

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

FEBRAURY 12, 2013

AGENDA ITEM: 7.4

2013-04: Request of Maura Wilson for a Use Permit to relocate an existing furniture store at 1269 Main Street to a vacant tenant space located at 1371 Main Street in the CBD: Central Business zoning district. (APN: 009-240-022) (CEQA: Exempt)

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

PREPARED BY: Greg Desmond, Interim Planning Director

APPLICATION FILED: 1/25/13

ACCEPTED AS COMPLETE: 1/25/13

LOCATION OF PROPERTY: 1371 Main Street

APN: 009-240-022

GENERAL PLAN: Central Business

ZONING: CB: Central Business

APPLICANT: Maura Wilson

PHONE: 963.6000

PROPERTY OWNER: Marciano Capital

PHONE: 310.246.1154

PROJECT DESCRIPTION:

The applicant submitted an application for a Use Permit to relocate an existing retail furniture store located at 1269 Main Street to a vacant tenant space located at 1371 Main Street. The relocation will allow the applicant, who has been in St Helena for many years, to enter into a longer leasing situation. 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 furniture store located at 1269 Main Street to a vacant tenant space located at 1371 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 furniture store located at 1269 Main Street to a vacant tenant space located at 1371 Main Street.

ATTACHMENTS:

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FINDINGS

1269 MAIN STREET, ST. HELENA, CA 94574
707-963-6000 707-967-9118

Use Permit Relocation for Findings Napa Valley

Move from 1269 Main Street to 1371 Main Street, St Helena, CA

Reason: Seeking a longer term and stable lease situation.

Proposed Hours: 10am to 6pm, 7 days per week

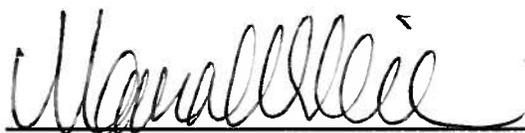
Staff: 2 full time, 2-3 part time depending on seasonal needs

Type of Business: Gift and Accessory store including furniture, apparel, and associated products.

Modifications: Internal renovations to consist of polishing floors, painting walls, additional lighting, building shelves for rear office.

No new pumping or major construction.

Parking: 2 existing parking spaces are part of the property



**USE PERMIT NO. 2013-04
CITY OF ST. HELENA, STATE OF CALIFORNIA
GRANTED TO 1371 MAIN STREET**

PROPERTY OWNER: Marciano Capital
APPLICANT: Maura Wilson

RECITALS

1. The applicant submitted a request for a Use Permit to relocate an existing retail furniture store located at 1269 Main Street to a vacant tenant space located at 1371 Main Street.

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: Maura Wilson
Applicant

By: Marciano Capital
Owner