

MEMORANDUM



AGENDA ITEM: 12.2

DATE: May 6, 2014

TO: Planning Commission

FROM: Greg Desmond, Interim Planning Director

RE: Discussion of wine tasting regulations in the CB: Central Business & SC: Service Commercial districts

Summary

Wine tasting is a conditionally permitted use in the CB: Central Business and SC: Service Commercial districts.

Discussion

Over the past 6 years the City of St Helena has permitted approximately 19 tasting rooms within the CB and SC districts.

In use:

1. Acme Fine Wines – 1080 Fulton Lane
2. Karl Lawrence Cellars – 639 Main Street
3. Clif Family Winery - 1312 Vidovich Avenue
4. 750 Wines – 1224 Adams Street
5. Bello Family Vineyards – 929 Main Street
6. Cunat Family Vineyards – 1426 Main Street
7. Long Meadow Ranch - 738 Main Street
8. Napa Valley Estate Wines – 1118 Hunt Avenue
9. Handwritten Wine – 1010 Main Street
10. VGS Chateau Potelle – 1200 Dowdell Lane
11. Orin Swift – 1325 Main Street
12. Herb Lamb Vineyards – 1080 Fulton Lane

No longer in use:

1. Tamber Bey Vineyards, LLC – 1234 Adams - VACANT

Approved (no tenant yet):

1. Vineland Station L.P. - 1281 Vidovich Avenue
2. Vineland Station L.P. - 1282 Vidovich Avenue
3. Vineland Station L.P. - 657 Main Street
4. W&W Four Seas – 1299 Main Street
5. Perlieu Wines – 1220 Adams Street
6. Castelucci Wines – 1414 Main

Staff and the Planning Commission share concerns regarding the number of tasting room applications that have been granted and are interested in discussing the use permit process for such uses.

Staff has attached Chapter 17, Section 17.40.060 and Section 17.40.070 of the City of St Helena's Municipal Code outlines the development standards for the MR: Medium Density Residential district.

Planning Commission Action

Discuss and provide direction to staff regarding next steps.

Chapter 17.48 CENTRAL BUSINESS (CB) DISTRICT

Sections:

- [17.48.010](#) Purpose.
- [17.48.020](#) Permitted uses.
- [17.48.030](#) Conditional uses.
- [17.48.040](#) Design review required.
- [17.48.050](#) Accessory uses, buildings and structures.
- [17.48.060](#) Prohibited uses.
- [17.48.070](#) Development standards.
- [17.48.080](#) Outdoor storage, display or sale of merchandise.
- [17.48.090](#) Other uses, standards and requirements.
- [17.48.100](#) Reserved.

17.48.010 Purpose.

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. Uses which are primarily tourist-serving are not permitted.

Implementing Policy 2.6.42 of the 1993 General Plan states:

Allow only businesses which are primarily local-serving within all commercial areas. Exclude all fast food restaurants, outlet and discount type stores as well as large retail businesses whose consumer base requires a population larger than St. Helena and its vicinity. For purposes of the General Plan, vicinity shall be defined as the surrounding agricultural area for which St. Helena has historically provided goods and services.

Local-serving businesses are considered to be those that derive a significant portion of their revenues from St. Helena residents, and which provide services and products which satisfy local residents' day-to-day needs. They are those businesses for which a majority of the shoppers are regular repeat customers from the community. Nonlocal-serving or tourist-serving uses are those which would generally 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. (Ord. 10-8 § 2 (Exh. A (part)): prior code § 27.70)

17.48.020 Permitted uses.

The following uses are permitted in the CB district within usable floor areas of two hundred (200) square feet or greater. A use permit shall be required when a business consists of two or more of the following permitted uses:

Auto supply store;

Bakery, limited to products baked on the premises subject to the following:

1. No seating,
2. Excluding the sale of snack foods prepared off-premises;

Bank and savings and loan institutions;

Bicycle and four-stroke moped (that meet standard manufacturer specifications) rental businesses, excluding motorcycles (as a primary or accessory use);

Bicycle store, retail sales, repairs, and rentals;

1. Storage or display of rental vehicles shall not be permitted within the public right-of-way, except where the city has jurisdiction over the sidewalk and as may be allowed by use permit with the following conditions in subsection (2) below.
2. For those vehicle rental businesses that wish to establish storage or display of rental bicycles on a sidewalk, the following will be required:
 - a. One-and-one-half-foot "recovery zone" from the edge of curb that must be kept free of obstructions (CalTrans requirement).
 - b. A four-foot clear path of travel along the sidewalk must be maintained to provide disabled access.
 - c. Bicycles must be brought indoors when the business is closed.
 - d. An encroachment permit must be obtained from the city of St. Helena. 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.

Bookstore;

Chamber of Commerce office;

Computer and computer supply store;

Confectionery shop;

Dry cleaners, drop-off and pick-up only;

Electronics store, radio, television, computer, video equipment;

Florist;

Frame shop (gallery allowed only as accessory to the primary use);

Hardware store;

Hobby, toy, and game store;

Household appliance and repair shop;

Insurance office;

Locksmith;

Medical office;

Mortgage company;

Music store;

Newspaper office;

Newsstand;

Office use, local-serving business and professional offices, upper floors only for properties with frontage on Main Street unless the access and frontage of the office space is not located on Main Street. Off-site winery offices are permitted with no wine tasting;

Opticians and optometrist shop;

Paint and wallpaper store;

Pharmacy and drugstore;

Photographic supply store;

Photography studio;

Postal services;

Printing and copy services;

Real estate services located in spaces without frontage on Main Street;

Sewing, needlework, and fabric store;

Shoe repair and shoeshine shop;

Shoe store;

Sporting goods store;

Stamp and coin store;

Stationery supply store;

Stockbrokers;

Tailor and dressmaking;

Title companies;

Tobacconist;

Travel agency;

Video rental store, including the sale and rental of VCR equipment, video tapes, promotional posters related to the video tapes which are for sale or lease, laser discs, and sale of pre-packaged snack foods not involving preparation or refrigeration on premises;

Watch and clock shop, provided the business includes on-premises repair;

Watch, clock, and/or jewelry repair shops;

Other similar uses found consistent with the general plan and the CB district pursuant to Chapter [17.08](#). (Ord. 11-5 § 2 (Exh. B); Ord. 10-8 § 2 (Exh. A (part)); Ord. 09-6 § 2 (Exh. A (part)); Ord. 04-8 § 2: prior code § 27.71)

17.48.030 Conditional uses.

The following list of uses require approval of a use permit as regulated by Chapter [17.168](#). A use permit is also required for a business which consists of two or more of the permitted uses listed in Section [17.48.020](#). Approval of a use permit is subject to finding the use consistent with the policies

of the general plan and the purpose of the CB zoning district. When a use permit is considered for a use in the CBD, the standard use permit findings included in Section [17.168.050](#) shall be made to determine consistency of the use with the policies of the general plan and the purpose of the CB zoning district:

Antique store;

Art gallery;

Bakery, limited to products baked on premises subject to the following:

1. Seating permitted only as accessory to the primary bakery use and subject to the on-site parking requirements of Chapter [17.124](#);
2. Excluding the sale of snack foods prepared off premises;
3. Regulations as specified in Section [17.48.090](#);

Barber shop/beauty shop, including manicures, pedicures, make-up, facials, waxing, electrolysis, piercing, massage, and tanning when accessory to the primary use of hairstyling;

Catering establishments;

Cleaners;

Clothing store, limited to the sale of new clothing and clothing accessories;

Consignment shop;

Delicatessen as regulated by Section [17.48.090\(C\)](#);

Department store;

Drinking establishments serving alcoholic and/or nonalcoholic beverages as regulated by Section [17.48.090\(C\)](#), provided the following are not allowed:

1. Establishments serving customers within their vehicles on the premises or preparing beverages or food intended for consumption within their vehicles on the premises,
2. Establishments primarily preparing beverages or food for consumption off the premises,
3. Music or entertainment which is not accessory to the approved use and/or audible beyond the confines of the building in which such music or entertainment is being performed,
4. Drive-in or walk-up window for take-out service;

Eating and drinking establishments as regulated by Section [17.48.090\(C\)](#), provided the following are not allowed:

1. Establishments serving customers within their automobiles on the premises or preparing food intended for consumption within their automobiles on the premises,
2. Establishments primarily preparing food for consumption off the premises,
3. Music or entertainment which is not accessory to the approved use and/or audible beyond the confines of the building in which such music or entertainment is being performed,
4. The addition of on-site general liquor sales to any existing eating establishment when the operation of the eating place has been in violation of any city ordinance or any conditions of a

use permit within the preceding two years and the premises do not conform in all respects with municipal code requirements,

5. Drive-in or walk-up window for take-out service,
6. Formula or take-out food establishments;*

Farmers' market;

Foodstore, no seating permitted;

Formula business. "Formula business" (not including formula restaurants, which are prohibited) means a business which is required by contractual or other arrangement to maintain any of the following: standardized services, decor, uniforms, architecture, signs or other similar features. This shall include, but not be limited to, retail sales and service, visitor accommodations, wholesale and industrial operations;

Furniture store, new and unfinished;

Health clubs;

Home furnishings stores, limited to establishments engaged in the retail sale of such items as china, glassware, and metalware for kitchen and table use; bedding and linen; brooms and brushes; lamps and shades; mirrors and pictures; carpets and rugs; and window coverings;

Hotel, rental of rooms limited to upper floors;**

Ice cream, frozen yogurt and shaved ice shops as regulated by Section [17.48.090\(C\)](#) including sale of these items as accessory to an approved food establishment;

Interior decorating shop;

Jewelry store, provided the business includes on-premises repair;

Laundromat;

Laundry;

Liquor store;

Market;

Massage salon;

Miscellaneous food establishments with no seating where food is not prepared for immediate consumption;

Off-site winery offices with nonpublic wine tasting. Tasting of wine may be offered to wine distributors and wine merchants;

Parking facilities when not required to serve an approved use;

Pawnshops, subject to police chief review of information included in state or local statutes;

Real estate services when located on the first floor with access and frontage on Main Street;

Residential units, limited to upper floors only for nontransient occupancy;

Service station, pursuant to Section [17.136.080](#);

Spa;

Tanning salon;

Tattoo and/or piercing salon;

Theaters, movie and legitimate;

Used merchandise store;

Variety store;

Wine shops. "Wine shops" are establishments that purchase and sell wines from multiple wineries and distributors. Wines may be made in other counties in California, other states or other countries. Incidental wine tastings may occur in wine shops. Wine shops are not owned by wineries and must possess a Type 20, 21, or 42 license from ABC;

Winery tasting rooms. "Winery tasting rooms" are establishments that sell wines on behalf of one or more wineries and enable consumers to taste wine (with and without charge) as a regular part of the sales process. The wines for tasting and for sale must be made from a minimum of seventy-five percent (75%) Napa Valley grapes and must be labeled Napa Valley or be a subappellation of the Napa Valley. The permit requires a Type 02 ABC license. Food may be provided if it is at no cost to the consumer, is made off-premises and the facilities are approved by Napa County Environmental Management;

Other similar uses found consistent with the general plan and the CB district pursuant to procedures in Chapter [17.08](#).

* Note: The city has established a limit on the number of eating and drinking establishments within such establishments as listed in the regulated food and beverage establishments inventory. This inventory may be amended by action of the city council.

** Note: The city has established a limit on the number of transient occupancy rooms permitted in the city to those existing or approved on September 28, 1993, as listed in the hotel, motel, and B&B inventory. This inventory may be amended by action of the city council.

(Ord. 10-8 § 2 (Exh. A (part))): Ord. 09-6 § 2 (Exh. A (part))): Ord. 04-8 § 3: Ord. 02-6 § 7: prior code § 27.72)

17.48.040 Design review required.

Pursuant to Chapter [17.164](#) all signs, new structures or buildings, or exterior revisions (including, but not limited to, change in exterior color) of any existing structures or buildings for both permitted and conditional uses shall require design review. (Ord. 10-8 § 2 (Exh. A (part))): prior code § 27.73)

17.48.050 Accessory uses, buildings and structures.

The following are the accessory uses, buildings and structures permitted in the CB district:

- A. Signs subject to the provisions of Chapter [17.148](#);
- B. Small recycling centers (not more than five hundred (500) square feet) including mobile recycling units, nonprofit drop-off facilities, and reverse vending machines, subject to design review approval by the planning director;
- C. On-site storage facilities accessory to the primary use subject to design review approval by the planning commission. On-site storage shall not be located within required parking areas. Design review will include, but not be limited to, location, length of time for the storage facility and size of the storage facility;
- D. Other uses and structures which are customarily incidental and clearly subordinate to permitted

and conditional use pursuant to procedures in Chapter [17.08](#). (Ord. 10-8 § 2 (Exh. A (part))): prior code § 27.75)

17.48.060 Prohibited uses.

The following uses are specifically prohibited in the CB district:

- A. Formula restaurant. "Formula restaurant" means a restaurant devoted to the preparation and offering of food and beverage for sale to the public for consumption either on or off the premises and which is required by contractual or other arrangement to offer any of the following: standardized menus, ingredients, food preparation, decor, uniforms, architecture, or similar standardized features;
- B. Outlet stores, discount stores, or stores devoting commercial area, gross sales or inventory to the sale of second quality, irregular or discontinued merchandise or to the liquidation of merchant's or manufacturer's stock;
- C. Souvenir shops;
- D. T-shirt shops;
- E. Time-share projects, programs or occupancies. (Ord. 10-8 § 2 (Exh. A (part))): prior code § 27.75)

17.48.070 Development standards.*

The following requirements shall be observed in the CB district, excluding the area within the specific plan area as defined in the general plan, and except as otherwise provided in this title:

| | |
|------------------------------------|---------------------------------|
| A. Maximum Standards. | |
| 1. Height of building/structures** | 35 feet |
| 2. Building floor area | *** |
| 3. Use floor area | **** |
| 4. Floor area ratio | 2.0 (requires off-site parking) |
| B. Minimum Standards. | |
| 1. Lot area | 5,000 square feet |
| 2. Front setback | 0 feet |
| 3. Side setback | 0 feet |
| 4. Side yard** | 0 feet |
| 5. Rear yard** | 0 feet |

* Development standards for the CB district area included in the specific plan area of the general plan shall be determined in conjunction with a site development plan for the parcel(s) at the time of project review. Variations from the adopted development standards may be allowed in the specific plan area if findings of consistency with general plan policies are made by the city during review of the development application.

** Yards abutting a property designated residential shall have a minimum of ten (10) foot setback and a maximum building height of thirty (30) feet.

*** Building floor area in the CB district shall be governed by the provisions of subsection C of this section.

**** Use floor area in the CB district shall be governed by the provisions of subsection D of this section.

C. Building Floor Area.

1. Buildings Existing Prior to 1993 Which Exceed Ten Thousand (10,000) Square Feet. Buildings which existed prior to 1993 and exceed ten thousand (10,000) square feet may increase the allowable floor area upon approval of a use permit by the planning commission. Approval of a use permit is subject to finding the expansion consistent with the policies of the general plan and the purpose of the CB district. When a use permit is considered for expansion of floor area the following criteria shall be considered in addition to the use permit findings included in Sections [17.168.050](#) and [17.48.100](#):

- a. Expanded floor area shall only be allowed for office, storage, or other nonretail uses determined by the planning commission.
- b. The proposed increase in floor area shall not result in an expansion of the footprint or building coverage of the existing building.
- c. The floor area ratio shall not be exceeded.

2. Buildings Constructed After 1993. Each building on a legal parcel of record is limited to a maximum of ten thousand (10,000) square feet of building floor area. Multiple buildings may be constructed on a legal parcel of record, provided the individual buildings do not exceed ten thousand (10,000) square feet of building floor area and the maximum floor area ratio on the parcel is not exceeded.

Floor area of a single building may exceed ten thousand (10,000) square feet upon approval of a use permit by the planning commission. Approval of a use permit is subject to finding the increased building floor area consistent with the policies of the general plan and the purpose of the CB district. When a use permit is considered for increased building floor area the following criteria shall be considered in addition to the findings included in Sections [17.168.050](#) and [17.48.100](#):

- a. Increased floor area shall only be allowed for office, storage, or other nonretail uses determined by the planning commission.
- b. The building footprint for each building shall not exceed ten thousand (10,000) square feet.
- c. The allowed floor area ratio shall not be exceeded.

D. Use Floor Area.

1. Minimum Floor Area. All uses in the CB district within existing and newly constructed buildings shall have a minimum floor area of two hundred (200) square feet unless a use permit is approved by the planning commission to allow a reduction in floor area below two hundred (200) square feet.

2. Maximum Floor Area. All uses in the CB district within existing and newly constructed buildings shall be limited to a maximum of ten thousand (10,000) square feet of floor area. Tenant spaces in existence on November 1, 1999, may increase the existing floor area by no more than ten percent (10%) of the existing floor area. Modification of tenant spaces existing on November 1, 1999, resulting in more than a ten percent (10%) increase in floor area may be allowed upon approval of a use permit by the planning commission. Increase of tenant space floor area shall not result in the tenant space exceeding ten thousand (10,000) square feet except as provided by subsection C of this section. (Ord. 10-8 § 2 (Exh. A (part)): prior code § 27.76)

17.48.080 Outdoor storage, display or sale of merchandise.

A. All uses shall be conducted entirely within a completely enclosed building except for:

1. Bus depots and transit stations;

2. Farmers' markets;
3. Outdoor dining, in conjunction with a use permit approved for restaurant use;
4. Parking and loading areas;
5. Portable shoeshine stands when the business is conducted in conjunction with an approved use, provided the shoeshine stand conducts business during the same business hours as the approved primary use;
6. Seasonal sales (Christmas trees, pumpkins, etc.);
7. Service stations;
8. Taxi stands;
9. Such other uses which, in the opinion of the planning director, require outside display or storage.

B. Provided the use is allowed (either as a permitted or conditional use) by the zoning district regulations for the district in which the property is located, the following provisions shall apply to the incidental placement, storage, display, sale, or offer for sale of any merchandise out-of-doors or outside any completely enclosed building:

1. Screening. The merchandise shall be screened so as not to be visible from any public or private street, any off-street parking facility, or any common area in an integrated commercial center; or
2. Use Permit. A use permit approved by the planning commission shall be required for the outdoor storage, display or sale of merchandise except for the following:
 - a. Fruits and vegetables,
 - b. Plants and other growing vegetation, with the limitation in subsection (B)(3)(f) of this section not applicable to nurseries,
 - c. Cut flowers (planter boxes subject to the standards specified in subsection (B)(3)(g) of this section),
 - d. Gasoline pumps, oil racks and accessory items when located on pump islands,
 - e. Vehicles, including, but not limited to, automobiles, trucks, motorcycles, trailers and recreational vehicles, with the limitation in subsection (B)(3)(f) of this section not applicable,
 - f. Areas within a completely roofed street alcove or entryway; provided, that the merchandise is inside the line of the building face,
 - g. Parking lot and sidewalk sales and other promotional events that involve retail sales, as long as they do not exceed twelve (12) days total during any twelve (12) month period with no more than three days being consecutive, regardless of the number of businesses located on the property, with the limitations in subsection (B)(3)(e) and (f) of this section not applicable,
 - h. Nonpromotional events conducted by or for recognized nonprofit or charitable community groups, with the limitations in subsection (B)(3)(a), (e) and (f) of this section not applicable,

- i. Garage and yard sales, as long as they are conducted on property used for residential purposes by a resident and do not exceed three days during any six-month period, with the limitations in subsection (B)(3)(a), (e) and (g) of this section not applicable,
 - j. Merchandise associated with hardware stores and building supply stores,
 - k. Activities similar to the above, as determined by the planning commission.
3. Standards. The placement or location of the merchandise must comply with the following:
- a. The merchandise or activity is incidental and adjacent to any lawfully established business that normally sells the merchandise inside the building.
 - b. The merchandise or activity does not present a hazard to pedestrians or vehicles.
 - c. The merchandise or activity does not occupy the space formed by extending the width of any required or existing building exit, whichever is wider, to the public right-of-way.
 - d. The display of merchandise shall not be located within the public right-of-way.
 - e. The merchandise or activity does not occupy any required parking spaces.
 - f. The storage, display or sales area is limited to two hundred (200) square feet or ten percent (10%) of the gross floor area of the business, whichever is less.
 - g. Along Main Street, between Mitchell Street and Pine Street on the west side, and Pope Street to Pine Street on the east side, planter boxes and plants shall encroach no more than twelve (12) inches into the public right-of-way, shall have a maximum height of four feet zero inches, and six feet of sidewalk shall be kept clear for pedestrian use. These standards shall apply elsewhere in the central business district outside of the area designated; however, the city council shall be empowered to waive the standards on a case-by-case basis.
4. Use of Street or Sidewalk. Nothing in this section shall authorize the placement, storage, display, sale or offer for sale of any merchandise on any street or on any sidewalk or any other portion of the public right-of-way, with the exception of sidewalk sales permitted by subsection (B)(2)(g) of this section. (Ord. 10-8 § 2 (Exh. A (part)); Ord. 06-9 § 2 (part); prior code § 27.77)

17.48.090 Other uses, standards and requirements.

- A. Catering. Food catering shall be permitted when accessory to an approved use.
- B. Music/Entertainment. Music/entertainment shall be allowed when accessory to an approved use and noise is not audible beyond the confines of the building.
- C. Food and Beverage Establishments. Establishments serving food or beverage with seating are limited to thirty (30), as listed on the regulated food and beverage establishments inventory. Such establishments shall be subject to the following regulations:
 1. The type of use shall be as listed on the inventory and/or conditions imposed during city review.
 2. All regulated uses shall be subject to use permit review by the planning commission prior to change in use or expansion of use. Change in use or expansion of use shall include increase in seating; increase in floor area; change to a restaurant with a complete kitchen capable of providing full menu service of food prepared on premises; or change in services which may result in an increase in water, sewer, traffic, noise, or parking/circulation impacts. Change in use shall not include minor changes to hours of operation or change in hours to the

food service unless such hours are regulated by an existing use permit.

3. If approvals expire for an establishment listed in the inventory or if an establishment ceases operation and may not be reestablished under Chapter [17.140](#) regulating nonconforming establishments, Section [17.08.120](#) regulating use permits, or other provisions of this title, another restaurant may be established at a new location as follows:

- a. Use permit approval is required for a new establishment at any location within the city.
- b. The total number of establishments shall not be increased beyond thirty (30).
- c. The total number of seats in the proposed restaurant shall not exceed two hundred (200).
- d. Use permit applications for the establishment of new restaurants shall be considered in the order of applications received, except that priority will be given to an existing business which is being relocated if the following conditions are met:
 - i. The existing business notifies the planning director in writing no later than ten (10) days after the business ceases operation of its intention to relocate and of the date it will or did cease operation; and
 - ii. A completed use permit application is filed before the food or beverage use at the original location becomes null and void pursuant to Section [17.140.020](#), [17.08.120](#), or other provisions of this title.
- e. No use permit application will be accepted for processing until an establishment on the inventory (or an approved replacement establishment) has ceased operation or the property owner has notified the planning director in writing that the use will not be reestablished at the previous location. The use permit application shall not be scheduled for hearing by the planning commission until the time period for reestablishing of the use at the location where the use has ceased, has expired or written notice has been given by the property owner that the use will not be reestablished at the previous location.

4. When an existing business is modifying its operation the use permit shall be reviewed for compliance with the following:

- a. That if the regulated use is considered a legal nonconforming business, the reasons for nonconformity shall be stated in the findings;
- b. That the plans submitted with the application indicate that any existing nonconformities will not be increased by the issuance of the permit;
- c. The total seating capacity authorized by the use permit and fire code occupancy shall be posted on the premises;
- d. That all trash and recycling areas are screened from view.

5. A use permit or use permit amendment is required to expand the number of seats at a restaurant listed on the regulated food and beverage establishments inventory or to enclose approved outdoor seating for use as indoor seating.

- a. The total number of restaurant seats, including indoor and outdoor seating, shall not exceed two hundred (200). Restaurants with more than two hundred (200) seats that were legally approved prior to the date of adoption of the ordinance codified in this chapter shall not be required to reduce their seating to comply with this regulation.

- b. Seating shall be in compliance with the maximum fire code occupancy as determined by the fire marshal.
 - c. A building expansion to enclose outdoor seating to indoor seating shall be considered an expansion of seating for purposes of determining required parking.
6. Outdoor Seating. Design review approval is required to establish outdoor seating for dining at restaurants with an approved use permit. Use permit amendment is required for an increase in the number of seats. The design review application shall include a plan showing the number of tables and chairs and the area where the dining will be allowed.
- a. Outdoor dining for seating that results in an increase in the number of seats shall be reviewed by the planning department for compliance with parking standards and by Napa County Environmental Management for compliance with regulations pertaining to food storage, health and safety.
 - b. For those restaurants that wish to serve alcohol outside, the licensee must obtain approval for premises expansion from the California Department of Alcoholic Beverage Control.
 - c. All entrances and emergency exits shall be kept free of obstructions to ingress and egress.
 - d. For those restaurants that wish to establish outdoor seating for dining on a sidewalk, the following will be required:
 - i. A one-and-one-half-foot "recovery zone" from the edge of curb that must be kept free of obstructions (CalTrans requirement).
 - ii. A four-foot clear path of travel along the sidewalk must be maintained to provide disabled access.
 - iii. Tables and chairs must be brought indoors when the restaurant is closed.
 - iv. Entertainment shall not be allowed on the sidewalk as part of the restaurant service.
 - v. An encroachment permit must be obtained from the city of St. Helena. 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.
 - vi. Sidewalk dining permits are revocable at the will of the city, and such revocations do not result in a taking of the owner's property (i.e., a taking of the restaurant).
 - vii. No more than twenty percent (20%) of a total restaurant seating may be located on the sidewalk or other public property.
 - e. For those restaurants wishing to allow patrons to bring dogs to the outdoor dining area, the following regulations shall be enforced:
 - i. Employees and patrons shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens or any other items involved with food service operations.
 - ii. Patrons shall keep their dogs on a leash at all times and shall keep their dogs under control.

- iii. Dogs shall not be allowed on chairs, tables, or other furnishings.
- iv. All table and chair surfaces shall be cleaned and sanitized between seating of patrons.
- v. Dog waste shall be removed immediately and the area immediately cleaned and sanitized with an appropriate product.
- vi. Dogs shall not be permitted to travel through indoor portions of the public food service establishment.

D. Landscaping Requirements.

1. Installation and Maintenance of Landscaping and Shade Trees. All required frontage yards, off-street parking areas, and all other open areas (other than screened storage areas) shall be permanently maintained by the property owner with the installation of shade trees, planters, and landscaped areas to cover a minimum of five percent of the total site in accordance with the following standards:

- a. Parking Lot Trees. All trees in parking lots shall be fifteen (15) gallon can size and shall conform to the National Association of Nurserymen's adopted standards for growth, condition and development of nursery-supplied materials. Modification of these standards for equivalent quality of tree or shade plant may be permitted depending on species and quality of stock. The following minimum number of trees shall be required in any parking lot:

| Parking Lot Size | Number of Trees |
|-------------------|---|
| 15 spaces or less | 1 tree/4 spaces (minimum of 2 trees) |
| 16 spaces or more | 20 trees/acre if canopy is 40 feet or greater |
| | 24 trees/acre if canopy is less than 40 feet |

- b. Planters. Where a parking lot abuts a public right-of-way, there shall be provided a landscaped planter contiguous to and parallel to such right-of-way.
- c. Variety and Distribution. Shade trees shall be of a variety approved by the city that will, under ordinary circumstances and growing conditions, provide shade upon reaching maturity. Distribution of trees shall generally be in a grid or similar pattern within off-street parking lots, required yards, and other open spaces and landscaped areas so as to fulfill the intent of this title to shade expanses of pavement and other open space.
- d. Curbing. Landscaping and shade trees shall be contained in planters and tree wells bordered by a six-inch high concrete curb or equivalent barrier approved by the city.
- e. Width and Protection. Unless otherwise specified in this chapter or under the conditions of an approved permit, planters and tree wells shall have a width of not less than five feet and shall be protected from automobile overhang where necessary through the provision of barriers, tire stops or additional width.
- f. Maintenance. Landscaped areas and planters shall be served by an irrigation system approved by the city and shall be kept in a weed-free condition.

E. Wastewater Generation. Each and every use allowed in the CB district shall be restricted such

that all such uses on any single "lot of record," as defined by Section [13.24.090\(C\)](#) of this code do not in the aggregate generate wastewater in excess of the following standards:

1. Six hundred (600) gallons per day, without a use permit which regulates wastewater generation;
2. Two thousand five hundred (2,500) gallons per day, upon grant of a use permit regulating wastewater generation; provided the city council approves a use permit with conditions ensuring that all reasonable water conservation measures are implemented, and finds that approval is in the best interest of the city; or
3. For all uses lawfully in effect on any lot of record on December 8, 1981, which generated in aggregate more than six hundred (600) gallons of wastewater per day, such uses may be altered, reconstructed or changed; provided, that the resultant uses on any such lot of record do not in the aggregate generate wastewater exceeding the aggregate wastewater gallonage per day for all uses existing on such lot of record on December 8, 1981.

F. Demolition Permit Required. Except when required for the emergency protection of public health, safety or welfare as determined by the city manager, no permit authorizing the demolition of any structure within the commercial zoning districts shall be issued until reviewed by the planning commission in accordance with the procedures established in Chapter [17.92](#) and the following findings:

1. That, based on the public record and testimony presented at a public hearing, the structure is determined not to be a significant architectural or historical building. If a structure is determined to be significant by the planning commission, no demolition will be authorized unless the following findings are made by the commission:
 - a. That the structure poses a threat to health, safety and general welfare if it is not demolished;
 - b. That restoration of the structure is not feasible or practicable using current building codes including, but not limited to, the Historic Building Code provisions of the Uniform Building Code of the state;
 - c. That no public or other funding is available for financing renovation or purchase of the structure.

G. Right to Farm Provision. Property owners within the district shall recognize that there exists a right to farm properties within the district and in the vicinity of the district. There is a good faith expectation that no complaints will occur regarding legal normal agricultural activities on properties in the district or in the vicinity of the district. Such activities may include day or night disbursement of chemicals and creation of dust, noise or fumes. (Ord. 10-8 § 2 (Exh. A (part))); Ord. 00-2 § 2; prior code § 27.78)

17.48.100 Reserved.

(Ord. 10-8 § 2 (Exh. A (part)))

The St. Helena Municipal Code is current through Ordinance 2014-3, passed February 11, 2014.

Disclaimer: The City Clerk's Office has the official version of the St. Helena Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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Chapter 17.52 SERVICE COMMERCIAL (SC) DISTRICT

Sections:

- [17.52.010](#) Purpose.
- [17.52.020](#) Permitted uses.
- [17.52.030](#) Conditional uses.
- [17.52.040](#) Design review required.
- [17.52.050](#) Accessory uses, buildings and structures.
- [17.52.060](#) Prohibited uses.
- [17.52.070](#) Development standards.
- [17.52.080](#) Outdoor storage, display or sale of merchandise.
- [17.52.090](#) Other uses, standards and requirements.
- [17.52.100](#) Reserved.

17.52.010 Purpose.

The service commercial district (SC) designation provides for service and retail uses, restaurants, service stations, motels, public and quasi-public uses and similar and compatible uses. The designation is intended primarily for service and retail uses that are automobile-oriented or whose operational characteristics and space needs are not considered appropriate for the central business district. The intent is for the SC district to be primarily local resident-serving in character. Strictly tourist-serving retail uses are prohibited within this designation.

Implementing Policy 2.6.42 of the 1993 general plan states:

Allow only businesses which are primarily local-serving within all commercial areas. Exclude all fast food restaurants, outlet and discount type stores as well as large retail businesses whose consumer base requires a population larger than St. Helena and its vicinity. For purposes of the General Plan, vicinity shall be defined as the surrounding agricultural area for which St. Helena has historically provided goods and services.

Local-serving businesses are considered to be those that derive a significant portion of their revenues from St. Helena residents, and which provide services and products which satisfy local residents' day-to-day needs. They are those businesses for which a majority of the shoppers are regular repeat customers from the community. Nonlocal-serving or tourist-serving uses are those which would generally 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. (Ord. 10-8 § 2 (Exh. B (part)); prior code § 27.80)

17.52.020 Permitted uses.

The following uses are permitted in the SC district within usable floor areas of two hundred (200) square feet or greater. A use permit shall be required when a business consists of two or more of the following permitted uses:

Accounting, auditing, and bookkeeping;

Appliance store;

Architectural office;

Audio-visual store;

Auditing office;

Auto supply store;

Automatic bank teller;

Automotive services, including repair;

Bakery, commercial baking only with no retail sales or seating;

Boat sales and service;

Bookkeeping services;

Cabinet shop;

Camera and photo supply store;

Catering establishments, no retail sales;

Cleaning and janitorial services;

Commercial art/photography service;

Computer and data processing services, including retail sales;

Credit institution;

Credit union office;

Dance studios and schools;

Engineering, architectural and surveying services;

Engraving services;

Feed store;

Florist;

Frame shop;

Fruit and vegetable market;

Glazing businesses;

Graphic design services;

Hardware store;

Hobby store;

Home health care equipment and services;

Insurance agents, brokers and service;

Legal services;

Locksmith;

Luggage store;

Media representatives;

Medical offices;

Music recording studio;

Nail salon;

Newspaper distribution facilities, no retail sales;

Office use, local-serving business and professional offices; off-site winery offices are permitted with no wine tasting;

Opticians and optometrist shop, including repair;

Paint, glass and wallpaper store;

Painting contractor/services;

Party supplies and service;

Personnel services;

Pet store, services, supplies;

Plumbing and contractor/services;

Printing and copy service;

Real estate services;

Repair shops, excluding the repair of heavy equipment;

Residential units, upper floor only in conjunction with a mixed use project;

Reupholstery and furniture repair;

Saddle and equestrian store and repair;

Saw, knife and tool sharpening shops;

Secretarial, mail, message and postal services;

Security services;

Shoe repair;

Sign maker;

Sporting goods store;

Surveyor;

Telephone center, including sales and maintenance;

Title company;

Towing services;

Travel agency;

Trophy shop;

Used merchandise stores, including clothing;

Veterinary services without overnight boarding of animals;

Video rental store, including the sale and rental of VCR equipment, video tapes, promotional posters related to the video tapes which are for sale or lease, laser discs, and sale of pre-packaged snack foods not involving preparation or refrigeration on premises;

Other similar uses found consistent with the general plan and the SC district pursuant to Chapter [17.08](#). (Ord. 10-8 § 2 (Exh. B (part)): Ord. 09-6 § 2 (Exh. A (part)): Ord. 04-8 § 5: prior code § 27.81)

17.52.030 Conditional uses.

The following list of uses require approval of a use permit as regulated by Chapter [17.168](#). A use permit is also required for a business which consists of two or more of the permitted uses listed in Section [17.52.020](#). Approval of a use permit is subject to finding the use consistent with the policies of the general plan and the purpose of the SC zoning district. When a use permit is considered for a use in the SC district the standard use permit findings included in Section [17.168.050](#) shall be made to determine consistency of the use with the policies of the general plan and the purpose of the SC zoning district:

Ambulance services;

Animal boarding facility;

Automobile and truck rental;

Beauty shop/barber shop, including manicures, pedicures, make-up, facials, waxing, electrolysis, piercing, massage and tanning when accessory to the primary use of hairstyling;

Breweries, including tasting;

Car wash;

Catalogue office/retail center, including storage of merchandise;

Child care facilities;

Clothing store, limited to the sale of new clothing and clothing accessories;

Drinking establishments serving alcoholic and/or nonalcoholic beverages as regulated by Section [17.52.090\(D\)](#), provided the following are not allowed:

1. Establishments serving customers within their vehicles on the premises or preparing beverages/food intended for consumption within their vehicles on the premises,
2. Establishments primarily preparing beverages/food for consumption off the premises,
3. Music/entertainment which is not accessory to the approved use and/or audible beyond the confines of the building in which such music/entertainment is being performed,
4. Drive-in or walk-up window for take-out service;

Eating and drinking establishments as regulated by Section [17.52.090\(D\)](#), provided the following are not allowed:

1. Establishments serving customers within their automobiles on the premises or preparing food intended for consumption within their automobiles on the premises,
2. Establishments primarily preparing food for consumption off the premises,

3. Music/entertainment which is not accessory to the approved use and/or audible beyond the confines of the building in which such music/entertainment is being performed,
4. The addition of on-site general liquor sales to an existing eating establishment when the operation of the eating place has been in violation of any city ordinance or any conditions of a use permit within the preceding two years and the premises do not conform in all respects with municipal code requirements,
5. Drive-in or walk-up window for take-out service,
6. Formula or take-out food establishments;*

Electric and gas utilities;

Equipment rental and leasing;

Farm supply stores;

Farmers' market;

Food product development;

Formula business. "Formula business" (not including formula restaurants, which are prohibited) means a business which is required by contractual or other arrangement to maintain any of the following: standardized services, decor, uniforms, architecture, signs or other similar features. This shall include, but not be limited to, retail sales and service, visitor accommodations, wholesale and industrial operations;

Furniture stores, new and unfinished;

Grocery stores; limited to ten thousand (10,000) square feet in size with retail sales of meat, produce, dairy, baked goods, and groceries with accessory sales of household goods and delicatessen items;

Gunsmith;

Health club and fitness centers;

Home furnishings stores, limited to establishments engaged in the retail sale of such items as china, glassware, and metal ware for kitchen and table use; bedding and linen; brooms and brushes; lamps and shades; mirrors and pictures; carpets and rugs; and window coverings;

Hotels and motels;**

Laundry, self-serve cleaning and garment services;

Light manufacturing uses;

Liquor stores, retail sales only;

Local passenger transportation and services, includes train depot;

Lumber and other building materials business;

Miscellaneous food establishments with no seating where food is not prepared for immediate consumption;

Mortuary and funeral homes;

Motor vehicle sales, new and/or used vehicles;

Nursery, lawn and garden supply stores;

Off-site winery offices with nonpublic wine tasting. Tasting of wine may be offered to wine distributors and wine merchants;

Parking facilities, commercial;

Performing arts facility;

Plant nurseries, including retail sales;

Pool supply and sales;

Sanitary services;

Schools and educational services;

Service station, pursuant to Section [17.136.080](#);

Tanning salon;

Taxidermist;

Theater, movie and legitimate;

Utilities;

Vehicle rental businesses, including trucks, bicycles and four-stroke mopeds (that meet standard manufacturer specifications), but excluding motorcycles;

1. Storage or display of rental vehicles shall not be permitted within the public right-of-way, except where the city has jurisdiction over the sidewalks and as may be allowed by use permit with the following conditions in subsection (2) below.
2. For those vehicle rental businesses that wish to establish storage or display of rental bicycles on a sidewalk, the following will be required:
 - a. One-and-one-half-foot "recovery zone" from the edge of curb that must be kept free of obstructions (CalTrans requirement).
 - b. A four-foot clear path of travel along the sidewalk must be maintained to provide disabled access.
 - c. Bicycles must be brought indoors when the business is closed.
 - d. An encroachment permit must be obtained from the city of St. Helena. 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.

Warehouse and wholesale business, excluding retail sales;

Wine shops. "Wine shops" are establishments that sell wines from multiple wineries and distributors. Wines may be made in other counties in California, other states or other countries. Incidental wine tastings may occur in wine shops. Wine shops are not owned by wineries and must possess a Type 20, 21, or 42 license from ABC;

Wineries;

Winery tasting rooms. "Winery tasting rooms" are establishments that sell wines on behalf of one or more wineries and enable consumers to taste wine (with and without charge) as a regular part of the sales process. The wines for tasting and for sale must be made from a minimum of seventy-five percent (75%) Napa Valley grapes and must be labeled Napa Valley or be a subappellation of the Napa Valley. The permit requires a Type 02 ABC license. Food may be provided if it is at no cost to the consumer, is made off-premises and the facilities are approved by Napa County Environmental Management;

Other similar uses found consistent with the general plan and the SC district pursuant to Chapter [17.08](#).

* Note: The city has established a limit on the number of eating and drinking establishments. Such establishments are listed in the regulated food and beverage establishments inventory. This inventory may be amended by action of the city council.

** Note: The city has established a limit on the number of transient occupancy rooms permitted in the city to those existing or approved on September 28, 1993, as listed in the hotel, motel, and B&B inventory. This inventory may be amended by action of the city council.

(Ord. 11-5 § 2 (Exh. A); Ord. 10-8 § 2 (Exh. B (part)); Ord. 10-4 § 5; Ord. 09-6 § 2 (Exh. A (part)); Ord. 04-8 § 6; prior code § 27.82)

17.52.040 Design review required.

Pursuant to Chapter [17.164](#) all signs, new structures or buildings, or exterior revisions (including, but not limited to, change in exterior color) of any existing structures or buildings for both permitted and conditional uses shall require design review. (Ord. 10-8 § 2 (Exh. B (part)); prior code § 27.83)

17.52.050 Accessory uses, buildings and structures.

The following are the accessory uses, buildings and structures permitted in the SC district:

- A. Signs subject to the provisions of Chapter [17.148](#);
- B. Small recycling centers (not more than five hundred (500) square feet) including mobile recycling units, nonprofit drop-off facilities, and reverse vending machines, subject to design review approval by the planning director;
- C. On-site storage facilities accessory to the primary use are subject to design review approval by the planning commission. On-site storage shall not be located within required parking areas. Design review will include, but not be limited to, location, length of time for the storage facility, and size of the storage facility;
- D. Other uses and structures which are customarily incidental and clearly subordinate to permitted and conditional use pursuant to Chapter [17.08](#). (Ord. 10-8 § 2 (Exh. B (part)); prior code § 27.84)

17.52.060 Prohibited uses.

The following uses are specifically prohibited in the SC district:

- A. Formula restaurant. "Formula restaurant" means a restaurant devoted to the preparation and offering of food and beverage for sale to the public for consumption either on or off the premises and which is required by contractual or other arrangement to offer any of the following: standardized menus, ingredients, food preparation, decor, uniforms, architecture, or similar standardized features;
- B. Outlet stores, discount stores, or stores devoting commercial area, gross sales or inventory, to the sale of second quality, irregular or discontinued merchandise or to the liquidation of merchant's or manufacturer's stock;

- C. Souvenir shops;
- D. T-shirt shops;
- E. Time-share projects, programs or occupancies. (Ord. 10-8 § 2 (Exh. B (part))): prior code § 27.85)

17.52.070 Development standards.*

The following requirements shall be observed in the SC district, excluding the area within the specific plan area as defined in the general plan, and except as otherwise provided in this title:

| A. Maximum Standards. | |
|----------------------------------|--------------------|
| 1. Height of building/structures | 35 feet |
| 2. Building floor area | ** |
| 3. Use floor area | *** |
| B. Minimum Standards. | |
| 1. Lot area | 10,000 square feet |
| 2. Front setback | **** |
| 3. Side setback | 25 feet |
| 4. Side yard | 10 feet/floor |
| 5. Rear yard***** | 15 feet***** |

* Development standards for the SC district area included in the specific plan area of the general plan shall be determined in conjunction with a site development plan for the parcel(s) at the time of project review. Variations from the adopted development standards may be allowed in the specific plan area if findings of consistency with general plan policies are made by the city during review of the development application.

** Building floor area in the SC district shall be governed by the provisions of subsection C of this section.

*** Use floor area in the SC district shall be governed by the provisions of subsection D of this section.

**** Fifteen percent (15%) of lot depth shall be the average front building setback along Main Street, but in no case shall the setback be less than thirty-five (35) feet. The first thirty-five (35) feet of the front setback shall be devoted to landscaping exclusive of driveway access with the balance, if any, of the required front setback devoted to parking or landscaping as determined by design review. Lot depth is the depth of the parcel or portion thereof which is zoned commercial.

***** Yards abutting a property designated residential shall have a minimum of twenty (20) feet.

C. Building Floor Area.

1. Buildings Existing Prior to 1993 Which Exceed Ten Thousand (10,000) Square Feet. Buildings which existed prior to 1993 and exceed ten thousand (10,000) square feet may increase the allowable floor area upon approval of a use permit by the planning commission. Approval of a use permit is subject to finding the expansion consistent with the policies of the general plan and the purpose of the SC district. When a use permit is considered for expansion of floor area the following criteria shall be considered in addition to the use permit findings included in Sections [17.168.050](#) and [17.52.100](#):

- a. Expanded floor area shall only be allowed for office, winery, storage, or other nonretail uses determined by the planning commission.

- b. The proposed increase in floor area shall not result in an expansion of the footprint or building coverage of the existing building.
 - c. The floor area ratio shall not be exceeded.
2. Buildings Constructed After 1993. Each building on a legal parcel of record is limited to a maximum of ten thousand (10,000) square feet of building floor area. Multiple buildings may be constructed on a legal parcel of record provided the individual buildings do not exceed ten thousand (10,000) square feet of building floor area and the maximum floor area ratio on the parcel is not exceeded.

Floor area of a single building may exceed ten thousand (10,000) square feet upon approval of a use permit by the planning commission. Approval of a use permit is subject to finding the increased building floor area consistent with the policies of the general plan and the purpose of the SC district. When a use permit is considered for increased building floor area the following criteria shall be considered in addition to the findings included in Sections [17.168.050](#) and [17.52.100](#):

- a. Increased floor area shall only be allowed for office, winery, storage, or other nonretail uses determined by the planning commission.
- b. The building footprint for each building shall not exceed ten thousand (10,000) square feet.
- c. The allowed floor area ratio shall not be exceeded.

D. Use Floor Area.

1. Minimum Floor Area. All uses in the SC district within existing and newly constructed buildings shall have a minimum floor area of two hundred (200) square feet unless a use permit is approved by the planning commission to allow a reduction in floor area below two hundred (200) square feet.
2. Maximum Floor Area. All uses in the SC district within existing and newly constructed buildings shall be limited to a maximum of ten thousand (10,000) square feet of floor area. Tenant spaces in existence on November 1, 1999, may modify the existing floor area by no more than ten percent (10%) of the existing floor area. Modification of tenant spaces existing on November 1, 1999, resulting in more than a ten percent (10%) increase in floor area may be allowed upon approval of a use permit by the planning commission. Increase of tenant space floor area shall not result in the tenant space exceeding ten thousand (10,000) square feet except as provided by subsection C of this section. (Ord. 10-8 § 2 (Exh. B (part)): prior code § 27.86)

17.52.080 Outdoor storage, display or sale of merchandise.

- A. All uses shall be conducted entirely within a completely enclosed building except for:
1. Auto dealers;
 2. Bus depots and transit stations;
 3. Farmers' markets;
 4. Parking and loading areas;
 5. Plant nurseries;
 6. Restaurants, outdoor dining in conjunction with a use permit approved for restaurant use;
 7. Seasonal sales (Christmas trees, pumpkins, etc.);

8. Service stations;
9. Storage of building materials and supplies accessory to an approved use;
10. Taxi stands;
11. Such other uses which, in the opinion of the planning director, require outside display or storage.

B. Provided the use is allowed (either as a permitted or conditional use) by the zoning district regulations for the district in which the property is located, the following provisions shall apply to the incidental placement, storage, display, sale, or offer for sale of any merchandise out-of-doors or outside any completely enclosed building:

1. Screening. The merchandise shall be screened so as not to be visible from any public or private street, any off-street parking facility, or any common area in an integrated commercial center; or
2. Use Permit. A use permit approved by the planning commission shall be required for the outdoor storage display or sale of merchandise except for the following:
 - a. Fruits and vegetables,
 - b. Plants and other growing vegetation, with the limitation in subsection (B)(3)(f) of this section not applicable to nurseries,
 - c. Cut flowers,
 - d. Gasoline pumps, oil racks and accessory items when located on pump islands,
 - e. Vehicles, including, but not limited to, automobiles, trucks, motorcycles, trailers and recreational vehicles, with the limitation in subsection (B)(3)(f) of this section not applicable,
 - f. Areas within a completely roofed street alcove or entryway; provided, that the merchandise is inside the line of the building face,
 - g. Parking lot and sidewalk sales and other promotional events that involve retail sales, as long as they do not exceed twelve (12) days total during any twelve (12) month period with no more than three days being consecutive, regardless of the number of businesses located on the property, with the limitations in subsection (B)(3)(e) and (f) of this section not applicable,
 - h. Nonpromotional events conducted by or for recognized nonprofit or charitable community groups, with the limitations in subsection (B)(3)(a), (e), and (f) of this section not applicable,
 - i. Garage and yard sales, as long as they are conducted on property used for residential purposes by a resident and do not exceed three days during any six-month period, with the limitations in subsection (B)(3)(a), (e), and (f) of this section not applicable,
 - j. Merchandise associated with hardware stores and building supply stores,
 - k. Activities similar to the above, as determined by the planning director.
3. Standards. The placement or location of the merchandise must comply with the following:
 - a. The merchandise or activity is incidental and adjacent to any lawfully established

business that normally sells the merchandise inside the building.

- b. The merchandise or activity does not present a hazard to pedestrians or vehicles.
 - c. The merchandise or activity does not occupy the space formed by extending the width of any required or existing building exit, whichever is wider, to the public right-of-way.
 - d. The display of merchandise shall not be located within the public right-of-way.
 - e. The merchandise or activity does not occupy any required parking spaces.
 - f. The storage, display or sales area is limited to two hundred (200) square feet or ten percent (10%) of the gross floor area of the business, whichever is less.
4. Public Right-of-Way. Nothing in this section shall authorize the placement, storage, display, sale or offer for sale of any merchandise on any street or on any sidewalk or any other portion of the public right-of-way, with the exception of sidewalk sales permitted by subsection (B)(2)(g) of this section. (Ord. 10-8 § 2 (Exh. B (part)); Ord. 06-9 § 2 (part); prior code § 27.87)

17.52.090 Other uses, standards and requirements.

A. Catering. Food catering shall be permitted when accessory to an approved use.

B. Music/Entertainment. Music/entertainment shall be allowed when accessory to an approved use and noise is not audible beyond the confines of the building.

C. Hazardous/Toxic Substances. Uses reporting excessive amounts of hazardous/toxic substances shall require a use permit.

D. Food and Beverage Establishments. Establishments serving food or beverage with seating are limited to thirty (30), as listed on the regulated food and beverage establishment inventory. Such establishments shall be subject to the following regulations:

1. The type of use shall be as listed on the inventory and/or conditions imposed during city review.
2. All regulated uses shall be subject to use permit review by the planning commission prior to change in use or expansion of use. Change in use or expansion of use shall include increase in seating; increase in floor area; change to a restaurant with a complete kitchen capable of providing full menu service of food prepared on premises; or change in services which may result in an increase in water, sewer, traffic, noise, or parking/circulation impacts. Change in use shall not include minor changes to hours of operation or change in hours to the food service unless such hours are regulated by an existing use permit.
3. If approvals expire for an establishment listed in the inventory or if an establishment ceases operation and may not be reestablished under Chapter [17.140](#) regulating nonconforming establishments, Section [17.08.120](#) regulating use permits, or other provisions of this title, another restaurant may be established at a new location as follows:
 - a. Use permit approval is required for a new establishment at any location within the city.
 - b. The total number of establishments shall not be increased beyond thirty (30).
 - c. The total number of seats at the proposed restaurant shall not exceed two hundred (200).
 - d. Use permit applications for the establishment of new restaurants shall be considered in the order of applications received, except that priority will be given to an existing business which is being relocated if the following conditions are met:

- i. The existing business notifies the planning director in writing no later than ten (10) days after the business ceases operation of its intention to relocate and of the date it will or did cease operation; and
 - ii. A completed use permit application is filed before the food or beverage use at the original location becomes null and void pursuant to Sections [17.08.120](#), [17.140.020](#), or other provisions of this title.
 - e. No use permit application will be accepted for processing until an establishment on the inventory (or an approved replacement establishment) has ceased operation or the property owner has notified the planning director in writing that the use will not be reestablished at the previous location. The use permit application shall not be scheduled for hearing by the planning commission until the time period for reestablishing of the use at the location where the use has ceased has expired or written notice has been given by the property owner that the use will not be reestablished at the previous location.
4. When an existing business is modifying its operation the use permit shall be reviewed for compliance with the following:
 - a. That if the regulated use is considered a legal nonconforming business, the reasons for nonconformity shall be stated in the findings;
 - b. That the plans submitted with the application indicate that any existing nonconformities will not be increased by the issuance of the permit;
 - c. The total seating capacity authorized by the use permit and fire code occupancy shall be posted on the premises;
 - d. That all trash and recycling areas are screened from view.
5. A use permit or use permit amendment is required to expand the number of seats at a restaurant listed on the regulated food and beverage establishments inventory or to enclose approved outdoor seating for use as indoor seating.
 - a. The total number of restaurant seats, including indoor and outdoor seating, shall not exceed two hundred (200). Restaurants with more than two hundred (200) seats that were legally approved prior to the date of adoption of the ordinance codified in this chapter shall not be required to reduce their seating to comply with this limitation.
 - b. Seating shall be in compliance with the maximum fire code occupancy as determined by the fire marshal.
 - c. A building expansion to enclose outdoor seating to indoor seating shall be considered an expansion of seating for purposes of determining required parking.
6. Outdoor Seating. Design review approval is required to establish outdoor seating for dining at restaurants with an approved use permit. Use permit amendment is required for an increase in the number of seats. The design review application shall include a plan showing the number of tables and chairs and the area where the dining will be allowed.
 - a. Outdoor dining for seating that results in an increase in the number of seats shall be reviewed by the planning department for compliance with parking standards and by Napa County Environmental Management for compliance with regulations pertaining to food storage, health and safety.
 - b. For those restaurants that wish to serve alcohol outside, the licensee must obtain approval for premises expansion from the California Department of Alcoholic Beverage

Control.

- c. All entrances and emergency exits shall be kept free of obstructions to ingress and egress.
- d. For those restaurants that wish to establish outdoor seating for dining on a sidewalk, the following will be required:
 - i. A one-and-one-half-foot "recovery zone" from the edge of curb that must be kept free of obstructions (CalTrans requirement).
 - ii. A four-foot clear path of travel along the sidewalk must be maintained to provide disabled access.
 - iii. Tables and chairs must be brought indoors when the restaurant is closed.
 - iv. Entertainment shall not be allowed on the sidewalk as part of the restaurant service.
 - v. An encroachment permit must be obtained from the city of St. Helena. 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.
 - vi. Sidewalk dining permits are revocable at the will of the city, and such revocations do not result in a taking of the owner's property (i.e., a taking of the restaurant).
 - vii. No more than twenty percent (20%) of a total restaurant seating may be located on the sidewalk or other public property.
- e. For those restaurants wishing to allow patrons to bring dogs to the outdoor dining area, the following regulations shall be enforced:
 - i. Employees and patrons shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens or any other items involved with food service operations.
 - ii. Patrons shall keep their dogs on a leash at all times and shall keep their dogs under control.
 - iii. Dogs shall not be allowed on chairs, tables, or other furnishings.
 - iv. All table and chair surfaces shall be cleaned and sanitized between seating of patrons.
 - v. Dog waste shall be removed immediately and the area immediately cleaned and sanitized with an appropriate product.
 - vi. Dogs shall not be permitted to travel through indoor portions of the public food service establishment.

E. Landscaping Requirements.

- 1. Twenty percent (20%) of the site shall be landscaped.
- 2. Installation and Maintenance of Landscaping and Shade Trees. All required frontage yards, off-street parking areas, and all other open areas, other than screened storage areas, shall be improved and shall be permanently maintained by the property owner with the

installation of shade trees and landscaped areas and planters in accordance with the following standards:

- a. **Parking Lot Trees.** All trees in parking lots shall be fifteen (15) gallons in size and shall conform to the National Association of Nurserymen's adopted standards for growth, condition and development of nursery-supplied materials. Modification of these standards for equivalent quality of tree or shade plant may be permitted depending on species and quality of stock. The following minimum number of trees shall be required in any parking lot:

| Parking Lot Size | Number of Trees |
|-------------------------|---|
| 15 spaces or less | 1 tree/4 spaces (minimum of 2 trees) |
| 16 spaces or more | 20 trees/acre if canopy is 40 feet or greater |
| | 24 trees/acre if canopy is less than 40 feet |

- b. **Planters.** Where a parking lot abuts a public right-of-way, there shall be provided a landscaped planter contiguous to and parallel to such right-of-way.
- c. **Variety and Distribution.** Shade trees shall be of a variety approved by the city that will, under ordinary circumstances and growing conditions, provide shade upon reaching maturity. Distribution of trees shall generally be in a grid or similar pattern within off-street parking lots, required yards, and other open spaces and landscaped areas so as to fulfill the intent of this title to shade expanses of pavement and other open space.
- d. **Curbing.** Landscaping and shade trees shall be contained in planters and tree wells bordered by a six-inch high concrete curb or equivalent barrier approved by the city.
- e. **Width and Protection of Planters.** Unless otherwise specified in this chapter or under the conditions of an approved permit, planters and tree wells shall have a width of not less than five feet and shall be protected from automobile overhang where necessary through the provision of barriers, tire stops or additional width.
- f. **Maintenance.** Landscaped areas and planters shall be served by an irrigation system approved by the city and shall be kept in a weed-free condition.

F. **Wastewater Generation.** Each and every use allowed in the SC district shall be restricted such that all such uses on any single "lot of record," as defined by Section [13.24.090\(C\)](#) of this code, do not in the aggregate generate wastewater in excess of the following standards:

1. Six hundred (600) gallons per day, without a use permit which regulates wastewater generation;
2. Two thousand five hundred (2,500) gallons per day, upon grant of a use permit regulating wastewater generation; provided the city council approves a use permit with conditions ensuring that all reasonable water conservation measures are implemented, and finds that approval is in the best interest of the city; or
3. For all uses lawfully in effect on any lot of record on December 8, 1981, which generated in aggregate more than six hundred (600) gallons of wastewater per day, such uses may be altered, reconstructed or changed; provided, that the resultant uses on any such lot of record do not in the aggregate generate wastewater exceeding the aggregate wastewater gallonage per day for all uses existing on such lot of record on December 8, 1981.

G. Demolition Permit Required. Except when required for the emergency protection of public health, safety or welfare as determined by the city manager, no permit authorizing the demolition of any structure within the commercial zone districts shall be issued until reviewed by the planning commission in accordance with the procedures established in Chapter [17.92](#) and the following findings:

1. That, based on the public record and testimony presented at a public hearing, the structure is determined not to be a significant architectural or historical building;
2. If a structure is determined to be significant by the planning commission, no demolition will be authorized unless the following findings are made by the commission:
 - a. That the structure poses a threat to health, safety and general welfare if it is not demolished,
 - b. That restoration of the structure is not feasible or practicable using current building codes including, but not limited to, the Historic Building Code provisions of the Uniform Building Code of the state,
 - c. That no public or other funding is available for financing renovation or purchase of the structure.

H. Right to Farm Provision. Property owners within the district shall recognize that there exists a right to farm properties within the district and in the vicinity of the district. There is a good faith expectation that no complaints will occur regarding legal normal agricultural activities on properties in the district or in the vicinity of the district. Such activities may include day or night disbursement of chemicals, and creation of dust, noise or fumes.

I. Hotel and Motel Management. A manager or other responsible person shall reside upon the premises and shall have charge of every hotel or motel in which there are twelve (12) or more guest rooms, in the event that the owner of any such hotel or motel does not reside upon the premises. The requirements of this section are intended to be declarative of, and consistent with, state law. (Ord. 10-8 § 2 (Exh. B (part)): Ord. 00-2 § 3; prior code § 27.88)

17.52.100 Reserved.

(Ord. 10-8 § 2 (Exh. B (part)))

The St. Helena Municipal Code is current through Ordinance 2014-3, passed February 11, 2014.

Disclaimer: The City Clerk's Office has the official version of the St. Helena Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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