

Town of Yountville
Resolution Number 2456-06

Approving Use Permit Application 06-UP-04 to establish and conduct the retail sale of wine and related merchandise, wine tasting, and an associated office at Suite 13, Beard Plaza and approving Sign Review application 06-SR-02 for two panel identification signs and one main storefront identification sign located at 6540 Washington Street

Recitals

1. The applicant filed an application requesting approval of Use Permit to establish and conduct the retail sale of wine and related merchandise, wine tasting, and an associated office within Suite 13 at Beard Plaza and Sign Review application for three identification signs with vinyl graphics at 6540 Washington Street.
2. The project is Categorically Exempt from the California Environmental Quality Act of 1970 pursuant to Section 15301, Existing Facilities of the CEQA Guidelines.
3. The Town Council conducted a public hearing on April 4, 2006 to consider the Use Permit application pursuant to Section 7.6, Use Permit, and Sign Review application pursuant to Section 6.3, Signs, of the Yountville Zoning Ordinance.
4. As required by Zoning Ordinance Section 7.6, Use Permit, the Town Council hereby finds that the project is designed and located in a manner that will best satisfy the following criteria:
 - a. The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with the neighborhood and community;
The intensity of use for the wine sales with wine tasting use is anticipated to have generally similar characteristics as the prior retail art gallery. The proposed use is compatible with the surrounding uses within the Beard Plaza complex.
 - b. Such use or feature, as proposed 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, with respect to aspects including but not limited to the following:
 - i. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
 - ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
 - iii. The safeguards afforded to prevent noxious or offensive emissions such as glare, dust and odor;
 - iv. The proposed use will not result in excessive levels of noise for any period of time;

- v. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and

No exterior design changes are proposed to the Beard Plaza complex by the use permit. The business is not anticipated to generate any glare, dust, odor, or noise.

- c. Such use or feature as proposed will comply with the applicable provisions of this Ordinance and will be consistent with the policies and standards of the General Plan.

*The project generally complies with all applicable provisions of the Zoning Ordinance. The intent of the Residential Scaled Commercial land use designation states: **New restaurants, inns, and other businesses that rely principally on visitors for their clientele shall not be permitted.** The proposed wine sales with wine tasting is similar in clientele ratio to the former gallery business.*

- d. Findings of Section 6.5 of the Zoning Ordinance [Regulations for Impact on Adjacent Uses]

The project is consistent with all the regulations of Section 6.5 in that it will not generate excessive noise, will not use bright or flashing lights, will not substantially increase truck traffic on residential streets, will not generate vibrations perceptible off-site, will not involve the storage, use, or transport of flammable materials or gases, will not generate emissions that exceed the maximum standards established by the SFBAAQMD, and will not generate wastewater that exceeds the town's sewer systems.

5. The following findings must also be made for use permits approved within the Residential Scaled Commercial district per Zoning Ordinance Section 4.9.d:

- a. The proposed use is consistent with the provisions outlined in Chapter II, Section D.3.c, of the General Plan;

The requested use will not alter the existing building configuration or the building's current relationship to the street and will not contribute to the creation of a commercial strip.

The proposed additional wine related use has the potential to accommodate a substantial visitor based clientele. However, it is not anticipated to significantly alter the current ratio of visitor/resident clientele of the prior gallery use and is expected to also be supported by local residents.

- b. The proposed use is consistent with Section 4.9.a and 4.9.b above;

*The proposed use is generally consistent with Section 4.9.a and 4.9.b, although Section 4.9.b.5 states: **Uses are encouraged which serve daily needs of the town's residents. The question arises whether retail wine sales with wine tasting is a daily need of the town's residents.***

- c. The proposed use provides benefit to residents;

See finding number two above.

- d. The proposed use will not be environmentally detrimental to existing or potential commercial and residential uses in the surrounding area;

The proposed use is not anticipated to be environmentally detrimental to existing or potential commercial and residential uses in the surrounding area.

- e. The street network is suitable and adequate to carry projected traffic that is generated by the proposed use;
The proposed use will be in an existing commercial retail and office building and is not anticipated to generate an increase in traffic to the street network.
 - f. The design of the structure or structures is compatible with the character of the town;
There are no proposed design alterations to the existing structure.
 - g. The existing or proposed utility, police and fire services are adequate to serve the proposed use;
The proposed use will not impact existing utilities, police and fire services.
 - h. The proposed use conforms with the design standards as established in Chapter II, Section D.2, of the Design Ordinance; and
No alterations to the existing structure are proposed.
 - i. Findings of Section 6.5 of this ordinance.
No impacts on adjacent uses are anticipated.
6. Zoning Ordinance Section 6.3.k establishes the following criteria for design review approval of proposed signs:
- a. Signs shall be related to the architectural design of the building. The location, color, and material of the sign shall compliment rather than clash or conflict with the building to which it attached or associated;
The sign's design, colors, and material match the general color of the existing buildings by use of earth tones.
 - b. Colors in the earth tone range and natural materials are preferred for sign backgrounds, although other colors and material may be acceptable if they are appropriate to and harmoniously interrelated with the design of the premises and with the site as a whole;
See finding number one above.
 - c. Sign illumination shall not cause glare and light intrusion onto other signs, other premises, sidewalks, streets, or parking lots;
The proposed sign will not be illuminated; use of glossy surfaces should be minimized.
 - d. Internally illuminated signs should have dark backgrounds with the letters lighter. The typical plastic faced sign with a light-colored, internally illuminated background is discouraged, and may only be permitted upon approval of an exception established in Section 6.3.j above.
The proposed sign will not be internally illuminated.

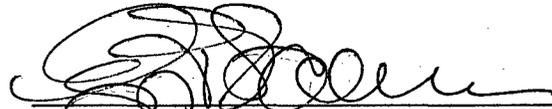
NOW, THEREFORE, BE IT RESOLVED that the Yountville Town Council hereby approves the Use Permit application to establish and conduct the retail sale of wine and related merchandise, wine tasting, and associated office within Suite 13 at Beard Plaza and Sign Review application for three identification signs with vinyl graphics at 6540 Washington Street, subject to the following conditions of approval:

1. The Use Permit approval is granted to establish and conduct the retail sale of wine and related merchandise, wine tasting, and associated office within Suite 13 6540 Washington Street, as stated in the applicant's project description received by the Town of Yountville on March 3, 2006.
2. The Sign Review approval is granted to install three identification signs with vinyl graphics, as depicted in the plans received by the Town of Yountville dated April 3, 2006.
3. No changes or alterations to the exterior of the building or the grounds of the Beard Plaza retail and office complex are allowed or approved by this Use Permit without the prior review and approval by the Town Council.
4. Hours of operation shall be the following:
Office, Tasting Room, Retail Hours: Monday – Sunday 9:30 AM – 7:00 PM
5. Alcohol consumption and sales shall conform to the Alcoholic Beverage Control and County of Napa Environmental Management rules and regulations.
6. There shall be no seating or seated service in the tasting area.
7. For private parties exceeding 15 persons, a parking/transportation plan shall be submitted to the Town of Yountville Planning Department for approval.
8. 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 this Use Permit.
9. There shall be no consumption of wine outside the building.
10. There shall be no food service associated with the business.
11. The applicant shall be in compliance with the Americans with Disabilities Act (ADA) and the California Disabled Accessibility Guidebook.
12. All construction shall comply with the approved plans.
13. Minor design and finish changes may be approved by the Town Planner. The Town Planner may refer any and all design and finish changes to the Zoning & Design Review Board for consideration and adjudication.
14. Once installed, all improvements shall be maintained in accordance with the approved plans.
15. Construction and demolition activities shall conform to the noise control provisions contained in Municipal Code Chapter 8.04, Noise Control Regulations, including Section 8.04.020 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 7:30 am and 5:00 pm, Monday through Friday (excluding holidays), such that the sound therefrom creates noise across a residential or commercial real property boundary, except by permit issued pursuant to Section 8.04.040(E).
16. No construction activities shall occur on the following holidays:

- Dr. Martin Luther King's Birthday
- Lincoln's Birthday
- Presidents' Day
- Memorial Day
- 4th of July
- Labor Day
- Veterans' Day
- Thanksgiving
- Friday following Thanksgiving
- Christmas
- New Years Day

Prior to Release of Plans by the Town for Submittal to the County of Napa Conservation, Development, and Planning Department for building plan check and permit issuance:

17. The project's contractor and all sub-contractors shall secure and maintain current Town of Yountville business licenses.
18. The applicant shall obtain Town approval of all improvements prior to initiation of use.
19. The applicant will defend and indemnify and hold the Town, its agents, officers, and employees harmless of any claim, action or proceedings to attack, set aside, void or annul an approval so long as the Town promptly notifies the applicant of any such claim, action, or proceedings and the Town cooperates fully in the defense of the action or proceedings.

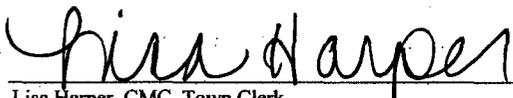

Cindy Saucerman, Vice Mayor

ATTEST:

State of California)
County of Napa) §
Town of Yountville)

I, Lisa Harper, Deputy Town Clerk of the Town of Yountville, do hereby certify that the foregoing Resolution was duly adopted by the Town Council of the Town of Yountville at a regular meeting thereof held on the 4th day of April 2006, by the following vote:

AYES: Dutton, Dunbar and Rosa
NOES: None
ABSENT: None
RECUSED: Saucerman


Lisa Harper, CMC, Town Clerk