AGENDA ITEM: 6

PL15-034: Request by Kam Chhiring Sherpa for a Use Permit Amendment in order to modify the inventory approved for sale at an existing tenant space located at 1150 Main Street in the CB: Central Business district.

PREPARED BY: Aaron Hecock, Senior Planner

REVIEWED BY: Noah Housh, Planning Director

APPLICATION FILED: 07/15/15 ACCEPTED AS COMPLETE: 07/16/15

LOCATION OF PROPERTY: 1150 Main Street

APN: 009-083-021

GENERAL PLAN/ZONING: CB: Central Business

APPLICANT: Kam Chhiring Sherpa PHONE: (707) 963-4439

BUILDING OWNER: CH-Smokey St. Helena JV L.P. PHONE: (415) 388-4460

PROJECT DESCRIPTION
The applicant is the co-owner of the Himalayan Sherpa Kitchen restaurant at 1148 Main Street (next door to the vacant tenant space at 1150 Main Street). The applicant is requesting a Use Permit Amendment in order to modify the items permitted for sale at 1150 Main Street. The Use Permit for 1150 Main Street allowed for the establishment of “a Native American Galley to include Native American pottery, authentic Native American beadwork, handmade textiles, Native American Jewelry (including repair) and artifacts…” (Use Permit No. 2010-47). On March 3, 2015, Sam Dalia the owner of Pavati was approved to move his store to 1210 Main Street (#PL15-007) creating a vacancy at 1150 Main Street tenant space. The space has been vacant since this time. The applicant would like to modify the Use Permit to allow for a Himalayan clothing and accessory store that would include items predominantly made in Nepal and Tibet. The Use Permit as modified would allow for the sale of the following:

“Men’s and women’s clothing, shoes, and accessories including bags, hats, gloves, scarves, and costume jewelry. A variety of home furnishings would also be sold including statues, tableware, and other decorative items.”

The applicant has stated that they offer unique products and goods not available at other stores in St. Helena thereby helping to diversify shopping choices for visitors and residents alike.
Proposed hours of operation are 11:00 a.m. to 8:00 p.m. seven days a week. There will be one (1) full-time and approximately two (2) part-time employees. No expansion of, or modifications to the interior or exterior of the existing space is proposed.

**ANALYSIS**

**CEQA**
Staff finds that the 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.

**GENERAL PLAN/ZONING**
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. The intent is for the CB district to remain primarily local resident-serving in character. New uses which serve both local residents and tourists are allowed.

**PARKING**
The applicant is not proposing an increase in floor area and the project, as proposed, does not meet the criteria which would require additional off-street parking.

**SIGNAGE**
The applicant is not proposing any signage at this time.

**USE PERMIT AMENDMENT**
The Planning Commission must make the following Use Permit findings 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, 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 applicant is proposing to open a new retail store at an existing tenant space on Main Street. Staff feels that this use is consistent with the required findings listed above.

**CORRESPONDENCE**

At the time of packet distribution staff had received no correspondence related to this application.

**STAFF RECOMMENDATION**

The applicant operates a successful restaurant immediately adjacent to this vacant tenant space. The applicant knows how to run a successful business in St. Helena and wishes to open a store specializing in the sale of unique products not sold at other retail locations within the City. Reducing the number of vacant storefronts on Main Street is important and therefore staff recommends that the Planning Commission:

1. Determine that the 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. Accept the required findings and approve the Use Permit Amendment at 1150 Main Street.

**ATTACHMENTS**

1. Resolution / Conditions of Approval
2. Sample Products
3. Use Permit 2010-47
CITY OF ST. HELENA PLANNING COMMISSION

RESOLUTION PC2015-031

USE PERMIT AMENDMENT PL15-014
GRANTED TO 1150 MAIN STREET

APPLICANT: Kam Chhiring Sherpa
PARCEL OWNER: CH-Smokey St. Helena JV L.P.   APN: 009-083-021

RECITALS

1. The applicant is requesting a Use Permit Amendment in order to modify the items permitted for sale at 1150 Main Street. The applicant would like to modify the Use Permit to allow for a Himalayan clothing and accessory store that would include items predominantly made in Nepal and Tibet. The Use Permit as modified would allow for the sale of the following:

   “Men’s and women’s clothing, shoes, and accessories including bags, hats, gloves, scarves, and costume jewelry. A variety of home furnishings would also be sold including statues, tableware, and other decorative items.”

2. The Planning Commission of the City of St. Helena, State of California, held a noticed public hearing on September 1, 2015.

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 requirements of CEQA 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 Amendment for the above described use is granted subject to compliance with the following conditions. The Use Permit Amendment 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 shall be vested within one (1) year from the date of approval. A building permit for the tenant improvements allowed under this permit shall have been obtained within one (1) year from the effective date of the permit 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 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 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 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. In any action or proceeding to attack, challenge, invalidate, set aside, void or annul the City’s approval of applicant’s Project, in whole or in part, applicant shall defend, at its own expense and without any cost to the City, and with counsel acceptable to the City, and shall fully and completely indemnify and hold the City, its agents,
officers, and employees harmless from and against any and all claims, causes of action, damages, costs, attorney’s fees and liability of any kind, so long as the City reasonably 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 permit, minor modifications may be approved by the Planning Director.

9. This 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.

**Public Works:**

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 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. Any new and modified existing water laterals, meters and backflow prevention devices shall be required and constructed in accordance with the requirements of the City of St. Helena’s Water Standards.

4. Where fire sprinklers are required, applicant shall install an appropriately-sized water service with appropriate backflow and meter devices prior to Certificate of Occupancy. Fire system calculations shall be submitted with building plans prior to permitting to verify fire service lateral and meter sizing.
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 assessing the existing sewer lateral, possible upgrade of the sewer lateral to the building, including a sewer cleanout at the property line.

6. 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 waste is disposed in these areas, the enclosed trash area shall drain to the sanitary sewer system. An area drain connected to the sanitary sewer shall be installed in the enclosure area and a structural control such as an oil/water separator or sand filter shall be included. No other area shall drain into the trash enclosure. A sign shall be posted prohibiting the dumping of hazardous materials into the sanitary sewer.

7. 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 business is closed. Table placement shall be limited to the placement on the “recommended outdoor seating configuration” conceptual plan attached herewith.

8. 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.

9. Any missing or broken curb, gutter and/or sidewalk along the project frontage shall be installed and/or replaced per City specifications prior to Certificate of Occupancy, extent to be determined by the Public Works Department.

10. 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 prior to Certificate of Occupancy.

11. Existing streets being cut by new utility services will require edge grinding and an A.C. overlay per City standards, extent to be determined by the Public Works Department.

12. Non-existent, deteriorating or non-standard driveway approaches shall be replaced at the direction of the Public Works Department prior to Certificate of Occupancy.

13. Any existing driveway approach not directly connected to a driveway shall be replaced with sidewalk/curb/gutter, as applicable and as directed by the Public Works Department, prior to Certificate of Occupancy.

14. An encroachment permit shall be required for any work performed in the public right of way.

I HEREBY CERTIFY that the foregoing Use Permit Amendment 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 September 1, 2015 by the following roll call vote:
Home décor, Statues & Collectibles
USE PERMIT NO. 2010-47

USE PERMIT OF THE CITY OF ST. HELENA, STATE OF CALIFORNIA
GRANTED TO 1150 MAIN STREET
APN: 009-083-021

PROPERTY OWNER: CH Smokey St. Helena JV, LP
BUSINESS OWNER: Sam Dalia

Recitals

1. Sam Dalia submitted an application for a Use Permit to establish a Native American Gallery to include Native American pottery, authentic Native American beadwork, handmade textiles, Native American jewelry (including repair) and artifacts located at 1150 Main 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 November 02, 2010.

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 permit authorizes the operation of a business as described above. The business focuses on selling a variety of Native American artifacts. No more than 35% of the inventory shall be jewelry. Mass produced products and products with logos or major brand names are not to be offered in the store.
10. 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.

11. Fire equipment shall be inspected annually by the Fire Department.

12. Installation of a rapid entry Knox Box system, unless waived by the Fire Chief.

13. No signs, awnings, or facade modifications shall be installed or constructed without approval of a Sign Permit or Design Review.

14. 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 November 2, 2010 by the following roll call vote:

AYES: COMMISSIONERS KATZ, WHITE, KISTNER, & VICE-CHAIRMAN GALBRAITH
NOES: NONE
ABSTAIN: NONE
ABSENT: CHAIRMAN MCCREA

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Greg Desmond, Acting Planning Director

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Sam Dalia, Applicant

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CH Smokey St. Helena JV, LP
Property Owner