



Agenda Date: 6/18/2008  
Agenda Placement: 7B

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission  
**FROM:** John McDowell for Hillary Gitelman - Director  
Conservation, Development & Planning  
**REPORT BY:** Mary M Doyle, Principal Planner - 299-1350  
**SUBJECT:** Iron Horse Gallery Use Permit #P08-00133

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### RECOMMENDATION

#### **JOYCE PLOWMAN / NORMAN ALUMBAUGH CO INC. / IRON HORSE GALLERY - USE PERMIT REQUEST #P08-00133-UP**

**Request:** Approval of a use permit to establish an art gallery of 1,700 square feet with outdoor display. The gallery will occupy the former location of the Cafe 29 (no longer in operation). No new construction is anticipated with the exception of minor modifications to the interior of the building. The project is located on a 3.47 acre parcel on the southeast corner of the intersection of Lodi Lane and St Helena Highway North (State Highway 29) within a Agricultural Watershed/Commercial Limited (AW/CL) split zoning district. (Assessor's Parcel # 022-220-028) 3000 St. Helena Highway North, St Helena.

**Staff Recommendation:** Approve the project as conditioned.

**Staff Contact:** Mary Doyle 299-1350

### EXECUTIVE SUMMARY

**Proposed Action:** That the Planning Commission adopt the Iron Horse Gallery Resolution #P08-00133 finding the project Categorically Exempt from the provision of CEQA, and approving Use Permit P08-00133-UP as conditioned.

The proposed art gallery will occupy 1,700 sq ft of an existing 3,538 sq. ft. commercial building and includes several proposed outdoor display areas for wind-activated sculptures. There are two proposed display areas located in front of the building visible from Highway 29, one 30 ft. x 40 ft. sculpture yard proposed east of the parking lot, and four outdoor areas adjacent to the rear of the building on the rear deck, and in the parking lot. The project site is the location of Eagle & Rose Café-Deli-Wine Tasting Shop and the former Café 29 (#92020-UP thru P04-0181-UP). The wine tasting shop, Artisan Wine Tasting Room, and will remain in operation. The applicant is proposing some landscaping to screen some of the outdoor sculptures, but staff has a significant concern about the off-site visibility and motorist attractant of the sculptures. The proposed

conditions of approval would slightly reduce the size, scale and location of outdoor display areas from that proposed by the applicant. Staff is also recommending substantial landscaping enhancements to reduce views of outdoor display from roads.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is considered to be Categorically Exempt pursuant to Section 15301 of the California Environmental Quality Act (CEQA) (Class 1(a) Existing Facilities) and the Napa County Local Procedures for Implementing CEQA Appendix B (3) Minor modifications to existing commercial facilities.

### **BACKGROUND AND DISCUSSION**

**Owner:** Norm Alumbaugh

**Applicant/Representative:** Joyce Plowman/Jeff Redding

**Zoning:** CL/AW

**GP designation:** AWOS

**Filed:** February 27, 2008

**Building Size:** Existing 3,538 sq ft structure with attached 900 sq ft outdoor deck on the southeast portion of the building.

**Proposed Visitation:** 35 visitors per week (estimation - open to the public)

**Number of employees:** 2 full time and 2 part-time employees

**Adjacent Zoning/Land Use:**

North

CL - Freemark Abbey Winery and commercial complex.

South

AW - Rural residence with vineyard

East

AW - Rural residences located east of the Eagle and Rose Hotel located on the project site, all of which are owned by the Norman Alumbaugh.

West

AW - Rural residences located across Highway 29

**Property History:**

This property has been occupied with a motel, antique shop, and residence for several decades. A gallery occupied the subject building during the 1980's. This subject structure and parking area has been operated as a café-deli-wine tasting facility since 1994. Hearing several years ago concerning the deli operation were quite controversial with neighbors. Currently the wine tasting room is operation, but the café (formerly Café 29) is no longer in operation. The tasting room will remain in operation.

**Code Compliance History:**

Since 2003, there has been two previous minor use permit compliance issues, both of which have been rectified. One involved signage, and the other concerned incomplete site improvements. At present, the parcel is in compliance.

**Discussion Points:**Art Gallery Use

The proposed gallery with outdoor display will be a less intensive use than that of the former cafe/deli in terms of water use, noise, traffic. Overall, the use appears to be compatible with the surrounding properties and is well-suited for the on-site improvements. It appears the only potential issue concerns the outdoor display of art for sale purposes, which is not specifically addressed in County Code.

Outdoor Display

In 2007, County Code was amended to allow art studios and galleries within the CL-Commercial Limited zoning district upon grant of a use permit. The Huether Art Studio on Highway 121 near Silverado Country Club was the first use permit entitled under these new provisions. That use permit allowed for the display of three pieces of art in the front yard of the property. Unlike the current application, the art displayed in the front yard of the Huether Studio is not for sale and has been made by the very artist who is producing art on the site.

Requested with this proposal are several outdoor display areas for art that is for sale but not manufactured on site. As an art gallery and not a studio, there is no requirement that the art be manufactured on site. However, County Code is silent on whether outdoor display of items for sale is allowed within the CL-district. Although County Code is permissive (i.e. - uses that are not specifically listed as allowed, are prohibited by result), Staff believe the Commission has the authority and flexibility to determine that outdoor display is (or isn't) an allowable accessory use. Therefore, given the lack of specific guidance in the ordinance, the decision on this use permit will clearly set precedent concerning the allowance (or prohibition) of outdoor display on future CL retail developments. To date, staff is not aware that any other CL uses have requested or been granted outdoor display areas.

The applicant has expressed a critical business need to display the art outside given the nature of the art offered for sale. Staff is certainly sympathetic to that need, and are supportive of limited, visually subdued outdoor display being allowed. Staff is concerned that carte blanche allowance of outdoor display could prove a disastrous precedent, and consequently recommend that the Commission consider and apply specific, very limited outdoor display.

The applicant and applicant's representative have been quite responsive to the concerns raised by Staff. It is clear

that they have limited the scale and scope of outdoor display areas in effort to preserve visual character of the site and surrounding area. With that, Staff supports the applicant's proposed areas for outdoor display, but we have proposed several requirements on the size and screening of those areas as detailed in the attached proposed Conditions of Approval. Staff believe that these limitations will not conflict with the applicant's business plan, and will provide significant safeguards to preserve visual and community character. In summary, the conditions set square foot limitation on the outdoor display areas, and require fast-growing landscaping screening to be installed so as to soften, yet not completely obscure, off-site views sculpture garden and display areas at the back of the building.

### **Consistency with the General Plan**

The project consists of an art gallery within the CL - Commercial Limited zoning district; a district designated for tourist-serving uses. The subject property has an Agriculture, Watershed and Open Space General Plan land use designation. The (updated) General Plan contains policies allowing for the continued use, expansion, and redevelopment of CL-zoned properties residing with Agriculture, Watershed and Open Space land use designation. A use permit for an art gallery is consistent with those policies.

### **Consistency with Standards:**

1. Zoning: The project is consistent with the Commercial Limited (CL) zoning district that allows a gallery to be permitted with a use permit approval (Section 18.28.030)
2. Building/Fire: As proposed and conditioned this project complies with the building and FIRE codes
3. Public Works: The department has no comments on the proposed project.
4. Environmental Management Standards: As conditioned the project will comply with the applicable standards and guidelines under the Department of Environmental Management discretion.

### **SUPPORTING DOCUMENTS**

- A . Draft Approval Resolution and Conditions of Approval
- B . Department comments
- C . Public Works comments
- D . Previous Conditions of Approval
- E . Application information
- F . Revised Project Description
- G . Correspondence supporting project
- H . Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell