

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

Resolution Number 24-017

**A RESOLUTION OF THE TOWN OF YOUNTVILLE ZONING AND DESIGN REVIEW
BOARD RECOMMENDING THE TOWN COUNCIL CONDITIONALLY APPROVE A USE
PERMIT FOR A WINE TASTING ROOM AND ALCOHOLIC BEVERAGE RETAIL SALES
AT 6795 WASHINGTON STREET (APN 036-032-014).**

Recitals

- A. On April 4, 2006, the Town Council adopted Resolution No. 2456-06, approving a Use Permit to authorize hope and grace Wines to operate a wine tasting room with retail sale of wine and related merchandise at 6540 Washington Street, Suite 13.
- B. Hope and grace Wines wishes to relocate their establishment to 6795 Washington Street, Building E, which was formerly occupied by Girard Winery, which operated a wine tasting room and offered retail sales of wine and related merchandise at said location from 2007 until 2022.
- C. The Use Permit for a wine tasting room at 6795 Washington Street expired on June 30, 2023, in accordance with Yountville Municipal Code ("YMC") section 17.200.080(C).
- D. YMC section 17.60.050 subsections (E) and (G) require a use permit to operate a wine tasting room and perform alcoholic beverage retail sales in the Old Town Commercial Zoning District. General retail sales are a permitted use pursuant to YMC section 17.60.040(A).
- E. YMC section 17.200.090 provides that any request for a use requiring a use permit require the filing of an application for a use permit.
- F. On August 8, 2024, the Planning and Building Department received a complete application for a Use Permit from hope and grace Wines (the "Applicant" or (hope and grace Wines") to operate a wine tasting room with retail sale of wine and related merchandise at 6795 Washington Street, Building E, including use of the associated patio area (the "Application").
- G. YMC Section 17.200.040 authorizes the Zoning & Design Review Board (the "ZDRB") to recommend approval, conditional approval, or denial of applications for use permits for consideration by the Town Council based on the findings in YMC section 17.200.060.
- H. Notice of the public hearing on the Application has been provided in accordance with YMC Sections 17.180.040 and 17.200.050.
- I. At the ZDRB meeting held September 10, 2024, the ZDRB reviewed the Staff Report and received a presentation on the Application and 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: To the extent the adoption of this resolution is determined to be a project subject to CEQA, it is categorically exempt pursuant to CEQA Guidelines 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; 15301 (existing facilities) which exempts the permitting of existing facilities and minor alterations to existing private structure with negligible or no expansion of the existing use; and 15303 (conversion of small structures) which exempts the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

SECTION 4. YMC SECTION 17.200.060 USE PERMIT FINDINGS :

Pursuant to YMC § 17.200.040, the ZDRB hereby recommends the Town Council make the following findings to approve the use permit for a wine tasting room with associated alcoholic beverage retail sales at 6795 Washington Street, Building E:

- 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 use is substantially similar to the tasting room that operated successfully at the site for over a decade. The use is compatible with the surrounding lodging, restaurants, and other commercial uses along Washington Street. It is generally of the same intensity as the restaurants, bars, and other commercial uses in the area. This criterion is met.

- 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 use will not generate harmful dusts, odors, glare or noises. As conditioned, the operational hours would be similar to surrounding uses. As conditioned, this criterion will be met.

- 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 use and operators are an existing small business in Yountville who are relocating their business to the new proposed location, which also was a wine tasting room. The use will add to the mix of uses in the commercial center in which it will be based and surrounding area, which has a variety of commercial uses including lodging, restaurants, markets, and retail establishments. This criterion is met.

- 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 use would not alter traffic patterns, nor is it anticipated to increase the volume of traffic over the prior use in the space. This criterion is met.

- 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 use is not anticipated to produce noxious or offensive emissions, glare, dust, odors. Condition of approval requires all construction and demolition activities, as well as operations, conform to the Town's noise regulations. This criterion is met.

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

The proposed use does not include any on-site food preparation, and the use will not require excessive amounts of water or generate excessive amounts of waste. No change in water demand or waste amount is anticipated for this use. This criterion is met.

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

The proposed use would not require additional utilities nor would it create a significant impact on the number of persons in the Town at one time. The proposed

use has been reviewed fire and found to be adequately served by emergency services. As conditioned, the Project will meet the requirements for adequate service for utilities, police, and fire services. As conditioned, this criterion will be met.

- 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 use would be consistent with the policies and standards of Title 17 of the Yountville Municipal Code, in that the use is allowed with the approval of a use permit. The use is consistent with the General Plan in that the use is a currently a small local business that is relocated to a new site in Town. This supports Goal ES-1.1 Tourism, as the approval would '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, in that the approval of the use permit would allow an existing small business to relocate and remain in business. The use is also consistent with ES-1.2 Diversity of Businesses "Encourage a diverse mix of uses that avoids an over-representation of any particular use", in that the use will not change the diversity of businesses in town, as it is an existing business, not a new wine tasting room, and will be located in the space of a former wine tasting room. This criterion is met.

- I. For properties in the Retail Overlay District, the proposed use enhances retail opportunities within the commercial code of the Town and the proposed use maximizes active uses along the Washington Street core business area and in doing so enhances the pedestrian activity and interest.

The subject property is not within the Retail Overlay District. This criterion is not applicable.

SECTION 5. CONDITIONS OF APPROVAL When approving a Use Permit, the reviewing authority may impose conditions deemed reasonable and necessary to ensure that the approval will be in compliance with the findings required by Section 17.200.060.

The ZDRB finds the conditions of approval set forth in Exhibit A, attached hereto and incorporated herein by reference, are reasonable and necessary to ensure the approvals contained herein comply with the applicable Title 17 requirements. The ZDRB hereby recommends the Town Council impose the conditions set forth in Exhibit A of this Resolution.

SECTION 6. RECOMMENDATION: The Zoning and Design Review Board hereby recommends that the Town Council (1) approve the Use Permit subject to the conditions set forth herein and (2) find the project to be exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15061(b)(3), 15301, and 15303.

Passed and adopted at a regular meeting of the Zoning and Design Review Board of the Town of Yountville held on the 10th day of September 2024 by the following vote:

AYES: Cook, Henthorne, Miller

NOES: None

ABSENT: Deposki, Zagorsek

ABSTAIN: None

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 10th day of September 2024.

Steven Miller

Steven Miller, Chair

Hilary Gaede

Hilary Gaede, Town Clerk and Communications Director

Attachment: Exhibit A – Conditions of Approval

ATTACHMENT A
Proposed Conditions of Approval
Use Permit
Hope and Grace Wines
6795 Washington Street

Planning and Building Conditions:

Specific Conditions

1. No changes to the exterior of the building located at 6796 Washington Street are included in this approval. Any exterior alterations shall require separate design review approval as required by Yountville Municipal Code (YMC) section 17.60.020(A).
2. No sign permit approval is granted with this approval. Any signs shall require a sign permit application and be subject to separate review and approval.
3. Hours of operation shall be the following
 - a. Tasting room (indoors and outdoors) and retail sales to 9:30 AM to 7 PM
 - b. Special events, other than wine club pick-up events, from 6 PM to 10 PM, with use of the patio only as an auxiliary space and not the main space utilized for the event
 - c. Wine Club pick-up events from 4 PM to 6 PM
4. If the applicant requests to conduct business outside of the above operating hours, a Special Event Permit shall be obtained by the Town of Yountville prior to conducting business outside of the scope of this Use Permit.
5. Up to two (2) special events per month are permitted.
6. Outdoor patio seating shall be limited to 12 seats.
7. Outdoor consumption of wine shall only be allowed in relation to the Hope and Grace Wines permitted wine tasting activities.
8. Special Events shall have a limit of 40 attendees.
9. Live entertainment shall be indoors only and not amplified.
10. Food service shall be limited to catered food or cheese plates; no food shall be prepared on-site.
11. The business shall participate in the Town Employee Parking Management program
12. The business shall comply with Yountville Municipal Code Section 17.144 Regulations for Impact on Adjacent Uses, Impact Category II.

General Conditions

13. 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.
14. Applicant will be required to obtain tenant improvement plan(s) for all proposed exterior and interior changes to existing building(s).
15. This approval will expire two years from the effective date of approval if the use has not been commenced.
16. Disposal of construction and demolition waste and recycling shall be in accordance with the Joint

Powers Agreement with Upper Valley Waste Management.

17. 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).
18. No construction activities shall occur on the following holidays:
 - a. Dr. Martin Luther King's Birthday
 - b. Presidents' Day
 - c. Memorial Day
 - d. 4th of July
 - e. Labor Day
 - f. Veterans' Day
 - g. Thanksgiving & Friday following Thanksgiving
 - h. Christmas
 - i. New Years Day
 - j. 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.
19. 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.
20. 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.
21. 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.
22. 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.

23. 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.

24. 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.
25. 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.
26. The project's contractor and all sub-contractors shall secure and maintain current Town of Yountville business licenses.
27. All development-related conditions must be completed by Final Inspection.

Fire Department Conditions:

The Napa County Fire Marshal's Office has reviewed the submittal package for the proposed project. 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.
3. Where conditions listed in 2022 California Fire Code Section 105 are proposed, separate permits will be required before Building Permit issuance for:
 - a. Automatic fire-extinguishing systems
 - b. Fire alarm and detection systems and related equipment
 - c. 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 the conditions of approval noted above are based on the 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. Should you have any further questions please contact Jason Downs at (707) 299-1467 or email at jason.downs@countyofnapa.org

Environmental Health Department Conditions:

1. Facility will be exempt from a food facility permit if operating as described in California Retail Food Code Section 113789(c)(5). Facilities set aside for wine tasting are exempt from a retail food facility permit if they offer no food, except crackers, pretzels, or prepackaged food that is not potentially hazardous. Storage of food may not exceed 25 square feet of storage space and all food must be obtained from an approved source as defined in California Retail Food Code Section 113735.