

**Town of Yountville
Zoning and Design Review Board**

Resolution Number 24-015

A RESOLUTION OF THE TOWN OF YOUNTVILLE ZONING AND DESIGN REVIEW BOARD RECOMMENDING THE TOWN COUNCIL APPROVE AN APPLICATION FOR A USE PERMIT AMENDMENT AND MAJOR DESIGN REVIEW FOR PANCHA'S BAR AT 6764 WASHINGTON STREET AND FIND THE PROPOSED RESTORATION AND IMPROVEMENTS TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Recitals

- A. On May 25, 1993, the Town Council adopted Resolution 964-93 approving a Use Permit for Pancha's bar to operate at 6764 Washington Street.
- B. Yountville Municipal Code (YMC) section 17.188.020 states no structure shall be built, expanded, or have its exterior altered, and no building permit shall be issued, unless the design is approved in advance pursuant to major or minor design review approval.
- C. YMC section 17.188.020(B) requires major design review approval for new, expanded or exterior alterations to commercial structures.
- D. YMC section 17.188.040(B) authorizes the Zoning and Design Review Board (ZDRB) to recommend approval, conditional approval, or denial of applications for major design review based on the findings required by YMC section 17.188.060.
- E. YMC Section 17.188.070 authorizes the Town's reviewing authority to impose conditions of approval deemed reasonable and necessary to ensure the approval of a design review permit will be in compliance with the findings required by YMC Section 17.188.060.
- F. The existing structure at 6764 Washington Street is a non-conforming building because it does not meet the required 15-foot front setback and encroaches into the public right-of-way.
- G. YMC section 17.232.020(C)(2) states that a nonconforming building may be enlarged or extended only upon approval of a use permit.
- H. YMC section 17.200.040(B) authorizes the ZDRB to recommend approval, conditional approval, or denial of applications for use permits based on the findings required by YMC section 17.200.060.
- I. YMC Section 17.200.070 authorizes the Town's reviewing authority to impose conditions of approval deemed reasonable and necessary to ensure commercial use permits will be in compliance with the findings required by YMC Section 17.200.060.

- J. On August 9, 2024, the Town received a complete application for major design review approval of restoration and improvements at 6764 Washington Street, APN 036-033-015 (the "Application"), and for an amendment to the use permit on file to allow the expansion of a non-conforming use;
- K. Notice of the public hearing on the Application has been provided in accordance with YMC sections 17.188.050, 17.200.050, and 17.180.040.
- L. At a Special Meeting of the ZDRB meeting held August 27, 2024, the ZDRB reviewed the Staff Report and received a presentation on the Application, as well as public comment thereon.

NOW, THEREFORE, BE IT RESOLVED that the Zoning and Design Review Board hereby finds and resolves as follows:

SECTION 1. RECITALS: The foregoing recitals are true and correct and are incorporated into the findings herein.

SECTION 2: RECORD: The Record of Proceedings ("Record") upon which the Zoning and Design Review Board bases its recommendation includes, but is not limited to: (1) the staff reports, Town files and records and other documents prepared for and/or submitted to the Town relating to the Application, (2) the evidence, facts, findings and other determinations set forth in this resolution, (3) the Town of Yountville General Plan and its certified final EIR and the Yountville Municipal Code, (4) all designs, plans, studies, data and correspondence submitted to the Town in connection with the Application, (5) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the Town, and (6) all other matters of common knowledge to the Zoning and Design Review Board including, but not limited to, Town, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the Town of Yountville and its surrounding areas.

The location and custodian of the records is the Town of Yountville Planning and Building Department at 6550 Yount St, Yountville, CA 94599.

SECTION 3. CEQA FINDINGS: Based on the Record as described above and all matters deemed material and relevant prior to adopting this resolution, the Zoning and Design Review Board finds the restoration of the existing building with new bathrooms, storage, and trash, and one new ADA parking space proposed in the Application to be exempt from the requirements of CEQA, pursuant to California Environmental Quality Act (CEQA) Guidelines pursuant to Sections §15061(b)(3) (common sense exemption) which exempts a project where there is no possibility it may have a significant effect on the environment, and §15301, Class 1, of Title 14 of the California Code of Regulations (the "CEQA Guidelines"). CEQA Guidelines §15301 (a) exempts interior and exterior alterations; §15301 (d) exempts the restoration or rehabilitation of deteriorated or damaged structures to meet current standards of public health and safety; §15301 (e) exempts additions to existing structures less than 50 percent of the floor area and less than 2,500 square feet. The Project involves the restoration of a 1920's structure which

has been deemed ineligible for historic listing at this time, and includes adequate shoring and bracing of the structure, addition of accessible restrooms, accessible parking and repair/replacement of glazing and decayed siding, posts, and other building elements. The Project involves an addition of approximately 212 square feet which will include creating accessible restrooms and refuse enclosures that meet current building and health codes. None of the exceptions to the categorical exemptions set forth in 14 CCR § 15300.2 apply and it can be seen with certainty that the Project will not have a significant effect on the environment.

SECTION 4. DESIGN REVIEW FINDINGS: The Zoning and Design Review Board hereby makes its recommendation based on the following findings as required by YMC Section 17.188.060 with respect to the Application at issue based on the evidence contained in the Record which is herein incorporated by reference:

A. The proposed development or physical improvement is appropriate for the site with regard to the siting and scale of buildings, pedestrian and vehicular access and circulation, and relationship of structures and open spaces to the streetscape;

The Project proposes to maintain the existing structure, site design, and relationship to the streetscape. Improvements to the organization of the parking lot are proposed behind the building, as is a small addition which will not be visible from the street. The proposed modifications to the building elevations will rehabilitate the entry, front facade, and side elevations of the structure, and improve pedestrian and vehicular access from the parking to the rear entry. Therefore, the proposed physical improvement is appropriate for the site with regard to the siting and scale of buildings, pedestrian and vehicular access and circulation, and relationship of structures to the streetscape.

B. The location of structures preserves significant trees, natural features and identified public view corridors;

The addition to the structure will not disrupt or destroy any trees, nor will it disrupt the public view corridor identified in the General Plan (looking north on Washington Street), and no trees are proposed for removal.

C. The project will be compatible with neighboring properties and developments with regard to setbacks, building heights, and massing;

The Project is non-conforming to the front setback and encroachment into the Washington Street right-of-way, similar to the adjacent older building to the north. The encroachment will not be increased with the building modifications. The height of the building is not being changed, and the perceived massing from the right-of-way and will not be altered as the addition is at the rear of the building away from public view points. Therefore, the Project will be compatible with neighboring properties and developments with regard to setbacks, building heights, and massing.

D. The project will not be detrimental to neighboring properties and developments with regard to the location of parking facilities, siting of trash enclosures, placement of mechanical equipment, and privacy considerations;

No significant alterations are being made to the parking, landscaping and screening, or privacy to adjacent properties. The Project proposes a significant improvement to the refuse area by incorporating the trash enclosure into the building addition. As conditioned, the mechanical equipment on the roof will be screened. Therefore, the Project will not be

detrimental to neighboring properties and developments with regard to the location of parking facilities, siting of trash enclosures, placement of mechanical equipment, and privacy considerations.

E. The project presents an attractive design, utilizing high-quality building finishes and materials, and design techniques to mitigate potentially bulky building forms, such as modulating varied rooflines, partial upper stories, setbacks for upper story volume and/or a variety of roof forms;

The proposed finishes are high-quality materials, including western red cedar for the posts and horizontal siding and aluminum anodized windows. The roof forms are varied and the upper parapet is set back from the front porch; these are proposed to remain unchanged. The rear addition will be a similar height to the existing roof at the rear of the building. The wood materials on the existing structure are proposed to be stained to emphasize the natural wood material and to recognize the age and character of the structure and its place in the Town's history. Wood materials on the new addition will be painted to visually differentiate it from the existing structure. Therefore, the Project presents an attractive design, utilizing high-quality building finishes and materials, and design techniques to mitigate potentially bulky building forms.

F. Proposed landscaping provides sufficient visual relief, complements the buildings and structures on the site, and provides an inviting environment for the enjoyment of occupants and the public;

No changes are proposed to landscaping. The current landscaping provides screening to adjacent residential properties.

G. The existing or proposed infrastructure and utility capacity are adequate for the proposed development; and

Conditions of approval proposed by Public Works, Fire, and Environmental Health ensure the infrastructure and utility capacity will be adequate. Therefore, this criterion will be met.

H. The proposed project will comply with all applicable provisions of this Title 17 and will be consistent with the policies and standards of the General Plan.

With the approval of a Use Permit to expand a non-conforming building, the Project and a Major Design Review permit, the Project will comply with the applicable provisions of Title 17, as analyzed in the Staff Report prepared for this resolution, incorporated in the Record.

The Project is consistent with the following policies and standards of the General Plan:

Goal OH-1: Identify, preserve and protect potential and listed historical resources.

In conformance with Town practice, a Historical Evaluation by a qualified Historic Consultant was completed for the structure. This report concluded that the property is not eligible for listing on State or Federal Registers at this time, and the Town does not currently have a Local Historic Preservation program. However, the treatment of the structure respects the building's age and place in the Old Town Commercial streetscape.

Policy OH-1.1 Decision Making. Incorporate historic preservation considerations into the Town's decision-making process.

While the structure is not eligible for listing as a historic resource at this time, the Project will maintain the existing envelope at the front and side elevations, including roofing, front facade elements, roof forms, and general fenestration patterns. Additionally, the Project proposes to remove stucco siding that was added at some point in the building's history, to reveal the original horizontal siding and wainscoting and, where necessary due to deterioration, will replace in-kind the horizontal siding, wainscoting, and other elements on the various facades in line with the original building. The new addition will be visually distinguished from the existing structure, in line with industry practices for treatment of new additions to older buildings.

Goal ES-1: Maintain a vibrant and diverse economy.

Policy ES-1.1 Tourism. Support the development of responsible businesses and events that enhance the Town's reputation as a world-class destination while preserving the livability of the Town for its residents.

The history of Pancha's is as a working-class establishment for local residents. The revitalization of, and continued operation of, this establishment will help preserve the livability of the Town for its residents as well as tourists.

SECTION 5. USE PERMIT FINDINGS:

The Zoning and Design Review Board hereby makes its recommendation based on the following findings as required by YMC Section 17.200.060 with respect to the Application at issue based on the evidence contained in the Record which is herein incorporated by reference:

A. The proposed use, at the intensity represented and at the proposed location, will provide a use that is compatible with the neighborhood and community;

The proposed addition is at the rear of the building and is not visible from the public right-of-way. The use of the addition to create a code-compliant trash enclosure and code-compliant restrooms will not in itself intensify the existing use nor will it intensify other existing non-conforming aspects of the building. The proposed addition meets applicable zoning standards and maintains the same or greater setback along the north property line, making it compatible with the neighborhood and community.

B. The proposed use will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity;

The proposed addition, including enclosed trash area, will improve the health, safety, and general welfare of the persons and property in the vicinity of the Project by creating an enclosing refuse area on the site where there currently is none.

C. The proposed use would not conflict with the Town's goal of achieving economic sustainability with a mix of varied commercial services;

The proposed addition will not impact or alter the existing use of the building as a bar, which has been in existence since the 1980's and has a valid use permit to operate. The continuation of this use will further the Town's goal of achieving economic sustainability with a mix of varied commercial services.

D. The proposed use will not impair accessibility or traffic patterns for persons and vehicles based on the type and volume of anticipated traffic, will provide safe and adequate ingress and egress, and will furnish adequate off-street parking and loading for both customers and employees to the extent deemed feasible by the decision-making body;

The proposed addition will not alter any traffic patterns, and the proposed upgrades to the parking to provide compliant ADA-accessible parking and better delineate existing parking will be a benefit to both customers and employees.

E. The proposed use provides sufficient safeguards to prevent noxious or offensive emissions such as glare, dust and odors, or levels of noise which may exceed the Town's noise regulations;

The proposed addition will likely help contain noxious odors, as refuse storage on-site will be enclosed as part of the addition rather than the current unenclosed practice. A condition of approval requires all construction and demolition activities conform to the Town's noise regulations.

F. The proposed use does not require excessive amounts of water or generate excessive amounts of waste;

The proposed addition is negligible and will not require excessive amounts of water or generate excessive amounts of waste.

G. The existing or proposed utility, police and fire services are adequate to serve the proposed use;

As conditioned, the Project will be adequately served by emergency services and will meet the requirements for adequate service for utilities, police, and fire services.

H. The proposed use will comply with all applicable provisions of Title 17 and will be consistent with the policies and standards of the General Plan; and

The proposed addition will allow the Project to comply with YMC §17.140.020.E Utilities and Refuse Storage: "For commercial uses, refuse storage areas shall be screened from public and adjacent properties view or located within a building. All refuse storage areas shall be maintained to the reasonable satisfaction of the Town Council." in that the on-site refuse area will be located within the building. The proposed addition and associated design modifications will meet the requirements of YMC §17.140.020.E. The proposed addition and use will comply with all applicable provisions of Title 17 and will be consistent with the policies and standards of the General Plan, as analyzed in the Staff Report prepared for this resolution, incorporated in the Record,

SECTION 6. RECOMMENDATION: The Zoning and Design Review Board hereby recommends the Town Council conditionally approve the Application for major design review and an amendment to the use permit to allow the expansion of a non-conforming building, subject to the Conditions of Approval set forth in Exhibit A, attached hereto and incorporated by reference, and find the proposed improvements to be exempt from CEQA pursuant to CEQA Guidelines sections 15061(b)(3) (common sense exemption) and 15301 (existing facilities).

Passed and adopted at a special meeting of the Zoning and Design Review Board of the Town of Yountville held on the 27th day of August 2024 by the following vote:

AYES: Cook, Zagorsek, Deposki, Miller

NOES: None

ABSTAIN: None

ABSENT: Henthorne

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of the resolution which was adopted by the Zoning and Design Review Board of the Town of Yountville, County of Napa, State of California, on the 27th day of August 2024.

Steven Miller

Steven Miller, Chair

Hilary Gaede

Hilary Gaede, Town Clerk and Communications Director

Exhibit A: Conditions of Approval

Exhibit A
Recommended Conditions of Approval
Design Review and Use Permit
6764 Washington Street
Building Addition and Exterior Modifications

Planning Conditions:

Project Specific Conditions:

1. Permit drawings shall include ADA path of travel from parking to a public entry at the rear of the building.
2. A minimum of two bicycle parking spaces shall be added to the site. These may be located at the rear entry.
3. The rooftop mechanical equipment shall be screened from pedestrian view in accordance with Yountville Municipal Code section 17.72.030. Screening shall be included in the building permit submittal.
4. The unused side door on the south elevation of the building shall be removed from the project.
5. All conditions and requirements of the Use Permit granted for the site through Resolutions 964-93 (Pancha's Bar Use Permit) and Resolutions Number 2958-11 and 17-3410 (Tacos Garcias Use Permit), and any other former resolution and conditions of approval related to 6764 Washington Street, shall remain in effect unless otherwise amended.

General Conditions:

6. All new electrical, telephone, CATV and similar service wires or cables shall be installed underground.
7. Prior to the issuance of a building permit, a formal pre-construction meeting shall be held for the contractor and/or property owner. The meeting shall include appropriate departments/agencies to review requirements of the permit (i.e., construction hours, encroachment permits, compliance with the scope of work, inspections requirements, etc.).
8. Development and operation of the use shall be substantially as represented on the approved plans and elevations, material samples, and project narrative as described in the staff report on file with the Planning Department, except as modified by conditions. Once installed, all improvements shall be maintained in accordance with the approved plans. If any changes and/or unforeseen circumstances arise prior to or during construction, the applicant or representative shall contact the Town immediately. Town Hall contact information shall be provided on submitted plans at the building permit stage.
9. Operation of the use shall comply with applicable regulations for impacts on adjacent uses set forth in Yountville Municipal Code Chapter 17.144, as required by Yountville Municipal Code section 17.60.020(A).
10. All exterior mechanical and electrical equipment shall be screened by landscaping or fencing or incorporated into the design of buildings so as not to be visible from the street. Equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners, heaters, cable equipment, telephone entry boxes, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems.
11. The Town Planner may approve minor design and finish changes, including minor roof changes. The Town Planner may refer any and all design and finish changes to the Zoning & Design Review Board for consideration and adjudication.
12. This approval will expire two years from the effective date of approval if construction has commenced.
13. Disposal of construction and demolition waste and recycling shall be in accordance with the Joint Powers Agreement with Upper Valley Waste Management.
14. Construction and demolition activities shall conform to the noise control provisions contained in Municipal Code Chapter 8.04, Noise Control Regulations, including Section 8.04.030 B.1., as follows:

No person engaged in construction or demolition activity as a contracted service shall operate or cause the operation of any tools or equipment except between the hours of 9 a.m. and 6 p.m., Monday through Friday (excluding holidays), such that the sound therefrom creates intrusive noise across a residential or commercial real property boundary, except by permit issued pursuant to Section 8.04.040(E).

15. No construction activities shall occur on the following holidays:

- Dr. Martin Luther King's Birthday
- President's Day
- Memorial Day
- Juneteenth
- 4th of July
- Labor Day
- Veterans' Day
- Thanksgiving & Friday following Thanksgiving
- Christmas
- New Years Day
 - If any of the preceding holidays occur on a weekend day, then the prior Friday if on a Saturday, or the following Monday if on a Sunday shall be defined as the holiday.

16. The applicant, property owner and any successor in interest, whether in whole or in part, shall defend, indemnify, and hold harmless the Town and its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against the Town or its agents, officers, attorneys, or employees to attack, set aside, void, or annul the action(s) at issue herein. This indemnification shall include damages or fees awarded against the Town, if any, costs of suit, attorney's fees, and other costs and expenses incurred in connection with such action whether incurred by the applicant, the property owner, and/or successor(s) in interest, the Town, and/or parties initiating or bringing such action.

17. The applicant, property owner and any successor in interest, whether in whole or in part, shall defend, indemnify, and hold harmless the Town, its agents, employees, and attorneys for all costs incurred in additional investigation of or study of, or for supplementing, preparing, redrafting, revising, or amending any document, if made necessary by said legal action and the applicant, property owner, or successor in interest desires to pursue securing such approvals, after initiation of such litigation, which are conditioned on the approval of such documents in a form and under conditions approved by the Town Attorney.

18. In the event that a claim, action, or proceeding described above is brought, the Town shall promptly notify the applicant, property owner and any successor in interest of the existence of the claim, action, or proceeding, and the Town will cooperate fully in the defense of such claim, action, or proceeding. Nothing herein shall prohibit the Town from participating in the defense of any claim, action, or proceeding; the Town shall retain the right to (i) approve the counsel to so defend the Town, (ii) approve all significant decisions concerning the manner in which the defense is conducted, and (iii) approve any and all settlements, which approval shall not be unreasonably withheld. The Town shall also have the right not to participate in said defense, except that the Town agrees to cooperate with the applicant, property owner, or successor in interest in the defense of said claim, action, or proceeding. If the Town chooses to have counsel of its own to defend any claim, action, or proceeding where the Applicant, property owner and any successor in interest has already retained counsel to defend the Town in such matters, the fees and expenses of the counsel selected by the Town shall be paid by the applicant, property owner and/or any successor in interest, as appropriate.

19. The applicant, property owner and any successor in interest, whether in whole or in part, indemnifies the Town for all the Town's costs, fees, and damages which the Town incurs in enforcing the above indemnification provisions.

20. Unless a shorter limitation period applies, the time within which judicial review of this decision must be sought is governed by California Code of Civil Procedure, Section 1094.6.

21. The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1),

the conditions constitute written notice of a statement of the amount of such fees and a description of dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions pursuant to Government Code Section 66020(a), has begun. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions

22. The applicant shall submit final architectural and site engineering/improvement plans in electronic format to the Town Planner and Town Engineer for review and approval. Review and approval shall be subject to verifying consistency of the final architectural plans with the design plans approved by the ZDRB. Review and approval shall also be subject to conformance with accepted Town Engineering Standards. Any and all changes to the plans subsequent to their submittal for building permit review and issuance shall require approval by the Town Planner and/or Town Engineer.
23. The project's contractor and all subcontractors shall secure and maintain current Town of Yountville business licenses.
24. The project shall be subject to the payment of Development Impact Fees.
25. All conditions must be completed by Final Inspection, with the exception of the indemnification provisions, which shall survive and continue past Final Inspection.

Building Department Conditions:

1. All construction shall comply with all applicable Title 24 Codes in effect at the time of building permit submittal.

Public Works Conditions:

1. Approval of this project shall be subject to the requirements of, and all improvements shall be designed and constructed in accordance with, the current versions of Caltrans Standards and Specifications, the Town of Yountville Municipal Code, the Yountville Public Works Standards, and all current federal, state and county codes governing such improvements. Town Standards can be found on the Town of Yountville website.
2. An Encroachment Permit shall be obtained for any construction work, staging, or deliveries that occur from and/or in the public right-of-way.
3. Project shall construct or contribute to right of way enhancement consistent with the attached exhibit including but not limited to construction of a Town standard driveway approach across the existing vehicular ingress/egress and Town standard curb gutter and sidewalk across the frontage of the property.

Utility Conditions:

4. Each existing and/or new water system connections shall include a reduced pressure backflow device located per Town standards.
5. Where fire sprinklers are required, applicant shall install an appropriately-sized water service system according to fire system calculations approved by the Fire Marshal.
6. The plans do not indicate new sewer service connections or modifications to existing sewer connections for the building expansion. Please confirm there are no changes to the existing sewer. If this changes during construction, utilities must be installed per Town Standards and inspected by Public Works staff.
7. Per municipal code 13.6.040: All restaurants and food preparation businesses which are required to obtain a use permit after the effective date of this section shall install and maintain in good operating condition at all times a grease interceptor acceptable to the Town sufficient to process all wastewater containing grease or oil produced or occurring on the premises. Installation of the required grease

interceptor shall be completed prior to opening for business.

- a. **6764 Washington Street does not have a grease interceptor. If the establishment is required to apply for a permit with environmental health for a commercial kitchen a grease interceptor will be required at that time.**

Napa County Fire Department

The Fire Marshal approves the project as submitted with the following conditions of approval: The Fire Marshal approves the project as submitted with the following conditions of approval:

1. All construction and use of the facility shall comply with all applicable standards, regulations, codes, and ordinances at the time of Building Permit issuance.
2. Beneficial occupancy will not be granted until all fire department fire and life safety items have been installed, tested, and finalized. 1. Fire alarm and detection systems and related equipment
3. All buildings shall comply with California Fire Code, Chapter 10 Means of Egress requirements. Including but not limited to; exit signs, exit doors, exit hardware, and exit illumination.

Please note that the comments noted above are based on a Fire Marshal review only. There may be additional comments or information requested from other County Departments or Divisions reviewing this application submittal package. Napa County Fire Marshal's Office Development Guidelines can be found @ www.countyofnapa.org/firemarshal. Please contact me at (707) 299-1467 or email at jason.downs@countyofnapa.org.

Napa County Environmental Health Department

1. Food facility plan review will be required for this project. Submit food facility plans for all changes to the food facility directly to Napa County Environmental Health. Please contact Willow Williams at willow.williams@countyofnapa.org or 707-251-1071 with questions or to schedule an appointment for plan submission. Please note that food facility plans must be approved before a building permit can be issued.

Attachment: Public Works Exhibit