



**City of St. Helena
Planning Commission
Regular Meeting
Tuesday, October 21, 2025 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena**

PLEASE NOTE: Any person who wishes to speak regarding an item on the agenda or make a comment under the "Oral Communication" portion of the agenda may do so, but please observe the time limit of four minutes.

The Planning Commission meeting will be live-streamed on Comcast Channel 28 and on the City's website. Public comment for Planning Commission meetings will be accepted via email to publiccomment@cityofstheleena.gov. All public comments must be emailed at least three hours prior to the meeting. Emailed public comments will not be read out loud but will be publicly available and attached to the on-line agenda.

Simultaneous Spanish interpretation services during meetings can be scheduled upon request. To ensure interpreters are available, requests must be made at least 72 hours in advance by calling the Office of the City Clerk at (707) 968-2640 or emailing cityclerk@cityofstheleena.gov.

The schedule of upcoming meetings and published meeting agendas can be found on the City of St. Helena website at <https://stheleena.civicweb.net/portal/>.

Servicios de interpretación en español durante la reunión pueden ser solicitados por el público. Para asegurar que los intérpretes estén disponibles, los servicios tienen que ser solicitados al menos 72 horas antes de la reunión llamando a la oficina de la Secretaria de la Ciudad al (707) 968-2640 o por correo electrónico a cityclerk@cityofstheleena.gov.

El horario de las reuniones publicadas y próximas puede ser localizado en el sitio de web de la Ciudad en <https://stheleena.civicweb.net/portal/>.

Page

1. PLEDGE OF ALLEGIANCE
2. CALL TO ORDER AND ROLL CALL
Chair: Chris Warner
Vice-Chair: Sue Furdek
Commissioners: Autumn Anderson, Hector Lopez, and Michelle Covell

City staff present at the meeting will be noted in the minutes.
3. PUBLIC FORUM:
This is an opportunity for the public to address the Commission on items of interest to the public that are NOT listed on the agenda. Because of restrictions imposed by the Brown Act, the Commission may not engage in discussion nor take action on matters not described on the agenda. **Please observe the time limit of four minutes.**
4. CONSENT ITEMS
Members of the Commission or the public may ask that any items be

considered individually for purposes of considering alternative action, for extended discussion, or for public comment. Unless that is done, one motion may be used to adopt all recommended actions. (Roll Call Vote)

- 4.1. Approval of Minutes September 2, 2025 5 - 6
[Planning Commission Minutes 09.02.25](#)
- 4.2. Approval of Minutes: October 7, 2025 7 - 9
[Planning Commission Minutes 10.07.25](#)
5. PUBLIC HEARINGS
- 5.1. Consideration of ordinance amending Zoning Code to clarify the treatment of covered balconies, porches, decks and other structures for purposes of calculating floor area. 11 - 39

CEQA Determination: Exempt
Prepared By: Maya DeRosa, Community Development Director
Recommendation:
Recommend that the Planning Commission adopt the attached resolution recommending that the City Council:
 - 1) Find that, pursuant to CEQA Guidelines Section 15061 (b) (3) the project is Exempt; and
 - 2) Adopt an ordinance (ZOA 2025-002) amending Section 17.16.030, end note 5 and Section 17.35.050(A)[Covered balconies, porches, decks and other structures ZOA- Staff Report](#)
[Public Comment - Daniel Hale](#)
[Public Comment - Daniel Hale \(2\)](#)
[Public Comment- Joshua Parke](#)
[Public Comment - Charles Covell](#)
- 5.2. Consideration of an ordinance amending Sections 1.12.200, 17.05.100, 17.32.010, and 17.32.020 of the St. Helena Municipal Code to clarify provisions relating to Short Term Rentals and bring related provisions into compliance with state law. 41 - 56

CEQA Determination: Pursuant to CEQA Guidelines Section 15061(b)(3), the project will not have a significant impact on the environment and is exempt from CEQA.
Prepared By: Ethan Walsh, City Attorney
Recommendation:
Recommend that the Planning Commission adopt the attached resolution recommending that the City Council:
 1. Find that the proposed changes to Chapters 1.12, 17.05, and 17.32 of the St. Helena Municipal Code are exempt from CEQA Guideline 15061 (b)(3); and
 2. Adopt an ordinance (ZOA 25-004) amending Sections 1.12.200, 17.05.100, 17.32.010, and 17.32.020 of the St. Helena Municipal Code.[Short Term Rentals - Staff Report](#)
6. SCHEDULED MATTERS

7. DEPARTMENT REPORTS

This is an opportunity for staff to report on or update the Commission on any relevant matters.

8. AGENDA FORCAST

This is an opportunity for the Commission as a whole to request items be placed on future agendas for discussion. These items should be consistent with, and work to implement adopted Council Goals.

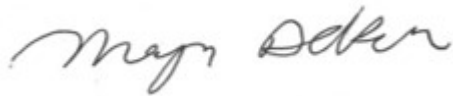
A list of current planning projects is available on our city website in the link below:

<https://cityofsthelelena.org/230/Planning-Projects>

9. ADJOURNMENT

The next Regular Planning Commission meeting is scheduled for November 4, 2025 at 6:00 p.m. in the Vintage Hall Board Room located at 465 Main Street.

This agenda was posted at City Hall, 1088 College Avenue, and at Vintage Hall, 465 Main Street, St. Helena, California on October 13, 2025.



Maya DeRosa, Community Development Director

Appeal. A person who is dissatisfied with a decision of the Planning Commission may appeal that decision to the City Council pursuant to Municipal Code Section 17.12.020, Appeal procedure. Actions of the Planning Commission will be listed on the City Council agenda the following Tuesday to give the City Council opportunity to review the Planning Commission's decision. Absent of an appeal by the City Council or by a citizen, the appeal period will terminate two weeks after the Planning Commission hearing.

Special Assistance for the Disabled. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call the City Clerk's Office (707) 967-2792. Notification 48 hours prior to the meeting will enable City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR35.102-35.104 ADA Title II). However, City staff will attempt to assist at any time with accessibility. The City Clerk has equipment to assist those with a hearing impairment.

PUBLIC TESTIMONY PROCEDURES

Pursuant to the Government Code Section 54954.3, the public may address the Commission on each agenda item during the Commission's consideration of that item. Each speaker has the option to state his or her name for the record before testifying. Depending on the number of speakers or the interest of the item, the Planning Commission Chairman may also restrict, at his/her discretion, the speaker's time to three minutes. The Chairman may also restrict public comments if they become irrelevant to the agenda item or repetitious of

prior comments. All persons interested may appear and be heard or submit written statements prior to the Planning Commission meeting. Please note that if you challenge the City's decision on any of these matters in court, you may be limited to raising only those issues you or someone else raised at the meeting or in written correspondence delivered to the City at, or prior to, the meeting.

CHALLENGING DECISIONS OF CITY ENTITIES

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City of St. Helena is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision, including without limitation Government Code section 65009 applicable to many land use and zoning decisions, Government Code section 66499.37 applicable to the Subdivision Map Act, and Public Resources Code section 21167 applicable to the California Environmental Quality Act (CEQA). Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. Government Code section 65009 and 66499.37, and Public Resources Code section 21167, impose shorter limitations periods and requirements, including timely service in addition to filing.

If a person wishes to challenge the above actions in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of St. Helena, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the Planning Commission regarding any item on this Agenda, after the posting of the Agenda, will be available for public review in the Planning Department's Office located at 1088 College Avenue, St. Helena, California, during normal business hours. In addition, such writings or documents will be made available on the City's web site at <http://cityofsthenela.org> and will be available for public review at the respective meeting.

MINUTES
City of St. Helena
Planning Commission Meeting
Tuesday, September 2, 2025 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

A complete video recording of this meeting can be found at <https://sthelena.civicweb.net/Portal/> or by calling the City Clerk at (707) 967-2792. The Planning Commission video is the official record of the Planning Commission meeting.

Present: Chair Christopher Warner, Commissioner Michelle Covell, and Commissioner Autumn Anderson

Absent: Commissioner Hector Lopez and Commissioner Sue Furdek

Staff Present: Maya DeRosa, Community Development Director, Joe Leach, Public Works Director & City Engineer, and Xinia Gamero, Planning Commission Secretary

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER AND ROLL CALL

3. PUBLIC FORUM:

No public comment was received.

4. CONSENT ITEMS

4.1 Approval of Minutes: August 19, 2025

Commissioner Autumn Anderson moved to approve the Minutes of August 19, 2025. The motion was seconded by Commissioner Michelle Covell and on roll call carried by the following vote:

AYES: Michelle Covell, Christopher Warner, and Autumn Anderson

NOES: None

ABSENT: Hector Lopez and Sue Furdek

ABSTAIN: None

RECUSE: None

5. PUBLIC HEARINGS

5.1 Zoning Ordinance Amendment to revise Chapters 17.24.050 B (1) and 17.32, Definition of Terms, Visibility Triangle, of Title 17 of the St. Helena Municipal Code regarding standards for vision triangles.

Prepared By: Maya DeRosa, Community Development Director

Community Development Director Maya DeRosa reported on the item and delivered a presentation.

Public Works Director & City Engineer Joe Leach, Chief Building Official Phil Henry, and Fire Chief John Sorensen addressed the Planning Commission.

No Public Comment was received.

Commissioner Autumn Anderson moved to adopt a resolution recommending the City Council: 1) Find that, pursuant to CEQA Guidelines section 15061 (b) (3) the project is Exempt; and 2) Adopt an ordinance amending Sections 17.24.050 B (1) and 17.32, Definition of Terms, Visibility Triangle, of Title 17 of the St. Helena Municipal Code (ZOA 25-003). The motion was seconded by Commissioner Michelle Covell and on roll call carried by the following vote:

AYES: Michelle Covell, Christopher Warner, and Autumn Anderson

NOES: None

ABSENT: Hector Lopez and Sue Furdek

ABSTAIN: None

RECUSE: None

6. SCHEDULED MATTERS

None.

7. DEPARTMENT REPORTS

Community Development Director Maya DeRosa reported on the following:

- Planning Commission meeting of September 16 is cancelled.
- Special City Council Study Session on September 16 @ 6:30pm.
- The Planning Commission will reconvene at the regular meeting of October 7.

8. AGENDA FORCAST

9. ADJOURNMENT

Chair Warner adjourned the meeting at **6:39 p.m.**

The September 2, 2025 minutes were approved at the _____
Planning Commission meeting.

APPROVED:

ATTEST:

Sue Furdek,
Acting Chair Planning Commission

Maya DeRosa, AICP
Community Development Director

MINUTES
City of St. Helena
Planning Commission Meeting
Tuesday, October 7, 2025 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

A complete video recording of this meeting can be found at <https://sthelena.civicweb.net/Portal/> or by calling the City Clerk at (707) 967-2792. The Planning Commission video is the official record of the Planning Commission meeting.

Present: Acting Chair Sue Furdek, Commissioner Autumn Anderson, and Commissioner Michelle Covell
Absent: Chair Christopher Warner and Commissioner Hector Lopez
Staff Present: Maya DeRosa, Community Development Director, Jackie Oneal, Senior Planner and Xinia Gamero, Planning Commission Secretary

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER AND ROLL CALL

3. PUBLIC FORUM:

No public comment was received.

4. CONSENT ITEMS

4.1 Approval of Minutes: September 2, 2025

This item will be brought back for approval at the next Planning Commission meeting for the lack of a quorum. Vice Chair Sue Furdek was absent for that meeting and was unable to vote on this item.

5. PUBLIC HEARINGS

5.1 **This item will be continued to a date uncertain******

Request by Royal We Wines for Planning Commission Major Sign Permit approval to install a coordinated sign program at 929 Main Street in the Mixed Use (MU) zoning district.

5.2 **This item will be continued to a date uncertain******

Request by Ted Hall on behalf of Long Meadow Ranch LLC for Second Development Agreement Amendment in order to update development agreement terms for the Farmstead property at 1000 Mills Lane in the Service Commercial (SC) zoning district and Twenty-acre Agriculture (A-20) districts.

The City has determined that the development agreement terms for the Farmstead property are consistent with the Mitigated Negative Declaration (SCH No. 2020050553) ("MND") and Mitigation Monitoring and Reporting Program ("MMRP") previously prepared and adopted for the Farmstead property on October 13, 2020 and would not result in new impacts or any substantial changes to any significant effects previously identified and no additional environmental review is required. Thus, the City has determined that none of the conditions specified in State CEQA Guidelines section 15162 requiring preparation of a subsequent or supplemental EIR or MND would occur. File Numbers: PL22-046 and DA2022-001.

- 5.3 Request by Aaron Craddock of Solano Signs, on behalf of Bank of America, for Planning Commission Major Sign Permit approval to install an internally illuminated wall sign at 1050 Adams Street in the Central Business (CB) zoning district.

Prepared By: Jackie Oneal, Senior Planner

Community Development Director introduced Senior Planner Jackie Oneal.

Senior Planner Jackie Oneal delivered a presentation and reported on the item.

No public comment was received.

Commissioner Autumn Anderson moved to determine that the project is exempt from CEQA pursuant to Section 15311, Class 11(a) of the CEQA Guidelines; and approve the Major Sign Permit for 1050 Adams Street to install one internally illuminated, pan channel letter wall sign as described in this report, subject to the findings in SHMC Section 17.27.050 (E) and the conditions of approval included with the attached resolution. The motion was seconded by Commissioner Michelle Covell and on roll call carried by the following vote:

AYES: Michelle Covell, Autumn Anderson, and Sue Furdek

NOES: None

ABSENT: Hector Lopez and Christopher Warner

ABSTAIN: None

RECUSE: None

6. SCHEDULED MATTERS

7. DEPARTMENT REPORTS

Community Development Director Maya DeRosa reported on the following items:

- Zoning Ordinance Amendments related to covered porches and Short-Term Rental (STR) enforcement will be discussed at the upcoming Planning Commission meeting.
- A special Planning Commission meeting/ workshop is scheduled for December 16, 2025. More details forthcoming.

8. AGENDA FORCAST

9. ADJOURNMENT

Acting Chair Furdek adjourned the meeting at **6:12 p.m.**

The October 7, 2025 minutes were approved at the _____
Planning Commission meeting.

APPROVED:

ATTEST:

Sue Furdek,
Acting Chair Planning Commission

Maya DeRosa, AICP
Community Development Director



PLANNING COMMISSION REPORT

Planning Commission Meeting of October 21, 2025

SUBJECT: Consideration of ordinance amending Zoning Code to clarify the treatment of covered balconies, porches, decks and other structures for purposes of calculating floor area.

PREPARED BY: Maya DeRosa, Community Development Director

REVIEWED BY: Maya DeRosa, Community Development Director

APPROVED BY: Maya DeRosa, Community Development Director

LOCATION OF PROPERTY: Citywide

BACKGROUND

In 2020, the City of St. Helena initiated a General Plan implementation action and began a three-year process of completing a comprehensive update to the City's zoning code. The process involved the formation of a zoning code subcommittee, numerous public meetings and discussions, culminating in the adoption of the comprehensive zoning code update on October 23, 2023.

During the process of developing the code update, the City's planning consultant, Lisa Wise Consulting ("LWC"), conducted stakeholder interviews to gather insight and perspective. In its summary of those interviews, LWC indicated that stakeholders discussed, among other things, "observations about new residential builds that are out of context with neighborhood scale and mass; [and] the need for reduction in allowable floor area ratio (FAR). (City of St. Helena Zoning Code Update Recommendations Memo and Annotated Outline (June 26, 2020), p. 4.) In partial response to these observations, LWC recommended deleting the floor area ratio standards in the code for residential districts, and instead establishing a maximum building gross floor area for single family residences on a range of lot sizes, which resulted in a slightly reduced allowable floor area for single family homes in residential districts.

The Zoning Code, as amended, establishes the "maximum gross floor area" that may be developed on lots within the LR-1A, LR and MR residential districts (these are the

City's single family residential districts). The maximum gross floor area, based on lot size, is set forth in End Note 4 to Section 17.16.030 of the Zoning Code (for the MR District) and Table 17.16.030(C), also in Section 17.16.030 (for the LR-1A and LR Districts). End Note 5 to Section 17.16.030 includes "additional standards" that apply within the residential zoning districts, and as part of those "additional standards", End Note 5 declares that certain buildings and structures are "exempt from max. building gross floor area," including "[a] balcony, porch, deck or other structure that is unenclosed on at least three sides." (Zoning Code sec. 17.16.030, End Note 5(b)(iv).) Section 17.16.030, including End Note 5, is attached to this staff report as Attachment No. 1.

The manner in which "floor area" is measured is set forth in Zoning Code Chapter 17.34, "Rules of Measurement". Section 17.34.050 declares that "[t]he floor area is measured as the sum of the gross horizontal floor areas of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings." Section 17.34.050 goes on to list certain areas that are included and excluded from the calculation of floor area. Amongst the areas that are included in the gross floor area are: "In cases where no walls exist, the area covered by the roof excluding two feet on each side of a standard roof projection." (Zoning Ordinance Section 17.34.050(A)(1)(b) [emphasis added].) Section 17.34.050 is attached to this staff report as Attachment No. 2. Therefore, on the one hand, all areas covered by a roof (excluding a standard roof projection) are included within the calculation of gross floor area, but on the other hand under Section 17.16.030, End Note 5, balconies, porches, decks or other structure that are unenclosed on at least three sides are excluded from the calculation of gross floor area.

A few weeks following adoption of the Zoning Code update by City Council, while staff was preparing the final code changes to the code publisher, City staff raised questions regarding whether covered balconies, porches, decks would be counted toward gross floor area, given the language in the Rules of Measurement stating that all covered areas are counted toward gross floor area. The representative from LWC believed the intent of the City, based on the language in the Rules of Measurement, was to include all areas covered by a roof within the calculation of gross floor area, and the City should make a clarifying change to End Note 5 to add the word "uncovered" to End Note 5, to declare that areas that are excluded from the calculation of gross floor area include "an uncovered balcony, porch, deck or other structure that is unenclosed on at least three sides." The LWC representative viewed this as a change to correct a clerical error that would have no substantive impact on the Code. As a result, the word "uncovered" was added to End Note 5. Staff also included an edit to Section 17.34.050(A)(2)(f) to state that uncovered balconies, porches, patios and decks were to be excluded from the calculation of floor area, in an effort to be consistent with the change to End Note 5. These changes were made after the adoption of the code, and not part of a formal Council adoption, based on the logic that they were clerical, clarifying edits.

In the fall of 2024, while working with the City to process a Design Review application for a proposed project, Dan Hale noted the change to End Note 5 between the Code

adopted in October 2023 and version available online and at City Hall. The City received a letter from an attorney representing Mr. Hale questioning the inclusion of these changes in the code and asking that they be removed from the code if they were inadvertently included. The City Attorney responded to Mr. Hale's attorney, acknowledging that the changes to End Note 5 and Section 17.34.050(A)(2)(f) should not have been made without a corresponding ordinance approved by Council, and stated that the referenced changes would be removed from the Zoning Code. However, the City Attorney also indicated that these two changes were intended to be clarifying, and were consistent with the Zoning Code's treatment of covered patios as it was adopted in October 2023. This position that the changes were intended to be clarifying was based on City staff (and the City Attorney's) position that the language in the Rules of Measurement requiring that all areas covered by a roof are part of the "gross floor area" was intended to be controlling, and the exemption in End Note 5 was intended to be limited to uncovered balconies, porches, decks and similar structures, and would not change the overarching rule set forth in the rules of measurement. The City Attorney indicated that an ordinance formally amending End Note 5 and Section 17.34.050(A)(2)(f) would come forward at a later date.

City staff did move forward with an ordinance that would add "uncovered" to End Note 5, and make an edit to Section 17.34.050(A)(2)(f) to state that uncovered balconies, porches, patios and decks were to be excluded from the calculation of floor area. The Planning Commission recommended by a 4-0 vote on April 15, 2025 to approve the proposed ordinance. The proposed ordinance was scheduled to be heard by the Council on May 13, 2025, but following extensive written public comment, City staff decided to pull the item to engage in more discussions with interested stakeholders before bringing an item forward.

The City Attorney engaged in discussions with interested members of the community. Following these discussions and further review of the Zoning Code language, the City Attorney changed his opinion, determining that the most logical interpretation of the current code language is that the exemption for patios, porches and decks in End Note 5 is intended to apply specifically to covered patios, porches, decks and similar structures that are unenclosed on three sides. The City's Attorney's updated position is laid out in more detail in the memo included as Attachment No. 3.

Given the level of confusion this language has caused, the City Attorney brought a discussion item to the City Council on July 22, 2025 to request policy direction for making clarifying amendments to the Zoning Code, so it is clear whether or not covered patios, porches, decks and similar structures should be included in the calculation of gross floor area. Some of the background provided to the City Council in favor of why covered porches should be excluded from floor area included:

- Covered patios and porches are consistent with the character of St. Helena, and including them as part of gross floor area discourages their use, because home owners are forced to choose between covered outdoor area and interior living space.

- Covered patios, etc. should be encouraged because they help with natural cooling of the interior of homes, and provide for shaded outdoor areas, which are particularly beneficial in light of increasing temperatures due to climate change.
- This is a change from the City's historic treatment of covered patios, etc., and as a result some existing homes will become legal nonconforming uses if the home, inclusive of the covered outdoor areas, now exceed the maximum gross floor area. As a result, those homes will not be able to expand unless the owners comply with the new gross floor area limits.
- This will further restrict existing homeowners' ability to add on to their homes to address a change in life circumstance (e.g., having additional children, taking in an elderly parent) if they have covered outdoor areas.

At that meeting the City Council unanimously directed the City Attorney to prepare an ordinance for consideration by the Planning Commission and Council that would exclude covered patios, porches and decks in the calculation of gross floor area. This Zoning Ordinance Amendment reflects the direction provided.

ANALYSIS

Staff finds that the proposed amendments bring internal consistency to the code both within the residential development standards Chapter and also in the Rules of Measurement Chapter.

17.16.030 Endnote 5 (b)(iv):

The proposed change to the residential development standards table adds the words "whether covered or uncovered" and deletes "that is unclosed on at least three sides." The deletion of the above phrase makes the code easier to interpret and is less restrictive.

17.34.050 A (1)(b):

The deletion of section (b) makes clear that the "floor area" used to determine maximum gross floor area for residential uses does not include outdoor covered spaces, such as porches, covered patios, and similar outdoor spaces. This is consistent with the direction received from Council.

17.34.050(A)(2)(e), (f) and (g):

The deletion of subsections e, f and g from Section 17.34.050(A)(2), which lists the areas that are excluded from the definition of "floor area" as shown below and also in the attached redline ordinance is recommended as well. This language is unnecessary since the calculation of "floor area" is only used for residential uses, and each of the areas in these deleted subsection would only exist in non-residential buildings. Additionally, each of the described areas are outside covered areas, and if Section 17.34.050(A) is amended to make clear that only interior areas are included in floor area, it is not necessary to include these subsections in the code.

~~e. In nonresidential buildings, areas used for off-street parking spaces or loading spaces, driveways, and maneuvering aisles that are located below the finished grade of the property.~~

~~f. Arcades, porticoes, and similar open areas that are located at or near street level and are accessible to the general public but are not designed or used as sales, display, storage, service, or production areas.~~

~~g. Outside areas used for sales and/or display (e.g., plant nurseries, building materials, auto sales, wine production, etc.).~~

Clarifying Changes to Section 17.34.050(A):

In addition to the more substantive edits discussed above, staff is recommending a few minor clarifying changes to Section 17.34.050(A). In Subsections 17.34.050(A)(1) and (2), staff is recommending to revised the headings to indicate each subsection includes items included and excluded from “Floor Area Measurement”, so that the language is consistent with the heading in Subsection 17.34.050(A).

Secondly, Section 17.34.050(A)(1)(d) currently declares that “All floors of enclosed stairways, stairwells or elevator shafts” are included in floor area measurement, but Section 17.34.050(A)(2)(d) declares that “[i]n the case of a multistory building that has covered or enclosed stairways, stairwells or elevator shafts, the horizontal area of such features shall be counted only once at the floor level of their greatest area of horizontal extent.” In other words, Section 17.34.050(A)(1)(d) states that all floors of these areas are included in floor area measurement, but Section 17.34.050(A)(2)(d) states that only the ground floor of these areas are included in floor area measurement. After reviewing this section, staff believes it would be more clear to move the language in Section 17.34.050(A)(2)(d) to the list of areas that are included in floor area measurement. This is a non-substantive change, but hopefully will make the requirements more clear for the user.

ISSUES

Given the direction from the City Council on July 22, 2025 and the extensive public comment leading up to that meeting, staff believes that this Zoning Ordinance Amendment resolves the confusion in the ordinance regarding whether covered porches, balconies and similar structures count towards floor area.

STAFF RECOMMENDATION

Recommend that the Planning Commission adopt the attached resolution recommending that the City Council:

- 1) Find that, pursuant to CEQA Guidelines Section 15061 (b) (3) the project is Exempt; and
- 2) Adopt an ordinance (ZOA 2025-002) amending Section 17.16.030, end note 5 and Section 17.35.050(A)

ATTACHMENTS

[Attachment 1-Resolution for Zoning Ordinance Amendment-porches and floor area-FINAL](#)

[Attachment 2-Ordinance - porches and floor area-FINAL-c1](#)

[Attachment 3 -Memo re Covered Balconies and Similar Structures\(43881105.1\)-c1](#)

CITY OF ST. HELENA PLANNING COMMISSION

RESOLUTION NO. PC2025-

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF ST. HELENA, CALIFORNIA,
RECOMMENDING THAT THE CITY COUNCIL ADOPT AN
ORDINANCE AMENDING SECTION 17.16.030, END NOTE
5 AND SECTION 17.34.050(A) OF TITLE 17 (ZONING) OF
THE ST. HELENA MUNICIPAL CODE (ZOA 2025-002),
REGARDING CALCULATION OF FLOOR AREA**

Recitals

WHEREAS, the City of St. Helena, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the City desires to amend its Zoning Code (ZOA 2025-002), codified as Title 17 of the St. Helena Municipal Code ("SHMC"); and

WHEREAS, staff and the City Attorney prepared the proposed ordinance, including any additional information and documents deemed necessary for the Planning Commission to take action; and

WHEREAS, the City gave public notice of the public hearing for the proposed ordinance by publishing in the Press Democrat; and

WHEREAS, on July 22, 2025, the City Council held a policy discussion pertaining to whether porches, balconies and similar structures should be included in the determination of floor area; and

WHEREAS, on October 21, 2025, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning the proposed ordinance.

WHEREAS, all other legal prerequisites to the adoption of this resolution have occurred.

Resolution

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF ST. HELENA DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

Section 1. **Recitals.** The above recitals are incorporated herein by reference.

Section 2. Compliance with CEQA. The Planning Commission recommends that the City Council find that the proposed ordinance amendment is exempt from CEQA pursuant to Section 15061(b)(3).

Section 3. General Plan Consistency. Based on the entire record before the Planning Commission, and all written and oral evidence presented, the Planning Commission hereby finds that the proposed ordinance is consistent with the City's adopted General Plan. The proposed ordinance does not otherwise conflict with any of the General Plan's goals or policies.

Section 4. Zoning Ordinance Amendment 2025-002. The Planning Commission hereby recommends that the City Council adopt the attached proposed ordinance (**Exhibit A**) entitled:

An Ordinance of the City Council of the City of St. Helena amending Table 17.16.030B of Chapter 17.16 (Development Standards-Residential Districts) and amending Chapter Section 17.16.030, End Note 5 and Section 17.34.050(A) of Title 17 of the St. Helena Municipal Code regarding calculation of floor area.

Section 5. The proposed ordinance is on file and has been available for public review for at least ten days prior to the date of this Resolution, in the Community Development Department, at St. Helena City Hall, 1088 College Avenue.

Section 6. Severable. If any part of this Resolution is held by a court to be invalid, that part is severable from the rest and every other part remains unaffected and in effect.

(Signatures on following page)

I HEREBY CERTIFY that the foregoing recommendation to the City Council was duly and regularly approved by the Planning Commission of the City of St. Helena at a regular meeting of the Planning Commission held on October 21, 2025 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Christopher Warner
Chair, Planning Commission

Maya DeRosa, AICP
Community Development
Director

Exhibit “A”

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ST. HELENA
AMENDING SECTION 17.16.030 END NOTE 5 AND SECTION 17.34.050(A) OF
TITLE 17 OF THE ST. HELENA MUNICIPAL CODE REGARDING CALCULATION
OF FLOOR AREA**

WHEREAS, Title 17 of the St. Helena Municipal Code (SHMC) includes development standards and also rules of measurement for calculating gross floor area; and

WHEREAS, SHMC section 17.34.050(A) establishes parameters for what is included and excluded in the floor area calculation for residential uses in the City; and

WHEREAS, End Note 5 of SHMC Section 17.16.030 (Development Standards) currently states balconies, porches and decks are exempt from inclusion in the calculation of gross floor area; and

WHEREAS, the City Council conducted a policy discussion on whether covered balconies, porches, decks or similar structures should count towards floor area on July 22, 2025, and received input from City staff and members of the public; and

WHEREAS, in response to that policy discussion, the City desires to amend SHMC Section 17.16.030, End Note 5 and Section 17.34.050, to ensure internal code consistency and clarify that covered balconies, porches, decks and similar structures are not included in the calculation of residential gross floor area and make certain other minor clarifying changes to the these sections; and

WHEREAS, the Planning Commission held a duly noticed public hearing at a Regular Meeting on October 21, 2025, on the proposed Ordinance during which public hearing the Planning Commission received comments from City staff and members of the general public and recommended approval to the City Council through Resolution No. _____; and

WHEREAS, the City Council held a duly noticed public hearing on _____, 2025 on the proposed Ordinance, during which public hearing the City Council received comments from City staff and members of the public; and

WHEREAS, the City Council desires to approve the requested amendments to Section 17.16.030 End Note 5 of Chapter 17.16 (Development Standards- Residential Districts) and amending Chapter 17.34.050 A of the St. Helena Municipal Code through approval of this Ordinance.

NOW, THEREFORE, the City Council of the City of St. Helena does hereby ordain as follows:

Section 1. Recitals. The above recitals are incorporated as though set forth in this section.

Section 2. Amendment to Section 17.16.030. Section 17.16.030, End Note 5 of the St. Helena Municipal Code is hereby amended to read as follows (new language is underlined, deletions are in ~~strikeout~~):

Endnote 5 The following additional standards apply for existing development and new construction in the LR-1A, LR, MR, and HR zoning districts:

- a. The max. building gross floor area may be increased by four hundred (400) sf for construction of an ADU.
- b. The following buildings and areas are exempt from max. building gross floor area:
 - i. One covered parking space with a max. floor area of two hundred (200) sf;
 - ii. Nonhabitable accessory buildings with a max. floor area of one hundred twenty (120) sf;
 - iii. A nonhabitable basement or attic; and
 - iv. A balcony, porch, deck, or other similar structure, whether covered or uncovered that is unenclosed on at least three sides.

Section 3. Amendment to Section 17.34.050. Section 17.16.050 of the St. Helena Municipal Code is hereby amended to read as follows (new language is underlined, deletions are in ~~strikeout~~):

A. Areas Included in Floor Area Measurement. The floor area is measured as the sum of the gross horizontal floor areas of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings. Areas included and excluded from floor area are listed below.

1. Included in Floor Area ~~Calculation~~ Measurement.
 - a. All habitable space (as defined in the building code) that is below the roof and within the outer surface of the main walls of principal or accessory buildings or the centerlines of party walls separating such buildings or portions thereof.
 - ~~b. In cases where no walls exist, the area covered by the roof excluding two feet on each side of the structure for a standard roof projection.~~
 - b.e. Interior walkways or corridors, interior courtyards, walkways, paseos, or corridors covered by a roof or skylight.
 - c.d. All floors of enclosed stairways, stairwells or elevator shafts. In the case of a multistory building that has covered or enclosed stairways, stairwells or elevator shafts, the horizontal area of such features shall be counted only once at the floor level of their greatest area of horizontal extent.
2. Excluded From Floor Area Measurement.
 - a. Mechanical, electrical, and communication equipment rooms that do not exceed two percent of the building's gross floor area.

- b. Bay windows or other architectural projections where the vertical distance between the lowest surface of the projection and the finished floor is thirty (30) inches or greater.
- c. Any areas that satisfy the landscape and open space base zone requirements.
- ~~d. In the case of a multistory building that has covered or enclosed stairways, stairwells or elevator shafts, the horizontal area of such features shall be counted only once at the floor level of their greatest area of horizontal extent.~~
- ~~e. In nonresidential buildings, areas used for off-street parking spaces or loading spaces, driveways, and maneuvering aisles that are located below the finished grade of the property.~~
- ~~f. Arcades, porticoes, and similar open areas that are located at or near street level and are accessible to the general public but are not designed or used as sales, display, storage, service, or production areas.~~
- ~~g. Outside areas used for sales and/or display (e.g., plant nurseries, building materials, auto sales, wine production, etc.).~~
- d.h. A building or structure consisting of nonusable floor space such as a garage, carport, or storage shed.
- e.i. Unfinished attics, crawlspaces, and basements shall not be included unless converted and finished as usable floor space.

Severability. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 4. CEQA. This ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The City Council hereby finds that this ordinance is exempt from review under CEQA under Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

Section 5. Effective Date. This Ordinance shall take effect and be enforced within thirty (30) days from and after the date of its adoption by the City Council at a second reading and shall be posted and published in accordance with the California Government Code.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the _____ day of _____, 2025, and was adopted at a regular meeting of the St. Helena City Council on the _____ day of _____, 2025, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: _____
Andrew Bradley, City Clerk

APPROVED: _____
Paul Jamison Dohring, Mayor

83578.00012\42255084.1



Ethan J. Walsh
(916) 551-2825
ethan.walsh@bbklaw.com

Memorandum

VIA E-MAIL

To: Maya DeRosa
Community Development Director
City of St. Helena

From: Ethan Walsh
City Attorney
City of St. Helena

Date: June 13, 2025

Re: Treatment of Covered Balconies, Porches and Decks in Residential Zoning
Districts for Purposes of Calculating Gross Floor Area Under the St. Helena
Zoning Code

File No.: 83578.00101

QUESTIONS PRESENTED

You have requested a memo outlining my interpretation of whether covered balconies, porches and decks should be included in the calculation of maximum gross floor area in residential zones under the St. Helena Zoning Code (the “Zoning Code”).

BRIEF ANSWER

While there is some ambiguity in the Zoning Code, the most reasonable interpretation of the Zoning Code, in my opinion, is that covered balconies, porches and decks should not be included in the calculation of maximum gross floor area in residential zones.

This is a change from what I had discussed with you orally in the past. However, after spending more time reviewing the Zoning Code in light of some of the concerns raised by community members, I have changed my opinion and believe that the most reasonable interpretation is that covered balconies, porches and decks should not be counted toward maximum gross floor area in residential zones. I have included the basis for my interpretation below.

ANALYSIS

Under the current Zoning Code, the City establishes limits for “maximum building gross floor area” within the LR-1A, LR and MR residential zoning districts. The maximum building gross floor area for the MR district is established on a sliding scale dependent on lot size, and is set forth in Zoning Code Sec. 17.16.030, endnote 4. The maximum building gross floor area for the LR-1A and LR districts is similarly established on a sliding scale and is set forth in the Zoning Code at Table 17.16.030(C).

In order to determine how to calculate maximum gross floor area, we must first determine what areas are included as part of the gross floor area. Section 17.34.050(A) of the Zoning Code provides the approach that the City uses for measuring floor area. Section 17.34.050(A) first states that “[t]he floor area is measured as the sum of the gross floor areas of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings.” The Zoning Code continues in Section 17.34.050(A)(1) and (2) to further describe areas that are included and excluded from floor area. The Zoning Code lists the following areas as being *included* in the calculation of floor area:

- “a. All habitable space (as defined in the building code) that is below the roof and within the outer surface of the main walls of principal or accessory buildings or the centerlines of party walls separating such buildings or portions thereof.
- b. *In cases where no walls exist, the area covered by the roof excluding two feet on each side of the structure for a standard roof projection.*
- c. Interior walkways or corridors, interior courtyards, walkways, paseos, or corridors covered by a roof or skylight.
- d. All floors of enclosed stairways, stairwells or elevator shafts.”

Zoning Code Section 17.34.050(A)(1) [emphasis added].

While Section 17.34.050(A) provides a baseline method for determining what areas to include in the calculation of gross floor area, Zoning Code Section 17.16.030, endnote 5, adds that “additional standards that apply for existing development and new construction in the LR-1A, LR, MR and HR zoning districts.” As part of those “additional standards”, subparagraph (b) of endnote 5 declares that:

“The following buildings and areas are exempt from max. building gross floor area:

- i. One covered parking space with a max. floor area of two hundred (200) sf;
- ii. Nonhabitable accessory buildings with a max. floor area of one hundred twenty (120) sf;
- iii. A nonhabitable basement or attic; and

iv. *A balcony, porch, deck, or other structure that is unenclosed on at least three sides.*”

Zoning Code Section 17.16.030 endnote 5(b) [emphasis added].

Based on the method described in Section 17.34.050, and specifically the language in Section 17.34.050(A)(1)(b) (quoted on pg. 2 of this memo in *italics*), all areas that are covered by a roof, excluding two feet on each side, should be included as part of the floor area for purposes of determining maximum gross floor area, even if that area is not enclosed by walls. Based on this language alone, any covered balconies, porches or decks would be covered by a roof, and therefore would be included in the determination of gross floor area.

However, endnote 5 includes “additional” standards that apply in the residential zoning districts, including the statement that certain areas are “exempt” from the maximum gross floor area calculation, including “[a] balcony, porch, deck or other structure that is unenclosed on at least three sides.” (Zoning Code Section 17.16.030 endnote 5(b)(iv).)

The question we have been asking is whether the exemption for balconies, porches, decks or other structures that are unenclosed on three sides is intended only to apply to *uncovered* balconies, porches, decks or other structures, or if it is also intended to apply to *covered* balconies, porches, decks or other structures.

Based on the language in the Zoning Code discussed in this memo, I believe that the exemption in endnote 5(b)(iv) is intended to specifically exempt covered balconies, porches, decks or other similar structures that are unenclosed on at least three sides. The reason for this conclusion is that *uncovered* balconies, porches or decks would not be included in the calculation of floor area in the first place, so there would be no need to exempt them from the calculation. Uncovered balconies, porches and decks are not enclosed by walls, they are, by definition, not covered by a roof, they do not constitute interior walkways, and are not enclosed stairways, stairwells or elevator shafts. Therefore, uncovered balconies, porches or decks are not included as part of the floor area as described in Section 17.34.050(A), and there is no need to specifically exempt them from that calculation. If the exemption were interpreted to only apply to uncovered balconies, porches or decks the language in endnote 5(b)(iv) would be surplusage (i.e., unnecessary or excess), since those uncovered structures are not part of the base calculation. General rules of statutory construction hold that statutory or codified language should be interpreted in a way that does not render portions of the text to be surplusage if it is possible to do so.

In light of this general rule of statutory construction and the overall context of the sections described above, I think the most reasonable interpretation of endnote 5(b)(iv) is that it is intended to exempt covered balconies, porches, decks and similar structures that are not enclosed on three sides from the calculation of gross floor area within the listed residential districts.

CONCLUSION

As we have discussed, I do still plan to bring an item to the City Council to discuss the policy issues raised by these provisions of the Zoning Code. Based on the direction received from Council, we plan to work to draft clarifying language to avoid future confusion related to this issue.

It is my understanding that the matter before you tonight involves a relatively narrow review of a specific section of the municipal code related to porches.

What is *not* on the agenda this evening, but remains a serious and unresolved issue, is the broader swath of municipal code changes that were made outside of the legally required process. These unauthorized alterations occurred sometime between the Planning Commission approval and City Council's lawful adoption of the code in October 2023 and the version that was finally later published online in October 2024.

Let me be clear: any changes made outside the legally required process are *unenforceable*. This not only undermines the legitimacy of the specific sections in question, but also calls into question the enforceability of the *entire* Saint Helena zoning code. Moreover, it puts the City at risk of having its entire municipal code decertified by the State should they also make that discovery. That outcome could carry significant and lasting consequences.

Since these discrepancies were discovered last October, there have been repeated and reasonable requests for a full and accurate accounting of all changes made during that period. To date, that accounting has not been provided.

While this issue is not noticed for discussion tonight, it remains critical. I strongly urge the Planning Commission and City Council to prioritize it. A clear path must be established, not only to identify all unauthorized changes, but to understand how and why this occurred, and to ensure it does not happen again.

So far, this matter has not been treated with the urgency it deserves. I would also point out that the current issue regarding porches has now taken nearly a full year of City time and resources...resources that could have been better directed elsewhere.

I encourage the Planning Commission and City Council to ensure that the upcoming December 16 "workshop" on the "measuring of" and "implementation" of the new Municipal Code allows *sufficient time* to take up these matters, and that both the public and staff come with clear expectations about the seriousness of what must be addressed. That workshop should not simply be a review of how the code is functioning in practice, but a *pivotal step toward restoring the integrity of the City's governance processes*.

Thank you.
Daniel Hale, 1851 Madrona Avenue

Each time some version of this item has come before Council or the Planning Commission, I have endeavored to set the record straight. If at first you do not succeed, try try again...

Let me be clear: this matter is before you because the **St. Helena Municipal Code was altered outside of the required legal process**. That phrase, while polite, is a euphemism. In plain terms, it was **illegal activity**, and it's illegal for obvious and important reasons. We should not sugarcoat it, excuse it, or minimize it, unless we want to invite more of the same.

Each time this item returns, the staff report mentions my name in connection with its emergence. And each time, it repeats a timeline that is **purposefully crafted and deliberately misleading**. This version is no exception. The "Background" section continues to distract from the core issue: a **clear and improper alteration of City Code**, an act that rests squarely with **M. DeRosa**. The extensive paper trail shows she has repeatedly refused to acknowledge that fact. I wish that weren't the case. But that wish does **not** mean we should allow this, or any other incorrect version of the record, to remain uncorrected.

The only relevant background should be stated plainly:

On **October 17, 2024**, during a routine application process, an applicant and the (now former) City Planner discovered that the Municipal Code had been **improperly altered** from the version approved by City Council in **October 2023**. The altered version was quietly posted in **late September 2024**.

This discovery surprised both the applicant and the (then-new) City Planner, who had no prior involvement in the code revision process. What followed was a pattern of **distraction, misdirection, and improper use of City resources**, all aimed at suppressing the discovery and avoiding accountability. That sideshow has no place in this discussion or in the staff report. It belongs elsewhere and is within the remit of senior City management and the Council.

The central question "**How and why was the Municipal Code improperly changed?**" was asked on the record on **October 17, 2024**, and directed to **M. DeRosa**. It went unanswered.

After months of silence, during which the applicant's project was stalled, legal counsel was retained and submitted the same question, with expanded reasoning, on **December 6, 2024**. Again, no response.

Finally, in **February 2025**, the **City Attorney acknowledged** that the Code had, in fact, been improperly altered. Even then, several more months passed before the offending language was removed and the Code corrected to reflect what had actually been adopted in 2023.

Despite this, City staff **attempted to reintroduce** the previously altered language, citing a legal opinion from the City Attorney, an opinion that was **ultimately withdrawn** after being found to be **ill-informed**. That version was endorsed by the Planning Commission based on that now-rescinded opinion, and the matter was brought before City Council for direction.

Only after the flawed opinion was withdrawn, and after deliberate Council review, was the City Attorney directed to redraft the Code accurately.

Let there be no mistake: **there has been no confusion** in this matter. What there has been is a **deliberate effort to obfuscate, distract, and in some cases, misdirect** municipal resources.

The ordinance before you tonight is the product of the City Attorney, based on clear Council direction and deliberate and informed legal review: **PORCHES ARE NOT TO BE COUNTED AS INTERIOR SPACE**. They remain regulated, configured, measured, and accounted for in other sections of the Code.

Daniel Hale 1851 Madrona Avenue

Planning Commission Members,

I don't understand something, I need some help, and i'm hoping you can provide some clarity. I am unfortunately writing to call to attention to the fact that a section of code which was illegally changed regarding this issue before the commission has not been addressed. I am attaching below a public comment which was submitted on 5.12.25 to the City Council. After submittal of this public comment the item was pulled from the agenda to be remedied.

After the item was pulled I was contacted by the City attorney Ethan Walsh and was asked a series of questions around the issue and we discussed this particular verbiage change that has to date not been addressed and is still not addressed in the agenda item currently before the commission.

In the conversation with Ethan I asked why it was that Maya was still under the city's employ after so many past instances that merited removal for cause. I also asked specifically who would be Ms. Derosa's legal council should a citizen bring suit regarding the illegally changed code language. His response was that in such an event he would act as her legal council. After the call I realized that while the expressed intent of the city attorney placing the call was to provide trustworthy outreach to the community, I couldn't help but feel I was simply being asked questions to see what information could be gleaned.

After this item was pulled from the agenda and was addressed by the council they specifically instructed staff and the city attorney to reach out to myself and others in the community that had brought the item to their attention in order to aid in crafting the language of the solution. Despite this directive, I did not receive any subsequent communication from the city.

Please note that zoning code section 17.34.050 B.4 has yet to be addressed. The council adopted legal code language of the section reads:

"Unenclosed Porches. Porches where at least one of the longest dimensions is unenclosed."

The language in the currently published code which was illegally changed from the council adopted version reads:

"Unenclosed Porches. Covered porches for nonresidential uses where a minimum of three sides are unenclosed"

Additionally, please note that the entirety of the section was changed in substance.

I am at a loss for why this section remains changed from the council adopted version. Perhaps the commission can gain clarity from staff and council as to why this section remains unrestored. Was there dialogue with LWC around these section changes and if

so can this dialogue be shared so we can better understand why they advised Ms. Derosa to change the language of the adopted version without proper process? Additionally can we understand how much this process has cost in terms of LWC, city attorney, and city staff fees? This should have been a simple correction, can you please help me understand why this has taken as long as it has and why we still have multiple sections of the code that do not reflect the legally adopted version?

Thank you for your time and commitment to the bettering of our town.

Public comment submitted to council on 5.12.25:

All Current City Council Members,

The insertion of the term “uncovered” within table **17.16.030(B)** is unfortunately one issue of many around a complex subject matter that becomes entangled within other aspects of the code and creates a great deal of conflict the deeper you look. It’s very difficult to explain all the potential implications and consequences of code changes in this context without being concerned you’re quickly losing your readers attention and causing them to be disinterested and move on. That said it all matters a great deal, and unfortunately most won’t realize to what degree until they are faced with the unintended consequences down the line.

In the interest of being succinct, this agenda item is in no way close to being ready for a vote. If you were to vote yes you are still in direct conflict with the unadulterated adopted zoning code update (more on that below). If you vote yes and adopt the proposed version you are throwing a great many properties into noncompliance. If you vote yes and adopt the proposed version many properties will be very much within their rights to enclose their porches to become interior conditioned space since you will be defacto counting them toward FAR, and the city won’t be entitled to impact fees . If you vote no and accept the staff recommendation of eliminating **17.34.050(1)(b)** you will be eliminating a nonsensical line item of code but you will be creating ambiguity and not resolving the issue at hand.

It took a year for the council adopted version of the zoning code to be published online. In the period of time between its adoption and the online published version the available version of the newly adopted code was the print version adopted by the council on October 24, 2023. During this time many projects began planning stages and many were changed due to it’s adoption. Unfortunately when the published version of code came available online there were changes that were not anticipated and approved through a formal process. Yes errata changes were incorporated, however more than these were inserted. Yes the insertion of “uncovered” into **17.16.030(B)** was one, however it was not the only one and voting one way or the other on the agenda item does not solve the issue of code being changed without formal process, or the issue around counting specific porch configurations toward FAR. The foundation of how

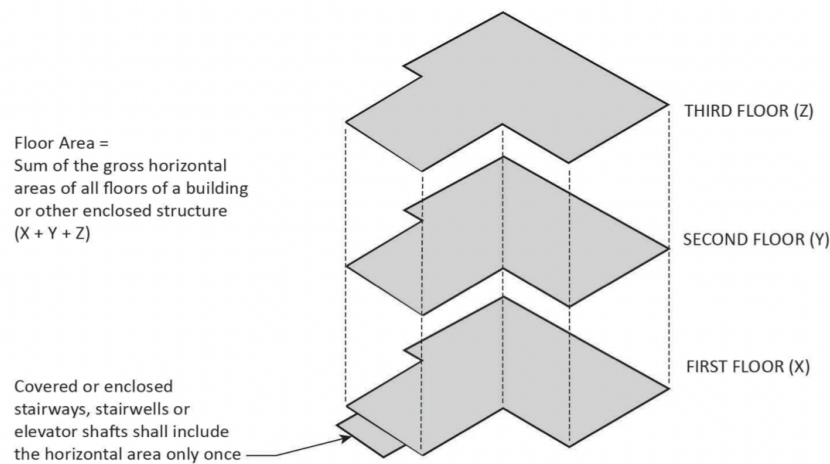
porches are calculated toward interior space (FAR) was also changed in **17.34.050(B)(4)** and this has not been addressed.

Within Rules of Measurement the definition of how you are to determine what counts toward FAR was also changed and this hasn't acknowledged or dealt with. Here is the official council adopted code version:

Part V: Definitions and Rules of Measurement

COUNCIL ADOPTED CODE 10.23.24

Figure 17.34.050: Measuring Floor Area

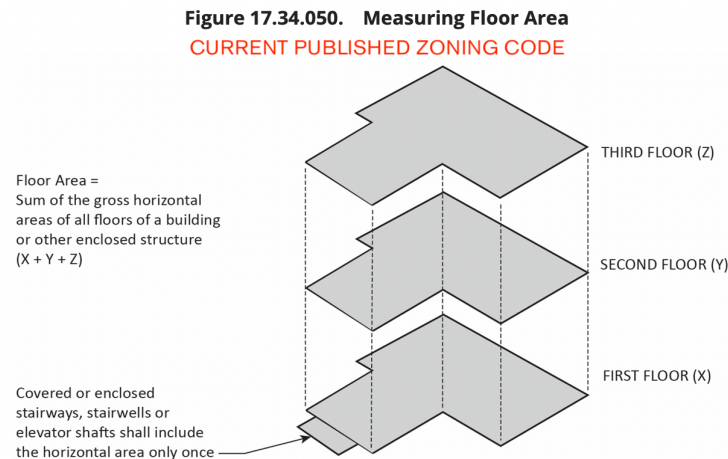


- B. **Floor Area Ratio (FAR).** The floor area ratio (FAR) is the ratio of the floor area, excluding the areas described below, of all primary and accessory buildings on a site to the site area. To calculate the FAR, floor area is divided by site area, and typically expressed as a decimal. For example, if the floor area of all buildings on a site totals 20,000 square feet, and the site area is 10,000 square feet, the FAR is expressed as 2.0. **The following are excluded from Floor Area in Calculating FAR.**

1. **Underground Areas.** Floor area located below finished grade.
2. **Parking.** Parking areas located below finished grade or finished floor of habitable space where the vertical distance between finished grade and finished floor is less than six feet.
3. **Small Accessory Structures.** Accessory structures up to 120 gross square feet.
- 3.4. **Unenclosed Porches.** Porches where at least one of the longest dimensions is unenclosed.

Note B(4)

Here is the current version posted on the city website:



B. *Floor Area Ratio (FAR).* The floor area ratio (FAR) is the ratio of the floor area, excluding the areas described below, of all primary and accessory buildings on a site to the site area. To calculate the FAR, floor area is divided by site area, and typically expressed as a decimal. For example, if the floor area of all buildings on a site totals twenty thousand (20,000) square feet, and the site area is ten thousand (10,000) square feet, the FAR is expressed as 2.0. The following are excluded from floor area in calculating FAR.

1. *Underground Areas.* Floor area located below finished grade.
2. *Parking.* Parking areas located below finished grade or finished floor of habitable space where the vertical distance between finished grade and finished floor is less than six feet.
3. *Small Accessory Structures.* Accessory structures up to one hundred twenty (120) gross square feet.
4. *Unenclosed Porches.* Covered porches for nonresidential uses where a minimum of three sides are unenclosed. (Ord. 23-4 § 5 (Exh. A))

This change was not a part of the errata sheet. Note that the unapproved change for B(4) as it has been changed completely. This is not a clerical adjustment it's a complete change in policy and it has far reaching consequences within the code. Not only has "covered" been introduced but so has "nonresidential" and rather than simply being able to use a reference of one long unenclosed dimension it has been changed to a minimum of three sides unenclosed (very few porches are unenclosed on three sides). This change has not been noted at any point by the city attorney and this change is not acknowledged or addressed within the agenda item presented by staff.

Wouldn't the appropriate step to take in this instance be to simply acknowledge that a mistake was made and revert **17.16.030(B)** to match the council adopted language

within the Rule of Measurement in **17.34.050(B)(4)**? This would certainly be the simplest approach and would not throw existing properties into noncompliance. It would also be relatively easy to interpret and would not create a situation where exterior uninhabitable areas are counted toward the interior habitable space of FAR.

Upon reading the staff report for the agenda item and the city attorney's response to the issue it appears at face value that one is to understand the addition of the term "unenclosed" as a singular clerical edit beyond the errata sheet for the purpose of providing clarity. The staff statement of purpose for the meeting reads the intent of the adoption of the agenda item is to:

STATEMENT OF THE PURPOSE:	To amend the St. Helena Municipal Code zoning ordinance Table 17.16.030B and Chapter 17.34.050(A)(2)(f) in order to exempt uncovered balconies, porches, decks and other structures from gross floor area.
----------------------------------	--

This does not make sense as the current version of code already exempts uncovered balconies, porches, decks and other structures from gross floor area. What the proposed change does do is add the restriction of covered porches becoming an addition to FAR. In addition to this while the verbiage of the report insinuates that the justification is to lessen density of lot development, section 17.34.050(A)(2)(f) is a section that specifically refers to commercial property, not residential. It's worth noting that saying "covered porch" is confusing as the very definition of "porch" within the code is :

"Porch" means a [roofed](#) approach to a doorway usually extending from the exterior wall of the [structure](#) and requiring ground supports.

We don't count garages, or accessory structures or other exterior built conditions toward FAR because they are not conditioned habitable space and are counted toward lot coverage. How does it make sense to count exterior porches toward interior habitable space?

It's very clear that the planning commission did not understand what it was voting on when this recommendation was pushed through. There is so much wrong with so many aspects of this it's absurd. This is one small part of the new zoning code that creates a great deal of conflict within the code but it is not the only one. We need a streamlined approach to citizens being able to bring discovered issues before council. Having to pay

a 10K fee to place any zoning code amendment on the agenda calendar does not further a mission toward betterment.

I do not have a project I am planning in St Helena. I'm simply reaching out on this matter as it is clear that mistakes were made that need to be addressed and I think as a council it should be your priority to make sure that proper processes are followed and that the information you are relying on is true and forthright. As someone who does plan projects with varying degrees of complexity I can say that having code change on a whim behind closed doors without procedures is a massive legal liability for professionals, and for municipalities. It is essentially a moving target of law for a process that takes an immense amount of time and consideration.

Yours Truly,

Joshua Parke

From: [Charles Covell](#)
To: [Public Comment](#)
Subject: PC Meeting 10/21/25 Item 5.1
Date: Tuesday, October 21, 2025 1:28:35 PM

Dear Members of the Planning Commission,

I strongly support the pending amendment to the zoning code which concerns the exemption of porches from floor area calculations.

I request more clarity on how Planning staff, and the expert consultants at Lisa Wise it deferred to, and that we were paying for, could conceivably view the change that gave rise to this controversy as having “no substantive impact”? The staff report goes on to clearly list four examples of very substantive impacts of the change. Other clearly substantive impacts, such as lowering residential property values, were noted by the city attorney’s staff report in July.

My question to staff would be how these experts in the field could get this so wrong?

Sincerely,

Charles Covell

Park Street
St Helena



PLANNING COMMISSION REPORT

Planning Commission Meeting of October 21, 2025

SUBJECT: Consideration of an ordinance amending Sections 1.12.200, 17.05.100, 17.32.010, and 17.32.020 of the St. Helena Municipal Code to clarify provisions relating to Short Term Rentals and bring related provisions into compliance with state law.

PREPARED BY: Ethan Walsh, City Attorney

REVIEWED BY: Maya DeRosa, Community Development Director

APPROVED BY: Maya DeRosa, Community Development Director

LOCATION OF PROPERTY: Citywide

BACKGROUND

Staff and the City Attorney's office have undertaken a review of the city's short-term rental ordinance in an effort to more efficiently regulate short-term rentals within the city. As a result of that review, various amendments detailed in this report and shown in the attached draft ordinance are proposed by Staff and the City Attorney's office.

ANALYSIS

1. Amendment of Section 1.12.200

As currently written, Section 1.12.200 states that individuals seeking review of a decision of the city in court have thirty (30) days to file such an action. Civil Code Section 1094.6 provides for ninety (90) days to file such an action and Government Code Section 53069.4 provides limited circumstances where the period to file an action can be limited to twenty (20) days where that shorter limit is imposed by an ordinance that follows the procedures outlined in that Government Code Section. Section 1.12.200 is proposed to be revised to bring it into compliance with the timeline described in Civil Code Section 1094.6.

2. Amendment of Section 17.05.100

Amendments to Section 17.05.100 are primarily aimed at clarifying the permitting of short-term rentals. The modifications to Subsection B of Section 17.05.100 explicitly provide for the requirement to have a valid short-term rental permit in order to operate a short-term rental and detail the application process for obtaining or renewing a short-term rental permit.

Changes to Subsection K of Section 17.05.100 clarify the administrative citation process the city follows when undertaking enforcement of violations of the short-term rental ordinance, clarify cross references to other sections of the municipal code relevant to the enforcement of the short-term rental ordinance, and clarify how violations are counted for ongoing violations of the short-term rental ordinance.

Additional modifications to Section 17.05.100 clarify how the radius for notice of public hearing for short-term rental permit applications, clarify that failure to renew a short-term rental permit result in automatic termination of the permit, and various other minor textual clarifications.

3. Amendment of Section 17.32.010

The definition of “Responsible Person” has been moved from Section 17.05.100-K to the general definitions section for the Zoning Code to clarify that the definition is applicable to all portions of the Zoning Code and to be generally consistent with how defined terms are located within the Zoning Code.

4. Amendment of Section 17.32.020

A definition of “Transient Occupancy Use” has been added to the definition of uses section of the Zoning Code to clarify that “Transient Occupancy Use” is synonymous with the term “Short-Term Rental.”

ISSUES

No issues have been identified and the ordinance will help the City more efficiently regulate short-term rentals.

STAFF RECOMMENDATION

Recommend that the Planning Commission adopt the attached resolution recommending that the City Council:

1. Find that the proposed changes to Chapters 1.12, 17.05, and 17.32 of the St. Helena Municipal Code are exempt from CEQA Guideline 15061 (b)(3); and
2. Adopt an ordinance (ZOA 25-004) amending Sections 1.12.200, 17.05.100, 17.32.010, and 17.32.020 of the St. Helena Municipal Code.

ATTACHMENTS

[Attachment 1-Resolution for Zoning Ordinance Amendment-STR](#)

[Attachment 2- St. Helena STR Ordinance Revisions-c1 FINAL](#)

CITY OF ST. HELENA PLANNING COMMISSION

RESOLUTION NO. PC2025-

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF ST. HELENA, CALIFORNIA,
RECOMMENDING THAT THE CITY COUNCIL ADOPT AN
ORDINANCE AMENDING SECTIONS 1.12.200, 17.05.100,
17.32.010, AND 17.32.020 OF THE ST. HELENA
MUNICIPAL CODE (ZOA 25-004)**

Recitals

WHEREAS, the City of St. Helena, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the City desires to amend its Zoning Code (ZOA 25-004), codified as Titles 1 and 17 of the St. Helena Municipal Code ("SHMC"); and

WHEREAS, staff and the City Attorney prepared the proposed ordinance, including any additional information and documents deemed necessary for the Planning Commission to take action; and

WHEREAS, the City has undertaken a review of the city's short-term rental ordinance in an effort to more efficiently regulate short-term rentals within the City and prepared the proposed amendments in Exhibit A; and

WHEREAS, the City gave public notice of the public hearing for the proposed ordinance by publishing in the Press Democrat; and

WHEREAS, on October 21, 2025, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning the proposed ordinance.

WHEREAS, all other legal prerequisites to the adoption of this resolution have occurred.

Resolution

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF ST. HELENA DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

Section 1. **Recitals.** The above recitals are incorporated herein by reference.

Section 2. **Compliance with CEQA.** The Planning Commission recommends that the City Council find that the proposed ordinance amendment is exempt from CEQA pursuant to Section 15061(b)(3).

Section 3. **General Plan Consistency.** Based on the entire record before the Planning Commission, and all written and oral evidence presented, the Planning Commission hereby finds that the proposed ordinance is consistent with the City's adopted General Plan. The proposed ordinance does not otherwise conflict with any of the General Plan's goals or policies.

Section 4. **Zoning Ordinance Amendment 25-004.** The Planning Commission hereby recommends that the City Council adopt the attached proposed ordinance (**Exhibit A**) entitled:

An Ordinance of the City Council of the City of St. Helena amending sections 1.12.200, 17.05.100, 17.32.010, and 17.32.020 of the City of St. Helena Municipal Code (ZOA 25-004) .

Section 5. The proposed ordinance is on file and has been available for public review for at least ten days prior to the date of this Resolution, in the Community Development Department, at St. Helena City Hall, 1088 College Avenue.

Section 6. Severable. If any part of this Resolution is held by a court to be invalid, that part is severable from the rest and every other part remains unaffected and in effect.

(Signatures on following page)

I HEREBY CERTIFY that the foregoing recommendation to the City Council was duly and regularly approved by the Planning Commission of the City of St. Helena at a regular meeting of the Planning Commission held on October 21, 2025 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Christopher Warner
Chair, Planning Commission

Maya DeRosa, AICP
Community Development Director

Exhibit “A”

ORDINANCE NO. _____

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ST. HELENA AMENDING SECTIONS 1.12.200, 17.05.100, 17.32.010, AND 17.32.020
OF THE CITY OF ST. HELENA MUNICIPAL CODE (ZOA 25-004)**

WHEREAS, the City of St. Helena, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the City desires to amend Sections 1.12.200, 17.05.100, 17.32.010, AND 17.32.020 of the St. Helena Municipal Code (“SHMC”); and

WHEREAS, staff and the City Attorney prepared the proposed ordinance, including the proposed language and terminology, and any additional information and documents deemed necessary for the City Council to take action; and

WHEREAS, on October 21, 2025, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning the proposed ordinance and municipal code amendments, and by a vote of ____-____, adopted Resolution No. PC2025-__ recommending that the City Council adopt the proposed ordinance and finding that no environmental review is required under CEQA; and

WHEREAS, the City gave public notice of the public hearing before the City Council for the proposed ordinance by publishing in the Press Democrat in accordance with applicable law; and

WHEREAS, on _____, 2025, the City Council held a duly-noticed public hearing and considered the staff report, recommendation by the Planning Commission, recommendation by staff, and public testimony concerning the proposed ordinance; and

WHEREAS, all other legal prerequisites to the adoption of this ordinance have occurred.

NOW, THEREFORE, The City Council of the City of St. Helena does hereby ordain as follows:

Section 1: Recitals

The Recitals set forth above are true and correct and are incorporated into this Ordinance.

Section 2: Amendment to SHMC Section 1.12.200

Section 1.12.200 of the St. Helena Municipal Code is hereby amended to read as follows (new language is underlined, deletions are in ~~strikeout~~):

1.12.200 Limitation on filing judicial action.

Any court action or proceeding to review or challenge the city council's decision and order of abatement as reflected in its resolution shall be barred unless it is commenced within ~~thirty (30)~~ ninety (90) days of the date of service of the resolution, and the resolution shall contain a statement so advising the appellant(s) of this time limit on seeking judicial review. No action or proceeding to review or challenge an abatement order or decision shall be permitted unless each ground or basis for such action or proceeding first has been asserted to the hearing officer and council pursuant to the procedures set forth in Sections 1.12.170 and 1.12.180.

Section 3: Amendment to SHMC Section 17.05.100

Section 17.05.100 of the St. Helena Municipal Code is hereby amended to read as follows (new language is underlined, deletions are in ~~strikeout~~):

17.05.100 Short Term Rental Ordinance

A. Purpose.

1. The city council finds that unregulated transient occupancy uses (i.e., short-term rentals) in residential and agricultural districts present a threat to the public welfare.
2. The purposes of the short-term rental regulations are to:
 - a. Establish a permitting process and appropriate restrictions and standards for short-term rental of single-family dwellings;
 - b. Provide a visitor experience and accommodation as an alternative to the hotel, motel, and bed and breakfast accommodations currently existing in the city;
 - c. Ensure the collection and payment of transient occupancy taxes;
 - d. Minimize the negative secondary effects of short-term rental use on surrounding residential neighborhoods; and
 - e. Retain the character of the neighborhoods in which any such use occurs.

3. The short-term rental regulations are not intended to regulate hotels and bed and breakfast inns that do not qualify as short-term rentals.
4. The short-term rental regulations are not intended to provide any owner of residential property with the right or privilege to violate any private conditions, covenants and restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short-term rental purposes as defined in this section.
5. The city council also finds that the adoption of a comprehensive ordinance regulating the issuance of and operating conditions attached to short-term rental permits is necessary to protect the public health, safety and welfare. The purposes of the short-term rental permit regulations are to:
 - a. Provide a permit system and to impose operational requirements in order to minimize the potential adverse impacts of transient uses in residential neighborhoods and zoning districts on traffic, noise and density;
 - b. Ensure the health, safety and welfare of renters and guests patronizing short-term rentals;
 - c. Impose limitations on the total number of permits issued in order to ensure the long-term availability of the affordable housing stock; and
 - d. Provide for robust enforcement remedies and penalties to prevent and deter violations of this section and unjust enrichment by those who violate this section.

B. ~~Application Requirements~~ Permit Requirement.

1. Permit Required. Operation of a short-term rental shall require a short-term rental permit. It shall be unlawful to operate a short-term rental without a short-term rental permit.
2. Application. ~~An A property owner or responsible person may seek a short-term rental permit through an application for a new short-term rental permit or a renewal of an existing short-term rental permit shall be prepared, filed, and processed in compliance with~~ through the process described in Section 17.04.020, ~~Application process.~~
3. Responsibility. It is the responsibility of the applicant property owner or responsible person submitting an application to provide information on the proposed use that support the findings described in subsection D of this section.

C. Public Hearing and Procedures.

1. The planning commission shall hold a public hearing for discretionary review for a new short-term rental application. The public hearing shall be properly noticed in compliance with Section 17.04.080, Public hearing notice.
 2. The public hearing notice shall:
 - a. Contain a description of the proposed short-term rental operation, parking on the site, and number of bedrooms to be used for short-term rental use, together with a location map identifying the short-term rental dwelling lot in relationship to all other lots within a three hundred (300) foot distance, measured from property boundary to property boundary.
 - b. State that ~~the noticed owners may file~~ a written protest against the proposed short-term rental use with the community development director; provided, that the protest is postmarked or received within fourteen (14) days of the mailing of the notice of application.
 3. The planning commission shall hold a public hearing on an application for a short-term rental permit and shall, at the conclusion of the public hearing, approve (with or without conditions), or deny the application in compliance with this code.
- D. *Findings*. The planning commission shall review and either approve or deny the initial short-term rental permit application pursuant to the requirements of this section after considering the effects the proposed short-term rental use would have on surrounding uses and the cumulative impacts within the community. In approving a new short-term rental permit application, the planning commission must make the following findings:
1. The short-term rental complies with applicable standards identified in Section 17.22.200, Short-term rentals;
 2. The establishment of a short-term rental at the subject property is consistent with the purpose of the general plan, including policies regarding the displacement of rental units in the housing stock;
 3. The establishment of a short-term rental at the subject property will not be detrimental to a building, structure, or feature of significant aesthetic, cultural, architectural, or engineering interest or value of a historical nature;
 4. The establishment of a short-term rental at the project site is compatible with and will not be detrimental to the character of the neighborhood and surrounding land uses;
 5. The establishment of a short-term rental at the project site will provide an enhanced visitor experience and accommodation as an alternative to the hotel, motel, and bed and breakfast accommodations currently existing in the city and will help to ensure the collection and payment of transient occupancy taxes; and

6. There exists no substantial evidence of operation of an unpermitted short-term rental on the part of the applicant anywhere within the city.
- E. *Conditions of Approval.* The community development director may recommend, and the planning commission may impose, conditions on the granting of an application for a short-term rental permit to mitigate the impacts of the proposed land use.
- F. *Permit Availability.* If no short-term rental permits are available pursuant to the limitation on short-term rentals described in Section 17.22.200(D), the community development director shall place interested property owners on a waiting list in the order in which they were received. If a permit becomes available, applications shall be accepted and reviewed in the order that they are listed on the waiting list subject to the local preference policy established in Section 17.22.200(D)(15).
- G. *Notice of Action, Appeals, Term of Permit, and Conditions Subsequent to Short-Term Rental Permit Approval.*
1. *Notice of Action.* Notice of action shall be provided pursuant to Section 17.04.100, Timing and notice of action.
 2. *Appeals.* Any person whose application for a short-term rental permit has been denied by the planning commission, or whose permit has been suspended or revoked by the community development director, may appeal pursuant to Chapter 17.12, Procedures for Appeals. A third party may also file an appeal of an approval of a short-term rental permit.
 3. *Term of Permit.* Short-term rental permits shall be valid for a period of two years.
 4. *Conditions Subsequent to Approval.* Short-term rental permits shall be subject to any changes to this section approved by the city council and conditions that the council may impose subsequent to the issuance of the permit.
- H. *Renewals Procedure.*
1. The permit holder shall submit a short-term rental permit renewal application and pay applicable fees to the city a minimum of thirty (30) days prior to the expiration of a current short-term rental permit. Failure to submit a renewal application and pay applicable fees by the expiration date will result in the short-term rental permit automatically expiring without any further action by the city.
 2. Upon receipt of a renewal application, the community development director will confirm with the finance department that the applicant's business license is current and that all required transient occupancy taxes (TOT) have been reported and paid (see Chapter 5.08, Business Licenses Generally, for the requirements related to business licenses).

3. The community development director will refer the application to the St. Helena police department to request all police calls for services and complaints lodged against the property over the course of the two-year permit.
4. If the permit holder has a current business license, has rented their property on a short-term basis for an average of sixty (60) days per year (as applicable), has been properly reporting and paying TOT, and has fewer than three confirmed violations of the municipal code or of state or federal law over the prior two years, the community development director may administratively approve the renewal which shall be valid for an additional two years. If all of these provisions are not met, the renewal shall be referred to the planning commission for action at a public hearing. The community development director also has the discretion to refer the renewal application to the planning commission for a decision pursuant to the process and standards set forth in subsections C and D of this section, even if the community development director has the authority to consider renewal application pursuant to this section.
5. No renewal shall be approved without written verification of tax payments by the permit holder, and no permit shall be approved if the operation of the short-term rental has created adverse impacts on the neighborhood, as specified in subsection K of this section, in which it is situated or has otherwise caused the loss of the character of that neighborhood.
6. The community development director may deny the renewal if the applicant has violated any provision of this section.
7. *Notice of Action, Appeals, Term of Permit, and Conditions Subsequent to Approval of a Short-Term Rental Permit Renewal.*
 - a. *Notice of Action.* Notice of action shall be provided pursuant to Section 17.04.100, Timing and notice of action.
 - b. *Appeals.* Any person whose application for a short-term rental permit renewal has been denied by the community development director may appeal to the planning commission pursuant to Chapter 17.12, Procedures for Appeals. A third party may also file an appeal of an approval of a short-term rental permit renewal.
 - c. *Conditions Subsequent to Approval.* Short-term rental permit renewals shall be subject to any changes to this section approved by the planning commission and conditions that the commission may impose subsequent to the issuance of the permit.

I. *Inspections.*

1. The community development director has the right to enter upon any property at any reasonable time to make inspections and examinations for the purpose of

enforcement of this section, subject to the provisions of Code of Civil Procedure Section 1822.50 et seq.

2. The fire department shall annually inspect the dwelling used as a short-term rental and submit the inspection report to the community development department.
3. The community development director shall have the right to inspect any records related to the use and occupancy of the short-term rental to determine that the objectives and conditions of this section are being fulfilled.

J. Revocation.

1. The community development director may revoke a short-term rental permit pursuant to Chapter 17.13, Enforcement, if the community development director determines that:
 - a. The owner-applicant gave false or misleading information during the application process;
 - b. There has been a violation of any of the terms, conditions and restrictions on the use of the dwelling unit for short-term rental use;
 - c. The owner-applicant has violated any provision of this section; or
 - d. The owner-applicant has failed to timely pay ~~the~~all transient occupancy tax as required by this code.
2. If an owner-applicant's short-term rental permit is revoked, the owner-applicant may not reapply for another permit for two years after the date of revocation. If there is a waiting list to receive a permit, the owner-applicant will be added to the list.

K. Violations, Enforcement, and Civil Penalties.

1. Any property owner or responsible person who uses, or allows the use of, or advertises or causes to be printed, published, advertised, or disseminated in any way, the availability of residential property in violation of this section is guilty of a misdemeanor for each day in which such residential property is used, or allowed to be used, in violation of this section. Such violation shall be punishable pursuant to Chapter 1.12, Enforcement Procedures and Chapter 1.20, General Penalty. ~~For purposes of this section, "responsible person" shall mean and include any manager or other person responsible for allowing property to be used for short-term rental in violation of this section.~~
2. Short-term rental use, and advertisement for use, of a residential property in violation of this section is a threat to public health, safety or welfare and is thus declared to be unlawful and a public nuisance. Any such nuisance may be

abated or restored by the enforcement official and also may be abated by the city pursuant to Chapter 1.12, Enforcement Procedures, except that the civil penalty for a violation shall be one thousand dollars (\$1,000.00). Each day the violation occurs past the compliance date provided for by the city in notice of violation shall constitute a separate offense.

3. Any property owner or responsible person who violates this ~~section~~ chapter shall be liable and responsible for ~~a civil penalty of one thousand dollars (\$1,000.00) per violation per day such violation occurs~~ the civil penalty described in Section 17.05.100(K)(2). The city may recover such civil penalty by either civil action or administrative citation. Such penalty shall be in addition to all other costs incurred by the city, including without limitation the city's staff time, investigation expenses and attorney's fees.
 - a. Civil Action. Where the city proceeds by civil action, the court shall have discretion to reduce the civil penalty based upon evidence presented by the property owner or responsible person that such a reduction is warranted by mitigating factors including, without limitation, lack of culpability or inability to pay. Provided, however, that in exercising its discretion the court should consider the purpose of this section to prevent and deter violations and whether the reduction of civil penalties will frustrate that purpose by resulting in the property owner's or responsible person's enrichment or profit as a result of the violation of this section. In any such civil action the city also may abate or enjoin any violation of this section.
 - b. Administrative Citations. Where the city proceeds by administrative citation, the city will first issue the property owner or responsible person notice to correct the violation in accordance with Government Code section 53069.4(a)(2)(A). Such notice to correct shall contain the following information:
 - i. Details regarding the nature of the violation;
 - ii. Details regarding how compliance can be achieved;
 - iii. Date by which proof of correction of the violation must be provided to the city to avoid the issuance of an administrative citation that will be no less than ten (10) days from the date the notice to correct is issued; and
 - iv. Notice that the civil penalty described in this subsection K will begin to be assessed if proof of correction of the violation is not provided to the city by the stated date.
 - c. Administrative Appeals. Where the city proceeds by administrative citation, the city shall provide the property owner or responsible person notice of the right to request an administrative hearing to challenge the citation and penalty, and the time for requesting that hearing.

- i. The property owner or responsible person has the right to request an administrative hearing within forty-five (45) days of the issuance of the administrative citation and imposition of the civil penalty. To request such a hearing, the property owner or responsible person shall notify the city clerk in writing within forty-five (45) days of the issuance of the citation. The appeal notification shall include all specific facts, circumstances, and arguments upon which the appeal is based.
 - ii. The city manager is authorized to designate a hearing officer to hear such appeal. The city hearing officer shall conduct a hearing on the appeal within ninety (90) days of the request for the hearing unless one of the parties requests a continuance for good cause. The hearing officer shall only consider those facts, circumstances, or arguments that the property owner or responsible person has presented in the appeal notification.
 - iii. The hearing officer shall render a decision in writing within thirty (30) days of the conclusion of the hearing. The hearing officer shall have discretion to reduce the civil penalty based upon evidence presented by the property owner or responsible person that such a reduction is warranted by mitigating factors including, without limitation, lack of culpability or inability to pay. Provided, however, that in exercising its discretion the hearing officer should consider the purpose of this section to prevent and deter violations and whether the reduction of civil penalties will frustrate that purpose by resulting in the property owner's or responsible person's enrichment or profit as a result of the violation of this section.
 - iv. Any aggrieved party to the hearing officer's decision on the administrative appeal may obtain review of the decision by filing a petition for writ of mandate with the Napa County superior court in accordance with the timelines and provisions set forth in California Government Code Section 53069.4.
 - v. If, following an administrative hearing, appeal, or other final determination, the owner of the property is determined to be the responsible person for the civil penalty imposed by this section, such penalty, if unpaid within forty-five (45) days of the notice of the final determination, shall become a lien to be recorded against the property on which the violation occurred pursuant to Chapter 1.12, Enforcement Procedures. Such costs shall be collected in the same manner as county taxes, and thereafter the property upon which they are a lien shall be sold in the same manner as property now is sold for delinquent taxes.
- ~~4. Any violation of this section may also be abated or restored by the enforcement official and also may be abated pursuant to Chapter 1.12, Enforcement Procedures, except that the civil penalty under Chapter 1.12 for a violation shall be one thousand dollars (\$1,000.00).~~

5. Each day the violation of this section occurs shall constitute a separate offense.
6. Any property owner who uses, or allows the use of, residential property as a short-term rental without a permit shall be liable for the transit occupancy tax that would have been owed under Chapter 3.28, Transient Occupancy Tax, had the use been legal, including the penalty and interest provisions of Section 3.28.070, Penalties and interest.
7. The remedies under this section are cumulative and in addition to any and all other remedies available at law and equity.

Section 4: Amendment to SHMC Section 17.32.010

Section 17.32.010 of the St. Helena Municipal Code is hereby amended to include the following definition (new language is underlined):

17.32.010 Zoning Code Definitions of Terms

“Responsible Person” shall mean any owner, manager, agent, party, partner, host, or other person responsible for allowing property to be used for short-term rental.

Section 5: Amendment to SHMC Section 17.32.020

Section 17.32.020 of the St. Helena Municipal Code is hereby amended to include the following definition (new language is underlined):

17.32.020 Zoning Code Definitions of Uses

“Transient Occupancy Use” shall have the same meaning as “short-term rental”

Section 5: Severability.

If any section, subsection, phrase, or clause of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

Section 6: CEQA.

This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (the "Guidelines"), and the environmental regulations of the City. The City Council hereby finds that this ordinance is exempt from review under CEQA under Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

Section 7: Notice and Effective Date.

This Ordinance was duly noticed to the public. This Ordinance shall take effect and be enforced within thirty (30) days from and after the date of its adoption by the City Council at a second reading and shall be posted and published in accordance with the California Government Code.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the ____ day of _____, 2025, and was adopted at a regular meeting of the St. Helena City Council on the ____ day of _____, 2025, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED

ATTEST

Paul Jamison Dohring, Mayor

Andrew Bradley, City Clerk