

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

AUGUST 2, 2016

AGENDA ITEM: 7

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, no comments on the proposed short-term rental permit renewal had been received by staff.

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

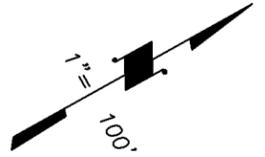
1. APN Map
2. Aerial
3. Approval Resolution
4. Denial Resolution

POR. RANCHO CARNE HUMANA

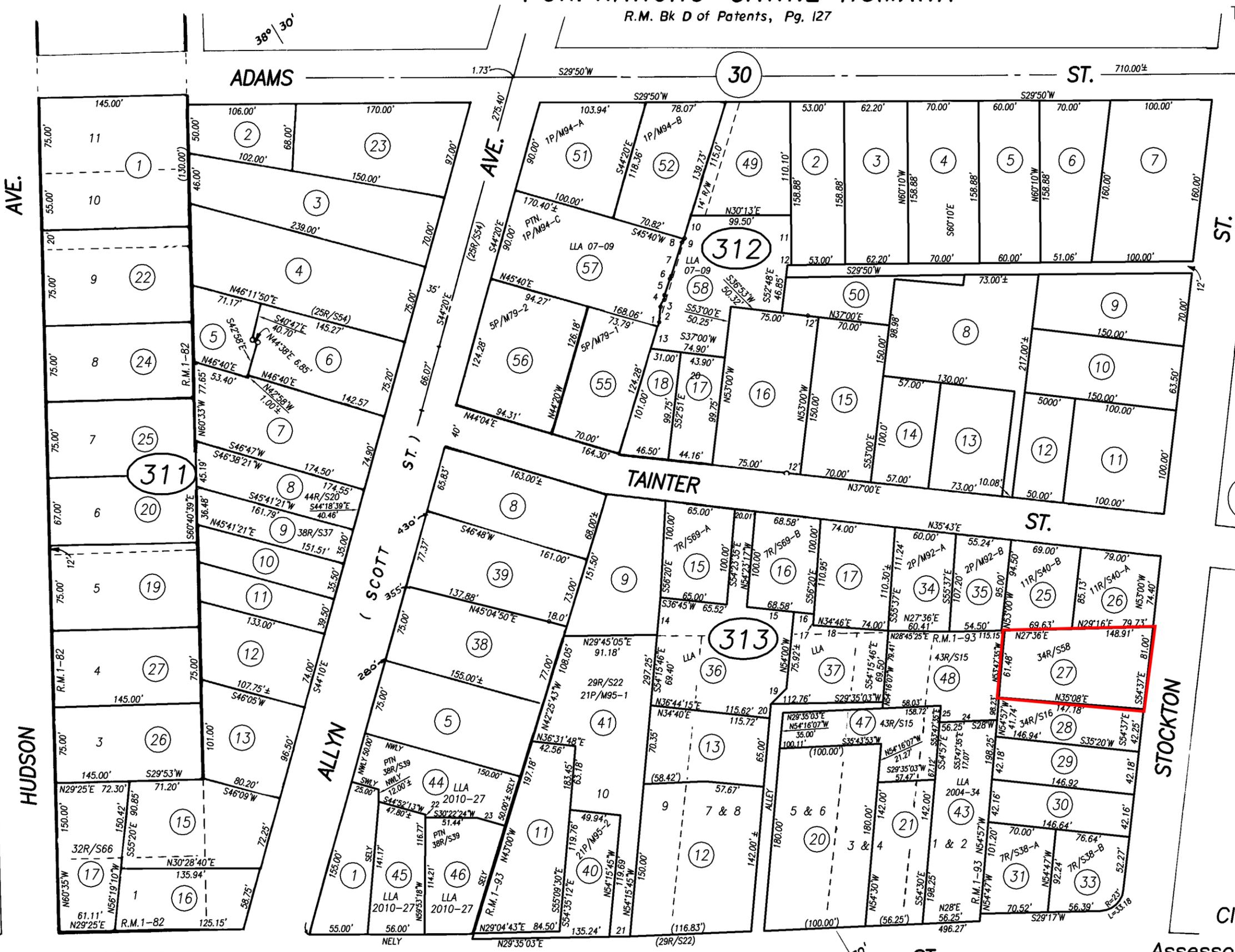
R.M. Bk D of Patents, Pg. 127

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

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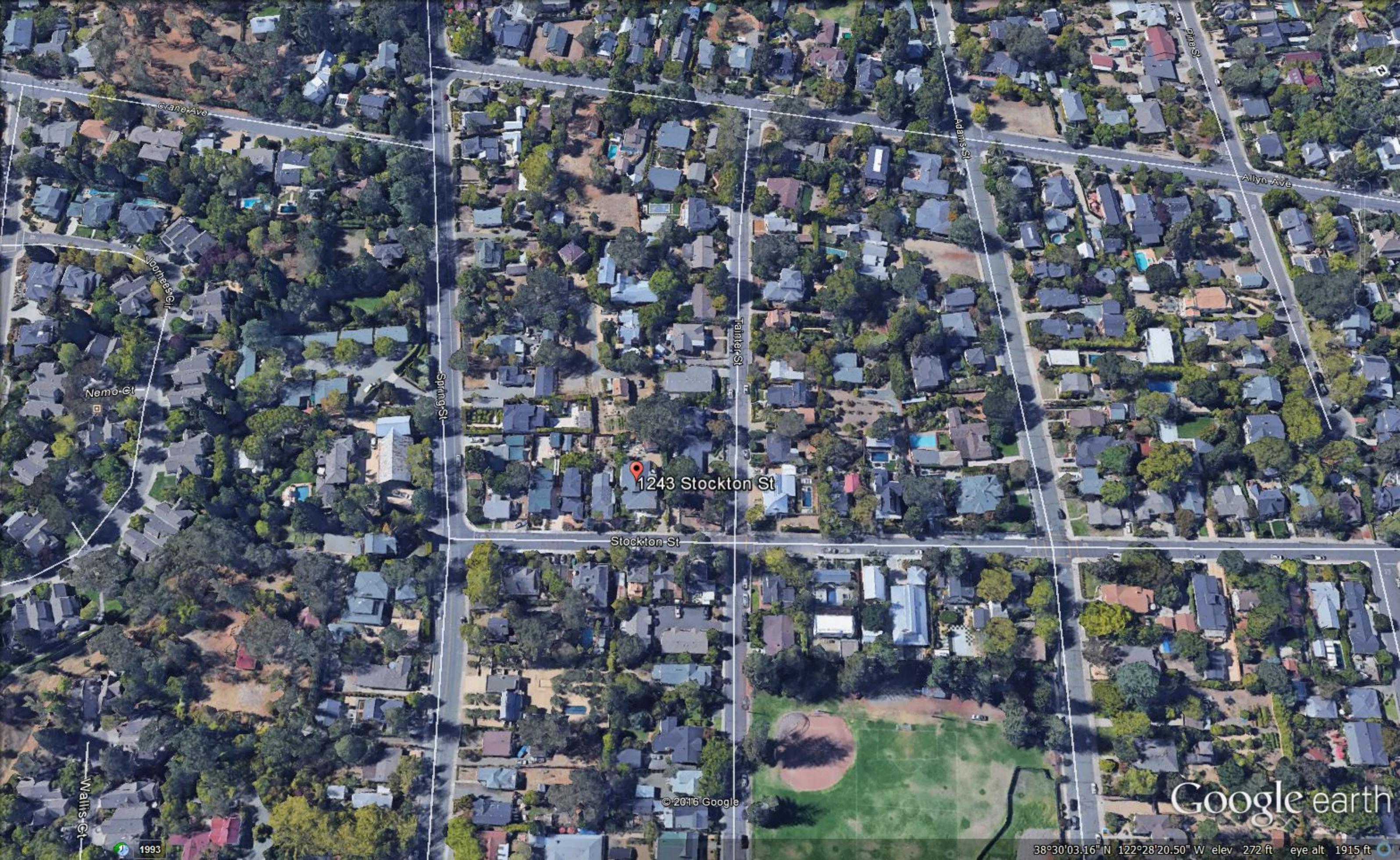
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59

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



1243 Stockton St

Stockton St

Crane Ave

Spring St

Tainter St

Adams St

Alyn Ave

Nemo Ct

Vorhees Ct

Wallis Ct

Google earth

© 2016 Google

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

1993

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 August 2, 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 August 2, 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 August 2, 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 August 2, 2016 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Grace Kistner
Chair, Planning Commission

Noah Housh
Planning Director