

**CITY OF ST. HELENA
PLANNING DEPARTMENT 1480 MAIN STREET-ST. HELENA, CA 94574
PLANNING COMMISSION**

FEBRAURY 12, 2013

AGENDA ITEM: 7.3

2013-02: Request of Maria Furst for a Use Permit to relocate an existing jewelry store at 1220 Adams Street to a new tenant space located at 1309 Main Street in the CBD: Central Business zoning district. (APN: 009-240-012) (CEQA: Exempt)

NOTE: This item has been recommended for consideration under the Consent Calendar

PREPARED BY: Greg Desmond, Interim Planning Director

APPLICATION FILED: 1/11/13

ACCEPTED AS COMPLETE: 1/11/13

LOCATION OF PROPERTY: 1309 Main Street

APN: 009-240-012

GENERAL PLAN: Central Business

ZONING: CB: Central Business

APPLICANT: Maria Furst

PHONE: 927.8066

PROPERTY OWNER: Mary Haney

PHONE: 963.4388

PROJECT DESCRIPTION:

The applicant submitted an application for a Use Permit to relocate an existing retail jewelry store located at 1220 Adams Street (2010-56) to a vacant tenant space located at 1309 Main Street. The relocation will allow the applicant, who has been in St Helena for 18 months, to broaden exposure of the existing business. The applicant is not proposing any change in use or expansion as a part of this move.

REQUIRED ACTIONS:

1. CEQA determination that this project is exempt from the requirements of CEQA pursuant to Section 15301, Class 1, which exempts the operation, leasing, or minor alteration of existing facilities.
2. Approve, deny or modify a request for a Use Permit to relocate an existing retail jewelry store located at 1220 Adams Street to a vacant tenant space located at 1309 Main Street.

ANALYSIS: GENERAL PLAN/ZONING

Both the existing and new locations are located within the Central Business designation of the City's General Plan. This designation provides for retail, personal service uses, offices, restaurants, hotels/motels, service stations, public and quasi-public uses. The CB: Central

Business zoning district implements the policies of the City's General Plan. Retail jewelry stores are a conditionally permitted use in this district.

ANALYSIS: WATER

This application does not meet the criteria which would require a water use report.

ANALYSIS: SIGNS

The applicant is not proposing any signage at this time.

ANALYSIS: PARKING

Chapter 17.124, Parking & Loading Requirements, Section 17.124.030 (D) (1) requires 1 parking space for each 300 sq ft of building floor area. As a result, the proposed project is required to provide 2 parking spaces.

However, this specific parcel is located within the Parking Impact Overlay District as outlined in Section 17.104 of the municipal code. As a result, and according to 17.104.020 (B) (1), the proposed use would be required to provide only 1 parking space.

The subject parcel provides two off-street parking spaces at the rear of the building which means that no additional parking is required.

ANALYSIS: CEQA

This project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301, Class 1 (Existing Facilities) of the CEQA Guidelines, which exempts minor alterations to existing public or private structures and minor accessory structures appurtenant to existing commercial facilities, including business signs.

ANALYSIS: USE PERMIT

The Planning Commission must make the following Use Permit findings to support the motion to approve the Use Permit:

1. *That the proposed use would not generate odors, fumes, dust, light, glare, radiation or refuse that would be injurious to surrounding uses or to the community.*
2. *That the proposed use would not generate levels of noise that adversely affect the health, safety, or welfare of neighboring properties or uses.*
3. *That the proposed use would not generate traffic noise in excess of the "normally acceptable" range identified in the General Plan.*
4. *That the proposed use would not make excessive demands on the provision of public services including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection.*
5. *That the proposed use would provide adequate ingress and egress to and from the proposed location.*
6. *That allowing the proposed use would not conflict with the City's goal of maintaining the economic viability of a local serving economy.*
7. *That the proposed use would be compatible with surrounding land uses and would not conflict with the purpose established for the district within which it would be located.*
8. *That the proposed use would not be in conflict with the City's General Plan.*
9. *That the proposed use would not be injurious to public health, safety, or welfare.*

10. *That granting the use permit would not set a precedent for the approval of similar uses whose incremental effect would be detrimental to the City or would be in conflict with the General Plan.*
11. *That, as demonstrated on a detailed plan submitted by the applicant, adequate off-street parking to accommodate the long term parking needs of employees, business owners and customers is available.*
12. *That the capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed use.*

STAFF RECOMMENDATIONS

Staff finds that the proposed project meets the required Use Permit findings and recommends approval of the Use Permit subject to the attached draft conditions.

PLANNING COMMISSION ACTION

1. CEQA determination that this project is exempt from the requirements of CEQA pursuant to Sections 15301, Class 1 (Existing Facilities) of the CEQA Guidelines, which exempt minor alteration to existing public or private structures and minor accessory structures appurtenant to existing commercial facilities.
2. Approve, deny or modify a request for a Use Permit to relocate an existing retail jewelry store located at 1220 Adams Street to a vacant tenant space located at 1309 Main Street.

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January 11, 2013

AF
JEWELERS

City of St. Helena
Planning Department
1480 Main Street
St. Helena, CA 94574

Re: Use Permit Amendment Application - Relocation of AF Jewelers

Dear Sirs/Madams:

We are a precious jewelry company, we design and create most of our pieces.

Mainly our product is produced and manufacturer in Italy. Our unusual gemstones and one of kind jewelry is bought during our frequent travel abroad. At the current retail location, we carry jewelry and watches by prestigious brand like Buccellati, Parmigiani, Eclat, Hammerman, Miseno, Nicolis Cola, Oliver Smith.

A relevant part of our work is custom design. We also service our clientele with a local workshop in San Francisco, which handles all our elaborate repairs, maintenance and modification in order to provide excellent customer service.

During the past year and half that AF Jewelers has been opened, we were privileged enough to help the jewelry needs of many local customers. We are now proud to have built such a strong relationship with our customers, that we saw many of them return to our store this past Holiday season. Our unique mix of products is also very appealing to the many visitors coming to the valley.

Moving to 1309 Main Street, will allow us to broaden of customer base and will give us the exposure that we truly need to make AF Jewelers a very successful destination in Napa Valley.

Hours of operation: Monday – Sunday 10-5 (closed on Tuesday)

Number of employee: 2/3

Should you need any further information, do not hesitate to contact us.

Best regards,



Maria Laura Furst

Carlo Giulio Antonini

**CITY OF ST. HELENA
PLANNING DEPARTMENT 1480 MAIN STREET-ST. HELENA, CA 94574
PLANNING COMMISSION**

**January 18, 2011
(Continued from January 4, 2011)**

AGENDA ITEM:

2010-56: Request of **MARIA LAURA FURST** and **CARLO ANTONINI dba A & Furst Holding LLC** for a **USE PERMIT** to establish a jewelry store offering items created and designed by the artists, as well as high-end unique designer jewelry (including unique watch brands) located at **1220 ADAMS STREET** in the CB: Central Business district. (APN 009-223-020) (CEQA STATUS: Exempt)

PREPARED BY: Shelley Mills, Associate Planner

REVIEWED BY: Anne Cronin Moore, Interim Planning Director

APPLICATION FILED: 12/10/10

ACCEPTED AS COMPLETE: 12/10/10

LOCATION OF PROPERTY: 1220 Adams Street

APN: 009-223-020

GENERAL PLAN: Central Business

ZONING: CB: Central Business

APPLICANT: Maria Laura Furst and Carlo Antonini
dba A & Furst Holding LLC

PHONE: (707) 927-8066

PROPERTY OWNER: B & E Properties (Louis Trincherro)

PHONE: (707) 963-3104

PROJECT DESCRIPTION:

The applicants, Maria Laura Furst and Carlo Antonini are requesting a Use Permit to operate a new fine jewelry store at 1220 Adams Street. They propose to satisfy the demands of many potential customers as well as providing an extra service to their current wholesale distribution. The proposal is for a retail fine jewelry store where the collection is primarily created and designed by the applicants, as well as sales and distribution of high-end unique designer jewelry. The product is produced and manufactured in Italy and the gemstones and one of a kind jewelry is purchased from around the world.

The applicants also propose to introduce unique watch brands to the area, such as Buccellati, Bulgari, and Van Cleef.

The applicants have a wholesale clientele with a local workshop in San Francisco which also handles all the elaborate repairs, maintenance and modification to provide their customers with the committed, personal services they desire.

Hours of operation will be six days a week, Wednesday through Monday, from 10:00 a.m. to 5:00 p.m. (closed on Tuesday). There will be two to three employees. The surrounding uses include Tamber Bey Wine Tasting Room, Sportago retail shop, Silverado Credit Union, and 750 Wines, a retail wine shop.

BACKGROUND:

The previous retail uses in the subject tenant space included Tantau Accents (1995) and Pennaluna (2006), a home furnishings, accessories, and jewelry retail store. Pennaluna relocated to 1219 Main Street in June 2010.

REQUIRED ACTIONS:

1. CEQA determination that this project is exempt from the requirements of CEQA pursuant to Section 15301, Class 1, which exempts the operation, leasing, or minor alteration of existing facilities.
2. Approve, deny or modify a request for a Use Permit to establish a jewelry store offering items created and designed by the artists, as well as high-end unique designer jewelry (including unique watch brands) located at 1220 Adams Street.

ANALYSIS: GENERAL PLAN

The Central Business district (CB) designation provides for retail, personal service uses, offices, restaurants, hotels/motels, service stations, public and quasi-public uses, and similar and compatible uses that serve local residents and the surrounding area. Emphasis is on pedestrian-oriented retail and service uses on the ground floor level, with office and residential uses on the upper levels. The intent is for the CB district to remain primarily local resident-serving in character. New uses which serve both local residents and tourists will be allowed. The General Plan Land Use & Growth Management Element established the following policy direction regarding retail and commercial uses and local-serving businesses:

Local-serving businesses are of a smaller scale commensurate with the needs of the community. The number of any particular type of business is generally not greater than that required by the community. The nature of the goods and services are such that necessities are emphasized over novelty. Non-local serving or tourist serving uses, on the other hand, are those which generally would not be in St. Helena if it were not for the presence of visitors. Tourist serving business use is generally characterized by a redundancy in merchandise from store to store with goods sold being substantially similar to such goods sold in other major destination points.

The St. Helena General Plan Update 2030, Chapter 3, Economic Sustainability goals strive to limit the adverse impacts of visitors on St. Helena, while recognizing the economic benefits

that visitors bring and the potential for tourism to contribute to the diversity of the community's social and cultural life.

Policy ES2.1 states:

Support the development of responsible, visitor-serving components to the City's economy as a valuable source of jobs, tax revenues and cultural amenities.

Policy ES2.2 states:

Encourage visitor-serving uses oriented toward a more discriminating upscale market, consistent with the Valley's reputation as a producer of world-class wines. Discourage the introduction of uses that are dependent upon a mass tourist market.

Policy ES2.4 states:

Encourage socially and environmentally responsible businesses that make positive contributions to the community and operate in an environmentally-sound manner.

ANALYSIS: ZONING

The CB: Central Business zoning district is intended to implement the policies of the City's General Plan relating to the Central Business designation. The proposed sale of watches is a permitted use in the Central Business District. Jewelry, whether alone or in combination with other products, is a conditional use in the CB district and the Planning Commission shall make required findings for approval of a Use Permit, as provided in Zoning Ordinance Section 17.168.050 below:

1. *That the proposed use would not generate odors, fumes, dust, light, glare, radiation or refuse that would be injurious to surrounding uses or to the community.*
2. *That the proposed use would not generate levels of noise that adversely affect the health, safety, or welfare of neighboring properties or uses.*
3. *That the proposed use would not generate traffic noise in excess of the "normally acceptable" range identified in the General Plan.*
4. *That the proposed use would not make excessive demands on the provision of public services including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection.*
5. *That the proposed use would provide adequate ingress and egress to and from the proposed location.*
6. *That allowing the proposed use would not conflict with the City's goal of maintaining the economic viability of a local serving economy*
7. *That the proposed use would be compatible with surrounding land uses and would not conflict with the purpose established for the district within which it would be located.*
8. *That the proposed use would not be in conflict with the City's General Plan.*
9. *That the proposed use would not be injurious to public health, safety, or welfare.*
10. *That granting the use permit would not set a precedent for the approval of similar uses whose incremental effect would be detrimental to the City or would be in conflict with the General Plan.*

11. *That, as demonstrated on a detailed plan submitted by the applicant, adequate off-street parking to accommodate the long term parking needs of employees and business owners and customers is available.*
12. *That the capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed use.*

The proposed jewelry and watch retail store shall offer unique, high-end crafted jewelry and it does not appear that granting the Use Permit would constitute an approval of similar uses whose incremental effect would be detrimental to the City or would be in conflict with the General Plan.

ANALYSIS: CEQA

The use of the space at 1220 Adams Street to establish a jewelry store offering items created and designed by the artists, as well as high-end unique designer jewelry, is exempt from the requirements of CEQA pursuant to Section 15301, Class 1 of the Guidelines. This section exempts the leasing and minor alterations of existing private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. This includes interior alterations involving such things as interior partitions, plumbing, and electrical conveyances. The applicants are proposing minor tenant improvements to be made to the interior space.

STAFF COMMENTS / RECOMMENDATIONS

Staff believes the proposed use satisfies the existing policies and the policies proposed in the General Plan Update 2030.

PLANNING COMMISSION ACTION

1. CEQA Action: Determine that this project is exempt from the requirements of CEQA pursuant to Section 15301, Class 1, which exempts the operation, leasing, or minor alteration of existing facilities.
2. Project Action: Approve, deny or modify a request for a Use Permit to establish a jewelry store offering items created and designed by the artists, as well as high-end unique designer jewelry (including unique watch brands) located at 1220 Adams Street.

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USE PERMIT NO. 2010-56

**USE PERMIT OF THE CITY OF ST. HELENA, STATE OF CALIFORNIA
GRANTED TO 1220 ADAMS STREET**

APPLICANT: Maria Laura Furst & Carlo Antonini
dba A & Furst Holding LLC

APN: 009-223-020

BUSINESS OWNER: Louis Trincherro dba B & E Properties

Recitals

1. Maria Laura Furst and Carlo Antonini dba A & Furst Holding LLC submitted an application for a use permit to establish a jewelry store offering items created and designed by the artists, as well as high-end unique designer jewelry and unique watch brands, located at 1220 Adams Street in the CB: Central Business district.
2. The Planning Commission of the City of St. Helena, State of California, held a noticed public hearing on January 18, 2011.

Resolution

The Planning Commission of the City of St. Helena, State of California, approved the Use Permit on the following basis:

- A. The Planning Commission hereby finds that this project is exempt from the California Environmental Quality Act pursuant to Section 15301, Class 1 of the CEQA Guidelines.
- B. The Planning Commission makes the following Use Permit findings pursuant to Municipal Code Section 17.168.050 to support the motion to approve the Use Permit:
 1. That the proposed use would not generate odors, fumes, dust, light, glare, radiation or refuse that would be injurious to surrounding uses or to the community.
 2. That the proposed use would not generate levels of noise that adversely affect the health, safety, or welfare of neighboring properties or uses.
 3. That the proposed use would not generate traffic noise in excess of the "normally acceptable" range identified in the General Plan.
 4. That the proposed use would not make excessive demands on the provision of public services including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection.
 5. That the proposed use would provide adequate ingress and egress to and from the proposed location.
 6. That allowing the proposed use would not conflict with the City's goal of maintaining the economic viability of a local serving economy.

7. That the proposed use would be compatible with surrounding land uses and would not conflict with the purpose established for the district within which it would be located.
8. That the proposed use would not be in conflict with the City's General Plan.
9. That the proposed use would not be injurious to public health, safety, or welfare.
10. That granting the use permit would not set a precedent for the approval of similar uses whose incremental effect would be detrimental to the City or would be in conflict with the General Plan.
11. That, as demonstrated on a detailed plan submitted by the applicant, adequate off-street parking to accommodate the long term parking needs of employees and business owners and customers is available.
12. That the capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed use.

D. The Use Permit for the above described use is granted subject to compliance with the following conditions. Permit shall be in conformance with all City ordinances, rules, regulations and policies in effect at the time of issuance of a building permit. The conditions noted below are particularly pertinent to this permit and shall not be construed to permit violation of other laws and policies not so listed.

1. The Use Permit shall be vested within one (1) year from the date of approval. A building permit for the use allowed under this Use Permit shall have been obtained within one (1) year from the effective date of the Use Permit or the Use Permit shall expire; provided however that the Use Permit may be extended for up to two (2) one-year periods pursuant to the St. Helena Municipal Code, Section 17.08.130, Extension of Permits and Approvals.
2. The permit is valid for this use only. New permits must be applied for upon any change in use. The permit will expire if the use is discontinued pursuant to then existing ordinances and regulations.
3. The Use Permit shall not become effective until fourteen (14) calendar days after approval, providing that the action is not appealed by the City Council or any other interested party within that 14 day period.
4. Any request for an extension of the Use Permit must be justified in writing and received by the Planning Department at least thirty (30) days prior to expiration.
5. The applicant will defend and indemnify and hold the City, its agents, officers, and employees harmless of any claim, action or proceedings to attack, set aside, void or annul an approval so long as the City promptly notifies the applicant of any such claim, action, or proceedings and the City cooperates fully in the defense of the action or proceedings.
6. Provided they are in general compliance with the Use Permit, minor modification may be approved by the Planning Director.
7. This Use Permit shall run with the land and shall be binding upon all parties having any right, title or interest in the real property or any part thereof, their heirs, successors and assigns, and shall inure to their benefit and benefit of the City of St. Helena.

8. The primary purpose of this review is for compliance with the General Plan and Zoning Ordinance. The owner/applicant is responsible for meeting with the Building Official / Fire Inspector to review compliance with Building and Fire Codes, including fire protection systems and the accessibility standards of Title 24.
9. This project is not subject to the water conservation measures and toilet retrofit program as set forth in municipal code Chapter 13.12, Water Use Efficiency and Use Guidelines, as the prior use was similar.
10. Fire equipment shall be inspected annually by the Fire Department.
11. No signs, awnings, or facade modifications shall be installed or constructed without approval of a Sign Permit or Design Review.
12. To reduce disturbance of residents in the project vicinity, construction activities which generate noise that can be heard at the property line of any parcel of real property within the City limits shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Saturday. Delivery of materials/equipment and cleaning and servicing of machines/equipment shall be limited to 7:00 a.m. to 6:00 p.m. Exceptions to these time restrictions may be granted by the Public Works Director for one of the following reasons: (1) inclement weather affecting work, (2) emergency work, or (3) other work, if work and equipment will not create noise that may be unreasonably offensive to neighbors as to constitute a nuisance. The City Engineer must be notified and give approval in advance of such work. No construction activities shall occur on Sundays or federal or local holidays that generate noise that can be heard at the property line of any parcel of real property within the City limits.

Public Works:

1. Approval of this project shall be subject to the requirements of, and all site improvements shall be designed and constructed in accordance with, the most current version of the City of St. Helena Municipal Code, the St. Helena Water and Sewer Standards, the St. Helena Street, Storm Drain and Sidewalk Standards, and all current federal, state and county codes governing such improvements.
2. Where applicable, the applicant shall be required to obtain an encroachment permit for improvements on public right-of-ways prior to receiving a grading or building permit authorizing site work or construction activities on the site.
3. The property owner and applicant recognize that the project is subject to the water conservation and toilet retrofit program as set forth in municipal code Chapter 13.12, Water Efficiency and Use Guidelines. The applicant and property owner recognize and agree, in lieu of the specific requirements of Chapter 13.12, and the City also agrees, that the unisex toilet facility should feature current water savings technology. They specifically agree that the Public Works Director in his/her discretion shall determine and specify fixtures that represent current water savings technology. At minimum, such fixtures include a dual flush toilet, as determined and specified by the Public Works Director. Faucets that automatically shut-off after a short interval may, in the discretion

of the Public Works Director, be specified. The Public Works Director in his/her discretion may specify a heated hand-drying appliance or towels or both, in his/her discretion. The property owner and applicant, upon satisfactory installation of the foregoing, as certified by the Public Works Director or a member of his/her Department, shall not be subject to any in lieu fee. Further, the City shall not accept an in lieu fee in discharge of the specific installation requirements as set forth in this Condition 5.

4. Any new or modified existing water laterals, meters and backflow prevention devices shall be required and shall be constructed in accordance with the requirements of the City of St. Helena's Water Standards. A backflow device shall be installed per City standards when none exists.
5. All wastewater lines of the proposed development must be connected to the St. Helena sewer system and designed in accordance with the City sewer system standards. Any new fixture units added to the existing building may require upgrade of the sewer lateral to the building; a sewer cleanout is required at the property line.
6. Where applicable, deteriorating or broken curb, gutter and/or sidewalk along the project frontage shall be replaced per City specifications, extent to be determined by the Public Works Department.
7. Existing streets being cut by new services will require edge grinding and an A.C. overlay per City standards, extent to be determined by the Public Works Department.
8. The applicant shall repair all public improvements that are damaged by the construction process in accordance with the City Water/Sewer/Street/Storm Drain/Sidewalk Standards.

I HEREBY CERTIFY that the foregoing Use Permit was duly and regularly approved by the Planning Commission of the City of St. Helena at a regular meeting of said Planning Commission held on January 18, 2011 by the following roll call vote:

AYES: Commissioners Heil, Parker, Pitts & Chairperson Galbraith

NOES: None

ABSENT: Commissioner Kistner

ABSTAIN: None

Anne Cronin Moore, Interim Planning Director

Carlo Antonini, Applicant

Maria Laura Furst, Applicant

B & E Properties

Louis Trincherro, Owner

**USE PERMIT NO. 2013-02
CITY OF ST. HELENA, STATE OF CALIFORNIA
GRANTED TO 1309 MAIN STREET SUITE A**

PROPERTY OWNER: Mary Haney
APPLICANT: Maria Furst

RECITALS

1. The applicant submitted a request for a Use Permit to relocate an existing retail jewelry store located at 1220 Adams Street (2010-56) to a vacant tenant space located at 1309 Main Street. The relocation will allow the applicant, who has been in St Helena for 18 months, to broaden exposure of the existing business. The applicant is not proposing any change in use or expansion as a part of this move.

2. The Planning Commission of the City of St. Helena, State of California, held a noticed public hearing on February 12, 2013.

RESOLUTION

The Planning Commission of the City of St. Helena, State of California, approved the Use Permit on the following basis:

- A. The Planning Commission hereby finds that this project is exempt from the California Environmental Quality Act pursuant to Section 15301, Class 1, which exempts the operation, leasing, or minor alteration of existing facilities

- B. The Planning Commission makes the following Use Permit findings, Section 17.168.050, to support the motion to approve the Use Permit:
 1. That the proposed use would not generate odors, fumes, dust, light, glare, radiation or refuse that would be injurious to surrounding uses or to the community.
 2. That the proposed use would not generate levels of noise that adversely affect the health, safety, or welfare of neighboring properties or uses.
 3. That the proposed use would not generate traffic noise in excess of the "normally acceptable" range identified in the General Plan.
 4. That the proposed use would not make excessive demands on the provision of public services including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection.
 5. That the proposed use would provide adequate ingress and egress to and from the proposed location.
 6. That allowing the proposed use would not conflict with the City's goal of maintaining the economic viability of a local serving economy.
 7. That the proposed use would be compatible with surrounding land uses and would not conflict with the purpose established for the district within which it would be located.
 8. That the proposed use would not be in conflict with the City's General Plan.
 9. That the proposed use would not be injurious to public health, safety, or welfare.
 10. That granting the use permit would not set a precedent for the approval of similar uses whose incremental effect would be detrimental to the City or would be in conflict with the General Plan.

11. That, as demonstrated on a detailed plan submitted by the applicant, adequate off-street parking to accommodate the long term parking needs of employees and business owners and customers is available.
12. That the capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed use.

C. The Use Permit for the above described use is granted subject to compliance with the following conditions. The Use Permit shall be in conformance with all City ordinances, rules, regulations and policies in effect at the time of issuance of a building permit. The conditions noted below are particularly pertinent to this permit and shall not be construed to permit violation of other laws and policies not so listed.

1. The Use Permit shall be vested within one (1) year from the date of approval. A building permit for the tenant improvements allowed under this Use Permit shall have been obtained within one (1) year from the effective date of the Use Permit or the Use Permit shall expire; provided however that the Use Permit may be extended for up to two (2) one-year periods pursuant to the St. Helena Municipal Code, Section 17.08.130, Extension of Permits and Approvals.
2. This permit is valid for this use only. New permits must be applied for upon any change in use. This permit will expire if the use is discontinued pursuant to then existing ordinances and regulations.
3. The Use Permit shall not become effective until fourteen (14) calendar days after approval, providing that the action is not appealed by the City Council or any other interested party within that 14 day period.
4. Any request for an extension of the Use Permit must be justified in writing and received by the Planning Department at least thirty (30) days prior to expiration.
5. All required fees, including planning fees, development fees, housing fees, building fees toilet retrofit fees, and St. Helena Unified School District fees shall be paid prior to issuance of building permit. Fees shall be those in effect at the time of the issuance of the building permit.
6. Compliance with all permit conditions shall occur in accordance with specific regulations but in all cases no later than prior to occupancy or initiation of use unless another time is set by law or by this approval. Occupancy or final inspection of a project may be withheld if all conditions, including payment of fees for services rendered by the City, are not met.
7. The applicant will defend and indemnify and hold the City, its agents, officers, and employees harmless of any claim, action or proceedings to attack, set aside, void or annul an approval so long as the City promptly notifies the applicant of any such claim, action, or proceedings and the City cooperates fully in the defense of the action or proceedings.
8. Provided they are in general compliance with the Use Permit, minor modifications may be approved by the Planning Director.
9. This Use Permit shall run with the land and shall be binding upon all parties having any right, title or interest in the real property or any part thereof, their heirs, successors and assigns, and shall inure to their benefit and benefit of the City of St. Helena.
10. The primary purpose of this review is for compliance with the General Plan and Zoning Ordinance. The owner/applicant is responsible for meeting with the Building Official / Fire Inspector to review compliance with Building and Fire Codes, including fire protection systems and the accessibility standards of Title 24.

- 11. Fire equipment shall be inspected annually by the Fire Department.
- 12. To reduce disturbance of residents in the project vicinity, construction activities which generate noise that can be heard at the property line of any parcel of real property within the City limits shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Saturday. Delivery of materials/equipment and cleaning and servicing of machines/equipment shall be limited to 7:00 a.m. to 6:00 p.m. Exceptions to these time restrictions may be granted by the Public Works Director for one of the following reasons: (1) inclement weather affecting work, (2) emergency work, or (3) other work, if work and equipment will not create noise that may be unreasonably offensive to neighbors as to constitute a nuisance. The City Engineer must be notified and give approval in advance of such work. No construction activities shall occur on Sundays or federal or local holidays that generate noise that can be heard at the property line of any parcel of real property within the City limits.

I HEREBY CERTIFY that the foregoing Use Permit was duly and regularly approved by the Planning Commission of the City of St. Helena at a regular meeting of said Planning Commission held on February 12, 2013 by the following roll call vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

Greg Desmond
Interim Planning Director

By: Maria Furst
Applicant

By: Mary Haney
Owner