

# ADMINISTRATIVE DETERMINATION



**DATE:** September 13, 2016

**TO:** Neighboring Property Owners and Interested Citizens

**FROM:** Noah Housh, Planning and Community Improvement Director

**RE:** Administrative Determination that the current Use Permit allowing a restaurant use at 1320 Main Street in downtown St Helena allows the space to be utilized by multiple individual restaurant tenants, with no expansion in the number of seats or service of alcohol.

## **PROJECT DESCRIPTION**

Antonio Castellucci, the property owner has requested approval of an Administrative Determination to allow multiple individual restaurant tenants to operate from 1320 Main Street, under the current Use Permit which allows a 72-seat restaurant (plus 8 outdoor seats) to operate at the location, based on a finding that this proposal is consistent with the allowances and limitations of the current Use Permit governing restaurant uses at the site.

Specifically, the details of the proposal include:

- The existing use as a food and beverage establishment would be retained.
- The existing kitchen, scullery, storage areas, restrooms and office areas would be retained.
- The existing bar, dining booths and tables will be removed and 5 individual restaurant tenant spaces would be constructed along the north, south and east walls inside the space. The center of the space will be used for community seating.
- Tenants would consist of: (1) 32-seat restaurant (2) 10-seat cafe (3) 10-seat delicatessen (4) 10-seat gelato shop (5) 10-seat wine bar. No expansion of the alcohol service beyond the allowances of the Use Permit will occur.
- All tenants would prepare/offer food or drink for consumption primarily on site.
- Tenants would share the existing kitchen, scullery, storage and office space (located upstairs).
- The design and functionality of each tenant space and the overall interior will be consistent.
- The concept will not result in an overrepresentation of uses – it is envisioned that each tenant will compliment other tenants. For example, not all uses would serve wine, beer or coffee. Instead, visitors may simply purchase beer or wine from the wine bar or coffee from the café.
- The total floor area and number of seats will not increase.
- No increase in water and/or waste water use/generation is proposed or allowed.
- The current Use Permit limits hours from 10:00 am to 11:00 pm and all restaurant uses are required to comply with these hours (or apply for a modification to the Use Permit).

Zoning Code Section 17.48.030 Conditional Uses, identifies that eating and drinking establishments (restaurants) are Conditional Uses in the Central Business Zoning District. On November 1, 2005, the Planning Commission granted approval of a Use Permit (Use Permit No. 2005-65) allowing a 72-seat restaurant to operate at 1320 Main Street (formerly Keller's Market and most recently La Condesa Restaurant) and modified this approval through a Use Permit Amendment to allow 8 outdoor seats (Use Permit No 2012-56) approved by the Commission on August 21, 2012.

The applicant is requesting to operate a variety of eating and drinking establishments within the former La Condesa space and in compliance with all conditions of approval of the Use Permit(s) allowing restaurant operations at 1320 Main Street. This request is not determined to be a

change or expansion of the approved use as identified under Zoning Code Section 17.48.090 in that no increase in the number of seats, floor area, scale of food and beverage services, or increases in water, sewer, traffic, noise or parking/circulation has been identified.

Given that no modification or expansion of the use has been identified, staff finds that the request to offer a variety of food and beverage options from separate purveyors within the floor area of the approved restaurant is a continuation of the approved restaurant use, allowed under Use Permit 2005-65, and Use Permit Amendment 2012-56, subject to the following criteria identified in these Use Permits.

1. No changes to the approved hours of operation are approved and must remain 10:00 am to 11:00 pm, as identified in the Use Permit.
2. The required number of off-street parking spaces (15) must be maintained.
3. The number of restaurant seats is limited to the numbers allowed in the Use Permit approvals (72- interior seats plus 8-outdoor).
4. No increase in the number of seats, floor area, scale of food and beverage services (including alcohol), or increases in water, sewer, traffic, noise or parking/circulation is permitted to occur under this determination.
5. All food and beverage operations at the 1320 Main Street location are subject to the formula restaurant prohibition, as identified in Zoning Code Section 17.48.050.
6. All requirements and criteria of Use Permits 2005-65 and 2012-56 must be maintained and adhered to in order for this Determination to remain valid.

#### **APPEALS**

This determination is subject to a 14-day appeal period. Anyone interested in appealing this Determination shall file an appeal with the Planning Director within 14-days of the date of this letter. The letter of appeal must state: (1) the specific action objected to; (2) the action appellant requests the city council to take; (3) the reason for the appeal; and (4) the name, address, and telephone number of the appellant or contact person if there are multiple appellants and be accompanied by the appropriate fee.

Notice of this Determination will be provided to the Planning Commission at their next regularly scheduled meeting (September 20, 2016).

Thank you for your attention to this matter.



Noah Housh  
Planning and Community Improvement Director  
City of St Helena.

September 6, 2016

Noah Housh, Planning Director  
City of St Helena  
1480 Main Street  
St Helena, CA, 94574

**RE: Request for Administrative Determination**

**Physical Address: 1320 Main Street**  
**APN: 009-212-010**  
**Zoning: CB: Central Business**  
**Use Permit: 2005-65**

Antonio Castellucci, the owner of the commercial space located at 1320 Main Street, is interested in an administrative determination from the City of St Helena confirming that the existing use permit (2005-65) for a 72 seat restaurant would be consistent with a food and beverage establishment concept that is being explored for this currently vacant tenant space.

The concept we are proposing was developed in response to several meetings with local operators who have expressed an interest in establishing themselves in St Helena but are unable to secure an appropriately sized space.

The details of the concept are as follows:

- The existing use as a food and beverage establishment would be retained.
- The existing kitchen, scullery, storage areas, restrooms and office areas would be retained.
- The existing bar, dining booths and tables will be removed and 5 tenant spaces would be constructed along the north, south and east walls. The center of the space will be used for community seating.
- Seating count per tenant: Trattoria – 32 seats, café – 10 seats, gelato shop – 10 seats, wine bar – 10 seats, delicatessen – 10 seats.
- Tenants would consist of: (1) small restaurant (2) cafe (3) delicatessen (4) gelato shop (5) wine bar.
- All tenants would prepare/offer food or drink for consumption primarily on site.
- Tenants would share the existing kitchen, scullery, storage and office space (located upstairs).
- The design and functionality of each tenant space and the overall interior will be consistent.
- The concept will not result in an overrepresentation of uses – it is envisioned that each tenant will compliment other tenants. For example, not all uses would serve wine, beer or coffee. Instead, visitors may simply purchase beer or wine from the wine bar or coffee from the café.
- The total floor area will not increase, the total number of seats will not increase and no exterior modifications are proposed.
- No increase in water and/or waste water use/generation is anticipated.
- The current Use Permit limits hours from 10:00 am to 11:00 pm. We request, via this determination process, that the hours of operation be amended to allow the café to open at 7:00 am.

We find that the proposed concept is consistent with the intent of municipal code Section 17.08.030, offers a unique opportunity for small, local and boutique purveyors to locate on Main Street and, at the same time, will provide the community with a vibrant gathering place downtown.

If you have any questions/comments please let me know.

Thank you!



Greg Desmond

**USE PERMIT NO. 2005-65**

**USE PERMIT OF THE CITY OF ST. HELENA, STATE OF CALIFORNIA  
FOR APPROVAL OF A RESTAURANT LOCATED AT 1320 MAIN STREET**

**PROPERTY OWNERS:** Robert Simon

**APN:** 009-212-010

**Recitals**

A. Robert Simon submitted an application for a Use Permit for a new restaurant at 1320 Main Street in a space formerly occupied by Keller's Market. The proposed restaurant will have seventy-two (72) dining seats and operate between the hours of 10:00 a.m. and 11:00 p.m., seven days per week. Off-site parking will be provided to offset the demand generated by the use established at 15 spaces located across Railroad Avenue on the Napa Valley Wine Train property and at the rear of the restaurant site in lot straddling the property line of the Keller and Thorsen Trust parcels. Neither requests for signs nor modifications to the building were included with this application, but will be subject to future Planning Commission review as appropriate.

The restaurant has been determined not to be a formula restaurant because the "Stomp" restaurant in Calistoga will cease operation before the St. Helena restaurant is opened.

B. The Planning Commission of the City of St. Helena, State of California, held a noticed public hearing on November 1, 2005 for the purpose of reviewing this Use Permit application.

**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 requirements of CEQA pursuant to Section 15301, Class 1 of the CEQA Guidelines. This Section exempts the operation and minor alteration of existing private facilities, including interior alterations such as retrofitting a retail space for restaurant use.

B. Pursuant to Municipal Code Section 17.168.050, the Planning Commission must make the following findings to support a motion to approve the proposed 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. Adequate off-street parking to accommodate the long term parking needs of the business owner, employees and customers located entirely on the site is not available. The need for 15 parking spaces is generated by the restaurant use and the applicant proposes to provide them off-site. Thirteen (13) spaces will be secured by agreement with the Napa Valley Wine Train property located on the eastside of Railroad Avenue north of Hunt Avenue and 2 spaces at the rear of the site partially located on the Keller and Thorsen Trust properties. Should instruments in a form acceptable to the City securing this required parking not be maintained, the applicant acknowledges and accepts that alternative parking will be required within 300 feet from the restaurant property, the number of seats in the space would be reduced commensurate with the amount of available parking or an application would be submitted for payment of an in-lieu fee to address the parking shortfall.
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 use described above is granted subject to compliance with the conditions listed below. The 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 date of approval or the permit shall expire; provided however that the 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 the operation of a 72 seat restaurant. New permits must be applied for upon any change in use. These permits 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 but not limited to planning fees, development fees, housing impact fees, and building 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. Current fees are attached hereto.
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 applicants 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 approval, the Planning Director may approve minor modifications to plans.
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 Marshal to review compliance with Building and Fire Codes, including fire protection systems and the accessibility standards of Title 24.
11. Written approval of the kitchen plans by the Napa County Department of Environmental Management shall be required prior to issuance of building permit.
12. Unless modified by the Fire Marshal pursuant to the occupancy limits of the California Building Code, the maximum seating for the restaurant shall not exceed 72 persons.
13. Prior to the issuance of a building permit, the applicant shall demonstrate that the "Stomp" restaurant in Calistoga has ceased operation and that the St. Helena restaurant is not a "formula restaurant".

14. No business identification signs shall be installed without approval of a sign permit. No modifications to the building, including interior demolition for tenant improvements, shall be made prior to Design Review approval by the Planning Commission. Remodeling/renovation plans shall include provisions for the preservation of the Keller Brothers Meats sign and the interior pressed tin ceiling.
15. This project is subject to the water conservation measures and toilet retrofit program as set forth in the City's Municipal Code. Pursuant to Municipal Code Section 13.12.050, new development projects are required to mitigate their water demand through off-site retrofitting. In place of or in combination with retrofitting, an in-lieu fee may be paid or an alternative innovative method of mitigating water use may be proposed and approved by the Public Works Director. Twenty-one (21) retrofits must be completed prior to issuance of building permits, or an in-lieu fee of \$1,000 per retrofit shall be paid. It is the responsibility of the developer to show proof of retrofit completion at the time the certificate of occupancy is issued or the in-lieu fee will not be refunded. The exact number of retrofits may change dependent upon final floor area submitted for the building permit.
16. Prior to issuance of building permits, the applicant and property owner shall provide agreements, subject to approval by the City Attorney and the Planning Director, with the Wine Train and the adjoining property owner (Thorsen Trust) to accommodate the 15 parking spaces required for restaurant use. The agreements shall guarantee the right to exclusive use of the parking by the restaurant and shall be valid for periods of at least five years with extensions beyond these periods. The City of St. Helena will either need to be party to the agreements (to insure notification of lapse of agreements) or a bond or other security in an amount equal to the in-lieu fee (\$7,000 per space) will need to be held.

By accepting this condition, the applicant acknowledges and accepts that should the agreements lapse, the number of restaurant seats will need to be reduced proportionate to the loss of parking. Alternatively, the restaurant owner can seek a use permit amendment to allow the payment of an in-lieu parking fee (\$7,000 per space). If neither of those solutions works, the restaurant may need to be closed.
17. Prior to issuance of building permits, the applicant and property owner shall demonstrate compliance with provision of accessible parking spaces as required by Title 24, California ADA regulations.
18. 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 through the duration of the project to 7:00 a.m. to 5:30 p.m. Monday through Saturday. Delivery of materials/equipment and cleaning and servicing of machines/equipment shall be limited to 7:30 a.m. to 5:00 p.m. No machinery or equipment shall be started prior to 8:00 a.m. There shall be no cleaning of machines or other equipment after 6:00 p.m., and no servicing of equipment after 6:45 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 that generate noise that can be heard at the property line of any parcel of real property within the City limits shall occur on Sundays or federal or local holidays.

**I HEREBY CERTIFY** that the foregoing Use Permit was duly and regularly adopted by the Planning Commission of the City of St. Helena at a regular meeting of said Planning Commission held on November 1, 2005 by the following roll call vote:

**AYES:** Commissioners McCrea, Katz, Oldford, Shott, Chairman Philippakis  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

  
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Carol Poole, Planning Director

  
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Robert Simon, Applicant

  
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Jeanette Keller, Property Owner

**USE PERMIT AMENDMENT & DESIGN REVIEW 2012-56  
CITY OF ST. HELENA, STATE OF CALIFORNIA  
GRANTED TO 1320 MAIN STREET**

**APPLICANT:** Chuck Meyer

**PROPERTY OWNER:** L & J Keller Trust

**APN:** 009-240-048

**Recitals**

1. The applicant submitted a request for a Use Permit Amendment and Design Review to allow outdoor dining in front of the premises. The proposed outdoor seating would be for patrons of the restaurant and the menu format and service would not change from existing. The project location is the La Condesa space located at 1320 Main Street located in the CB: Central Business district.
2. The outdoor seating will include a maximum of three (4) tables and eight (8) seats. No tables or seats will be placed in such a way as to block the sidewalk/ADA path-of-travel, and/or entrances/exits to the premises.
3. The Planning Commission of the City of St. Helena, State of California, held a noticed public hearing on August 21, 2012.

**Resolution**

The Planning Commission of the City of St. Helena, State of California, approved the Use Permit Amendment 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(a) of the Guidelines which exempts minor alterations to existing uses that involve no or negligible changes in use.
- B. The Planning Commission makes the following Use Permit findings, Section 17.168.050, to support the motion to approve the Use Permit Amendment:
  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 Amendment and Design Review 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 Amendment and Design Review 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 Amendment and Design Review 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 and/or Design Review 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 Amendment and Design Review, minor modifications may be approved by the Planning Director.

9. This Use Permit Amendment and Design Review 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. All outdoor dining improvements shall be in compliance with plans submitted and reviewed by the Planning Commission on August 21, 2012. The Planning Director may also authorize minor modifications to the plans.
12. The applicant shall comply with all conditions of the Napa County Department of Environmental Management pertaining to outdoor dining.
13. The applicant shall provide the City of St. Helena with the appropriate California Department of Alcoholic Beverage Control permits prior to allowing alcohol to be served in the outdoor dining spaces.
14. Fire equipment shall be inspected annually by the Fire Department.
15. 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 Conditions:**

1. Approval of this project shall be subject to the requirements of, and all improvements shall be designed and constructed in accordance with the most current version at the time of improvement plan submittal, Caltrans Standards and Specifications, 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. The improvement plans shall incorporate all grading, drainage, and utilities shown on the approved Design Review package, those improvements agreed to in public hearings, those improvements as stated in the mitigations for the Negative Declaration, the requirements of these conditions of approval, and those improvements required by any codes in effect at the time of plan submittal.

3. Powerwashing of the sidewalk shall not be allowed without the proper stormwater quality control best management practices; no wastewater shall flow to the gutter or any storm drain. Discharging surface cleaning wastewater into any natural body of water or any stormwater conveyance system such as storm drains, ditches and gutters is prohibited by Federal, State, and local laws. All surface cleaning for the restaurant's site shall follow Good Cleaning Practices for the Food and Restaurant Industry located in the "Pollution Prevention Practices for Surface Cleaning" by the Napa-Solano Stormwater Agencies on the City of St. Helena's website.
4. The applicant shall be required to adhere to the requirements for annual inspections of food/beverage service establishments and businesses that handle hazardous wastes for illicit stormwater discharges as required by the State National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges. The annual stormwater illicit discharge inspections are performed and invoiced by Napa County Department of Environmental Management.
5. The applicant shall comply with the provisions of St. Helena Municipal Code 17.48.090.C.6.d., including but not limited to maintaining a minimum four foot (4') clear path of travel along the sidewalk to provide for disabled access and maintaining a one and one-half foot (1-1/2') clear recovery zone from the face of curb. No obstructions of any kind shall be allowed in those zones. Tables shall not be left on the sidewalk when the restaurant is closed. Table placement shall be limited to the placement on the "recommended outdoor seating configuration" conceptual plan attached herewith.
6. An encroachment permit shall be obtained from the City of St. Helena for the outdoor dining use. The application must include documentation of required liability insurance. The City of St. Helena maintains the preeminent right to use the sidewalk and suspend the right to encroach whenever the city needs use of the sidewalk for other public use or for repair.
7. Trash areas, dumpsters and recycling containers shall be enclosed and roofed per State and County standards to prevent water run-on to the trash area and water runoff from the area, to contain litter and trash so that it is not dispersed by the wind or run-off during waste removal. In the event that wine or food is disposed in these areas, they shall drain to the sanitary sewer system. An area drain connected to the sanitary sewer shall be installed in the enclosure area directed to a structural control such as an oil/water separator or sand filter. No other area shall drain into the trash enclosure. A sign shall be posted prohibiting the dumping of hazardous materials into the sanitary sewer.
8. Deteriorating sidewalks along the project frontage shall be removed and replaced as needed and as determined by the City Engineer in accordance with City specifications.
9. Any broken curb, gutter, and/or sidewalk along the project frontage shall be replaced per City specifications to the approval of the City Engineer.
10. The applicant shall repair all public improvements that are damaged by the construction process in accordance with Caltrans Standards and Specifications and the City Water/Sewer/Street/Storm Drain/Sidewalk Standards.

**I HEREBY CERTIFY** that the foregoing Design Review and Use Permit Amendment were duly and regularly approved by the Planning Commission of the City of St. Helena at a regular meeting of said Planning Commission held on August 21, 2012 by the following roll call vote:

**AYES: Commissioners Kistner, Parker, Pitts, Galbraith and Chairperson Heil**

**NOES: None**

**ABSENT: None**

**ABSTAIN: None**

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Greg Desmond, Interim Planning Director

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Chuck Meyer, Applicant

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L & J Keller Trust, Property Owner

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