

Town of Yountville

Resolution Number 21-4058

Adopt Resolution Approving a Use Permit to Allow Tandem Parking at 1 Lande Way (APN 036-463-016)

Recitals

- A. On April 14, 2021, an application was submitted by Ryan and Natalie Schiestel (the "Permittee") for a Use Permit to Allow Tandem Parking at 1 Lande Way (APN: 036-463-016) located in the Mixed Residential district (the "Project"); and
- B. The Planning and Building Department completed an environmental assessment for the Project in accordance with the California Environmental Quality Act (CEQA) and recommends the Town Council determine the Project categorically exempt under CEQA Guidelines Section 15301 (Class 1) Existing Facilities, 15302 (Class 2) Replacement or Reconstruction, Section 15303 (Class 3) New Construction or Conversion of Small Structures, and Section 15311 (Class 11) Accessory Structures; and
- C. On June 1, 2021, the Town Council held a duly noticed public hearing regarding the Use Permit in accordance with Government Code sections 65905 and 65091.

NOW, THEREFORE, the Town Council hereby finds and resolves as follows:

- 1. The recitals above are true and correct and are fully incorporated herein by reference.
- 2. The Town Council has duly considered the full record before it, including, but not limited to, all oral and written testimony, the staff report and related materials, and all other materials and evidence presented by those appearing at the public hearing.
- 3. **General Use Permit Findings (Y.M.C. § 17.156.020) – The Town Council makes the following findings based on the evidence in the record in support of the Use Permit [Amendment] approved by this Resolution:**
 - 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 proposed use at the size and intensity contemplated and at the proposed location is a desirable development and is compatible with the neighborhood and community.
 - 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:
 - 1. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures,
 - 2. 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,

3. The safeguards afforded to prevent noxious or offensive emissions such as glare, dust and odor,
4. The proposed use will not result in excessive levels of noise for any period of time,
5. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and

The proposed use would 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. Accessibility and traffic patterns will remain unchanged. No noxious or offensive emissions are proposed. The proposed use will not result in any excessive noise levels. As the area is already designed for the parking and the unloading of vehicles, aspects like landscaping, screening, open spaces, parking and loading areas, service areas, and lighting are appropriate for the proposed use.

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

The proposed use complies with the applicable provisions of this title and will be consistent with the policies and standards of the General Plan.

4. The Town of Yountville hereby approves the **USE PERMIT** for the Project subject to the following conditions of approval:
 - A. This Use Permit shall only be valid and active upon approval of the associated Design Review application for 1 Lande Way by the Town's Zoning and Design Review Board. If the Zoning and Design Review Board reject the Design Review for 1 Lande Way, this permit is null and void.
 - B. Permittee shall comply with all applicable federal and state accessibility standards including, but not limited to, those contained in the Americans with Disabilities Act (ADA) and its implementing regulations and the California Building Code.
 - C. The Permittee and the owner of the real property, and any and all successors in interests and/or assigns to either of them (collectively, the "Permittees") shall comply with each and every condition in this Use Permit and any other Use Permit(s) applicable to the Project or the property on which it is located. Nothing in this paragraph shall be construed as limiting the Town's authority to enforce the Yountville Municipal Code against a "responsible party" as that term is defined in Chapter 8.05 thereof or against any other person in accordance with law.
 - D. In accordance with Yountville Municipal Code section 17.156.040, this use permit may continue as authorized so long as the use is not changed to another use or feature, or discontinued for a continuous period of one year or otherwise abandoned. If the use is changed to another use or feature, or discontinued for a continuous period of one year or otherwise abandoned, the previously approved use shall no longer be authorized and a new use permit shall be required in accordance with the Yountville Municipal Code.
 - E. To the fullest extent permitted by law, the Permittees shall defend, indemnify, and hold harmless the Town, its Town Council, officers, employees, and agents from and against any and all claims, actions, proceedings, losses, judgments, damages, suits, costs, liabilities,

costs and expenses (including without limitation attorneys' fees) of whatever form or nature which may arise from or in any manner relate to: (i) the Town's approval of this Use Permit(s) and any determinations relating thereto including, without limitation, determinations under the California Environmental Quality Act (CEQA), and (ii) Permittees' construction, operation, use, or related activity authorized by or under this Use Permit(s) and any Use Permit(s) amended or continued in force by this Use Permit(s). Permittees shall indemnify the Town for all of Town's costs, attorneys' fees, and damages incurred in enforcing the indemnification provisions set forth in this paragraph.

- F. The Project is categorically exempt under CEQA Guidelines Section 15301 (Class 1) Existing Facilities, 15302 (Class 2) Replacement or Reconstruction, Section 15303 (Class 3) New Construction or Conversion of Small Structures, and Section 15311 (Class 11) Accessory Structures.
- G. This Resolution is subject to review under Code of Civil Procedure section 1094.5 and the time to pursue such review is governed by Code of Civil Procedure section 1094.6.
- H. This Use Permit shall become null and void if the uses permitted herein are not commenced within two years from the date of adoption of this Resolution.
- I. The Town Clerk or other Town Staff shall mail a certified copy of this Resolution to the Permittee at the address for which this Use Permit is authorized as soon as practicable after its adoption.
- J. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED at a special meeting of the Town Council of the Town of Yountville, State of California, held on this 1st day of June, 2021 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

John F. Dunbar, Mayor

ATTEST:

Michelle Dahme, CMC
Town Clerk