



Mayor: Alan Galbraith
Vice Mayor: Peter White
City Council: Sharon Crull
Paul Dohring
Greg Pitts

Chair: Sarah Parker
Vice Chair: Grace Kistner
Commissioner: Bobbi Monnette
Mary Koberstein
Tracy Sweeney

**St. Helena City Council and Planning Commission
Special Town Hall Meeting
September 23, 2015**

**5:00 PM Special Meeting
Vintage Hall Board Room – SECOND FLOOR
465 MAIN STREET, ST. HELENA**

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. Town Hall Meeting conducted by City staff to receive public input on the operation of short-term rentals within the City. This “town hall” meeting is intended as an informational meeting to allow interested citizens an opportunity to directly inform staff of their opinions on the short-term rental issue in St. Helena.

To better promote public input, staff recommends that members of the City Council and Planning Commission use this as an opportunity to hear the public’s input on this issue, rather than provide direction or participate in the discussion. Based on the public input at this meeting, revisions to the Ordinance may be brought to the Planning Commission and City Council for their input and direction in the future.

No decisions will be made and no formal actions will be taken at this meeting. Topics will include:

- a. Brief presentation from staff on the existing ordinance
- b. Information on the management of the 25 permitted short term rentals
- c. Public comments pertaining to the short-term rental Town Hall Meeting

CEQA Status: This is a study session only, and CEQA review is premature at this time. If changes to the short-term rental ordinance are proposed, the City will conduct CEQA review prior to adopting them.

This agenda was posted at City Hall, 1480 Main Street, and at Vintage Hall, 465 Main Street, St. Helena, California on September 18, 2015.



Cindy Black, City Clerk

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 City Council regarding any item on this Agenda, after the posting of the Agenda, will be available for public review in the City Clerk's Office located at 1480 Main Street, 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://cityofsthenana.org> and will be available for public review at the respective meeting.

CITY OF ST. HELENA

ORDINANCE NO. 2012-2

**AMENDING TITLE 17 OF THE ST. HELENA MUNICIPAL CODE
RELATING TO SHORT-TERM RENTALS**

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

SECTION 1: The purpose of this ordinance is to establish procedures to permit short-term rentals, subject to appropriate restrictions and standards. It is the intent of the city council to implement land use policies consistent with the St. Helena General Plan; to retain the character of residential neighborhoods; and to allow for varied accommodations and experiences for visitors.

SECTION 2: Section 17.04.160 “Definitions” of Chapter 17.04 “General Provisions and Definitions” of the St. Helena Municipal Code is amended by adding a new definition to read as follows:

"Short-term rental" means a use in which overnight accommodations are provided to guests for compensation for periods of less than thirty (30) days in a single-family dwelling.

SECTION 3: Section 17.20.020 “Permitted uses” of Chapter 17.20 “Twenty-Acre Agriculture (A-20) District” of the St. Helena Municipal Code is amended to read as follows (additions shown by underline and deletions by strikethrough):

17.20.020 Permitted uses.

The following are the permitted uses in the A-20 district:

- A. One single-family dwelling per parcel in existence on October 1, 1993 consistent with the development standards and density regulations of the agriculture general plan land use designation;
- B. Cultivated agriculture including, but not limited to farming, pasturage, horticulture, floriculture and viticulture; retail sales area in excess of two hundred (200) square feet regulated by use permit;
- C. Animal husbandry and livestock farming; provided, that not more than one horse, one mule, one cow, one steer or similar large animal shall be kept for each one-half acre of area;
- D. One second unit, as defined in Section 17.04.160, and consistent with the provisions of 17.116.030;

E. Accessory buildings or structures without toilet plumbing or cooking facilities, consistent with the provisions of 17.116.010;

F. One short-term rental per parcel, as defined in Section 17.04.160, and consistent with the provisions of Chapter 17.134.

FG. Other similar uses found consistent with the general plan and the A-20 district pursuant to Chapter 17.08. (Ord. 03-4 § 2: prior code § 27.21)

SECTION 4: Section 17.32.020 “Permitted uses” of Chapter 17.32 “Low Density Residential (LR) District” of the St. Helena Municipal Code is amended to read as follows (additions shown by underline and deletions by strikethrough):

7.32.020 Permitted uses.

The following are the permitted uses in the LR district:

- A. Remodeling or reconstruction of one single-family dwelling;
- B. New construction of one single-family dwelling on parcels where the minimum density is 1.99 units or less;
- C. Day care facility serving six or fewer children;
- D. Intermediate care facility or developmentally disabled nursing facility serving six or fewer persons;
- E. The installation of mobile homes constructed and/or purchased after October 1976, and certified under the National Mobile Home Construction of Safety Standards Act of 1974 (42 USC Section 5401 et seq.) on a foundation system pursuant to Section 18551 of the Health and Safety Code shall be permitted in accordance with the following conditions:
 - 1. To be occupied only as a single-family residential use,
 - 2. To be subject to all provisions of the zoning ordinance applicable to conventionally built dwellings,
 - 3. To be attached to a permanent foundation system in compliance with all applicable building regulations,
 - 4. To be covered with an exterior material customarily used on conventionally built dwellings extending to the top of the foundation,
 - 5. To have parapet walls or roofs which utilize shingle or other materials customarily used on conventionally built dwellings;

- F. Residential facility serving six or fewer persons;
- G. One second unit, as defined in Section 17.04.160, and consistent with the provisions of Section 17.116.030;
- H. Accessory buildings or structures without toilet plumbing or cooking facilities, consistent with the provisions of Section 17.116.010;
- I. One short-term rental per parcel, as defined in Section 17.04.160, and consistent with the provisions of Chapter 17.134.
- IJ. Other similar uses found consistent with the general plan and the LR district pursuant to Chapter 17.08. (Ord. 07-5 § 2 (part): Ord. 05-4 § 1 (part): Ord. 03-4 § 5: prior code § 27.41)

SECTION 5: Section 17.36.020 “Permitted uses” of Chapter 17.36 “Low Density Residential One Acre Minimum (LR-1A) District” of the St. Helena Municipal Code is amended to read as follows (additions shown by underline and deletions by strikethrough):

17.36.020 Permitted uses.

The following are the permitted uses in the LR-1A districts:

- A. Day care facility serving six or fewer children;
- B. Intermediate care facility or developmentally disabled nursing facility serving six or fewer persons;
- C. The installation of mobile homes constructed and/or purchased after October 1976, and certified under the National Mobile Home Construction of Safety Standards Act of 1974 (42 U.S.C. Section 5401, et seq.), on a foundation system pursuant to Section 18551 of the Health and Safety Code shall be permitted in accordance with the following conditions:
 - 1. To be occupied only as a single-family residential use,
 - 2. To be subject to all provisions of the zoning ordinance applicable to conventionally built dwellings,
 - 3. To be attached to a permanent foundation system in compliance with all applicable building regulations,
 - 4. To be covered with an exterior material customarily used on conventionally built dwellings extending to the top of the foundation,
 - 5. To have parapet walls or roofs which utilize shingle or other materials customarily used on conventionally built dwellings;

- D. One detached single-family dwelling per parcel;
- E. Residential facility serving six or fewer persons;
- F. One second unit, as defined in Section 17.04.160, and consistent with the provisions of Section 17.116.030;
- G. Accessory buildings or structures without toilet plumbing or cooking facilities, consistent with the provisions of Section 17.116.010;
- H. One short-term rental per parcel, as defined in Section 17.04.160, and consistent with the provisions of Chapter 17.134.
- ~~HI.~~ Other similar uses found consistent with the general plan and the LR north district pursuant to Chapter 17.08. (Ord. 03-4 § 8: prior code § 27.4.51)

SECTION 6: Section 17.40.020 “Permitted uses” of Chapter 17.40 “Medium Density Residential (MR) District” of the St. Helena Municipal Code is amended to read as follows (additions shown by underline and deletions by strikethrough):

17.40.020 Permitted uses.

The following are the permitted uses in the MR district:

- A. Remodeling or reconstruction of one single-family dwelling on a parcel of record;
- B. New construction of one single-family dwelling on parcels where the minimum density is 1.99 units or less;
- C. Day care facility serving six or fewer children;
- D. Intermediate care facility or developmentally disabled nursing facility serving six or fewer persons;
- E. Residential facility serving six or fewer persons;
- F. The installation of mobile homes constructed and/or purchased after October 1976, and certified under the National Mobile Home Construction of Safety Standards Act of 1974 (42 USC Section 5401 et seq.) on a foundation system pursuant to Section 18551 of the Health and Safety Code shall be permitted in accordance with the following conditions:
 - 1. To be occupied only as a single-family residential use,
 - 2. To be subject to all provisions of the zoning ordinance applicable to conventionally built dwellings,

3. To be attached to a permanent foundation system in compliance with all applicable building regulations,
4. To be covered with an exterior material customarily used on conventionally built dwellings extending to the top of the foundation,
5. To have parapet walls or roofs which utilize shingle or other materials customarily used on conventionally built dwellings;

G. One second unit, as defined in Section 17.04.160, and consistent with the provisions of 17.116.030;

H. Accessory buildings or structures without toilet plumbing or cooking facilities, consistent with the provisions of 17.116.010;

I. One short-term rental per parcel, as defined in Section 17.04.160, and consistent with the provisions of Chapter 17.134.

~~I.~~ Other similar uses found consistent with the general plan and the MR district pursuant to Chapter 17.08. (Ord. 07-5 § 2 (part): Ord. 05-4 § 1 (part): Ord. 03-4 § 11: prior code § 27.51)

SECTION 7: Section 17.44.020 “Permitted uses” of Chapter 17.44 “High Density Residential (HR) District” of the St. Helena Municipal Code is amended to read as follows (additions shown by underline and deletions by strikethrough):

17.44.020 Permitted uses.

The following are the permitted uses in the HR district:

- A. Remodeling or reconstruction of one single-family dwelling;
- B. New construction of one single-family dwelling on parcels where the minimum density is 1.99 units or less;
- C. Multiple-family dwellings, apartments and dwelling groups containing four units or less consistent with the density requirements of this chapter;
- D. Day care facility serving six or fewer children;
- E. Intermediate care facility or developmentally disabled nursing facility serving six or fewer persons;
- F. Residential facility serving six or fewer persons;

G. The installation of mobile homes constructed and/or purchased after October 1976, and certified under the National Mobile Home Construction of Safety Standards Act of 1974 (42 USC Section 5401, et seq.) on a foundation system pursuant to Section 18551 of the Health and Safety Code shall be permitted in accordance with the following conditions:

1. To be occupied only as a single-family residential use,
2. To be subject to all provisions of the zoning ordinance applicable to conventionally built dwellings,
3. To be attached to a permanent foundation system in compliance with all applicable building regulations,
4. To be covered with an exterior material customarily used on conventionally built dwellings extending to the top of the foundation,
5. To have parapet walls or roofs which utilize shingle or other materials customarily used on conventionally built dwellings;

H. One second unit, as defined in Section 17.04.160, and consistent with the provisions of 17.116.030;

I. Accessory buildings or structures without toilet plumbing or cooking facilities, consistent with the provisions of 17.116.010;

J. One short-term rental per parcel, as defined in Section 17.04.160, and consistent with the provisions of Chapter 17.134.

JK. Other similar uses found consistent with the general plan and the HR district pursuant to Chapter 17.08. (Ord. 07-5 § 2 (part): Ord. 05-4 § 1 (part): Ord. 03-4 § 14: prior code § 27.61

SECTION 8: Chapter 17.134 “Short-Term Rentals” is hereby added to Title 17 of the St. Helena Municipal Code is to read as follows:

Chapter 17.134

SHORT-TERM RENTALS

17.134.010 Purpose and Findings.

A. The city council hereby finds that unregulated transient occupancy uses in residential and agricultural district present a threat to the public welfare.

B. The purposes of this chapter are to establish a permitting process and appropriate restrictions and standards for short-term rental of single family dwellings; to provide a visitor

experience and accommodation as an alternative to the hotel, motel, and bed and breakfast accommodations currently existing in the city to ensure the collection and payment of transient occupancy taxes; to minimize the negative secondary effects of short-term rental use on surrounding residential neighborhoods; and to retain the character of the neighborhoods in which any such use occurs.

C. This chapter is not intended to regulate hotels and bed and breakfast inns that do not qualify as short-term rentals.

D. This chapter is 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 chapter.

E. The city council hereby 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 this chapter are: to 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; to ensure the health, safety and welfare of renters and guests patronizing short-term rentals; and, to impose limitations on the total number of permits issued in order to ensure the long term availability of the affordable housing stock.

F. The city council hereby finds that the city's regulation of vacation rental uses in accordance with this chapter, including the establishment of the nontransferability provisions, is a valid exercise of the city's police power in furtherance of the legitimate governmental interests documented in this chapter.

17.134.020 Short-term rental permit required.

No person shall use any single-family dwelling on any parcel in any zoning district for short-term rental without a short-term rental permit.

17.134.030 Districts in which permitted.

Short-term rentals shall be permitted in accordance with the provisions established in each zoning district and as provided in this chapter.

17.134.040 Restrictions and standards. Short-term rentals shall be subject to the following restrictions and standards:

A. The short-term rental use shall be permitted in no more than one single-family dwelling per lot.

B. The short-term rental permit shall be in the name of the owner-applicant, who shall be an owner of the real property upon which the short-term rental use is to be permitted. One person may hold no more than one short-term rental permit. The permit shall not be transferable.

C. Short-term rental uses shall be limited to single-family dwellings existing and constructed as of the date of application for the short-term rental permit.

D. The total number of permits for short-term rental dwellings shall not exceed twenty-five (25) at any time.

E. The maximum number of bedrooms used for short-term rental use in the short-term rental dwelling shall be no greater than five (5). The total number of guests staying in the short-term rental dwelling at any one time shall be no greater than two times the number of bedrooms plus two persons, up to a maximum of twelve (12) persons.

F. Short-term rental dwellings shall meet all applicable building, health, fire and related safety codes at all times and shall be inspected by the fire department before any short-term rental permit can be issued.

G. A minimum of two on-site parking spaces shall be provided for use by the short-term rental occupants.

H. The owner-applicant shall keep on file with the city the name, telephone number, cell phone number, and email address of a local contact person who shall be responsible for responding to questions or concerns regarding the operation of the short-term rental. This information shall be posted in a conspicuous location within the short-term rental dwelling. The local contact person shall be available twenty-four hours a day to accept telephone calls and respond physically to the short-term rental within thirty (30) minutes when the short-term rental is rented and occupied.

I. The owner shall, prior to April 1st annually, provide written notice to all neighboring property owners within a three-hundred foot distance from the lot on which the short-term rental is located the following information:

1. The name, telephone number, cell phone number, and email address of the local contact person provided to the city pursuant to subsection (H) of this section.
2. The maximum number of guests permitted to stay in the short-term rental unit.
3. Parking restrictions attached to the short-term rental permit.
4. Contact information for the city official that members of the public may contact to report violations of the short-term rental regulations or conditions of approval attached to the short-term rental permit.

J. The owner-applicant shall post "house policies" within each guest bedroom. The house policies shall be included in the rental agreement, which must be signed by the renter and shall be enforced by the owner-applicant or the owner-applicant's designated contact person. The house policies at a minimum shall include the following provisions:

1. Quiet hours shall be maintained from 10:00 p.m. to 7:00 a.m., during which noise within or outside the short-term rental dwelling shall not disturb anyone on a neighboring property.
2. Amplified sound that is audible beyond the property boundaries of the short-term rental dwelling is prohibited.
3. Except as permitted by the planning director, vehicles shall be parked in the designated on-site parking area and shall not be parked on the street overnight.
4. Parties or group gatherings shall be limited to two times the number of guests permitted to occupy the short-term rental dwelling pursuant to subsection (E) of this section, up to a maximum of twenty (20) persons.

K. Auctions, commercial functions, and other similar events are prohibited at the short-term rental property.

L. The owner-applicant shall use best efforts to ensure that the occupants and/or guests of the short-term rental use do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any state law pertaining to noise, disorderly conduct, the consumption of alcohol, or the use of illegal drugs.

M. The owner-applicant shall, upon notification that occupants and/or guests of his or her short-term rental use have created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of this code or state law pertaining to noise, disorderly conduct, the consumption of alcohol or the use of illegal drugs, promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests.

N. All advertising for any short-term rental shall include the number of the permit granted to the owner-applicant.

O. The owner-applicant shall maintain city business licenses and pay all transient occupancy taxes in accordance with Chapter 3.28 as required.

17.134.050 Procedures for application and public notice.

A. Prospective owner-applicants of a short-term rental use shall apply for a permit with the planning director in accordance with the provisions of this chapter and on a form provided by the city.

B. The application shall be accompanied by a fee in an amount to be fixed from time to time by resolution to cover the administrative costs of issuing a short-term rental permit and, but not limited to, inspecting the short-term rental dwelling.

C. The application shall include the following information:

1. The name, address and phone number of the applicant, and verification that the applicant is the owner of the lot.
2. The assessor's parcel number of the lot on which the short-term rental use is proposed.
3. Certification that the permit will be nontransferable.
4. Certification that the local contact person is available twenty-four hours a day to accept telephone calls and respond physically to the short-term rental within thirty (30) minutes when the short-term rental is rented and occupied.
5. A site and floor plan identifying the location of parking on the site and the location of any bedrooms to be used for short-term rental use.
6. A list of the names and addresses of the property owners within a three hundred-foot distance from the lot on which the short-term rental use is proposed, and a map, drawn to scale, that clearly identifies the lots and the assessor parcel numbers of the lots identified pursuant to this section.
7. Acknowledgement of receipt and inspection of a copy of all regulations pertaining to the operation of a short-term rental use.
8. Additional information as may be requested by the planning director to determine impact and mitigation measures.

D. Notice of Application.

1. The planning director shall provide a notice of application for a short-term rental permit to the property owners located within a three hundred-foot distance from the lot on which the short-term rental use is proposed.
2. The notice of application shall 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-foot distance.
3. A project notice sign shall be posted at the front of the property along the main access road. The sign shall be placed five days prior to remitting an application and shall be removed no later than five days after a final decision has been rendered by the planning director or the planning commission.
4. The notice of application shall state that the noticed owners may file a written protest against the proposed short-term rental use with the planning director, provided that all

protests must be postmarked or received within thirty (30) days of the mailing of the notice of application.

17.134.060 Permit processing.

A. The planning director shall approve or deny the application pursuant to the requirements of this chapter.

B. Short-term rental permit applications shall be submitted to the planning commission if any of the following occur:

1. Written protests pursuant to section 17.134.050(D)(4) comprise thirty percent or more of the owners within a three hundred-foot distance from the lot on which the short-term rental use is proposed;; or
2. The owner of the proposed short-term rental unit is a corporation, partnership, limited liability company, or similar entity.

The planning commission shall review and either approve or deny the application pursuant to the requirements of this chapter after considering the effects the proposed use would have on surrounding uses and the cumulative impacts within the community. In approving a short-term rental application, the planning commission must make the use permit findings contained in Chapter 17.168.

C. If the application is approved but no short-term rental permits are available pursuant to the limitation on short-term rentals described in section 17.134.040(D), the planning director shall place the application on a waiting list. New permits shall be issued in the order that completed applications are received.

D. The planning director or 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.

E. Within ten (10) days of the approval of a short-term rental permit, the owner-applicant shall mail to all property owners within three hundred (300) feet of the lot on which the short-term rental use is approved, notice of the issuance of a permit for short-term rental use and the name, phone number, cell phone number, and email address of the local contact person available twenty-four hours a day to accept telephone calls and respond physically to the short-term rental within thirty (30) minutes when the short-term rental is rented and occupied. Notice shall be provided on a form acceptable to the planning director. Within ten (10) days of the mailing, the owner-applicant shall provide evidence to the planning director that such mailing occurred.

F. Short-term rental permits shall be valid for a period of two years. In reviewing subsequent requests for a short-term rental permit, the planning director shall require evidence of compliance with conditions of the short-term rental permit and this chapter. No subsequent permit shall be approved without written verification of tax payments, and no permit shall be approved if the

operation of the short-term rental has created adverse impacts on the neighborhood in which it is situated or has otherwise caused the loss of the character of that neighborhood.

G. Short term rental permits shall be subject to any changes to this chapter that the city council may make and conditions that the council may impose subsequent to the issuance of the permit.

17.134.070 Appeals.

Any person whose application for a short-term rental permit has been denied by the planning director, or whose permit has been suspended or revoked by the planning director, may appeal to the city council pursuant to Section 17.08.180 of this code. The appeal shall be accompanied by a filing fee, if any, as established by city council resolution.

17.134.080 Inspections.

A. The planning director or his or her designee shall have the right to enter upon any property at any reasonable time to make inspections and examinations for the purpose of enforcement of this chapter, subject to the provisions of Code of Civil Procedure Section 1822.50 *et seq.*

B. The fire department shall annually inspect the short-term rental dwelling.

C. The planning 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 chapter are being fulfilled.

17.134.090 Enforcement.

A. The planning director may revoke a short-term rental permit pursuant to Section 17.04.140 of this code if the planning director determines that:

1. The owner-applicant gave false or misleading information during the application process;
2. 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;
3. The owner-applicant has violated any provision of this chapter;
4. The owner-applicant has failed to timely pay the transient occupancy tax as required by this code; or

B. If an owner-applicant's short-term rental permit is revoked, the owner-applicant may not re-apply for another permit for two years after the date of revocation.

17.134.100 Violations

A. Any property owner 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 chapter is guilty of a misdemeanor for each day in which such residential property is used, or allowed to be used, in violation of this chapter. Such violation shall be punishable pursuant to Chapter 1.20 of this code.

B. Short-term rental use of a residential property in violation of this chapter 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 and/or restored by the enforcement official and also may be abated pursuant to Chapter 1.12 of this code, except that the civil penalty for a violation shall be one thousand dollars (\$1,000). Each day the violation occurs shall constitute a separate offense.

C. 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 of this code had the use been legal, including the penalty and interest provisions of Section 3.28.070 of this code.

SECTION 9: CEQA. The city council has determined that the ordinance is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA). The project is exempt under CEQA Guideline Section 15301, existing facilities (*14 Cal. Code Regs. §15301*). The ordinance would allow the permitting, leasing, and licensing of existing single-family structures and would involve negligible or no expansion of use beyond that existing at the time of the agency's determination.

SECTION 10: Severability. The city council hereby declares every section, paragraph, sentence, cause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 11: Inclusion in the St. Helena Municipal Code. It is the intention of the city council that the text in Sections 2 through 8 be made a part of the St. Helena Municipal Code and that the text may be renumbered or relettered and the word "Ordinance" may be changed to "Section," "Chapter," or such other appropriate word or phrase to accomplish this intention.

SECTION 12: The planning commission and city council shall review the implementation of the ordinance at their respective public meetings approximately one year after the ordinance takes effect.

SECTION 13: This ordinance shall take effect and be in force 30 days after its adoption, and a summary of this ordinance shall be published once with the names of the members of the city

council voting for and against the ordinance in the St. Helena Star, a newspaper of general circulation published in the City of St. Helena.

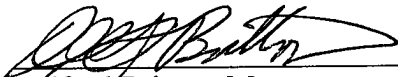
THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the 27th day of March, 2012, and was adopted at a regular meeting of the St. Helena City Council on the 10th day of April, 2012 by the following vote:

AYES: Councilmembers Crull, White, Nevero, Mayor Britton

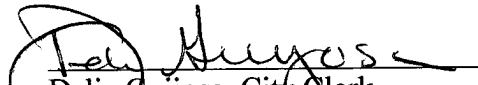
NOES: None

ABSENT: Councilmember Sanchez

APPROVED:


Delford Britton, Mayor

ATTEST:


Delia Quijosa, City Clerk

Introduced: 3-27-12
Adopted: 4-10-12
Published: 4-19-12