

Town of Yountville

Resolution Number 24-XXX

A Resolution of the Town Council of the Town of Yountville Approving a Use Permit Amendment to Allow a 212-Square Foot Addition to a Non-Conforming Building and Approving a Design Review Permit for Exterior Modifications to an Existing One-Story Commercial Building at 6764 Washington Street

WHEREAS, 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.

WHEREAS, 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.

WHEREAS, YMC section 17.188.020(B) requires major design review approval for new, expanded or exterior alterations to commercial structures.

WHEREAS, YMC section 17.188.040(B) authorizes the Town Council to approve, conditionally approve, or deny applications for major design review based on the findings required by YMC section 17.188.060.

WHEREAS, 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.

WHEREAS, YMC section 17.232.020(C)(2) states that a nonconforming building may be enlarged or extended only upon approval of a use permit.

WHEREAS, YMC section 17.200.040(B) authorizes the Town Council to approve, conditionally approve, or deny applications for use permits based on the findings required by YMC section 17.200.060.

WHEREAS, 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.

WHEREAS, 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.

WHEREAS, on August 27, 2024, the ZDRB held a public hearing in accordance with Government Code sections 65353 and 65354 and Yountville Municipal Code (YMC) section 17.184.050 in which it received comments and input from the public on the proposed General

Plan amendment and recommended the Town Council approve the requested Use Permit Amendment and Design Review Permit, subject to conditions of approval.

WHEREAS, YMC sections 17.184.040 and 17.184.050 authorize the Town Council, upon receipt of the recommendation of the ZDRB, to approve or approve in modified form a Use Permit Amendment and Design Review Permit based on specified findings.

WHEREAS, on September 17, 2024, the Town Council conducted a duly noticed public hearing in accordance with Government Code sections 65355 and 65356 and YMC section 17.184.050 to receive comments and input from the public on the proposed General Plan amendment.

Now therefore, the Town Council of the Town of Yountville does ordain as follows:

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

SECTION 2. RECORD: The Record of Proceedings ("Record") upon which the Town Council bases its decision 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 relating to the Application, 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.

SECTION 3. CEQA: This Resolution is 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 Town Council hereby makes its decision 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 emphasis 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 decisionmaking 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

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.

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SECTION 6. CONDITIONS OF APPROVAL When approving Design Review and/or 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 Sections 17.188.060 and 17.200.060.

The Town Council 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 Town Council hereby imposes the conditions set forth in Exhibit A of this Resolution.

SECTION 7. CERTIFICATION: The Town Clerk shall attest and certify to the passage and adoption of this Resolution and it shall become effective immediately upon its approval.

PASSED AND ADOPTED by the Town Council at a regular meeting held on the [REDACTED] day of [REDACTED] 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Margie Mohler, Mayor

ATTEST:

Hilary Gaede, Town Clerk and Communications Director

APPROVED AS TO FORM:

Gary Bell
Town Attorney

Attachment: Exhibit A – Conditions of Approval