

# **Town of Yountville**

## **Resolution Number 24-4286**

**TO APPROVE A USE PERMIT AND MASTER DEVELOPMENT PLAN AMENDMENT FOR THE YOUNTVILLE MAD FRITZ AT JESSUP CELLARS TO OPERATE AT 6720 WASHINGTON STREET (APN 036-033-013), FIND THE USE OF A TAP ROOM TO BE COMPATIBLE AND APPROPRIATE WITH THE OLD TOWN COMMERCIAL DISTRICT, AND FIND THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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### **Recitals**

- A. Jessup Cellars, located at 6720 Washington Street (APN 036-033-013) (the “Site”), operates in the Old Town Commercial Zone subject to a Master Development Plan (the “MDP”) and Use Permit.
- B. On January 6, 2015, the Town Council adopted Resolution No. 15-3223 to amend the MDP and Use Permit to authorize Jessup Cellars to operate a private wine tasting room in the 318 square foot unit (the “Cottage”) located on the Site.
- C. On April 3, 2018, the Town Council adopted Resolution No. 18-3470 to amend the Use Permit to authorize Jessup Cellars to operate a wine tasting service in the outdoor patio space located on the Site.
- D. Yountville Municipal Code (“YMC”) section 17.192.080 requires that any change in approved land uses subsequent to approval of a final master development plan must be approved as a master development plan amendment pursuant to Chapter 17.192 and follow the provisions established for use permits in YMC Chapter 17.200.
- E. YMC section 17.200.090 provides that any request for a change of use, a change to the conditions of approval of a use permit, or a change to the operation that would affect a condition of approval, requires the filing of a new application for a use permit.
- F. YMC section 17.60.050 sets forth a list of new and expanded uses, which require a use permit to operate within the Old Town Commercial zone, which includes “any other compatible or appropriate use as determined by the Town Council in its sole discretion.”
- G. On May 23, 2024, the Planning & Building Department received a complete application for a Use Permit and Master Development Plan Amendment to authorize Yountville Mad Fritz at Jessup Cellars (“Mad Fritz”) to operate a small taproom in the Cottage and outdoor patio space located on the Site (together, the “Application”).

- H. 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.
- I. YMC Section 17.192.040 authorizes the ZDRB to recommend approval, conditional approval, or denial of applications for master development plan amendments to the Town Council based on the findings in YMC section 17.192.060.
- J. On June 11, 2024, the ZDRB held a duly noticed public hearing where they received a staff report and presentation and provided an opportunity for applicant and public testimony, considered the application, and recommended approval to the Town Council.
- K. On June 18, 2024, the Town Council held a duly noticed public hearing where they received a staff report and presentation, accepted applicant and public testimony, considered the application, and adopted a resolution approving the Use Permit, Master Development Plan Amendment, found the use compatible and appropriate with the Old Town Commercial Zoning District, and found it exempt for the California Environmental Quality Act.

**NOW, THEREFORE, BE IT RESOLVED that the Town Council 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 Town Council bases its approval 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 Town Council 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) and 15301 (Class 1, Existing Facilities). As adoption of this resolution involves negligible or no expansion of the current use of the existing private facilities, and as it can be seen without certainty that the approval of this Application will not have a significant effect on the environment, this approval is exempt from the requirements of CEQA.

**SECTION 4. YMC SECTION 17.192.060, MASTER DEVELOPMENT PLAN FINDINGS AND DECISION:**

Pursuant to YMC § 17.192.060, the Town Council makes the following findings to approve the Master Development Plan Amendment:

- A. The proposed development, and each increment of a phased project, creates an environment of sustained desirability and stability;

*No development is proposed.*

- B. The land uses and design of the proposed development are consistent with the intent of the General Plan, Title 17, and any other applicable plans or policies adopted by the Town Council, or those in the process of being prepared and adopted; and

*No development is proposed.*

- C. Findings can be made as required by Sections **17.188.060** and **17.200.060** of this title.

*17.188.060 (Design Review Findings and Decisions) is not applicable as there are no proposed design changes or exterior alterations and the findings required by 17.200.060 are below.*

**SECTION 5. YMC SECTION 17.200.060, USE PERMIT FINDINGS AND DECISION:**

Pursuant to YMC § 17.200.060, the Town Council makes the following findings to approve the Use Permit:

- 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 change in business from a wine tasting room to serving beer, at the intensity proposed, is a use compatible with the Old Town Commercial zoning district and the surrounding uses. Indoor and outdoor seating capacity will remain the same, maintaining the intimate, small-scale experience. Furthermore, the proposed use would be supportive of Old Town Commercial's classification as it would promote pedestrian activity, and hours of operation are considerate of neighboring uses.*

- 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 largely similar operation would not require any aspect that would have an impact on health, safety, convenience, or general welfare of persons residing or working in the vicinity beyond what currently exists. The request would not be injurious to property as business would be held on-site, nor would it be injurious to future development.*

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

*A tap room does not yet exist in town. Therefore, the request supports the Town's goal of 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;

*There are no anticipated changes from the existing operation to the proposed operation that would induce an increase in traffic or parking demand, nor impair accessibility. Existing infrastructure, including ingress and egress and pedestrian walkways are suitable to serve the proposed operation.*

- 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;

*It is not anticipated that the proposed use would increase noise or other offensive emissions beyond what is currently acceptable.*

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

*No change in water demand or waste amount is anticipated for this use. Beer brewing, which would require an increase in water use and possibly generate additional waste, occurs off-site. Therefore, the proposed use would not result in the use of an excessive amount of water or generate excessive amounts of waste beyond what is currently accepted for the site.*

- 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 not would it create a significant impact on the number of persons in the Town at one time. Therefore, existing police, fire and utility services are adequate.*

- 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 the General Plan and Title 17 of the Yountville Municipal Code.*

- 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.*

SECTION 6. 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 Town Council finds the conditions of approval set forth herein, are reasonable and necessary to ensure the approvals contained herein comply with the applicable Title 17 requirements. The Town Council hereby imposes the conditions set forth herein upon each of the approvals set forth herein as applicable:

Resolution Nos. 2073-03, 2096-03, 2097-03, 2098-03, 2697-08, 15-3223, 18-3470, and any other former resolution related to the Site and related conditions of approval, are incorporated by reference unless otherwise amended.

Planning:

1. *The Use Permit shall expire two years from the effective date of approval if not utilized.*
2. *The Use Permit approval is granted to establish the sale of beer within the space currently described as the Jessup Cellars Private Tasting Room, located at 6720 Jefferson Street, as described in the Applicant's project description received by the Town of Yountville on May 1, 2024.*
3. *The Applicant shall submit an annual Use Permit Monitoring Fee (CPI adjusted annually) in the amount of \$719.*
4. *The number of employees shall be one (1).*
5. *Seating shall be as follows:*
  - a. *Up to eight (8) indoor seats*
  - b. *Up to 16 outdoor seats*
6. *Hours of operation shall be as follows:*

- a. *Indoors 12:30 pm-- 7:30 pm*
  - b. *Outdoors 12:30-- 7:30 pm*
7. *Operations shall comply with the Regulations for Impact on Adjacent Uses as set forth in Yountville Municipal Code Chapter 17.144, as required by Yountville Municipal Code section 17.60.020(A).*

**Public Works:**

*The plans and project description reviewed on May 20, 2024 show no work to be completed within the to the public right of way and no connections or changes to public facilities. The Public Works Department must review the plans if there is a change to the scope of work and new conditions may apply. The following conditions will apply as a minimum the current application:*

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. *The applicant shall public improvements that are damaged by the construction process in accordance with the Town Standards.*

**Environmental Health:**

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 beer 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. This includes that prepackaged food, including coffee beans, must be obtained from a facility with a Processed Food Registration (PFR) issued by the California Department of Public Health, Food and Drug Branch (FDB).*

**SECTION 7. DETERMINATION:** The Town Council hereby approves the application (1) finding the use of a taproom to be compatible with and appropriate for the Old Town Commercial Zone pursuant to YMC § 17.60.050(T); (2) approving the Use Permit subject to the conditions set forth herein; and (3) approving the Master Development Plan Amendment subject to the conditions set forth herein; and (4) find the project to be exempt

from the California Environmental Quality Act pursuant to CEQA Guidelines section 15061(b)(3) and 15301.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Yountville, State of California, held on this 18 day of June, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Margie Mohler, Mayor

ATTEST:

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Hilary Gaede, Communications Director/ Town Clerk