

**CITY OF ST. HELENA
PLANNING DEPARTMENT 1480 MAIN STREET- ST. HELENA, CA 94574
PLANNING COMMISSION**

SEPTEMBER 6, 2016

AGENDA ITEM: 6

FILE NUMBER: PL16-049

SUBJECT: Request by Steve Podesta for a Short-term Rental Permit Renewal in order to continue the ability to rent the single-family home located at 1243 Stockton Street in the MR: Medium Density Residential district in accordance with the requirements of the short-term rental ordinance.

PREPARED BY: Aaron Hecock, Senior Planner

REVIEWED BY: Noah Housh, Planning Director

APPLICATION FILED: 06/29/16

ACCEPTED AS COMPLETE: 07/18/16

LOCATION OF PROPERTY: 1243 Stockton Street

APN: 009-313-270

GENERAL PLAN/ZONING: MR: Medium Density Residential

APPLICANT: Steve Podesta

PHONE: (707) 299-8902

DESCRIPTION

The applicant received their short-term rental (STR) permit on July 31, 2012 and was subsequently renewed for two-years in 2014. The applicant's current STR permit set to expire on July 31, 2016. As required by the STR ordinance, the applicant submitted a STR permit renewal application 30 days prior to the permit expiring. This renewal application is now before the Planning Commission for consideration for the reasons detailed below.

ANALYSIS

CEQA

The project is exempt from CEQA pursuant to Section 15061(B)3, which exempts any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

GENERAL PLAN/ZONING

The property has a General Plan and Zoning designation of Medium Density Residential (MR). This district provides for single-family detached homes, accessory

dwelling units and compatible uses. Short-term rentals are a permitted use within the MR district with the issuance of a short-term rental permit.

SHORT-TERM RENTAL PERMIT

Municipal Code Section 17.134 regulates short-term rentals within the City. Section 17.134.065 pertains to permit renewals and states the following:

- A. A minimum of thirty (30) days prior to the expiration of a current short-term rental permit, the permit holder shall submit a short-term rental permit renewal application and pay applicable fees to the city.
- B. Upon receipt of a renewal application, the planning department 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 for addressing lack of payment/business license).
- C. The planning department will refer the application to the St. Helena police department to request all police calls for services and/or complaints lodged against the property over the course of the two-year permit.
- D. 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 STR related complaints filed over the two years, the planning department may administratively approve the renewal which shall be good 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 planning department also has discretion to refer the renewal application to the planning commission for a decision pursuant to the process and standards set forth in Section 17.134.060.
- E. The planning director may deny the renewal if the applicant has violated any provision of this chapter.

The planning commission shall review and either approve or deny the application pursuant to Section 17.134.060 of the STR Ordinance 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 following findings:

- 1. 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.
- 2. 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.

3. 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.

4. 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.

Staff Response: While the applicant submitted their renewal application on-time, the application was deemed incomplete as not all required fees were paid. The required fees were paid on July 18, 2016 and the application was placed on the next available Planning Commission agenda. According to the Finance Department, the applicant has failed to remit one TOT form in the last fiscal year which is not uncommon among permit holders as the monthly reporting requirement is sometimes overlooked. The Planning Department is actively working with the Finance Department to ensure that all permit holders are aware of the reporting requirements. The reason this application is before the Planning Commission is that according to the Police Department, there have been six (6) calls to the police department since April 2015 related to this address. Of these calls, three (3) were neighbor complaints about the short-term rental however, short-term renters were only involved in one (1) of the calls regarding on-street parking and noise problems (see below):

CALLS TO POLICE (term of permit)	
Call Date	Incident
4-24-15	Neighbor dispute.
8-1-15	Neighbor dispute.
10-25-15	Neighbor dispute over STR – STR renters not involved.
4-1-16	Complaint of renters parking on-street and on-going noise problems. City Hall to handle parking issue and advised to report noise issues at time of occurrence.
4-19-16	Neighbor dispute over STR – STR renters not involved.
4-22-16	Neighbor dispute.

Staff felt that the number of police incidents at this address required this application to come before the Planning Commission for approval in order to give the neighbors an opportunity to comment on any outstanding issues or concerns with short-term rentals at this specific address and for the applicant to be able to respond to those issues and concerns.

CORRESPONDENCE

As of the completion of this report, staff has received five (5) letters in opposition to this application and three (3) letters in support of the application.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission consider the information presented above and at the public hearing and either approve or deny the application after considering the required findings and:

1. The project is exempt from CEQA pursuant to Section 15061(B)3, which exempts any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
2. Accept or reject the required findings and approve or deny the proposed short-term rental permit at 1243 Stockton Street.

ATTACHMENTS

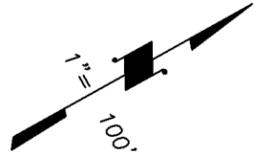
1. APN Map
2. Aerial
3. STR Permit Locations Map
4. Applicant Statement
5. Comment Letters
6. Approval Resolution
7. Denial Resolution

POR. RANCHO CARNE HUMANA

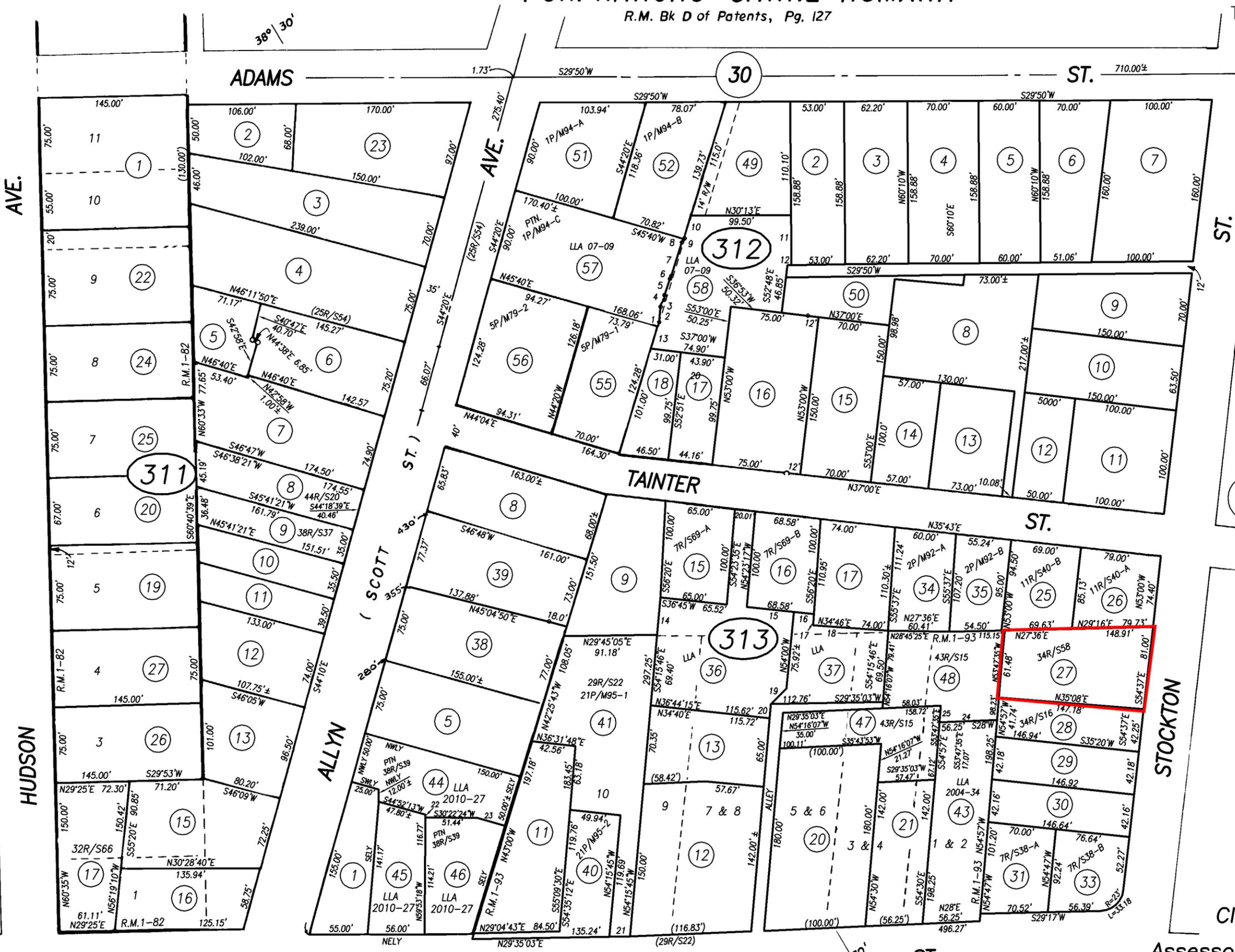
R.M. Bk D of Patents, Pg. 127

Tax Area Code
3002

9-31



NOTE: This Map Was Prepared For Assessment Purposes Only, No Liability Is Assumed For The Accuracy Of The Data Delineated Hereon.



1.	N42°34'30"W	4.10'±
2.	N54°16'59"W	15.18'
3.	R=10'	L=7.90'
4.	R=10'	L=4.70'
5.	N41°35'10"W	16.89'
6.	R=10'	L=3.23'
7.	N42°08'02"W	34.48'
8.	R=10'	L=4.70'±
9.	N45°40'W	.40'±
10.	N42°34'30"W	25.00'±
11.	S60°10'E	48.76'
12.	S29°44'W	3.75'
13.	N42°34'30"W	26.10'±
14.	S54°06'25"E	36.86'
15.	S36°45'W	44.42'
16.	N36°45'E	24.16'
17.	S54°22'21"E	10.77'
18.	N35°20'32"E	73.51'
19.	N13°33'W	21.57'
20.	N54°15'48"W	13.71'
21.	N29°35'03"E	20.12'
22.	N59°53'18"W	2.56'
23.	S45°39'50"E	26.20'±
24.	S29°35'03"W	56.25'
25.	N53°47'35"E	17.07'

311-09 RS	4-18-07
313-03 RS	4-18-07
312-57 & 58 LLA	8-15-07
313-44,45,46 LLA	9-12-11
313-47 & 48 LLA	10-25-13
313-47 & 48 RS	3-6-14
311-08 RS	10-30-14
REVISION	DATE

39

32

32

60

59

HASTIE'S ADD'N,
FEALEY'S ADD'N,

R.M. BK. 1, PG. 82
R.M. BK. 1, PG. 93

CITY OF ST. HELENA
Assessor's Map Bk. 9 Pg. 31
County of Napa, Calif.
1954-60-61



Crane Ave

Vorhees Ct

Nemo Ct

Wallis Ct

Spring St

Stockton St

1243 Stockton St

Tainter St

Adams St

Alyn Ave

Google earth

© 2016 Google

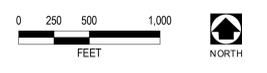
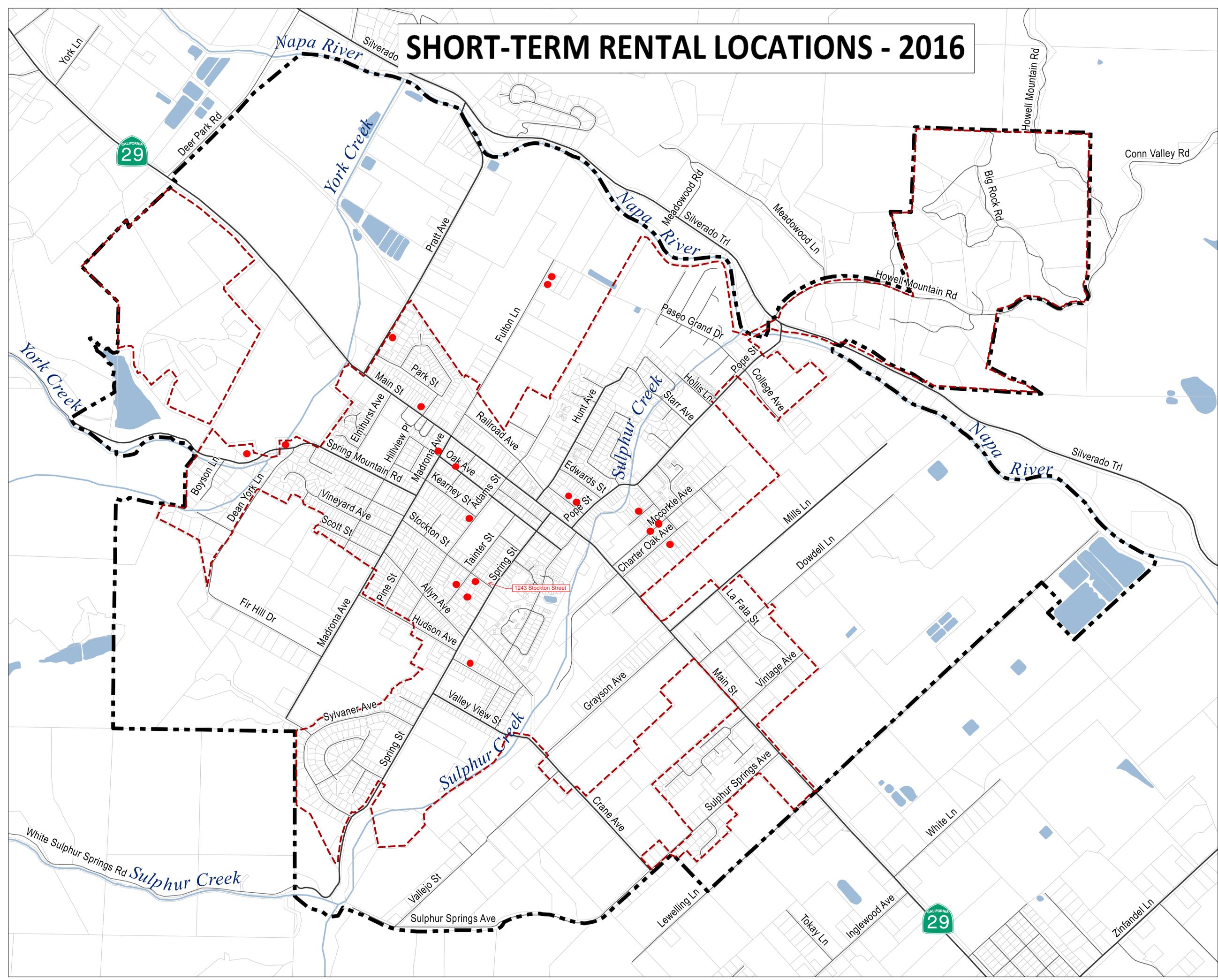
1993

38°30'03.16" N 122°28'20.50" W elev 272 ft eye alt 1915 ft

SHORT-TERM RENTAL LOCATIONS - 2016

Base Map

- LEGEND**
- Major Roads
 - Local Roads
 - River/Stream/Creek
 - Water Bodies
 - Parcels
 - St. Helena City Boundary
 - Urban Limit Line
 - Short-term Rental Locations (approximate)



Steven and Brenda Podesta

1243 Stockton Street
Saint Helena, CA 94574
Tel.: (707)-299-8902

Email: stevepodesta@gmail.com

August 17, 2016

Aaron Hecock
Planning Department
City of Saint Helena
1480 Main Street
Saint Helena, CA. 94574

**Re: PL16-049-Short-Term Rental Permit-1243 Stockton Street
Hearing Date: September 6, 2016**

Dear Aaron:

In response to our recent communication please consider the following. As you are aware, my wife, Brenda, appeared before the members of the planning department on August 2, 2016 to address any and all of your questions or concerns regarding the short-term rental of our primary and only residence located at 1243 Stockton Street. At the time, however, she was too distraught over the recent passing of my father and was unable to proceed with the hearing. Nonetheless, I would like to present the following facts in support of the renewal of our short-term rental permit number 2012-31, issued on July 23, 2012.

My wife and I have made Saint Helena our home and primary residence since 2006. Saint Helena is our home. I am a member in good standing of the Saint Helena chapter of the International Order of Oddfellows and the Meadowood County Club. When we do, on occasion, choose to rent our home, we strictly follow and abide by the Saint Helena Municipal Code, Section 17.134.040, restrictions, standards and our own personal house policies.

The permit is issued in my name and I am the owner of 1243 Stockton Street. My home has four bedrooms and we never allow more than eight persons to stay at our home. All applicable building, health, fire and related safety codes are met and followed. I have off-street parking at my house that can accommodate at least seven cars but rarely are there more than two when the house is rented. This is

because we attempt to avoid renting to people from California especially close to our home to avoid the possibility of unknown friends of guests showing up. That being said, we do however rent to friends and family of our Saint Helena community. Thus offering them an affordable haven for them to accommodate their guests while visiting them here in Saint Helena. The SHFD has inspected and determined the house to be in compliance as well.

All of the necessary onsite contact information has been made available to the public and the City pursuant to subsection (H) of section 17.134. In addition, we have posted rigorous "house policies" within each guest bedroom in accordance with subsection (F), see enclosed signs we have included with this letter. Pursuant to our house rules, quiet hours are maintained from 9:00 p.m. to 9:00 a.m. Amplified sound that is audible beyond the property is forbidden and we look for renters who are more mature in their age than others, preferably over 50. We also don't allow renters to have additional guests, group gatherings or pets of any kind. Toward that end, I screen any potential renters thoroughly before they are allowed to stay.

Regarding the July 29, 2016 letter typed but not signed by "Anonymous," I don't believe this should be considered as credible given its unsigned and anonymous nature. We don't know who anonymous is and, as such, have no ability to confront or address such anonymous hearsay. The neighbors at 1219 Stockton, Ana Canales and Bruce Strelow, prepared a positive and supporting letter on August 2, 2016. Additionally, the neighbor at 1240 Stockton, Rick Garber, prepared a positive letter on August 2, 2016 (enclosed herein). Of the fifty or so neighbors notified of the renewal, only four have apparently sent in written comments. Of the four, one was anonymous, two were positive and one was not based on accurate facts and does not own the home as she is a renter herself. The bottom line, however, is that only 2% of the fifty neighbors notified have responded, which is far less than the 30% needed to even raise a valid concern according to the planning departments regulations.

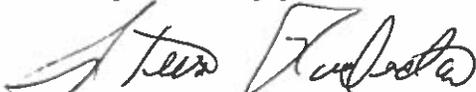
Of the six calls apparently made to the police between April 24, 2015 and April 22, 2016, only one involved a renter and it was promptly dealt with in accordance with our house policies and the Cities regulations. The overwhelming bulk of the calls involved our neighbor, Amir Kashani, and he is currently under Court Order not to contact, engage in verbal dialogue or statements, annoy or harass me, my wife, immediate family or our guests anywhere in town or to others (see enclosed Civil Mediation Agreement). Which leads me back to the "anonymous" letter of complaint to the city. Per this court order, if this letter is from this particular neighbor, which we don't have any proof of who and what address, this would be a violation of Item 4

of the Court Order, Mediation Agreement; which is considered to be contempt of court.

With regards to our Transient Tax Payments, we have paid TOT for the months of January, May, June and July, and will be making the August payment as scheduled for 2016, see enclosed proof of all payments. I am missing the May 2016 receipt because it was in my car, which was stolen from the driveway of my parents' home while in Reno, Nevada, taking care of my father, who passed away. However, the city has proof of this payment, which I've requested a copy, but do not have at the time of this letter.

As full-time residents of Saint Helena with deep ties to the community as stated herein, we value the sanctity and peace of our neighborhood. We have made every effort to satisfy both our neighbors and this department's concerns regarding the law pertaining to short-term rentals and have played by the rules. Recently, we have installed security cameras around the property where we can view in real time the street, backyard, driveway and the premise itself, as an added measure to maintain the sanctity and security of our home. As such, I respectfully request that the planning department renew our permit in accordance with and pursuant to Section 17.134 of the Municipal Code as all of the conditions thereto have been satisfied.

Very sincerely yours,



Steven Podesta

Encl.

VERY IMPORTANT – PLEASE READ IMMEDIATELY

PLEASE PARK IN OUR DRIVEWAY. AS PART OF ST HELENA'S RENTAL ORDINANCE AND TO BE KIND TO OUR NEIGHBORS, THE CITY ASKS ALL VACATION RENTERS TO PARK IN THE DRIVEWAY. THIS IS A MUST. IT IS REPORTED TO US BY OUR NEIGHBORS WHEN OUR GUESTS ARE PARKING ALL OVER OUR STREET AND NOT IN OUR DRIVEWAY WHICH CAN ACCOMMODATE UP TO 7 VEHICLES.

THANKS FOR HELPING US KEEP THE NEIGHBORHOOD HAPPY!

STEVE AND BRENDA PODESTA

From: **Brenda Podesta** brenda@brendapodesta.com
Subject: **Quiet hours print**
Date: **Today at 3:36 PM**
To: **Steve Podesta 707-299-8902** stevepodesta@gmail.com

Please respect our quiet hours which are **from 9:00 p.m. To 9:00 a.m.**

Thank You!

Steve and Brenda Podesta

Sent from my iPhone

In light of the unprecedented water issues facing our beautiful state this year, we ask that you conserve our water resources wherever possible.

Thank you kindly,

The Podesta's

CIVIL MEDIATION AGREEMENT

FILED

MAY 16 2016

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF NAPA**

Clerk of the Napa Superior Court
By: *[Signature]*
Deputy

IN THE MATTERS OF:

**Steven Jack Podesta vs Amir Kashani
Amir Kashani vs Steven Jack Podesta**

CASE NUMBERS:

**16CV000260
16CV000286
16CV000296**

OUTCOME: Full Agreement

MEDIATION DATE: May 12, 2016

MEDIATOR: Kathleen O'Neill, MA

PARTIES PRESENT:

Steven Jack Podesta
Brenda Podesta
Amir Kashani
Mary Kashani

AGREEMENT:

The parties hereby agree:

1. Neither party shall slander the other to third parties.
2. The parties will stay a minimum of 10 feet away from each other.
3. The parties will not be on either's private property.
4. The parties will not engage in verbal dialogue or statements.
5. The parties will not shout or yell profanities at one another, or at others on their respective properties, or in their respective residences.
6. The parties will not use hand gestures or profane body language toward one another.
7. The Podesta vehicles will advance as far as possible when using the Kashani neighbor's driveway.
8. The parties will not agitate each other's visitors and/or pets.

Case Numbers:
16CV000260
16CV000286
16CV000296

CIVIL MEDIATION AGREEMENT

Read and Accepted by:

Steven Jack Podesta 5/12/16
Steven Jack Podesta Date

Amir Kashani 5-12-16
Amir Kashani Date

Brenda Podesta 5/12/2016.
Brenda Podesta Date

IT IS SO ORDERED:

Victoria Wood
Commissioner of the Superior Court
Victoria Wood

5.12.16
Date

Case Numbers:
16CV000260
16CV000286
16 CV000296

Date: May 12, 2016

August 2, 2016

TO: St. Helena City Council and Planning Commission

FROM: Ana Canales and Bruce Streblow
1219 Stockton Street
St. Helena, CA 94574

RE: Podesta Short Term Rental
1243 Stockton Street, St. Helena, CA 94574

As a neighbor, we would like to report that the Podesta short-term rental property has not been an issue for us over the last several years. When it was first rented, we had an issue – ONCE. We called the police as folks were up late into the night. The Podestas arrived at our door step the next day to apologize and reiterate their introduction letter to the neighbors which gave a phone number to reach them in case of a problem – PROBLEM SOLVED.

Since that time, we have never encountered a problem. Their latest guests happen to be friends of ours - Koerner Rombauer's daughter Sheana and her three adult children who all grew up in St. Helena. It was a joy to have them in our neighborhood as they children were former students of Ana's and Bruce has known Sheana since she was a child.

We believe that if people follow the rules, the short term rental situation is a win-win for St. Helena.

From: ragarber@me.com
Subject: Fwd: 1243 Stockton
Date: August 2, 2016 at 5:49 PM
To: dgkatz@mac.com



----- Forwarded message -----

From: ragarber@me.com
Date: Aug 2, 2016, 8:19 PM -0400
To: Brenda Podesta <brenda@brendapodesta.com>
Subject: 1243 Stockton

Brenda, please share this email as appropriate at the hearing for your permit.

Having purchased 1240 Stockton in September of 2015, Brenda and Steve Podesta warmly welcomed us to the neighborhood. As a part-time resident they have been extremely helpful in many ways, many times. We have no complaints in regard to them or their guests. As a bonus we have the pleasure looking at their beautiful yard whenever we are on our front porch.

Best Regards,

Cheers,
Rick
Rick Garber

From: **Derek Dwyer** lyerdwyer@gmail.com
Subject: Character Reference
Date: Today at 7:45 AM
To: **Steve Podesta** 707-299-8802 stevepodesta@gmail.com

To Whom it may concern,

Steve Podesta is known to me through our membership in the Independent Order of Oddfellows. He is a generous and contributing member to both our organization and the community. I believe that he is a vital member of this town. He represents a member of the small group of owners of short term rentals who actually pay their fair share of taxes and should be valued as such.

Sincerely, Derek Dwyer

July 29, 2016

Please forward to the planning commission.

I am not one to usually complain, but frustration has compelled me to write. I am a full time St. Helena resident and live on Stockton street. When I moved here I presumed it was a quiet residential neighborhood, which it is for the most part, but our neighbors, Steve and Brenda Podesta, at 1243 Stockton street seem to attract a lot of commotion.. I understand that they do short term rentals and that is one of the reason for many of the comings and goings, as well as strangers parking up and down the street. Normally, I would try and talk to the owners, but on the few occasions I've spoken with Brenda, she seemed to find it amusing that her neighbors were upset with the situation. So talking to them would be out of the question.

I am signing this anonymously as the Podesta's have been known to retaliate.

Sincerely,

Anonymous

Jony McQuiddy.

July 29, 2016

TO: The Planning Commission of
St Helena, CA for consideration at the
August 2nd, 2016 meeting.
Pursuant to the Short Term
Rental Renewal request of the house
at 1243 Stockton Street:
The 1200 block of Stockton Street
consists of mostly small houses on
narrow lots, physically quite close
together with street parking allowed
on one side only.

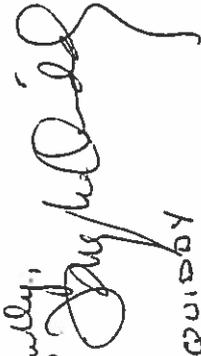
Conducting a " motel-style " business
at one centrally-located property with
strangers and multiple cars and
limousines (covertly to neighbors
although listed on VRBO since 2007
and then by permit to current) has
created a stressful atmosphere and
negatively affected the previous
neighborhood character.

This is simply the wrong business
in the wrong place.

Also please consider adding a
requirement for a permit be that
the Rental house be at least

100 feet from the nearest home
plus the Applicant submit
written approval of the business
by at least 75% of the neighbors
within 300 feet.

Respectfully,



JONY McQUIDDY
1227 STOCKTON ST
ST HELENA, CA 94574
Telephone 707-963-1517

Aaron Hecock

From: Carolyn Kelperis <ckelperis@hotmail.com>
Sent: Sunday, July 31, 2016 5:26 PM
To: Noah Housh
Cc: Aaron Hecock; Sarah Parker; Grace Kistner; Mary Koberstein; Bobbi Monnette
Subject: PL 16-049 STR RENEWAL APPLICATION 1243 STOCKTON STREET
Attachments: 7-31-2016 RE 1243 STOCKTON STR.docx

Dear Noah, Aaron & Planning Commission,

I'm writing in response to the Agenda Item #7 for August 2, 2016

Short-term Rental Permit Renewal

LOCATION: 1243 Stockton Street
APPLICANT: Steve Podesta
APN: 009-313-270

Although I do not live near this particular property, I do live next door to 1603 Main Street which operated as an illegal STR. The previous owner not only added a 2nd unit without a building permit, but used the residence as an extension of her B&B elsewhere in St. Helena. I complained to the City for over 10 years, when finally (in the mid-1990s) the operation was shut down and the owner was assessed fines and back TOT taxes.

In February of 2016, it was reported in the local press that the owner of 1134 Valley View had agreed to pay \$20,000 in penalties. This matter came to light when the owner submitted an application for an STR permit after having operated illegally. The application was subsequently denied following a hearing in 2015.

http://napavalleyregister.com/news/local/owners-of-illegal-st-helena-rental-will-pay-in-penalties/article_a08d6527-5253-5b2c-8261-e737f0acc508.html

I point out the above incidents after reviewing the VRBO website for 1243 Stockton Street.

<https://www.vrbo.com/119992#ownerprofile>

The owners clearly state they have been "members of VRBO since 2007". In response to two recent written complaints by the guests at this STR, the owner states, "I have not received one bad review in the past eight years." (See attached)

My question is--in view of the fact that this owner has been operating as an STR since 2007, how much in back TOT has been paid for the period prior to the issuance of a permit on July 31, 2012?

Sincerely,
Carolyn Kelperis
St. Helena

From: juliana ganick [<mailto:julianag01@yahoo.com>]
Sent: Monday, August 01, 2016 12:59 PM
To: Noah Housh
Subject: Response to STR renewal request

August 1, 2016

To Whom It May Concern;
RE: Renewal of Short Term Rental Permit / 1243 Stockton Street

Each STR is unique to its impact on its neighborhood and I can only speak to this particular STR.

TRAFFIC/SPACE: Stockton Street is a very narrow street. Parking is allowed on one side of street only. The allowed parking side of the street consists of 5 houses and 6 driveway accesses. Additional vehicle's the STR brings creates a negative impact on the neighborhood. STR visitors often tend to rely on a transport service, day and night, to and from, their daily vacation itineraries. Limousines, vans, and occasionally large buses navigate down the block. It is rarely possible for a limo to have enough room on the parking side of the street, so they will either choose to block a driveway (which is illegal) , park on the no parking side of street (which is illegal), or simply park in the middle of the street. The latest guests at this STR parked 3 nights (7/28 -7/30) on street. I believe that off street parking is to be provided as part of the STR permit.

SAFETY & NOISE: A certain degree of safety is taken into account when we have a choice of where we want to live. One never knows who is staying next to you when you have a 'motel 'living atmosphere within the neighborhood. I have had the pleasure of meeting some very pleasant, friendly and respectful guests staying at this STR. However, I have witnessed a guest pulling up in front of this STR, jumping out of his car and urinating alongside the driveway, in the middle of the day! I have witnessed aggressive behavior from intoxicated guest late in the evenings, at this STR. I have been awakened numerous times throughout the years from this STR home by loud, vulgar and aggressive behavior. Evening drop offs are especially noisy, with loud music coming from the limousines and vans/buses. Shopping carts left on sidewalk from the local grocery store. These guests are vacationing, in an otherwise quiet, established, family oriented, small neighborhood.

At the end of the day, in all fairness, the neighboring families should not have the burden of "policing" these STR issues and the rules that they are obligated to abide by. The owners are not on premises when their home is rented, therefore are not aware of all that transpires while their guests are there, without the "policing" by their neighbors. This, at times, creates a negative tone in the neighborhood (unspoken and sometimes 'outspoken')! I do believe a property owner has the right as to how his or her property is used. But, I also believe that if there are rules and regulations set by the City to permit / allow specific businesses to operate within this 'non-commercial' area, those who acquire permits have to comply.

Respectfully,
Juliana Ganick

Aaron Hecock

From: Tona Kovacevic <tonak@rombauer.com>
Sent: Tuesday, August 30, 2016 2:10 PM
To: Noah Housh; Aaron Hecock
Subject: Short Term Rental renewal for 1243 Stockton Street, St. Helena

Importance: High

Gentlemen: Thank you both for taking the time to read this short, but heartfelt email concerning the STR renewal application for 1243 Stockton Street. When my neighbors and I were protesting the STR application for 1450 Stockton, our concerns were heard by you and the Planning Commission. That request was denied for many reasons, one being the narrow street (Stockton) and the lack of parking on the west side of the street. With the complaints logged with the PD about noise and parking issues for the neighbors adjacent to 1243 Stockton, I believe the same restrictions that were applied to 1450 Stockton should be applied to 1243 Stockton. Thank you for your time and consideration. Respectfully, Tona Kovacevic, *your favorite St. Helena Native*

Tona Kovacevic
Rombauer Vineyards
3522 Silverado Trail North
St. Helena, CA 94574

**LAND OF THE FREE,
BECAUSE OF THE BRAVE**
PH 707-963-5170
FX 707-963-5752
DIRECT PHONE: 707-963-6600

AUG 31 2016

City of St. Helena

August 31, 2016

To: The City of Saint Helena and City Council – Planning Commission

RE: Short Term Rental Permit renewal, 1243 Stockton Street, Saint Helena, CA

I have been a long term resident in the city of Saint Helena. I grew up here and am currently raising my children here. I am now a neighbor to the Podesta's, thanks to Brenda's hard work in helping me secure a home in the area where my kids can be close to their schools.

I have known Brenda and Steve for several years. Initially, through business, eventually they became friends. We have attended Halloween festivities and other family and friendly get togethers at their house over the years.

They are fine people and are very concerned about being respectful to their neighbors. We're always being "shushed" by Steve and Brenda while we are there, especially during the evening hours. It has become quite obvious there're a few very sensitive neighbors on their block who love to single them out for one reason or another. Several years ago, I came over to visit Brenda on a business basis, while coming up her front walk way I was confronted by one such neighbor, asking me if I was vacation renting their home. When I told Brenda what had happened she said it's not the first time. On another occasion, while I was dropping off some paperwork, their cleaning lady came in and was all upset. Come to find out she had just been balled out by the neighbor across the street at 1230 Stockton Street for parking her car in front of his house. I believe these same neighbors have been giving them a hard time since the day they moved in. At least that has been my experience since I have known them. It's almost like they have "bullies" or "harassers" on the block. It's now allowed in schools, nor should it be condoned with neighbors.

I understand their Short Term Rental Permit is coming due for renewal. I hope you seriously consider granting them the renewal. There are so many others in this town who rent illegally. Steve and Brenda have done everything to be above board. Unlike so many other people renting, the Podesta's actually contribute revenue to our town. When you go into their home, you can see they really care about the others in the neighborhood. They post signs all over their house. One such sign requests that under no uncertain terms to not park in front of the neighbor's house at 1230 Stockton Street. The other sign they have posted is one requesting their guest to "please keep this door shut at all times to keep the noise down for this particular neighbor". There are many many other signs posted to keep order at their home while it is rented.

I have read the other letters and notice those who are complain about the comings and goings from their home is like a hotel. In fact, I not only don't notice it, I find their home to be pretty quiet most of the time. They live at this home a majority of the year. They're a family of four with lots of friends and family who come to visit all the time. Furthermore, they both work from home with people coming and going for business purposes. How is this different than the small amount of time they have people renting their home? How do you differentiate? They should be entitled to live in their home and have people come and go as they please. To call out the vacation renters as the problem is being short sighted. By the very nature of their business and being empty nesters they always have people coming and going.

Steve and Brenda have their two adult children in addition to themselves that manage their property at all times, all whom are here locally. I recently found out they are installing cameras with live audio and video feed so they can monitor the comings and goings in around the house live and ensure there isn't any ruckus going on around or in front of the home.

Traffic on the street of Stockton is not because of Steve and Brenda's vacation rental. Prior moving into my new home here in the neighborhood, I stayed with them for a week until my home was ready to move in. I saw more traffic and parking on the street from the neighbors, Fed Ex Trucks, construction workers, delivery people, on the next block and by the school, none of which were related or having to do with the Podesta's home. What I did notice while I was visiting with them that week, like myself, when I come over, I always park in their driveway. They have a huge driveway and whether it's the carpet cleaning people, a Car Service picking people up, friends coming over, I mostly notice them pulling right into the driveway, it's so convenient.

Their home and their sensitive to the neighbors and respect for their primary residence is evident when you meet or are visiting them. They bring revenue to the city and to the merchants and restaurants of this city which is important for a city to thrive.

I truly hope you consider their renewal. They are running a first class operation and should be allowed to continue to do so. They are a living example of how a legal short term rental in Saint Helena should be ran, not one that should be ran out of town.

Sincerely,

Diana Isdahl

Neighbor, Saint Helena Resident

August 31, 2016

To: Noah Housh

cc. Aaron Hecock, Sarah Parker, Grace Kistner, Mary Koberstein, BMonette

From: Katalin Kádár Lynn on behalf of the Stockton, Pine Street Neighborhood Group

Re: Short Term Permit Renewal for 1243 Stockton Street

Application Number: 009-313-270

Dear Noah, Aaron and the Planning Commission,

At the upcoming September 6 Planning Commission the application for renewal of the Short Term Permit held by Steve Podesta at 1243 Stockton Street is on the agenda - (held over from the August 2 meeting agenda).

My husband and I live at 1440 Stockton Street, having been St. Helena homeowners for two decades. It is our full time residence. When the property owners adjacent to ours (1450 Stockton) were denied a STR permit Resolution #PC2015-021 there were several key findings in that resolution related to that application which could not be made.

The findings in the above denial relate to the property at 1243 Stockton Street as much as they did to 1450 Stockton.

Permit me to quote from that resolution and the reasons for denial.

Resolution

B. 2. "In this case the Planning Commission finds that the narrow lots and smaller than normal setbacks in and around 1450 Stockton Street create a unique environment where neighbors would be adversely affected by usual activities associated with a short-term rental property".

B. 7 " ...However, the neighborhood around 1450 Stockton Street is characterized by unusually narrow streets and smaller than normal setbacks between houses which makes a short -term rental incompatible with the surrounding residential land uses.

B. 9 " The Planning commission finds that activities associated with a short-term rental at this particular location could be injurious to public health, safety or welfare due to the unique character of Stockton Street (e.g. narrow streets, lack of parking, lot size and width, etc.).

Additionally the PC also agreed that as Stockton is the narrowest street in St. Helena, with lack of safety at the driveways, (driveways require tandem parking and the

residents backing out of their driveways) Stockton driveways constitute a safety hazard.

In the case of 1243 Stockton Street, the exact same conditions apply to that portion of the street as the 1400 block. In fact perhaps it is even more heavily trafficked a block as cars turn off Spring Street onto Stockton at the corner, making it a greater safety hazard.

In addition to the general conditions unique to Stockton Street, Mr. Podesta's application has come to the Planning Commission for approval renewal due to the complaints lodged with the St. Helena Police department regarding the property. Now that the Podesta's have had their permit, it has been proven that the same concerns apply here, as there indeed have been issues of parking, unloading, etc. which constitute safety concerns, profanity, disruption of the quiet neighborhood and noise and commotion issues.

The three letters submitted to the Planning Commission by August 2 advocating denial of a renewal to 1243 Stockton amply illustrate the above points. They provide graphic evidence of traffic/space problems as a result of the STR as well as safety and noise issues. They also provide evidence of the "...negative tone in the neighborhood (unspoken and sometimes spoken)." ¹

Another letter states "conducting a 'motel style' business at one centrally -located property with strangers and multiple cars and limousines (covertly to neighbors although listed on VRBO since 2007 and then by permit to the current) has created a stressful atmosphere and negatively affected the previous 'neighborhood character'. This is simply the wrong business in the wrong place."²

Finally, the third letter in opposition from a Stockton Street resident is most disturbing. It recounts the same issues as the other two letters but was sent anonymously "as the Podesta's have been known to retaliate". ³

That is the most frightening statement of all. The thought that a member of our community would feel intimidated enough by a fellow neighbor to live in FEAR of retaliation is completely unacceptable!

Summary: My husband, Douglas G. Lynn and I and the undersigned members who compose the Stockton/Pine Street Neighborhood Group respectfully request that 1243 Stockton be denied a renewal of its STR Permit and that the Planning Commission pass a resolution that denies STR Permits be issued on any portion of Stockton Street between Madrona Avenue and Spring Streets, due to the unique nature of that portion of Stockton Street as has already been recognized by the Planning Commission.

Respectfully,

Katalin Kádár Lynn PhD

Douglas G. Lynn

Michele Barberi Hyde

Jerry Hyde

Marianne Brooks

Lana Ivanoff

Carolyn Kelperis

Tona Kovacevic

Connie Wilson

Dianne Wilson

¹ Letter of Juliana Ganick to the St. Helena Planning Commission dated August 1, 2016

² Letter of Jony McQuiddy to the St. Helena Planning Commission dated July 29, 2016

³ Anonymous letter from a Stockton Street resident to the St. Helena Planning Commission dated July 29, 2016

CITY OF ST. HELENA PLANNING COMMISSION

SHORT-TERM RENTAL PERMIT RENEWAL NO. PL16-049 GRANTED TO 1243 STOCKTON STREET

PROPERTY OWNER: Steve Podesta

APN: 009-313-270

Recitals

1. The applicant submitted a request for a permit renewal to operate a Short-Term Rental at 1243 Stockton Street in the MR: Medium Density Residential district.
2. The Planning Commission of the City of St. Helena, State of California, held a duly noticed public hearing on September 6, 2016.

Resolution

1. The Planning Commission hereby finds that the project is exempt from CEQA pursuant to Section 15061(B)3, which exempts any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
2. The Planning Commission hereby finds that the Short-Term Rental Permit renewal application complies with the following required findings pursuant to Section 17.134.060 of the St. Helena Municipal Code:
 - a) 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.
 - b) 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.
 - c) 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.
 - d) 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.
3. The Short-Term Rental Permit for the above described parcel is granted subject to compliance with the following conditions. The permit shall be in conformance with all City ordinances, rules, regulations and policies in effect at the time of issuance of the permit. The conditions noted below are particularly pertinent to this permit and shall not be construed to permit violation of other laws and policies not so listed.
4. Pursuant to the St. Helena Municipal Code, Section 17.134.040. 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. 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 activity can occur.
- 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 e-mail 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 (24) 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. The city shall post the name and contact information of the local contact person associated with each short-term rental on the city's webpage.
- I. 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 ten p.m. to seven 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 which exceed the maximum number of allowed guests and/or which have the potential to cause traffic, parking, noise or other problems in the neighborhood are prohibited from occurring at the short-term rental property, as a component of short-term rental activities.
- J. Auctions, weddings, commercial functions, and any other similar events which have the potential to cause traffic, parking, noise or other problems in the neighborhood are prohibited from occurring at the short-term rental property, as a component of short-term rental activities.
- K. The owner-applicant shall 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 or be subject to fines and penalties levied by the city up to and including revocation of the short-term rental permit.
- L. The owner-applicant, 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, shall prevent a recurrence of such conduct by those occupants or guests or be subject to fines and penalties levied by the city up to and including revocation of the short-term rental permit.
- M. All advertising for any short-term rental, including electronic advertising on short-term rental websites, shall include the number of the short-term rental permit granted to the owner-applicant.
- N. The owner-applicant shall maintain city business licenses and pay all transient occupancy taxes in accordance with Chapter 3.28 as required.
- O. Preference for the review and issuance of new short-term rental permits shall be given to current residents of St. Helena over nonresident applicants. Applicants whose primary residence is within the city of St. Helena shall be reviewed and acted on ahead of other nonresident applications to implement the local preference policy for short-term rental permits.
- P. Applicants for short-term rental permits are required to have owned their homes for a minimum of three years prior to applying for and being issued a short-term rental permit.
- Q. Short-term rental permit holders are required to rent their properties on a short-term basis a minimum (average) of sixty (60) days per year. Individual permit holders who do not meet this minimum rental activity may (at the determination of the director) have their renewal denied and/or reviewed by the planning commission at

a noticed public hearing. Short-term rental permit holders who utilize their primary residence for short-term rental activities are exempted from this requirement.

5. This permit is valid for 2 years and the owner must reapply for subsequent Short Term Rental Permits to extend the use beyond this period.
6. In any action or proceeding to attack, challenge, invalidate, set aside, void or annul the City's approval of applicant's Project, in whole or in part, applicant shall defend, at its own expense and without any cost to the City, and with counsel acceptable to the City, and shall fully and completely indemnify and hold the City, its agents, officers, and employees harmless from and against any and all claims, causes of action, damages, costs, attorney's fees and liability of any kind, so long as the City reasonably promptly notifies the applicant of any such claim, action, or proceedings and the City cooperates fully in the defense of the action or proceedings.

I HEREBY CERTIFY that the foregoing short-term rental renewal permit was duly and regularly approved by the Planning Commission of the City of St. Helena at a regular meeting of said Planning Commission held on September 6, 2016 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Grace Kistner
Chair, Planning Commission

Noah Housh
Planning Director

CITY OF ST. HELENA PLANNING COMMISSION

**SHORT-TERM RENTAL PERMIT RENEWAL NO. PL16-049
DENIED TO 1243 STOCKTON STREET**

PROPERTY OWNER: Steve Podesta

APN: 009-313-270

Recitals

1. The applicant submitted a request for a permit renewal to operate a Short-Term Rental at 1243 Stockton Street in the MR: Medium Density Residential district.
2. The Planning Commission of the City of St. Helena, State of California, held a duly noticed public hearing on September 6, 2016.

Resolution

1. The Planning Commission hereby finds that the project is exempt from CEQA pursuant to Section 15061(B)3, which exempts any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
2. The Planning Commission hereby finds that the Short-Term Rental Permit renewal application does not comply with the following required findings pursuant to Section 17.134.060 of the St. Helena Municipal Code:
 - a) 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.
 - b) 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.
 - c) 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.
 - d) 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.
3. In any action or proceeding to attack, challenge, invalidate, set aside, void or annul the City's denial of applicant's Project, in whole or in part, applicant shall defend, at its own expense and without any cost to the City, and with counsel acceptable to the City, and shall fully and completely indemnify and hold the City, its agents, officers, and employees harmless from and against any and all claims, causes of action, damages, costs, attorney's fees and liability of any kind, so long as the City reasonably promptly notifies the applicant of any such claim, action, or proceedings and the City cooperates fully in the defense of the action or proceedings.

I HEREBY CERTIFY that the foregoing short-term rental renewal permit was duly and regularly denied by the Planning Commission of the City of St. Helena at a regular meeting of said Planning Commission held on September 6, 2016 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Grace Kistner
Chair, Planning Commission

Noah Housh
Planning Director