project based on the code to be:

- Restaurant/brewery component (kitchen + patio/facilities) = 30 spaces
 - Train cars (retail + restaurant use) = 28 spaces
 - Indoor retail/indoor circulation = 16 spaces
 - Tasting + associated storage/facilities = 11 spaces
- TOTAL = 85 spaces**

Staff's calculations of the various uses and square footages indicate that a net gain in demand of five additional parking spaces is required based on the code. Those additional spaces can be accounted for by the payment of Tier I fees by the project. In addition to off-street parking, the code call for bicycle parking in the amount of one space for every 10 off-street parking spaces. As such, a draft condition of approval is being incorporated into the draft resolution calling for the provision of at least 9 bicycle parking spaces.

Signage has not been included with this application, so signage will need to be applied for and reviewed/permitted separately.

ENVIRONMENTAL REVIEW

NOTE: The proposed changes subject to this amendment request (UP 2022-5) are de minimis and do not change the environmental review previously conducted by staff for UP 2021-5. They are included herein for reference.

Staff has reviewed the proposal and no significant impacts to the historic structure are expected. In any event, the structure has previously been evaluated by an architectural historian, and the recommendation from that review would remain in effect: that all improvements or alterations to the building be performed in accordance with the Secretary of Interior's Standards for the Treatment of Historic Properties.

The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 and 15303.

PUBLIC COMMENT

As of the publishing date of this staff report no public comments had been received by staff.

RECOMMENDATION

Based on the information and analysis contained in this report, staff recommends that the Planning Commission consider adopting a resolution approving Use Permit UP 2022-5, thereby amending UP 2021-5.

ATTACHMENTS

1. Draft Resolution
2. Vicinity Map
3. Site Plan
4. Planning Commission Staff Report, UP 2021-5, Attachments 1-5