

Town of Yountville

Resolution Number 20-01

A Resolution of the Planning Officer of the Town of Yountville Approving a Modification or Change in Use Allowing up to Sixteen (16) Additional Seats at RH Gallery Located at 6725 Washington Street (APN: 036-032-008) Pursuant to Section 17.156.050 and Other Provisions of the Yountville Municipal Code and Finding the Project Exempt from CEQA and Exempt Under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alterations to Land), 15311 (Accessory Structures), 15321 (Enforcement Actions by Regulatory Agencies), and 15322 (In-Fill Development Projects)

Recitals

- A. On April 30, 2020, an application was submitted to the Planning and Building Department for a modification or change in use for RH Gallery and Ma(i)sonry located at 6725 Washington Street (APN: 036-032-008) and 6711 Washington Street (APN: 036-440-001), respectively, by RH Yountville, Inc. (the "Permittee") for a modification or change in use to allow up to sixteen (16) additional seats, indoors or outdoors, at RH Gallery in the Old Town Commercial, OTC, zone (the "Project"); and
- B. Pursuant to Section 17.156.050 of the Yountville Municipal Code, the Planning Officer may, for modifications or changes in use for existing commercial uses which are part of a Master Plan on file with the Town Clerk, determine that the proposed new use is the same or substantially similar to the old use and that no new use permit will be required if certain findings are made; and
- C. On June 2, 2015, the Town Council by Resolution Number 15-3264 approved a Master Development Plan, including Design Review and Use Permit, for RH Gallery; and
- D. On September 19, 2017, the Town Council by Resolution Number 17-3433 approved a Master Development Plan Amendment, including Master Use Permit, for RH Gallery and Ma(i)sonry; and
- E. On August 7, 2018, the Town Council by Resolution Number 18-3511 approved a Master Development Plan Amendment, including Master Use Permit, for RH Gallery and Ma(i)sonry; and
- F. The Planning and Building Department completed an environmental assessment for the Project and the approvals and conditions contained herein, in accordance with the California Environmental Quality Act (CEQA), and has determined the Project and the approvals and conditions contained herein are exempt under CEQA Guidelines section 15601(b)(3) and, to the extent this Project and the approvals and conditions contained herein are deemed a project under CEQA, it is categorically exempt under CEQA Guidelines sections 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alterations to Land), 15311 (Accessory Structures), 15321 (Enforcement Actions by Regulatory Agencies), and 15322 (In-Fill Development Projects); and
- G. On May 26, 2020, the Planning Officer held a duly noticed public hearing regarding the modification or change in use in accordance with Government Code sections 65905 and 65091 and other applicable law.

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 Planning Officer has duly considered the full record before her, including, but not limited to, all oral and written testimony, the staff report and related materials, and all other materials and evidence presented before and by those appearing at the public hearing.
3. The proposed new use allowing up to sixteen (16) additional seats total at RH Gallery and Ma(i)sonry is the same or substantially similar to the old use and no new use permit will be required based on the following findings:
 - a. The use is clearly a use permitted by use permit in the applicable land use designation because small full-service restaurants and full-service restaurants are permitted by use permit in the Old Town Commercial, OTC, zone; and
 - b. The findings made in approving the previous use can also be made for the proposed new use because the findings and approvals in Resolution Numbers 15-3264, 17-3433, and 18-3511 can all be made and are hereby made for the new use; and
 - c. The conditions imposed on the existing use permit are applicable to the new use and the standards of Titles 17 and 18 of the Yountville Municipal Code do not require the imposition of any new conditions.
4. The Planning Officer hereby approves the modification or change of use as described in the Project as follows:
 - a. Up to sixteen (16) additional seats, indoors or outdoors, at RH Gallery are hereby approved as follows: up to eight (8) seats upon the effective date of this Resolution and up to eight (8) additional seats: (i) upon full completion of the construction and improvements required by that certain Parking Lease dated May 5, 2020 between the Town of Yountville and Restoration Hardware, Inc., and (ii) provided Restoration Hardware has not been issued a notice of violation, abatement order, and/or an administrative citation in good faith by the Town on or before November 5, 2020.
5. 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.
6. 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 Resolution and any other Master Development Plan(s) and/or 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.
7. In accordance with Yountville Municipal Code section 17.156.040, the use authorized by this Resolution 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.

8. Except as expressly modified herein, all provisions of the following Master Development Plans and/ or Use Permits issued for the property located at 6725 Washington Street (APN: 036-032-008) and 6711 Washington Street (APN: 036-440-001) shall remain in full force and effect: Resolution Numbers 15-3264, 17-3433, and 18-3511
9. 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 the modification or change use herein 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 Resolution and any Use Permit(s) amended or continued in force by this Resolution. Without limiting the foregoing in any way, 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.
10. The Project and the approvals and conditions contained herein are exempt under CEQA Guidelines section 15601(b)(3) and, to the extent this Project and the approvals and conditions contained herein are deemed a project under CEQA, it is categorically exempt under CEQA Guidelines sections 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alterations to Land), 15311 (Accessory Structures), 15321 (Enforcement Actions by Regulatory Agencies), and 15322 (In-Fill Development Projects).
11. The modification or change in use authorized by this Resolution shall become null and void if the uses permitted herein are not commenced within two years from the date of adoption of this Resolution.
12. The Permittee may seek future amendments to the Master Use Permit and/or Master Development Plan regarding the number of seats up to the maximum allowed by available parking under the Yountville Municipal Code, in compliance with the Yountville Municipal Code and other applicable law.
13. The Town Clerk or other Town Staff shall mail a certified copy of this Resolution to the Permittee at the address for which this modification or change in use is authorized as soon as practicable after its adoption.
14. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED at a public hearing of the Planning Officer of the Town of Yountville, State of California, held on this 26th day of May, 2020:

Sandra Liston, Planning Officer

ATTEST:

Michelle Dahme, CMC
Town Clerk