



**City of St. Helena
Special Planning Commission
Special Meeting
Thursday, June 30, 2022 @ 6:00 PM**

This meeting will be conducted pursuant to the provisions of Government Code Section 54953 (as amended by AB 361) which authorizes teleconferenced meetings under the Brown Act during certain proclaimed States of Emergency. The Governor of California proclaimed a State of Emergency related to COVID-19 on March 4, 2020. This teleconferenced meeting is necessary so that the city can conduct essential business and is permitted under Government Code 54953 in order to protect public health and safety of attendees.

Consistent with Government Code Section 54953, this Planning Commission Meeting will be held via teleconference only, and will not be physically open to the public. Commission members and staff will teleconference into the meeting by audio and/or video. The meeting will be conducted via Zoom Webinar.

The Planning Commission meeting will be live-streamed on Comcast Channel 28 and on the City's website, barring technical difficulties. Those members of the public wishing to participate must do so remotely via Zoom electronic meetings in the following ways; by either logging onto the Zoom link located on the meeting agenda (please download the app to your computer or mobile device) and enter the meeting ID or by calling a listed number and enter the meeting ID. Public comment for Planning Commission meetings will be accepted via email to publiccomment@cityofstheleena.org. All public comments must be emailed by 3:00 PM prior to the meeting. Emailed public comments will not be read out loud but will be publicly available and attached to the on-line Planning Commission agenda.

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

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

Please see the end of the agenda for detailed PUBLIC PARTICIPATION instructions.

Please click the link below to join the meeting:

<https://us02web.zoom.us/j/87006872203>

Or One tap mobile :

US: +16699006833,,87006872203# or +13462487799,,87006872203#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799

Meeting ID: 870 0687 2203

International numbers available: <https://us02web.zoom.us/j/kdjCY8sKI>

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

**Ciudad de Santa Helena
Reunión Especial del Comité de Planificación
30 de junio @ 6:00 PM**

Esta reunión será realizada conforme a las provisiones del Código de Gobierno Sección 54953 (modificada por AB 361) la cual autoriza las reuniones de teleconferencia bajo el Brown Act durante ciertos Estados de Emergencia. El gobernador de California proclamó Estado de Emergencia relacionado con el COVID-19 el 4 de marzo del 2020. Esta reunión por teleconferencia es necesaria para que la ciudad pueda realizar deberes esenciales y es permitido bajo el Código de Gobierno 54953 en orden de proteger la salud pública y seguridad de los asistentes.

Consistente con el Código de Gobierno Sección 54953, esta reunión del Comité de Planificación será realizada via teleconferencia y no será físicamente abierta al público. Miembros del comité y personal atenderán la reunion por audio y/ o video. La reunion será transmitida via Zoom.

La reunión del Comité de Planificación de la Ciudad se transmitirá en vivo por el Canal 28 de Comcast y en el sitio web de la Ciudad, salvo dificultades técnicas. Aquellos miembros del público que deseen participar deben hacerlo de forma virtual a través de las reuniones electrónicas de Zoom de las siguientes maneras; iniciando sesión en el enlace Zoom ubicado en la agenda de la reunión (descargue la aplicación en su computadora o dispositivo móvil) e ingrese el ID de la reunión o llamando al número ubicado en la agenda e ingrese el ID de la reunión. Se aceptarán comentarios públicos para la reunión del Comité de Planificación por correo electrónico publiccomment@cityofsthelena.org. Todos los comentarios públicos se harán públicos y se adjuntarán a la agenda, pero no se leerán en voz alta. Todos los comentarios públicos que se reciban después de las 3:00 PM se adjuntarán a la agenda al día siguiente.

****NUEVO-** Servicios de interpretación en español durante la reunión pueden ser solicitados por el público. Para asegurar que los intérpretes estén disponibles, los servicios tienen que ser solicitados al menos 72 horas antes de la reunión llamando a la oficina de la Secretaria de la Ciudad al (707) 968-2640 o por correo electrónico a cityclerk@cityofsthelena.org . El horario de las reuniones publicadas y próximas puede ser localizado en el sitio de web de la Ciudad en <https://sthelena.civicweb.net/portal/>.

Consulte el final de la agenda para obtener instrucciones detalladas de PARTICIPACIÓN

Haga clic en el enlace a continuación para participar en la reunión:

<https://us02web.zoom.us/j/87006872203>

O por iPhone one-tap:

US: +16699006833,,87006872203# or +13462487799,,87006872203#

O por telefono:

Marque (para mejor calidad de llamada, marque al numero basado en su localizacion actual):

US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799

ID de la Reunión: 870 0687 2203

Números Internacionales Disponibles: <https://us02web.zoom.us/j/kdjCY8sKl>

TENGA EN CUENTA: Cualquier persona que desee hablar sobre un tema en la agenda o hacer un comentario en la sección de "comentario público" de la agenda puede hacerlo, pero por favor observe el límite de tiempo de cuarto minutos.

Page

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER AND ROLL CALL

Chair: John Ponte

Vice Chair: Daniel Hale

Commissioners: Autumn Anderson, Rosaura Segura and Marika Rothfeld.

City staff present at the meeting will be noted in the minutes.

3. PUBLIC FORUM:

Under California law, public comments at special meetings are limited to subjects on the agenda only. Therefore public comment will take place during consideration of the item. Each person's comments shall be limited to 4 minutes.

4. CONSENT ITEMS

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

4.1. Approval of Minutes: May 3, 2022

9 - 10

[Planning Commission Minutes 05.03.22](#)

5. PUBLIC HEARINGS

5.1. Appeal filed by Susan Kenward and Diane Armstrong to overturn an Administrative Approval of a Short-term Rental Permit Renewal at 1702 Tainter Street in the Medium Density Residential zoning district.

11 - 187

CEQA Determination: Exempt pursuant to CEQA Guidelines Section 15061(B)3.

Prepared By: Aaron Hecock, Senior Planner

Recommendation:

Pursuant to 17.08.180 H, the Planning Commission may affirm, reverse or modify the decision appealed as deemed just and equitable. For the reasons described above, staff recommends that the Planning Commission:

1. Determine that the project is exempt from the requirements of CEQA pursuant to Section 15061(B)3; and
2. Adopt a resolution denying the appeal of staff's administrative approval of a short-term rental permit renewal at 1702 Tainter Street in the Medium Density Residential zoning district.

[Staff Report - 1702 Tainter St.](#)
[Susan Kenward Exhibit 1 22..pdf 2016](#)
[Susan Kenward Exhibit 2 StHelenaSTR Ordinance from website](#)
[Susan Kenward Exhibit 3 certified renewal application](#)

6. NEW BUSINESS

7. SCHEDULED MATTERS

8. DEPARTMENT REPORTS

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

9 AGENDA FORCAST

- Below is a link to a list of pending and upcoming projects which may be of interest to the community.

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

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

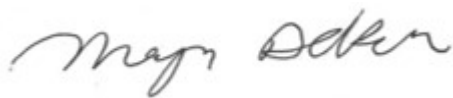
http://www.cityofsthelena.org/projects?term_node_tid_depth=21
http://www.cityofsthelena.org/projects?term_node_tid_depth=21

Please contact the assigned project Planner for additional questions.

10. ADJOURNMENT

The next Regular Planning Commission meeting is scheduled for July 19, 2022 at 6:00 pm.

I do hereby certify that a copy of the foregoing agenda was posted on the City website on June 23, 2022.



Maya DeRosa, Planning & Building Director

Appeal. A person who is dissatisfied with a decision of the Planning Commission may appeal that decision to the City Council pursuant to Municipal Code Section 17.08.180, Appeal procedure. Actions of the Planning Commission will be listed on the City Council agenda the following Tuesday to give the City Council opportunity to review the Planning Commission's decision. Absent of an appeal by the City Council or by a citizen, the appeal period will terminate two weeks after the Planning Commission hearing.

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

PUBLIC TESTIMONY PROCEDURES

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

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

CHALLENGING DECISIONS OF CITY ENTITIES

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

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

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the Planning Commission regarding any item on this Agenda, after the posting of the Agenda, will be available for public review in the Planning Department's Office located at 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://cityofsthenela.org> and will be available for public review at the respective meeting.

THE CITY OF ST. HELENA ENCOURAGES ONLINE PUBLIC PARTICIPATION IN VIRTUAL PLANNING COMMISSION MEETINGS

St. Helena, CA– The City of St. Helena is committed to public participation in City government in a manner that is consistent with guidance provided by the Napa County Public Health Official and Governor Newsom's Executive Order N-25-20. These guidelines relate to social distancing, and are intended to protect

everyone by limiting the spread of COVID-19 in our community. In adherence to these guidelines, the St. Helena Planning Commission will host a Virtual Planning Commission Meeting on Zoom; a free teleconferencing tool that enables users to watch and/or call into the meeting from their computers or phones. This meeting will be open to public and allows for live public comment. The meeting will also be recorded, livestreamed, and posted on the City's website after the adjournment of the meeting if technical difficulties occur: <https://sthelena.civicweb.net/Portal/>

The ZOOM web link, meeting ID, and phone number will be listed at the top of the Planning Commission Meeting Agenda. You will be required to enter the meeting ID, but there will be no password or participant ID.

How to Watch or Listen to Planning Commission Meetings:

1. Watch on Comcast Channel 28
2. Watch the livestreaming video on the City's website
3. Watch and Listen on Zoom.us by clicking on the link in the Planning Commission Agenda
4. Listen only by calling the Zoom number listed on the Planning Commission Agenda

Watch Planning Commission Meetings by Joining the Zoom Meeting:

1. By Computer, Tablet, or Smart Phone:

- a. Before joining the virtual Planning Commission Meeting, it is highly encouraged that you download the Zoom App. To sign up for your own free account, visit zoom.us/signup and enter your email address. You will receive an email from Zoom (no-reply@zoom.us). In this email, click Activate Account.
- b. If you are logged into your account, Enter the **Meeting ID** listed on the Planning Commission Agenda. If you have not created an account go to: <https://zoom.us/join> and enter the **Meeting ID**
- c. Select if you would like to connect audio and/or video and tap **Join Meeting**.
- d. For specific instructions for your device, go to: <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

1. Listen Only by Telephone:

- a. **Dial** the number listed on the Planning Commission Agenda.
- b. At the prompt, enter the **Meeting ID** provided on the top of the Planning Commission Meeting Agenda and **Press #**. **A participate ID is not required.**
- c. To disconnect from the meeting, hang up the phone.

Ways to Provide Public Comment:

While attending the virtual Planning Commission Meeting, the public will have the opportunity to provide live public comment during Public Forum and after each agenda item. When it is the appropriate time for public comment the Chair will verbally open public comment. At this time each individual is permitted 4 minutes to speak.

1. Send a Public Comment in by 4:00 PM Prior to the Meeting to:
publiccomment@cityofsthelena.org

The easiest way to provide public comment is to email your public comment. Public comments may be emailed to publiccomment@cityofsthelena.org. Please include in the subject line "COMMENT TO PLANNING COMMISSION and the AGENDA ITEM". Any public comment is required to be submitted no later than 2 hours before the scheduled meeting and will be included as an attachment to the agenda. All public comments will be made publicly available and attached to the agenda item and will not be read out loud. All public comments that are received after 4:00 PM will be attached to the agenda the following day.

2. Provide Comment through Zoom meeting from a computer, tablet, or smart phone

This option allows the public to virtually attend the meeting as a muted 'attendee' with no video or screen sharing capabilities. You will be able to see and hear those participating in the meeting, but they will not be able to hear you until the host unmutes you.

If you wish to provide public comment during a specific agenda item or during public forum, you can use the "**raise hand**" feature located in the control panel at the bottom of your screen. The icon is a small blue hand. In Windows you can also use the Alt+Y keyboard shortcut to raise or lower your hand. In Mac you can also use the Option+Y keyboard shortcut to raise or lower your hand.

The host will be notified that you've raised your hand and you will be placed in a queue with all incoming requests.

When it is your turn to speak, you will be notified that the host has unmuted you. To be removed from the queue, just click the '**raise hand**' button again.

3. Call in to the ZOOM meeting from a cell phone or landline phone only

This option allows the member of the public with the opportunity to verbally participate in public comment.

If you wish to speak during public comment time dial ***9** on your telephone.

The host will be notified that you would like to speak and you will be placed in a queue with all incoming requests.

When it is your turn to speak, you will be notified that the host has unmuted you. You may press ***9** again if you wish to be removed from the queue.

You will be notified at the end of your statement that you have been muted.

MINUTES
City of St. Helena
Planning Commission Meeting
Tuesday, May 3, 2022 @ 6:00 PM
Virtual Meeting

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

Present: Chair John Ponte, Commissioner Autumn Anderson, Commissioner Rosaura Segura and Commissioner Marika Rothfeld
Absent: Vice Chair Daniel Hale
Staff Present: Maya DeRosa, Planning & Building Director, Aaron Hecock, Senior Planner, and Xinia Gamero, Planning Commission Secretary and Permit Technician III

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER AND ROLL CALL

3. PUBLIC FORUM:

No public comment was received.

4. CONSENT ITEMS

4.1 Approval of Minutes: April 19, 2022

4.2 Request by Jennifer Porembski for adoption of a resolution granting a design review exemption in order to make exterior modifications to the existing single-family home located at 1227 Edwards Street in the Medium Density Residential zoning district.

Prepared By: Aaron Hecock, Senior Planner

Commissioner Autumn Anderson moved to approve the Consent Calendar as presented by staff. The motion was seconded by Commissioner Marika Rothfeld and on roll call carried by the following vote:

AYES: Autumn Anderson, Rosaura Segura, John Ponte, and Marika Rothfeld

NOES: None

ABSENT: Daniel Hale

ABSTAIN: None

RECUSE: None

5. PUBLIC HEARINGS

None.

6. SCHEDULED MATTERS

- 6.1 Consideration and proposed approval of a resolution determining that the FY 2022/23 Capital Improvement Program (CIP) is in conformance with the General Plan

Prepared By: Martin Beltran, Management Analyst

Assistant Public Works Director Eric Janzen reported on the item.

Commissioner Marika Rothfeld moved to adopt the attached resolution determining that Fiscal Year 2022/2023 Capital Improvement Program is in conformance with the General Plan. The motion was seconded by Commissioner Autumn Anderson and on roll call carried by the following vote:

AYES: Autumn Anderson, Rosaura Segura, John Ponte, and Marika Rothfeld

NOES: None

ABSENT: Daniel Hale

ABSTAIN: None

RECUSE: None

7. DEPARTMENT REPORTS

Planning and Building Director Maya DeRosa reported on the following:

- First in-person Planning Commission meeting to be held in June. Date TBD.
- Zoning Code Subcommittee- Formula Business update.

8. AGENDA FORCAST

9. ADJOURNMENT

Chair Ponte adjourned the meeting at **6:13 p.m.**

The May 3, 2022 minutes were approved at the _____ Planning Commission meeting.

APPROVED:

ATTEST:

John Ponte, Planning Commission Chair

Maya DeRosa, AICP
Planning and Building Director



PLANNING COMMISSION REPORT

Planning Commission Meeting of June 30, 2022

FILE NUMBER: PL22-025

SUBJECT: Appeal filed by Susan Kenward and Diane Armstrong to overturn an Administrative Approval of a Short-term Rental Permit Renewal at 1702 Tainter Street in the Medium Density Residential zoning district.

PREPARED BY: Aaron Hecock, Senior Planner

REVIEWED BY: Ethan Walsh, City Attorney

APPROVED BY: Maya DeRosa, Planning & Building Director

APPLICATION FILED:05/19/22

ACCEPTED AS COMPLETE:05/24/22

LOCATION OF PROPERTY: 1702 Tainter Street

APN: 009-312-016

GENERAL PLAN/ZONING: Medium Density Residential (MR)

APPLICANT: Susan Kenward & Diane
Armstrong

PHONE: (707) 246-6389 & (707) 321-
3344

BACKGROUND

Pursuant to St. Helena Municipal Code (SHMC) Section 17.134.060(E), short-term rental (STR) permits are valid for a period of two years. Under Section 17.134.065(A), thirty (30) days prior to expiration of a current STR permit, the permit holder is required to submit a renewal application and associated fee to the Planning Department for processing. Upon receipt of a renewal application and as required by Section 17.135.065(B) the STR Ordinance, staff confirms 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. Staff also contacts the Police Department (PD) to request all police calls for services and/or complaints lodged against the property over the course of the two-year permit. Additionally, staff confirms that the STR has been inspected by the Fire

Department within the last year as required by SHMC Section 17.134.080. Under Section 17.134.065(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, has fewer than three STR related complaints filed over the two years, and has passed a Fire Department inspection, the Planning Department administratively approves the renewal which is good for an additional two years.

As required, the STR permit holder at 1702 Tainter Street submitted a renewal application on March 16, 2022. Staff contacted all City departments for the information described above and learned that there were six (6) calls to the PD regarding this STR. However, PD noted that all six (6) calls were from the same neighbor, that the occupants were always cordial and compliant, and that officers had not observed nor heard any egregious noise violations upon their response or during contact. Staff consulted with the City Attorney who advised that staff has administrative discretion to interpret review of "complaints against the property" under Section 17.134.065(D) as meaning complaints with merit, not frivolous, unsubstantiated complaints and that staff could still approve the renewal administratively. As such, staff approved the STR renewal for 1702 Tainter Street on April 4, 2022.

On April 18, 2022 the Planning Department received a letter from Mrs. Kenward asking to appeal the administrative approval. The letter was not accompanied by an appeal application or the required fee. Staff consulted with the City Attorney again, this time for feedback on the appeal request. The SHMC section related to short-term rental permit appeals (§17.134.070) is specific to permit holders that wish to appeal a denial and is not for other interested parties that wish appeal. Therefore, we must rely on the general appeals procedures outlined in Section 17.08.180(B), which states that "*all appeals shall be made in writing and be accompanied by the appropriate fee*". Although the appeal letter was not accompanied by a fee within the fourteen (14) day appeal period, as a courtesy, staff accepted the appeal request. Staff reached out to Ms. Kenward to request she also complete the appeal application and file that with the associated fee. The appeal application and fee were received on May 19, 2022 as noted in the attachment. Since the decision of the Planning Director is being appealed, the appeal must be considered by the Planning Commission.

Additionally, staff is noting for the record that although the code specifies that the appeal hearing must be held on a regularly scheduled hearing date, this appeal hearing occurring on June 30th, 2022, is allowable as staff has received written approval from both the STR permit holder and the appeal applicant that they find this hearing date acceptable.

For clarification, there is no code requirement to notify adjacent property owners of a pending or approved STR renewal and to date our STR renewal process has been operating smoothly. It should be noted that there are several checks and balances in place to keep short-term rental permit holders accountable; the Planning Director can revoke a STR permit at any time if the permit holder has violated of any provisions of the STR Ordinance. Additionally, if three (3) or more confirmed, valid complaints regarding a

short-term rental permit holder are received by the Police Department during the two years of the permit, the renewal will automatically go to the Planning Commission for consideration. To date, staff has no evidence that the permit holder has violated any provision of the STR Ordinance that would prevent a permit renewal from being issued. In staff's experience, STR permit holders have a strong vested interest in being good neighbors and responsible permit holders.

The owner's of 1702 Tainter Street have had their STR permit since March of 2014 without neighbor complaints or other issues. As noted in the attached memo from the Chief of Police, all complaints have been from Mrs. Kenward since they moved into the neighboring property. Of note, the STR at 1702 Tainter Street contributed \$51,712 in transient occupancy tax (TOT) in Fiscal Year (FY) 20 and \$81,350 in FY21.

ANALYSIS

CEQA

The project is exempt from the requirements of CEQA pursuant to CEQA Guidelines 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.

APPELLANTS GROUNDS FOR APPEAL

Attached is a letter from the appellants setting forth the basis for requesting that the Planning Commission overturn the approval of the STR Permit Renewal. In summary, the appellant contends that:

1. First: 17.134.040 I 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 neighboring property." L. "The owner-applicant shall ensure that the occupants and/or guest of the short-term rental use to not create unreasonable noise or disturbances, engage in disorderly conduct..."

There are often loud parties with the tenants playing bocce ball, drinking, and using foul language and disorderly conduct during the weekends and on holidays so that we are uncomfortable being in our backyard. We have complained to the owner/manager on many occasions and on more than three occasions in the past two years, called the police. I have the police records.

In July of 2021 there was a wedding celebration with more than 25 guests where the noise could be heard even across Adams St.

17.134.040 E. 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 or a maximum of twelve (12).

Staff response: As noted above, as part of the STR permit renewal process staff requested all calls for service from the Police Department (PD) at the subject

property over the 2-year term of the permit. As noted in the attached memo from the Chief of Police, 4 of the calls to PD were determined to be unfounded, one was quickly abated by 10:14 pm, and the occupants were found to be asleep with no music in the final call. Other than the one call that was abated by 10:14 pm, staff has no evidence that any of the restrictions or standards of the STR Ordinance has been violated by the respondent. As noted above, the respondent has had their STR permit since March of 2014 without neighbor complaints or other issues.

2. Second: 17.134.040(H): "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 with-in thirty (30) minutes when the short term rental is rented and occupied." 17.134.40 B: The short-term rental permit shall be in the name of the owner-applicant who shall be an owner of the real property up which the short-term rental use is to be permitted

Often when I call the owner/manager, Trevor Fessenden (see attached City of St. Helena Permitted Short-term Rental document) , he does not answer the phone. It is my understanding that he lives in southern California and is therefore misrepresenting his living in St. Helena. The home is owned by The Demchuk Family Trust. They were asked to contact us, which they never did. (see attached email) I called the managing owner before calling the police on each occurrence. There are many owners, each of which is also allowed two weeks in the house.

Staff response: The subject property is owned by the Demchuk Family Trust; according to the STR Permit holder, the trust allows the five (5) beneficiaries to stay at the property up to 14 nights per year. Mr. Fessenden is listed as the local contact person on the STR permit renewal application and per St. Helena Municipal Code Section 17.134.040(H), "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." While Mr. Fessenden has indicated that he has been designated the local contact person and the person to communicate on behalf of the trust, if he is unable to meet the requirements noted in the section above, a different local contact person should be designated. If Mr. Fessenden is available to answer calls and have a representative physically show up onsite, the Planning Commission should determine if that meets the spirit of the code section above. If it doesn't, again, a different local contact person should be designated.

3. Three: 17.134.065 C Renewals " The planning department will refer the application to the St. Helena police department to request all police calls for service or complaints lodged against the property over the course of the two-year permit. "...and has fewer than three STR related complaints filed over a two year period...If all these provisions are not met, the renewal shall be referred to the planning commission for action at a public hearing." E. "...no permit shall be approved if the operation of the short-term rental has created an adverse impact on the neighborhood in which it is situated..."

We were never notified that this property was up for renewal nor when the administration made the decision of the renewal request even though I had complained several times to the administration and called the police to file complaints on several occasions. I have copies of the Police records.

We feel the planning director did not have the authority to make this decision without notifying the neighbors.

Staff response: As described earlier in this report, there is no code requirement to notify adjacent property owners of a STR permit renewal and to date our STR renewal process has operated smoothly. Furthermore, there are several checks and balances in place to keep STR permit holders accountable; the Planning Director can revoke a STR permit at any time if the permit holder has violated any provisions of the STR Ordinance. Additionally, if three (3) or more valid complaints regarding a short-term rental permit holder are received by the Police Department during the two years of the permit, the renewal automatically goes to the Planning Commission for consideration. To date, staff has no evidence that the permit holder has violated any provision of the STR Ordinance that would require that the renewal application be denied. SHMC Section 17.134.065(D) specifically gives the Planning Department the authority to administratively approve a STR permit renewal if each of the noted conditions have been satisfied; which, as described above, they were. If at anytime in the future, the permit holder should violate any terms of the STR Ordinance, the Planning Director can initiate a revocation of the permit. Additionally, the permit is only good for two years and will require renewal again in 2024.

ISSUES

Staff has not identified any outstanding issues related to this application that requires further discussion.

CORRESPONDENCE

Staff received correspondence from Michelle Wagner requesting that she be removed from appeal application after the application was received. Ms. Wagner sent additional correspondence (attached) stating that she doesn't want the STR permit overturned.

STAFF RECOMMENDATION

Pursuant to 17.08.180 H, the Planning Commission may affirm, reverse or modify the decision appealed as deemed just and equitable. For the reasons described above, staff recommends that the Planning Commission:

1. Determine that the project is exempt from the requirements of CEQA pursuant to Section 15061(B)3; and
2. Adopt a resolution denying the appeal of staff's administrative approval of a short-term rental permit renewal at 1702 Tainter Street in the Medium Density Residential zoning district.

ATTACHMENTS

[Resolution](#)

[Appeal Package](#)

[Respondent's Retort](#)

[Chief Hartley Memo](#)

[Comment - Wagner](#)

[STR location map](#)

CITY OF ST. HELENA

RESOLUTION NO.

**RESOLUTION OF THE CITY OF ST. HELENA PLANNING COMMISSION DENYING AN
APPEAL OF AN ADMINISTRATIVE APPROVAL OF A SHORT-TERM RENTAL
PERMIT RENEWAL AT
1702 TAINTER STREET (File No. PL22-025)**

PROPERTY OWNER: Demchuk Family Trust

APN: 009-312-016

RECITALS

- A. The property owner of 1702 Tainter Street was granted a short-term rental permit in March 2014;
- B. Pursuant to St. Helena Municipal Code Section 17.134.065 the property owner submitted a short-term rental permit renewal application on March 16, 2022;
- C. In accordance with the provisions of St. Helena Municipal Code Section 17.134.065, the Planning Department issued a short-term rental permit renewal on April 4, 2022;
- D. On April 18, 2022, the Planning Department received a letter from the Appellants stating their desire to appeal staff's approval of the short-term rental permit renewal;
- E. The applicant submitted an appeal application and paid the required fee on May 19, 2022;
- F. A public notice was published in the Napa Valley Register and mailed to residents and occupants within 300 feet of the project site in compliance with state and local law;
- G. The Planning Commission of the City of St. Helena, State of California, considered the appeal, staff report, and all testimony, written and spoken, at a duly noticed public hearing on June 30, 2022; and
- H. Now, therefore let it be found that, the Planning Commission denies the appeal of the administrative short-term rental permit renewal thereby allowing the property owner to retain their short-term rental permit.

RESOLUTION

The Planning Commission of the City of St. Helena hereby resolves:

- A. To deny the appeal and uphold the Planning Department's approval of a short-term rental permit renewal for the owners of the property located at 1702 Tainter Street in the Medium Density Residential zoning district.
- B. 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.

C. Pursuant to St. Helena Municipal Code Section 17.134.060, the Planning Commission makes the following findings to support the motion to deny the appeal thereby upholding the Planning Department's approval of a short-term rental permit renewal for the owners of 1702 Tainter Street:

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 in that the City Council has adopted a short-term rental ordinance limiting the number of permitted short-term rentals in the City to twenty-five (25).
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 in that no modifications to a structure will occur as a result of a short-term rental permit being issued.
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 in that the short-term rental is required to abide by the rules and restrictions presented in St. Helena Municipal Code Chapter 17.134 and the permit can be revoked at any time if said rules and restricted are not adhered to. The six (6) noise complaints received during the period of May 15, 2021 to December 3, 2021 were unfounded or abated based upon the June 14, 2022 memo from Police Chief Hartley.
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 in that an additional rental space will become available.

I HEREBY CERTIFY that the foregoing short-term rental permit renewal appeal was denied by the Planning Commission of the City of St. Helena at a special meeting of said Planning Commission held on June 30, 2022 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

John Ponte
Chair, Planning Commission

Maya DeRosa, AICP
Planning and Building Director

City of St Helena, City Hall

Received

MAY 19 REC'D



APPEAL APPLICATION

Planning Department

1572 Railroad Ave.

St. Helena, CA 94574

(707) 968-2659

1480 Main St.

St Helena, CA 94574

FILE NUMBER _____

For additional information, zoning, forms & documents please visit us on the web at: <http://www.cityofstheleena.org/content/planning>

PLEASE TYPE OR PRINT

Project Name SHORT TERM Rental Appeal of renewal
 Project Site Address 1702 TRINITY ST. St. Helena, CA 94574
 APN _____ Additional APN _____

APPELLANT INFORMATION

Name Diane Armstrong
 Address 1673 Adams St
 City St. Helena
 State CA Zip 94574
 Phone 707-321-3344
 Email peaha@aol.com

APPELLANT INFORMATION

Name Susan Tor Kenward
 Address 1713 Adams St.
 City St. Helena
 State CA Zip 94574
 Phone 707 246 6389
 Email PSCKENWARD@gmail.com

NOTE: Additional appellant(s) information (name, address, phone number, email, and signature) shall be attached to the application.

OFFICE USE ONLY

Related files _____
 General Plan _____ Zoning _____
 Application Fee \$ _____ Public Hearing / Mailing \$ _____
 Total Fees Received \$ _____ Received by _____

Staff Notes:

I, Susan Kenward, Michelle Wagner ^{Dianne (Peak) Armstrong}, hereby file this application for an appeal and agree to pay any and all processing fees imposed by the St. Helena Municipal Code and City Council Resolution(s), or as they may be amended from time to time.

Date: 5-15-22 Appellant's Signature: [Signature]

Date: 5-15-22 Appellant's Signature: [Signature]

Date: 5-16-22 Appellant's Signature: See below

Kathleen Carrick
Stockton St.
St. Helena, CA.

(out of the country but you have her signature)
on appeal letter
Kathleen.carrick@live.com

PROCESSING FEES:

☒ Minor Appeal	\$1,000
☒ Public Hearing Notice	\$600

Michelle M. Wagner
1639 Adams Street

St. Helena CA
707-637-3465

Michelle.M.Wagner.78@gmail.com Michelle M Wagner

REQUIREMENTS FOR A COMPLETE APPEAL APPLICATION:

The following list is not exhaustive, some applications may require additional information. Consult with a planning staff member to determine whether additional materials are required for your appeal.
Incomplete applications will not be accepted.

Please use the space below and/or attach separate sheets.

☒ **ACTION** being appealed, including the name of the commission or board and date the action was taken:

The following residents: Susan + Tom Kemward, Pearl Armstrong, Michelle Wagner and Kathleen Corrich, are appealing the Planning Director's administrative decision to renew Short Term Rental at 1702 Taunter, St. Helens

☐ **ACTION** requested by appellant:

To repeal the STR at 1702 Taunter St. St. Helens

☒ **REASON** for appeal:

see attached document with signatures.

City of St Helena, City Hall
Received

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1480 Main St.
St Helena, CA 94574

April 18th, 2022

City of St. Helena Planning Department:

Peah Armstrong, Susan Kenward, Michelle Wagner and Kathleen Carrick are appealing the Planning Director's administration's decision to renew the short-term rental at 1702 Tainter, St. Helena.

First: 17.134.040 I 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 neighboring property." L. "The owner-applicant shall ensure that the occupants and/or guest of the short-term rental use to not create unreasonable noise or disturbances, engage in disorderly conduct..."

There are often loud parties with the tenants playing bocce ball, drinking and using foul language and disorderly conduct during the weekends and on holidays so that we are uncomfortable being in our backyard. We have complained to the owner/manager on many occasions and on more than three occasions in the past two years, called the police. I have the police records.

In July of 2021 there was a wedding celebration with more than 25 guest where the noise could be heard even across Adams St

17.134.040 E. 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 or a maximum of twelve (12).

Second: 17.134.040 H "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 with-in thirty (30) minutes when the short term rental is rented and occupied."

17.134.40 B The short-term rental permit shall be in the name of the owner-applicant who shall be an owner of the real property up which the short-term rental use is to be permitted

Often when I call the owner/manager, Trevor Fessenden (see attached City of St. Helena Permitted Short-term Rental document) , he does not answer the phone. It is my understanding that he lives in southern California and is therefore misrepresenting his living in St. Helena. The home is owned by The Demchuk Family Trust. They

(over)

were asked to contact us, which they never did.(see attached email) I called the managing owner before calling the police on each occurrence. There are many owners, each of which is also allowed two weeks in the house.

Three: 17.134.065 C Renewals “ The planning department will refer the application to the St. Helena police department to request all police calls for service or complaints lodged against the property over the course of the two-year permit.”D. “ ...and has fewer than three STR related complaints filed over a two year period...If all these provisions are not met, the renewal shall be referred to the planning commission for action at a public hearing.” E. “...no permit shall be approved if the operation of the short-term rental has created an adverse impact on the neighborhood in which it is situated...”

We were never notified that this property was up for renewal nor when the administration made the decision of the renewal request even though I had complained several times to the administration and called the police to file complaints on several occasions. I have copies of the Police records.

We feel the planning director did not have the authority to make this decision without notifying the neighbors.

Susan Kenward
1713 Adams Street
St. Helena. 707 246 6389

*all original signatures
on letter to the planning
department*

The undersigned have also experienced similar issues with this rental and request 1702 Tainter be denied a renewal of its short-term rental agreement with the City of St Helena. (Maya DeRosa has the original with all signatures and Address.

Michelle Wagner
1631 Adams Street
St. Helena

Rick Tompson
1631 Adams Street
St. Helena

1673 Peah Armstrong
Adams Street
St. Helena

Fred Hipp
Stockton St
Saint Helena

Kathleen Carrick
Stockton St
St. Helena

*you have
all signatures
on original document*

May 17, 2022

City of St Helena, City Hall
Received

MAY 19 REC'D

City of St. Helena Planning Department

1480 Main St.
St Helena, CA 94574

RE: Short-term Rental at 1702 Tainter Street

I am writing in support of an appeal of the decision to renew permission of this short-term rental because

- 1) there have been violations of the requirements by the owners and tenants of the property
- 2) there were violations of the renewal process by the City itself.

I live at 1673 Adams Street and my backyard is one property over from the backyard in question. When occupied, the noise level has been excessive. I understand there are occupancy limits for short-term rental and given the noise we hear, I must believe there are multiple families using the home and yard. The shouting and high-volume activity often goes on well past 11 pm.

These disturbances are in violation of the rules the city has in place for quiet past 10 pm and for avoiding unreasonable noise in general.

As far as the City's own code for these rental properties, it is my understanding that an owner must be a local contact person and I have been told that this is not the case. In addition, as part of the renewal process, if there have been complaints, the renewal must be referred to the planning commission for action at a public hearing. Despite the fact that our neighbor has been uncomfortable enough to contact the police and the administration on several occasions, there was no opportunity for public comment before this permit was renewed.

Finally, I was surprised to hear there was such a steep fee to appeal a decision that was clearly made in error. This policy seems prohibitive to many citizens of St. Helena and could result in the City violating its own code with no repercussions. It just doesn't seem right that only those with the means to pay a large fee have the right to question the city's actions and get answers about its decisions.

I hope that there will be further investigation into the renewal of this short-term rental permit.



Diane Armstrong
1673 Adams Street
St. Helena

CONTROLLED DOCUMENT - DO NOT DUPLICATE											ST HELENA POLICE DEPARTMENT										Page 1		
											CAD INCIDENT REPORT 2107120116										07/27/2021		
	Location 1702 TANTER ST					Cross Streets ALLYN AV					City ST HELENA												
	Incident Type CCVIO - CITY CODE VIOLATION					Call Taker C14					Dispatcher C14												
Date 07/12/2021		Priority		Primary Unit L7		Beat		Fire Zone		Area		Map		Source TELEPHONE CALL									
Caller Name KENWARD, SUSAN						Caller Address						Caller Phone											
Dispositions Checks Ok, Assisted						Weapon				Alm Level				Case Number									
Vehicles						Associated Incidents																	
Incident Times				Special Circumstances																			
Received 19:00:15 Created 19:02:32 Dispatched 19:08:07 En Route 19:25:13 On Scene 19:25:11 Closed 19:51:21 Revd-Closed 51:06																							
				Persons				Sex				DOB				Race				DL			
Unit Times		Officers		Dispatched		Enroute		On Scene		Clear		Disp-On Scene		Enrt-On Scene		On Scene-Clear		Disp-Clear					
S2		28		19:08:07						19:10:43		N/A		N/A		N/A		02:36					
L7		92		19:08:10						19:10:46		N/A		N/A		N/A		02:36					
L7		92		19:23:48				19:25:11		19:48:15		01:23		N/A		23:04		24:27					
S2		28		19:23:50				19:25:11		19:51:21		01:21		N/A		26:10		27:31					
Incident Comments complaint regarding a short term rental. Per caller supposed to be no more than 8 people. Per caller people are playing bocce ball and make noise when they celebrate.																							
																							
City of St Helena, City Hall Received MAY 19 REC'D 1480 Main St. St Helena, CA 94574																							

CONTROLLED DOCUMENT - DO NOT DUPLICATE											ST HELENA POLICE DEPARTMENT										Page 1		
											CAD INCIDENT REPORT												
											2107130091										07/27/2021		
Location MARTHANN DEMCHUK SURVIVORS TRUST, 1702 TAINTER ST												Cross Streets ALLYN AV				City ST HELENA							
Incident Type CCVIO - CITY CODE VIOLATION												Call Taker C14				Dispatcher C14							
Date 07/13/2021		Priority		Primary Unit S2		Beat		Fire Zone		Area		Map		Source TELEPHONE CALL									
Caller Name KENWARD, ALLAN TOR								Caller Address						Caller Phone									
Dispositions Closed Otherwise								Weapon				Alm Level		Case Number									
Vehicles								Associated Incidents															
Incident Times				Special Circumstances																			
Received 20:36:32 Created 20:39:03 Dispatched 20:39:10 En Route 20:43:43 On Scene 20:46:23 Closed 21:31:22 Revd-Closed 54:50																							
				Persons				Sex				DOB				Race				DL			
Unit Times		Officers		Dispatched		Enroute		On Scene		Clear		Disp-On Scene		Enrt-On Scene		On Scene-Clear		Disp-Clear					
S2		28		20:39:10		20:43:42		20:46:23		21:31:22		07:13		02:41		44:59		52:12					
Incident Comments reagrdng same noise complaint, stating it is now louder.																							
City of St Helena, City Hall Received MAY 19 REC'D 1480 Main St. St Helena, CA 94574																							

CONTROLLED DOCUMENT - DO NOT DUPLICATE

ST HELENA POLICE DEPARTMENT

CAD INCIDENT REPORT

2107130085

Page 1

07/27/2021

Location MARTHANN DEMCHUK SURVIVORS TRUST, 1702 TAINTER ST				Cross Streets ALLYN AV			City ST HELENA		
Incident Type CCVIO - CITY CODE VIOLATION				Call Taker C14			Dispatcher C14		
Date 07/13/2021	Priority	Primary Unit S2	Beat	Fire Zone	Area	Map	Source TELEPHONE CALL		
Caller Name KENWARD, SUSAN			Caller Address					Caller Phone	
Dispositions Closed Otherwise					Weapon		Alm Level		Case Number
Vehicles					Associated Incidents				
Incident Times		Special Circumstances							
Received 19:50:41		Persons Sex DOB Race DL							
Created 19:52:21									
Dispatched 19:52:34									
En Route 19:54:14									
On Scene 20:01:44									
Closed 20:17:01									
Rcvd-Closed 26:20									
Unit Times	Officers	Dispatched	Enroute	On Scene	Clear	Disp-On Scene	Enrt-On Scene	On Scene-Clear	Disp-Clear
L1	29	19:52:34			19:54:03	N/A	N/A	N/A	01:29
S2	28	19:54:06	19:54:14	20:01:44	20:17:01	07:38	07:30	15:17	22:55

Incident Comments
neighbor making noise while playing boccee ball. Been happening for about an hour.

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Received
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1480 Main St.
St Helena, CA 94574

CONTROLLED DOCUMENT - DO NOT DUPLICATE											ST HELENA POLICE DEPARTMENT										Page 1	
											CAD INCIDENT REPORT 2106160061										07/27/2021	
	Location 1702 TAINTER ST					Cross Streets ALLYN AV					City ST HELENA											
	Incident Type 415 - DISTURBANCE					Call Taker C11					Dispatcher C11											
	Date 06/16/2021		Priority		Primary Unit L5		Beat		Fire Zone		Area		Map		Source TELEPHONE CALL							
	Caller Name KENWARD, ALLAN TOR					Caller Address					Caller Phone											
	Dispositions Checks Ok					Weapon					Alm Level		Case Number									
	Vehicles					Associated Incidents																
	Incident Times Received 22:01:43 Created 22:03:17 Dispatched 22:03:20 En Route 22:03:45 On Scene 22:05:55 Closed 22:14:19 Rcvd-Closed 12:36					Special Circumstances																
						Persons					Sex DOB Race DL											
Unit Times L5 90		Officers		Dispatched 22:03:20		Enroute 22:03:45		On Scene 22:05:55		Clear 22:14:19		Disp-On Scene 02:35		Enrt-On Scene 02:10		On Scene-Clear 08:24		Disp-Clear 10:59				
Incident Comments loud party- with loud voices and bocci ball. RP advises ball is bouncing on the wall next to RP's bedroom. RP does not want contact, believes the place is a rental.																						
City of St Helena, City Hall Received MAY 19 REC'D 1480 Main St. St Helena, CA 94574																						

City of St Helena, City Hall
Received

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City of St. Helena Permitted Short-term Rentals			
# of Permits	Permit #	Rental Address	24 Hour Local Contact Information
1	PL20-017	1670 Spring Street	Kathleen Gudino: c. (707) 592-0468; h. (707) 257-0137; kathleen.wagnergudino.tu.edu
2	PL20-013	1160 Church Street	Brian Yates: (707) 953-4592; yatesescape@comcast.net Chuck Sheldon: (415) 515-6116; csheldon@wfbm.com
3	PL20-018	950 Mccorkle Avenue	Pamela Dunn: (415) 596-5010; pammy_dunn@yahoo.com; Mari Jansdotter: (415) 971-9765 mjansdotter@yahoo.com
4	PL20-025	1516 Oak Avenue	David Wright: (707) 299-9843; wdavidwright@gmail.com
5	PL20-003	1172 Hudson Avenue	Elaine Lund: c. (415) 726-8500; echanlund@yahoo.com
6	PL20-011	1025 Pratt Avenue	Luz Martinez: c. (707) 637-3117; luzjmartinez@gmail.com / toddjandrade@gmail.com
7	PL20-016	956 Mccorkle Avenue	Soren Block: c. (707) 363-3903; h. (707) 963-9041; soren.bloch@comcast.net
8	PL20-012	931 Charter Oak Avenue	Francisco Alfaro: h. (707) 363-2919; frankoalfaro@gmail.com
9	PL20-014	1132 Church Street	Perry Clark: (707) 477-5029 perrrymclark@Gmail.com
10	PL21-001	2080 Spring Mountain Road	Leann McLean: (707) 815-0433 winecountrypm@gmail.com
11	PL21-014	1732 Main Street	Sarah Venge: (707) 815-0796 sarahvenge@hotmail.com
12	PL19-013	2150 Spring Mountain Road	Jeanne Cabral: h. (707) 944-8662 c. (707) 974-8306 e.cabral@comcast.net
13	PL19-019	940 Brown Street	Brian Yates: (707) 953-4592; jillrusso@gmail.com
14	PL19-032	1407 Kearney Street	Ann Conover: (707) 963-3300; (707) 738-8757; aconover@meadowood.com
15	PL20-004	489 Fulton Lane	Kathi Brotemarkle: (707) 479-4538 kbrote@yahoo.com
16	PL20-006	1702 Tainter Street	Trevor Fessenden: (707) 200-7854; tfessenden@gmail.com
17	PL20-051	503 Fulton Lane	Ethan Brown: (707) 738-1770; ETHANBROWNMAIL@YAHOO.COM

18	PL19-035	1764 Spring Street	Suzanne & David Tate: (713) 560-3031; (408) 690-1964; suzanne@tatewine.com
19	PL20-010	1136 Hudson Avenue	Honeydew Property Management: (707) 333-5596; MARYVOLKOV@GMAIL.COM
20	PL20-009	980 Allison Avenue	Suzanne Nicolas: h. (707) 967-9470; c. (415) 225-4972; SNANDDF@GMAIL.COM
21	PL19-008	1220 Edwards Street	Carl Dene: (310) 702-9611; cdene101@mac.com
22	PL19-042	1326 Monte Vista	Nicole Dale: (317) 201-9871; nicole.garriott@gmail.com
23			
24			
25			

25 MAX

City of St Helena, City Hall
Received

MAY 19 REC'D

1480 Main St.
St Helena, CA 94574

Matthew <matthew@demchuk.com>

Sat, Dec 4, 2021,
12:57 PM

to me

Happy Xmas. Sorry if my family and I disturbed you last night while enjoying my family home. Not sure what calling my brother-in-law that lives in Southern California was going to accomplish. This is my home. Hope you have a blessed holiday season.

Matt Demchuk

Sent from my iPhone

susan kenward <psckenward@gmail.com>

Sat, Dec 4, 2021,
3:19 PM

to Matthew

Hello Matt,

I am a bit confused. We are under the impression that this is a short term rental and that Trevor is listed as the manager to call if the volume/ noise is audible past the property line after 10 PM. That is why he was called.

Chapter 17 134 H. Quiet hours shall be maintained from 10 P.M. to 7 A.M. during which noise within or outside the dwelling shall not disturb anyone on a neighboring property.

We could hear loud noises inside of our house with all the windows closed while watching T.V. This has been a bit of an issue since we purchased our property. Is this your private residence now? or is it your rental property and or both? Should Trevor be listed as contact?

best regards, Susan

susan kenward <psckenward@gmail.com>

Sun, Dec 5, 2021,
8:57 AM

to tfessenden

City of St Helena, City Hall
Received

MAY 19 REC'D

1480 Main St.
St Helena, CA 94574

City of St Helena, City Hall
Received

MAY 19 REC'D

1480 Main St.
St Helena, CA 94574

Good morning Trevor,

I haven't heard back from Matt. Could you help us understand what we should do going forward concerning the house on Tainter. First, I don't want to be calling you with problems if you no longer are the listed manager of the property. It sounds like from Matt's email that he is living there now. I apologize for the inconvenience. Please give us a heads up on the property.

best regards, Susan

Matthew <matthew@demchuk.com>

Sun, Dec 5, 2021,
11:32 AM

to me

My family applied for and was granted one of only 25 Short Term Rental Permits here in St. Helena back in 2013. Dispute being opposed by then mayoral candidate Alan Galbrieth, we were successful in our application that eventually was voted on by the City Council.

I understand that you purchased the property on Adams Street in 2020 with the full disclosure that a Short Term Rental property was located directly behind your property. It is unfortunate that the previous owner was granted waivers on the property set backs that allowed the master bedroom to be built less than 10 feet from the back of our property line. Regardless of the exorbitant amount you paid for that property, it was poorly designed. My family has owned our Tainter Street property since 1986 and we will continue to enjoy it for a long time to come. We are tremendous contributors to the City with TOT taxes we pay and are proud to be one of The privileged business owners in town.

Matt

Sent from my iPhone

On Dec 4, 2021, at 3:19 PM, susan kenward <psckenward@gmail.com> wrote:

susan kenward <psckenward@gmail.com>

Sun, Dec 5, 2021,
3:06 PM

City of St Helena, City Hall
Received

MAY 19 REC'D

1480 Main St.
St Helena, CA 94574

to tfessenden, Matthew

Thank you for your response. First, Tor and I want you to know we want to be a good neighbor and want to work this noise issue out.

Tor and I did know there is a short term rental behind the house when we purchased it. We have no problem with it being a short rental. Our only issue is that you respect the short term rental rules, especially the one concerning noise after 10PM.

We enjoy the sound of neighbors, we can hear lots of kids in the corner pool, basketball courts and family gatherings...all having a good time as long as we all adhere to the 10PM rule.

Net, net at the end of the day we hope we can get along together and fix this noise issue.

all the best, Susan & Tor



Trevor Fessenden <tfessenden@gmail.com>

Sun, Dec 5, 2021,
3:33 PM

to me

Susan & Tor,

TY for your communication.

I've asked Martha, Matt's sister & The Trustee of the Demchuk Family Trust, to call you.

Currently Trust beneficiaries are allowed to use the home 14 days per annual year.

My apologies that it was a beneficiary that was not following the rules and caused the problem this time. Eugene and Marthann Demchuk Trust have 5 beneficiaries of which Matt and Martha are 2, and as previously mentioned Martha is the Trustee.

Please continue to email this address, and/or call/text anytime your concerns

Merry Christmas

Trevor
for Martha

Never called us.

June 3, 2022

City of St Helena Planning Department:

Thank you for receiving this letter and allowing it to serve as a written response to Susan Kenward and "undersigned's" appeal letter dated 4/18/22 to the City of St Helena Planning Director administration issuance of Short Term Rental (STR) permit #PL022-011 thru 03/31/2024

1702 Tainter St. property is a very busy/successful VRBO with occupation rates of:

2020 - 11% of the year, 39 of the 365 nights (many Covid cancellations)

2021 - 58% of the year, 210 of the 365 nights

2022 - 42% of the year, 65 of the 153 nights (thru 6/2/22)

Susan Kenward uses the word often on her first complaint of quiet hours and attaches 4 police reports, of which 3 are from July 2021, the other from June 2021:

- 1) Monday July 12, 2021 Police Dept. was called @ 7:00pm, complaint closed @ 7:51pm by 2 officers
- 2) Called again on Tuesday July 13, 2021 the next evening @ 7:50pm, complaint closed @ 8:14pm Officer #28 profusely apologized to guests and even took a video with them stating that there was a neighbor who did not want any VRBO guests at all.
- 3) July 13, 2021 @ 8:36pm, complaint was that the noise was now louder and this complaint was cleared by officers @ 9:30pm

ALL TIMES above are prior to 10:00pm, as well as the Demchuk Family Trust was in communication with Susan Kenward, St Helena police dept. and property guests. The inconvenience was immediately taken care of

- 4) Wednesday June 16, 2021 @ 10:01pm, police cleared complaint @ 10:14pm. Demchuk Family Trust was also called and immediately called guest to remind that quiet time is 10pm to 7am. Complaint was immediately taken care of. Apologies to and communication with Allen Tor & Susan Kenward was believed to be appreciated, at least a thank you was received.

Although Susan Kenward and/or possibly undersigned did contact the police on more than 3 occasions in the past 2 years, please allow the above facts to show an UNSUBSTANTIATED COMPLAINT does NOT make this a problem property for the City of St Helena and its Police Chief Hartley. The amount of overnight VRBO guests alone, show how well this property is managed and that each guest is communicated about STR rules and regulations

I would like to again apologize to Susan Kenward for the rudeness of emails she received from Matthew Demchuk who was staying at the property December 2021. In personal handwriting, in the papers submitted "very rude" is correctly written on the side of that paragraph. As well as, actions during this stay were disrespectful and unacceptable to any neighbor. No explanation as to why this occurred but definitely not the usual practice of how this STR has been managed or operated.

Susan Kenward is correct that the Demchuk Family Trust currently has 5 beneficiaries of which 2 live in California, 1 in Hawaii, 1 in Nevada and 1 in Utah. The Trust allows them to stay up to 14 days per annual year at this VRBO as long as all STR rules and regulations are adhered to. December 2021 was the exception and unacceptable!

Although it is my belief that all incoming calls from Susan Kenward were answered, if a call was ever possibly missed an immediate response always happened. Sometimes even calling the police department proactively to Tor or Susan Kenward, ensuring all STR rules and regulations were being adhered to. Prior to the Kenward's owning their property in 2019, this open communication was very successful with Daid Devan and Brad Nicholson, the prior owners of 1713 Adams St.

I, Trevor Fessenden, have been asked by Demchuk Family Trust to communicate and be the local contact person. Although my current travels do take me all over, I am a very recognizable person by sight and name in St Helena, CA as well as the Napa Valley. Nephew of Dr. Dale Fessenden, DDS in St Helena, CA 3+ decades, early 1970's to early 2000's. Son of Luke & Gerri Fessenden, who are now living in Idaho but for 2+ decades home was Calistoga, CA.

Married Martha Demchuk, daughter of Eugene and Marthann Demchuk in May 1997, Trustee of Demchuk Family Trust, owner of 1702 Tainter home since July 1986 as well as land + business owners of 830 Pratt Ave, St Helena, CA 94574 from 1989 until early 2000's.

I do have an Apple iPhone, on 24 hrs. a day / 7 days a week the # is (707) 200-7854

Have and will continue to communicate with Rebecca Demchuk-Butterfield (my sister in law and mother to 3 Demchuk daughters) who since December 1998 live at:

924 Signorelli Circle

St Helena, CA 94574 (less than 1 mile away)

and has on more than one occasion gone over to 1702 Tainter St. to deal with the property.

To finish this rebuttal please allow me to point out that one of the "undersigned" was a paying VRBO guest at this STR property, Tuesday Aug 31, 2021 to Friday Sep 3, 2021. June 2021, prior to their stay wrote this message

"We would be willing to pay for hotel accommodations for whomever currently has it reserved the 4th, 5th and 6th. If you change your mind or can convince the other group to switch we would be beyond grateful. Also, if you would ever consider selling let us know since it lines up directly with our orchard and would love to move my parents here."

Now, almost a year later after the Demchuk Family Trust did not split the expense of a fence between the properties, what is the motive of this family?



Trevor Fessenden

for Martha Demchuk-Fessenden, Trustee

Demchuk Survivors Trust

1702 Tainter St

St Helena, CA 94574

RE: [External] 1702 Tainter St - Short Term Rental Property

tmfess@yahoo.co.../Demchuk - VRBO ...



Aaron Hecock <ahecock@cityofsthelena.org>
To: Trevor & Martha Fessenden <tmfess@yahoo.com>

Jul 14, 2021 at 10:19 AM

Thanks for the update Trevor.

Just to clarify, her name is Susan Kenward. If this ends up costing you money, etc., one option maybe civil litigation.

-Aaron

AARON HECOCK, AICP
SENIOR PLANNER
City of St. Helena | Planning & Building Department
1572 Railroad Ave. | St. Helena, CA 94574
Direct: (707) 968-2659 | ahecock@cityofsthelena.org | http://cityofsthelena.org/planning_

-----Original Message-----

From: Trevor & Martha Fessenden <tmfess@yahoo.com>
Sent: Wednesday, July 14, 2021 9:53 AM
To: Aaron Hecock <ahecock@cityofsthelena.org>
Subject: Re: [External] 1702 Tainter St - Short Term Rental Property

Aaron,

Just spoke with Chief Chris Hartley, thank you for the recommendation

He mentioned a possible Restraining Order against Susan Hayward, but currently 1702 Tainter St is not a problem property, in regards to his office or citations. He has communicated with Maya De Rosa, in your office - the same information as Susan Hayward had called her to officially complain about this short term rental

He will also notate the "briefing file" that this is a nuisance neighbor! His officers will observe the property prior to bothering short term tenants that are paying \$

My wife Martha, Trustee, is keeping an active file on Susan Hayward who bought 1713 Adams St on 12/16/2019. Martha has also requested that I remain in communication with you

Thank you for your time,

Trevor Fessenden
for Martha Demchuk Fessenden
(707) 200-7854

> On Jul 14, 2021, at 11:06 AM, Aaron Hecock <ahecock@cityofsthelena.org> wrote:
>
> Good Morning Trevor,
>
> I would call Chief Hartley with the PD to discuss this and see if there is anything they can do.
>
> -Aaron
>
>
> AARON HECOCK, AICP
> SENIOR PLANNER
> City of St. Helena | Planning & Building Department
> 1572 Railroad Ave. | St. Helena, CA 94574
> Direct: (707) 968-2659 | ahecock@cityofsthelena.org | http://cityofsthelena.org/planning_
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>
> -----Original Message-----
> From: Trevor & Martha Fessenden <tmfess@yahoo.com>
> Sent: Tuesday, July 13, 2021 11:10 PM
> To: Aaron Hecock <ahecock@cityofsthelena.org>
> Subject: [External] 1702 Tainter St - Short Term Rental on 7/13/21
>
> Aaron,

- >
- > Just received another text message from Malcolm O'Donnell, see below
- >
- > Martha is ready to proceed how you deem necessary.
- > 1) Should we file a nuisance complaint?
- > 2) Does the city assess fines or fees for the misuse of Officer Bianco's time and City services?
- >
- > "Our expectation when we bought this rental of your property, was for a relaxing and fun vacation with my family. Unfortunately, that has not been the case, and in fact has been a big disappointment. I will follow up with you about this in greater detail later, as it is late and we are leaving tomorrow morning.
- > FYI- the same St Helena police officer showed up about 7:30pm, while we were finishing dinner on the back deck. The Officer left (he told us he listened and everything was fine and no noise...) and then he came back again - at your neighbors request - and knocked on the front door around 8:45pm.
- > This time we discussed this entire situation again (and took a video) with Officer Bianco. He thanked us for being "very polite, respectful and following the rules with appropriate behavior" and then suggested that "the Owner speak directly with the disgruntled neighbor directly, or go to the City, to help resolve this issue regarding a rental property." He went further and apologized for "not wishing to ruin our vacation here!"
- > Malcolm & Gail"
- >
- > Trevor
- > (707) 200-7854

1702 Tainter St - Short Term Rental

tmfess@yahoo.co.../Sent



Trevor & Martha Fessenden <tmfess@yahoo.com>
To: Aaron Hecock <ahecock@cityofsthelena.org>

Jul 13, 2021 at 7:03 AM

Aaron Hecock,

Just realizing, I have been spelling the name of the person complaining incorrectly, it is Susan Kenward

She is on also on St Helena Parks & Rec Commission, along with the Current Chair, Matthew Demchuk who is a Beneficiary of the Trust that owns 1702 Tainter St.

Do you want us to keep communicating with you her baseless claims or what do you recommend?

Trevor
(707) 200-7854

From: Trevor & Martha Fessenden <tmfess@yahoo.com>
Date: July 13, 2021 at 3:48:14 AM EDT
To: Aaron Hecock <ahecock@cityofsthelena.org>
Subject: 1702 Tainter St - Short Term Rental

Aaron Hecock,

Neighbor Susan Kenwood (707) 246-6389 called the police again at 7:43pm on 1702 Tainter St

Below is the text message & attached is the voicemail received from guests Malcolm & Gail O'Donnell

Thank you for your time,

Trevor
for Martha Fessenden
(707) 200-7854

"Trevor,
Just left you a vm, and the St Helena police came to the house about 20 minutes ago.
The police (Officer Bianco) were visibly embarrassed, because there wasn't any noise issue, as they admitted to us, and they will write up their report as such. I also gave them my name and phone number.
FYI, we were playing bocce ball, without ANY music playing, as the police acknowledged.
To be honest, this is very disappointing, and you obviously have a disgruntled neighbor that doesn't want any VRBO guests at all!
We are at Gotts now for dinner, but please call me when you have a minute, thanks
Malcolm O'Donnell"

1 File | 155kB



voicemail-771.m4a
155kB



Trevor Fessenden <tfessenden@gmail.com>

Fwd: Tainter

5 messages

susan kenward <psckenward@gmail.com>
To: tfessenden@gmail.com

Sun, Dec 5, 2021 at 8:57 AM

Good morning Trevor,

I haven't heard back from Matt. Could you help us understand what we should do going forward concerning the house on Tainter. First, I don't want to be calling you with problems if you no longer are the listed manager of the property. It sounds like from Matt's email that he is living there now. I apologize for the inconvenience. Please give us a heads up on the property.

best regards, Susan

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

From: **susan kenward** <psckenward@gmail.com>
Date: Sat, Dec 4, 2021 at 3:19 PM
Subject: Re: Tainter
To: Matthew <matthew@demchuk.com>

Hello Matt,

I am a bit confused. We are under the impression that this is a short term rental and that Trevor is listed as the manager to call if the volume/ noise is audible past the property line after 10 PM. That is why he was called.

Chapter 17 134 H. Quiet hours shall be maintained from 10 P.M. to 7 A.M. during which noise within or outside the dwelling shall not disturb anyone on a neighboring property.

We could hear loud noises inside of our house with all the windows closed while watching T.V. This has been a bit of an issue since we purchased our property.
Is this your private residence now? or is it your rental property and or both? Should Trevor be listed as contact?

best regards, Susan

On Sat, Dec 4, 2021 at 12:57 PM Matthew <matthew@demchuk.com> wrote:

Happy Xmas. Sorry if my family and I disturbed you last night while enjoying my family home. Not sure what calling my brother-in-law that lives in Southern California was going to accomplish. This is my home. Hope you have a blessed holiday season.

Matt Demchuk

Sent from my iPhone

susan kenward <psckenward@gmail.com>
To: Matthew <matthew@demchuk.com>, tfessenden@gmail.com

Sun, Dec 5, 2021 at 3:06 PM

Thank you for your response. First, Tor and I want you to know we want to be a good neighbor and want to work this noise issue out.

Tor and I did know there is a short term rental behind the house when we purchased it. We have no problem with it being a short rental. Our only issue is that you respect the short term rental rules, especially the one concerning noise after 10PM.

We enjoy the sound of neighbors, we can hear lots of kids in the corner pool, basketball courts and family gatherings...all having a good time as long as we all adhere to the 10PM rule.

Net, net at the end of the day we hope we can get along together and fix this noise issue.

all the best, Susan & Tor

On Sun, Dec 5, 2021 at 11:32 AM Matthew <matthew@demchuk.com> wrote:

My family applied for and was granted one of only 25 Short Term Rental Permits here in St. Helena back in 2013. Dispute being opposed by then mayoral candidate Alan Galbrieth, we were successful in our application that eventually was voted on by the City Council.

I understand that you purchased the property on Adams Street in 2020 with the full disclosure that a Short Term Rental property was located directly behind your property. It is unfortunate that the previous owner was granted waivers on the property set backs that allowed the master bedroom to be built less than 10 feet from the back of our property line. Regardless of the exorbitant amount you paid for that property, it was poorly designed. My family has owned our Tainter Street property since 1986 and we will continue to enjoy it for a long time to come. We are tremendous contributors to the City with TOT taxes we pay and are proud to be one of The privileged business owners in town.

Matt

Sent from my iPhone

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Matt Demchuk

Sent from my iPhone

Trevor Fessenden <tfessenden@gmail.com>

Sun, Dec 5, 2021 at 3:33 PM

To: susan kenward <psckenward@gmail.com>

Susan & Tor,

TY for your communication.

I've asked Martha, Matt's sister & The Trustee of the Demchuk Family Trust, to call you.

Currently Trust beneficiaries are allowed to use the home 14 days per annual year.

My apologies that it was a beneficiary that was not following the rules and caused the problem this time. Eugene and Marthann Demchuk Trust have 5 beneficiaries of which Matt and Martha are 2, and as previously mentioned Martha is the Trustee.

Please continue to email this address, and/or call/text anytime your concerns

Merry Christmas

Trevor
for Martha

On Sun, Dec 5, 2021 at 3:06 PM susan kenward <psckenward@gmail.com> wrote:

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Matt Demchuk

Sent from my iPhone

susan kenward <psckenward@gmail.com>
To: Trevor Fessenden <tfessenden@gmail.com>

Sun, Dec 5, 2021 at 4:12 PM

Thank you.

On Sun, Dec 5, 2021 at 3:33 PM Trevor Fessenden <tfessenden@gmail.com> wrote:
Susan & Tor,

TY for your communication.

I've asked Martha, Matt's sister & The Trustee of the Demchuk Family Trust, to call you.

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for Martha

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Matt Demchuk

Sent from my iPhone

Trevor Fessenden <tfessenden@gmail.com>
To: Babe <tmfess@yahoo.com>
Cc: Debra Graynom-Daly <debra@graynomlaw.com>

Mon, Dec 6, 2021 at 8:11 AM

Susan's - Sunday 3:06pm reply
preceeded
by Matt's reply to her

see below

Begin forwarded message:

From: susan kenward <psckenward@gmail.com>
Date: December 5, 2021 at 3:06:13 PM PST
To: Matthew <matthew@demchuk.com>, tfessenden@gmail.com
Subject: Re: Tainter

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Matt

Sent from my iPhone



Chris Hartley
Chief of Police

POLICE DEPARTMENT

1480 MAIN ST.

SAINT HELENA, CALIFORNIA 94574

(707) 967-2850

14 June 2022

To: Planning Department City of Saint Helena, Ca 94574

From: Chief Chris J. Hartley

RE: Noise Complaints 1702 Tainter St

I just reviewed noise complaints for 1702 Tainter. There were 6 complaints in two years, two of which were the same night. All complaints are from the same reporting party, there are no incidents reported by any other neighbors. 2 of the complaints were abated upon Officer contact. 4 of the calls were unfounded, not considered as unreasonable noise and the alleged offence was prior to 10:00 pm.

<u>DATE</u>	<u>COMPLAINT</u>	<u>TOC</u>	<u>TOD</u>	<u>DISPOSITION</u>
5/15/21	Loud party	4:52 pm	5:20 pm	Unfounded prior to 10 pm
6/16/21	Party with bocce game	10:03 pm	10:14 pm	Abated through officer contact
7/12/21	Over 8 people party bocce	7:02 pm	7:51 pm	Unfounded not unreasonable noise
7/13/21	Loud party greater than 8	7:52 pm	8:17 pm	Unfounded not unreasonable noise
7/13/21	Loud party bocce game	9:29 pm	9:31 pm	Unfounded not unreasonable noise
12/03/21	Loud party, drinking, bocce	10:50 pm	11:11 pm	Abated, no music occupants asleep

Respectfully,

Chris J. Hartley
Chief of Police

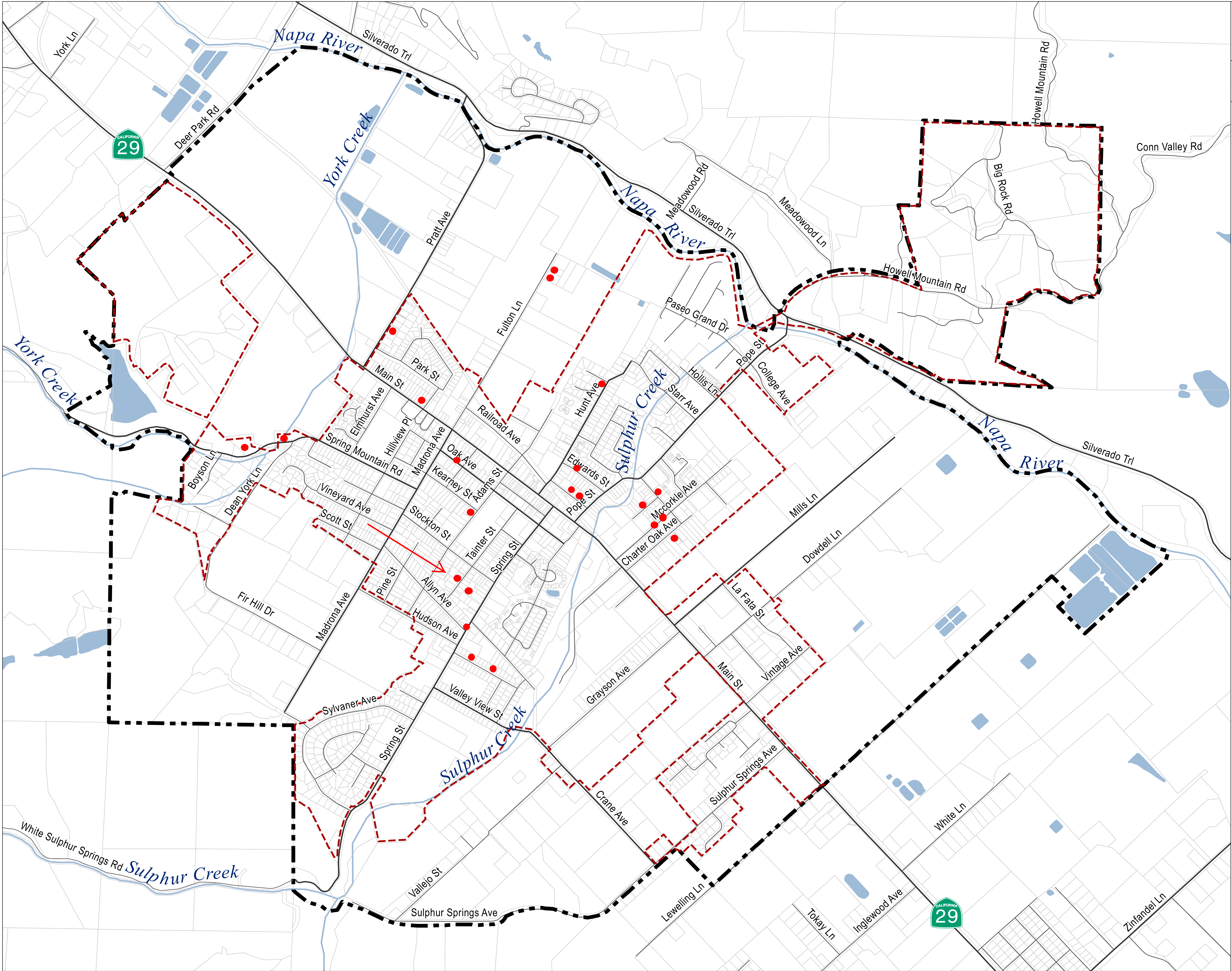
Aaron Hecock

From: Michelle M Wagner <michelle.m.wagner78@gmail.com>
Sent: Wednesday, June 22, 2022 9:17 AM
To: Aaron Hecock
Subject: Re: [External] Planning Commission Appeal

To Whom it may concern,

Thank you for taking time to read this note. In regards to the PL22-025 Appeal... I would not like to overturn the rental permit at 1702 Tainter Street. Thank you

Michelle Marie Wagner
1639 Adams Street



**CITY OF
ST. HELENA**

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)

SAINT HELENA

Appellant's Exhibit 1



Item No: 21

Report to the City Council
Council Meeting of April 26, 2016

Agenda Section: Public Hearing

Subject: Introduction and first reading of amendments to City of St. Helena Municipal Code Section(s) 17.134 Short Term Rentals creating a permit renewal process, modifying the review and operations criteria and improving enforcement mechanisms for short-term rental uses in the Residential and Agricultural Zoning Districts, Citywide.

CEQA Status: Ordinance is determined to be exempt from the requirements of CEQA as a Class 1 Categorical Exemption pursuant to CEQA Guidelines Section 15301 given that the regulations affect existing structures and under the "General Rule", Section 15061(b)(3).

Prepared By: Noah Housh, Planning and Community Improvement Director

Approved By: Jennifer Phillips, City Manager

PROJECT DESCRIPTION

Project proposes modifications and additions to the existing Short-Term Rental Ordinance to create a renewal process, modify the review and operations criteria and improve enforcement mechanisms for short-term rental uses in the Residential and Agricultural Districts, Citywide. These modifications were directed to be implemented by the Planning Commission and City Council through their review of the issue at multiple meetings in the Fall of 2015.

BACKGROUND

The City Council adopted the Short-Term Rental Ordinance on April 10, 2012, and the Ordinance became effective on May 10, 2012. Prior to adoption of the Short-Term Rental Ordinance, it was illegal to rent a home for fewer than 30-days in St. Helena.

Chapter 17.134 "Short-Term Rentals" of the Municipal Code establishes a permitting process for the rental of single family dwellings for fewer than 30 consecutive days. Short-term rental uses are permitted in residential and agricultural zoning districts provided that the proposed short-term rental meets the standards of the ordinance and has been issued a Short-Term Rental permit. A maximum of 25 short-term rental permits are allowed at any time within the City.

The ordinance was designed to address the issue of illegal short-term rentals operating within the community and to accomplish the following objectives:

1. Establish a permitting process and appropriate restrictions and standards for short-term rental of single-family dwellings.
2. Provide a visitor experience and accommodation as an alternative to the hotel, motel, and bed and breakfast accommodations currently existing in the City.
3. Ensure the collection and payment of Transient Occupancy Taxes (TOT).
4. Minimize the negative secondary effects of short-term rental use on surrounding residential neighborhoods.
5. Retain the character of the neighborhoods in which such use occurs.

On June 10, 2014, the City Council reviewed the STR Ordinance as many of the original permits approved in 2012, were set to expire and there was no mechanism in the regulations for renewal of these permits. At this meeting, the City Council directed staff to initiate a renewal process for expiring permits whereby a two-year renewal would be issued to the permit holder, subject to the following specific criteria:

1. Paid an application fee;
2. Had a current City Business License
3. Was current on their TOT payments; and
4. Had no complaints on file against them.

The Council also directed staff to continue enforcement on those illegally renting on a short-term basis.

On September 23, 2015, the Planning Department held a "Town Hall" style meeting to gain additional citizen input on the STR Ordinance prior to drafting revisions to the ordinance (as Directed by the Council at the June 2014 meeting). Approximately 80 people attended the meeting and a variety of input was received, including opinions on the Ordinance, desired changes and general feedback on short-term rental operations within the City. Those opposed to the existing Ordinance and/or short-term rental operations in general, identified concerns such as noise, safety, traffic, parking, neighborhood and community impacts and potential loss in property value. Those in support of the Ordinance and short-term rental units operating within the City identified revenue generation, job creation, a lack of hotel rooms, and STRs being a positive alternative to hotels for tourists, as reasons for their support and why the Ordinance should remain in place.

Additionally, current permit holders identified concerns about being unfairly punished for the actions of a few individuals who are not managing their STR well, or potentially operating an STR without City approvals. Requests were made from this group to improve City enforcement of the current Ordinance before considering revoking the allowance to operate an STR generally. A more comprehensive summary of the comments made at the meeting is attached. In addition, each of the individual comment letters sent to staff and decision makers have also been attached to this report (Attachment B).

Item No: 22

On November 17, 2015, the Planning Commission was presented with a general summary of the short term rental issues facing the community and a menu of three options for possible revisions to the Ordinance. These options included expanding on the number of allowed STR permits beyond 25, eliminating all STR permits within the City, or making modifications to the Ordinance to address voiced concerns and identified issues to improve administration of the STR permits. After reviewing the staff report, hearing all testimony and discussing the issues, the Planning Commission voted unanimously to recommend keeping the existing 25 STR permits while also modifying the Ordinance to improve administration and enforcement of the current regulations to the City Council. A more detailed summary of this meeting and their recommendations are provided below.

On December 8, 2015, the City Council reviewed the same menu of three options presented to the Planning Commission. After reviewing the staff report, hearing all testimony from the public and discussing the issues at length, the City Council also voted unanimously to recommend keeping the existing 25 STR permits while also directing staff to modify the current Ordinance to improve administration and enforcement of the STR regulations. The Council discussion and direction included making extensive modifications to the existing ordinance to reduce impacts associated with STR operation. A more detailed summary of this meeting and their recommendations are provided below.

DISCUSSION

The staff research and analysis, citizen input, Planning Commission concerns and City Council direction resulted in identifying a range of issues, from a number of different perspectives. The summary below provides the issues or concerns with the current Ordinance and STR uses in general, as heard from each of these perspectives. Following this is a summary of the modifications to the ordinance proposed to address the concerns identified, as well as to implement the direction provided by policy makers.

Citizen Input

The presence of an STR in a neighborhood has been identified as concerning to some residents who feel STRs present an impact the community in general. This concern is supported by statements about the impacts of not knowing who is staying in the home, a lack of accountability that comes from knowing a neighbor and impact to local serving businesses. Separate from this broader issue, many citizen concerns voiced regarding STR operations identify nuisance activities from STR tenants as a prominent issue.

Staff has researched the number of complaints filed on each permitted STR with the St Helena Police Department. The maximum number of complaints on any one STR is four, complaints over a three-year period. This complaint data indicates that a majority of STR permit holders do not create violations of the Ordinance or other City regulations. The absence of significant numbers of complaints suggests that the short-term rental of permitted single-family dwellings has generally not created significant numbers of violations of City regulations in residential neighborhoods where STRs are present and operate.

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However, there are specific neighborhoods where a perceived concentration of STR operations has contributed to a feeling of impacts on the neighborhood (a map of current permitted STR units is attached-Attachment D). These impacts are generally categorized as a loss of community; one neighborhood having to carry an un-due burden from the number of STRs operating within concentrated areas and commercial activity occurring within residential zoning districts.

All individual comments on the STR issue have been compiled by staff and are attached to this report for review (Attachments E. and F.).

Staff Input

City staff has identified several issues with specific provisions of the Ordinance, primarily addressing the implementation and enforcement of certain requirements, but also inclusive of the need to create a formal and codified renewal process. A summary of the staff perspective of the problematic sections and un-addressed issues is provided below.

Specifically, Section 17.134.040 I., which requires STR permit holders to send contact and other relevant information out to neighboring property owners is problematic as City staff has no way of ensuring this information was sent, or that all intended individuals have received the notices.

Similarly, Section 17.134.050 D. 3. requires on-site signs be installed for a limited period of time prior to actions on an STR application. No other noticing procedure in the City requires on-site signage and it is difficult for staff to monitor if the signs have been installed for the required period of time. Finally, there are no specific requirements for the size, location, etc. of the required signs, which adds to the inconsistencies.

Section 17.134.060 C., currently states STR permit applications shall be reviewed by staff, even if none area available for issuance. This is an inefficient use of staff time and application fees. Further, the amount of time individual applications/locations are on the waiting list can significantly impact the information that would be provided in an application.

Section 17.134.060 E., currently requires the applicant to notify property owners of an approval of an STR permit within ten days of an approval. This is a redundant requirement as notification to surrounding property owners occurs with the initial application. Further, by requiring the applicant to send to notification, staff has no mechanism to verify that the notices were sent, when they were sent, or to whom they were sent.

Finally, there is no formal renewal process for expiring STR permits, which are granted for a two-year period. This is problematic for a number of reasons, primarily that all permits are granted on a two-tear cycle, expiring after this two years and requiring renewal. Additionally, staff has put language into Section 17.134.040 O. allowing the

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City to request documentation to verify a STR permitted property was rented for greater than 30-days (and therefore exempt from payment of TOT) when such claims are made on TOT reporting forms.

Planning Commission Direction

On November 17, 2015, the Planning Commission reviewed the staff report and heard public comments on the STR Ordinance at a publically noticed hearing. To supplement the presentation by Planning Department staff, Sgt. Fleming of the St. Helena Police Department (SHPD) presented briefly on the calls-for-service data provided to the Commission. Sgt. Fleming confirmed that the maximum number of calls for service/complaints received by the SHPD for any of the STR addresses was 4 since 2012. Additionally, Sgt. Fleming was able to answer citizen and Commission questions regarding how comments are logged and responded to, confirming that all calls about a specific property are logged and tracked.

After reviewing the material provided by staff and considering the public testimony on the issue, the Commission voted unanimously to direct staff to make revisions to the Ordinance and improve enforcement mechanisms, allow time for these improvements to be enacted and properly enforced and review the Ordinance again to see if the community impacts are lessened.

Although the Commission discussion was varied and many individual comments were made on the STR issue, the Commission as a whole identified four specific elements that should be considered with the proposed Ordinance revisions. These recommended elements are:

1. Explore ways to increase owner involvement in STR operations, including possibly limiting STR operators to St. Helena residents only.
2. Explore methods to improve enforcement of the STR regulations on permitted and un-permitted STR operations, including potentially dedicating portion of TOT funds to STR enforcement.
3. Explore methods to minimize clustering of STRs within neighborhoods or close proximity to other STR operations.
4. Improve methods and process for revoking problematic STR permits.

In reviewing the STR Ordinance, the Commission also requested more prescriptive standards be created for measuring STR performance and permit review, should the Ordinance remain in place. Further the Commission also requested that documented and verified un-permitted operation of an STR shall result in an automatic prohibition of issuance of an STR permit.

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At their December 8, 2015, meeting to review and discuss options for revising the STR ordinance, the City Council provided a number of recommendations to City staff regarding desired changes and improvements to the STR permit and renewal process.

These recommendations include:

1. Ensuring that the contact person for each STR is locally available.
2. Increase enforcement mechanisms and efforts.
3. Explore a requirement that the home must have been owned for 3-5 years prior to use as an STR.
4. Significantly increase fines charged for violators of STR Ordinance and other established City regulations and explore the ability to charge these fines to STR renters as well as their owners.
5. Prohibit issuance of an STR permit to documented violators of the STR Ordinance, specifically those who engaged in STR activities without receiving STR Permit approval.
6. Explore further limitations on the number of guests who may stay at an STR.
7. Establish a local preference on issuance of an STR permit.
8. Prohibit any events from occurring as STR activities.
9. Require existing STR permit holders seeking renewal, who have be the subject of documented violations of any City regulation to seek renewal through by the Planning Commission at a Public Hearing.
10. Require publishing of STR permit number on all advertisements for STR rentals.
11. Consider requiring all new STR permits to be reviewed and issued by the Planning Commission at a Public Hearing.
12. Expand noticing for STR activities to include residents and property owners.
13. Prohibit issuance of a STR permit to any individual or agent whom has been determined to have engaged in unpermitted short-term rental activities.
14. Explore the implementation of a "Use It or Lose It" provision to expand on the revenue coming into the City.
15. Increase the financial impact of fines and penalties associated with violations of the STR Ordinance.

Proposed Ordinance Revisions

In response to the direction received from the Planning Commission and City Council and the administrative issues identified by staff, the following modifications to the STR Ordinance were proposed to, and reviewed by the Planning Commission:

1. Modify Section 17.134.040 H., to include a requirement that the contact information for the local contact person responsible for responding to issues at individual STR

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locations (twenty-four hours per day, and to be able to be on-site within 30 minutes) be posted and available on the City website.

2. Modify Section 17.134.040 J. 4. and 17.134.040 K. to completely prohibit events, parties and/or group gatherings from occurring as an element of STR activities.

3. Modify Section 17.134.040 L. and M. to strengthen the requirement that STR owners ensure their renters do not create disturbances and the ability for any disturbances that are created to result in direct fines, penalties and ultimately revocation of the STR permit.

4. Modify Section 17.134.040 N. to strengthen the requirement that the STR permit number be included on all advertising of the STR property, including electronic advertising.

5. Add Section 17.134.040 P. to create a new "local-preference" for STR permit review and issuance.

6. Add Section 17.134.040 Q. to create a requirement that applicants for STR permits have owned their homes for a minimum of two-years before being issued an STR permit.

7. Add Section 17.134.040 R. to create a requirement that STR permit holders rent their property on a short term basis a minimum of 60-days per year (or approximately 16-percent of the year) or their renewal may be reviewed by the Planning Commission at a Public Hearing and possibly recommended for denial.

7. Add Section 17.134.060 B. 3. To provide the Planning Director more discretion in referring individual STR permit applications to the Planning Commission for action.

8. Add Section 17.134.060 G. to prohibit individuals known to have operated a STR without a permit from receiving approval.

9. Add Section 17.134.040 S. to limit the proximity and density of short term rental activities occurring within any one neighborhood.

In addition, Staff also included the following revisions to the STR Ordinance in response to the staff identified issues above with the goal to make administration of the review process and application of the requirements more efficient, effective and enforceable.

1. Remove Section 17.134.040(I) as it is difficult for staff to adequately monitor and enforce. Rather than requiring the STR permit holder to provide this information, staff proposes to require the permit holder to provide it to the Department, and City staff will post the information online and make it available at City Hall. This ensures staff can verify the information and that it is readily available to the community at any time.

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2. Remove Section 17.134.050(D)(3). Staff finds that the direct mailing notification process is more effective in noticing the application and requesting citizen input into the process. Further, this is consistent with the notification process for all other applications. Therefore, staff has deleted the specific provision for a sign to be posted onsite and proposes to include this information in a notice to all *residents* within 300-feet rather than requiring the applicant to put a sign with this information onsite. Currently only *property owners* are noticed.
3. Amend Section 17.134.060(C) to formalize the waiting list process and postpone review of STR applications until an opening is available. Going through the application review process when no permits are available (as is currently required by the Ordinance) is not an effective use of staff's time or application fees. Staff has proposed the waiting list to be administered on a first-come first-served request, with St Helena residents being given preference as directed. Applications will only be accepted and processed when a permit becomes available. These proposed revisions simply codify current practice, with the exception of the "local preference" which was directed by the City Council and Planning Commission.
4. Remove Section 17.134.060(E). This is a redundant provision as all neighboring properties will have been notified during the Notice of Application period, the list of approved permits available online and through any subsequent public hearings (if required); the contact person's information will be on the City's website; and the current language defers the determination as to the most appropriate form of notification to the Director. Similar to other proposed revisions, this puts the notification responsibility onto City staff, while also allowing staff more control of the process.
5. There is currently no administrative policy on renewals in the Ordinance. The current renewal process was informally created based on direction from the City Council. As such, staff has included a renewal provision be added to the Ordinance as Section 17.134.065. This section also includes a requirement to verify that the permit holder has rented their property on a short term basis for an average of 60-days per year over the permit period.

All of these modifications are identified and included in an underline / ~~strikethrough~~ version of the Ordinance attached to this report as Attachment A.

PLANNING COMMISSION REVIEW AND RECOMMENDATIONS

The draft STR Ordinance revisions were heard by the Planning Commission at a Public Hearing on April 5, 2016. At this hearing approximately six members of the public chose to speak on the item. Generally, most speakers were appreciative of the efforts to revise the Ordinance and felt that the changes were reflective of the direction provided by the Planning Commission and City Council in their earlier review of the Ordinance. While generally accepting of the revisions, several speakers did identify concerns over the proposed 60-night rental minimum and that some of the revisions

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may unfairly penalize good STR operators. Copies of all written comments received during the previous STR Ordinance input meetings as well as those received specifically on the draft changes have been provided as attachments to this report.

After taking public comment and reviewing all of the materials provided, the Planning Commission made the following recommendations regarding the revisions to the STR Ordinance:

1. The Planning Commission supported the requirement that a property be owned by the applicant for a STR permit for a minimum of three years prior to approval and use of the property as an STR.
2. Consider reducing the maximum number of individuals who are permitted to visit and/or stay in a STR at any time.
3. Consider limiting the number of renewals one individual may get to encourage turn-over in STR permit holders.
4. A majority of the Commission felt that the staff recommended 60-night rental minimum (proposed to implement a "use it or lose it" mechanism) was too many nights. They recommended the number of nights be reduced, or that individuals who's STR is their primary residence, be exempted from the 60-night minimum requirement.
5. The Commission supported modifying the (staff proposed) proximity limitations, going from a combination of linear-feet and overall proximity between properties approved for STR activities, to a strict proximity measurement.
6. Consider revising the STR application review process to require that all new STR permits come before the Planning Commission for decision.
7. Explore requiring STR permit holders to provide a security deposit or "bond" to address potential violations of the STR or other City Ordinances.
8. Explore implementing measures to work toward having a percentage of STR permit holders be local.
9. Consider drafting new findings for approval of STR permits.

Staff Response: In response to the direction received, staff has incorporated an exemption to the "Use-It or Lose It" provision for STR permit holders who utilize their STR as their permanent residence. Staff has also revised the required separation between approved STR permit locations to implement a strict 300-foot separation requirement between properties approved for STR activities. Staff had previously

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lowered the number of individuals who can be at an STR property by eliminating the allowance for any event to occur at a STR.

Staff seeks further direction from the City Council regarding:

- Requiring all new STR permit applications to come before the Planning Commission. The current application fee would not cover the costs of this level of review.
- Limitation on the maximum number of renewals allowed for any individual permit holder.
- Implementing additional measures to work toward a certain percentage of locally held STR permits. Staff finds that the local preference policy will ensure the mix of STR permit holders will become more localized over time.

Finally, staff has proposed the following to implement new findings required for STR Permit Approval. If supported, some combination of these findings will be incorporated into the Ordinance prior to second reading and adoption.

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.

FISCAL IMPACT

According to the Finance Department, the 25 STR permit holders contributed approximately \$144,053.53, in Transient Occupancy Tax (TOT) revenue to the City in fiscal year 2014/2015 (or approximately 1.44% of the City General Fund Budget). Unfortunately, 2015/2016 revenues are not yet available however the trend is indicating an increase over last year.

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The revised Ordinance includes a requirement that STR units be rented a minimum of 60-days per year (however an exemption is provided for those individuals who use their primary residence as an STR). This requirement will require any (non-resident) existing STR units currently renting below 60-days, to increase rental activity and therefore increase (TOT) revenue to the City. This is not expected to be a significant increase but will improve the consistency with which TOT revenues from STR operations are received.

CORRESPONDENCE

As mentioned, numerous comments and input have been received on the proposed Ordinance revisions and STR operations and issues in general. While no specific comment had been received on the draft ordinance itself, as of the completion of this report, all previous comments on this issue have been included as an attachment to this report.

RECOMMENDED ACTION

It is recommended by the Planning Commission and the Planning and Community Improvement Department that the City Council

1. Find that the Ordinance is exempt from the requirements of CEQA as a Class 1 Categorical Exemption pursuant to CEQA Guidelines Section 15301 given that the regulations affect existing structures and under the "General Rule", Section 15061(b)(3); and
2. Introduce, waive first reading and read by title only the proposed amendments to City of St. Helena Municipal Code Section(s) 17.134 Short Term Rentals creating a permit renewal process, modifying the review and operations criteria and improving enforcement mechanisms for short-term rental uses in the Residential and Agricultural Zoning Districts, Citywide.

ATTACHMENTS

1. Draft Ordinance in the format of
 - a. ~~striketrough~~/redline summary
 - b. Clean copy without ~~striketrough~~/redline
2. STR Location Map
3. Public Comments
4. November 17, 2015, PC Meeting Minutes
5. December 8, 2015, CC DRAFT Meeting Minutes

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Attachment 1 a

CITY OF ST. HELENA

ORDINANCE NO. _____

**AMENDING CHAPTER 17.134 OF THE ST. HELENA MUNICIPAL CODE TO REVISE
AND ENHANCE THE CITY'S REGULATIONS OF SHORT TERM RENTALS.**

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

SECTION 1. Amendment of Chapter 17.134. Chapter 17.134 of Title 17 of the St. Helena Municipal Code is hereby amended to read in its entirety as shown on Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance to amend Chapter 17.134 of the St. Helena Municipal Code is exempt from, the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) (CEQA) because the City Council hereby finds that it can be seen with certainty that there is no possibility the adoption and implementation of this Ordinance may have a significant effect on the environment, and the Ordinance is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(1), 15061(b)(2), and 15061(b)(3).

SECTION 3. 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 4. Inclusion in the St. Helena Municipal Code. It is the intention of the St. Helena City Council that the text in Exhibit A of this ordinance 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 5. Effective Date. 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 Council voting for and against the ordinance in the St. Helena Star, a newspaper of general circulation published in the city of St. Helena.

SECTION 6. Amendment Declarative Of Existing Law. The City Council finds that the amendment of Section 17.134.100 by this ordinance with respect to the imposition of civil penalties, and the right of the City to seek and obtain civil penalties by civil action, is intended to be declarative of existing law.

Attachment 1 a

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the ___th day of _____ 2015, and was adopted at a regular meeting of the St. Helena City Council on the ___th day of _____, 2015, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Alan Galbraith, Mayor
ATTEST:

CITY OF ST. HELENA

Cindy Black, City Clerk

I, CINDY BLACK, CITY CLERK of the City of St. Helena, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the ___th day of _____, 2015. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the ___th day of _____, 20__ by the following vote:

AYES:
NOES:
ABSENT:

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EXHIBIT A

**Chapter 17.134
SHORT-TERM RENTALS**

Sections:

- 17.134.010 Purpose and findings.**
- 17.134.020 Short-term rental permit required.**
- 17.134.030 Districts in which permitted.**
- 17.134.040 Restrictions and standards.**
- 17.134.050 Procedures for application and public notice.**
- 17.134.060 Permit processing.**
- 17.134.070 Appeals.**
- 17.134.080 Inspections.**
- 17.134.090 ~~Enforcement~~Revocation.**
- 17.134.100 Violations, enforcement and civil penalties.**

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.

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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; and to provide for robust enforcement remedies and penalties to prevent and deter violations of this chapter and unjust enrichment by those who violate this chapter.

F. The city council hereby finds that the city's regulation of ~~vacation short-term~~ rental uses in accordance with this chapter, including the establishment of the non-transferability provisions, is a valid exercise of the city's police power in furtherance of the legitimate governmental interests documented in this chapter. (Ord. 12-2 § 8 (part))

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. (Ord. 12-2 § 8 (part))

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. (Ord. 12-2 § 8 (part))

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. The total number of guests staying in the short-term rental

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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 activity can be issued 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 shall, prior to April 1st annually, provide written notice to all neighboring property owners within a three hundred (300) 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 e-mail 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 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.

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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, 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, 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. ~~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 or be subject to fines and penalties levied by the City up to and including revocation of the Short Term Rental Permit.

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, shall promptly use best efforts to 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.

N. 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.

O. The owner-applicant shall maintain city business licenses and pay all transient occupancy taxes in accordance with Chapter 3.28 as required. (Ord. 12-2 § 8 (part)) Declarations that the property was rented for greater than 30-days within a transient occupancy tax reporting period shall be supported by contractual and financial documentation as requested by City staff.

P. Preference for the review and issuance of new short-term rental permits shall be given to current residents of St. Helena over non-resident applicants. Applicants whose primary residence is within the City of St. Helena shall be reviewed and acted on ahead of other non-resident applications to implement the local preference policy for short-term rental permits.

Q. 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.

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R. Short-term rental permit holders are required to rent their properties on a short term basis a minimum (average) of 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.

S. Properties receiving approval for short-term rental permits shall be separated by a minimum of 300-feet from other properties previously approved for short-term rental activities (as measured from the property lines of each property). Renewals of permits issued prior to April 5, 2016, are exempt from these limitations.

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~~ property.
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 (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.
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 (300) 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.

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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 and owners-residents located within a three hundred (300) 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 (300) 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. (Ord. 12-2 § 8 (part))

17.134.060 Permit processing.

A. The planning director and/or Planning Commission 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 at a noticed Public Hearing if any of the following occur:

1. Written protests pursuant to Section 17.134.050(D)(4) comprise thirty percent (30%) or more of the owners within a three hundred (300) 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.

3. Any other reason determined by the Planning Director to justify or dictate that the Planning Commission is the appropriate review authority for an individual short-term rental permit.

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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 (STR) 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-interested property owners~~ on a waiting list ~~in the order in which they were received.~~ New If a permits becomes available, applications shall be issued accepted and reviewed in the order that they are listed on the waiting list, subject to the local preference policy established in Section 17.134.040 P. 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 e-mail address of the local contact person 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. 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. Substantial evidence identifying operation of an unpermitted short-term rental within the City of St Helena shall prohibit approval and/or issuance of a short-term rental permit to the property owner and/or agent conducting the unpermitted rental activity.

HG. 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. (Ord. 12-2 § 8 (part))

17.134.065 Renewals.

A. A minimum of 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.

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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 Section x 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 60-days per year, 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.

17.134.070 Appeals.

Any person whose application for a short-term rental permit (including a renewal application) 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. The appeal shall be accompanied by a filing fee, if any, as established by city council resolution. (Ord. 12-2 § 8 (part))

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. (Ord. 12-2 § 8 (part))

17.134.090 ~~Enforcement~~Revocation.

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

1. The owner-applicant gave false or misleading information during the application process;

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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 reapply for another permit for two years after the date of revocation. (Ord. 12-2 § 8 (part))

17.134.100 Violations, enforcement and civil penalties.

A. Any property owner or responsible person who uses, or allows the use of, or advertises or causes to be printed, published, advertised or disseminated in any way, the availability of residential property in violation of this 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. For purposes of this chapter, "responsible person" shall mean and include and manager or other person responsible for allowing property to be used for short-term rental in violation of this chapter.

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.

C. Any property owner or responsible person who violates this chapter shall be liable and responsible for a civil penalty of one thousand dollars (\$1,000) per violation per day such violation occurs. The city may recover such civil penalty by either civil action or administrative citation. Such penalty shall be in addition to all other costs incurred by the city, including without limitation the city's staff time, investigation expenses and attorney's fees.

1. Where the city proceeds by civil action, the court shall have discretion to reduce the civil penalty based upon evidence presented by the property owner or responsible person that such a reduction is warranted by mitigating factors including, without limitation, lack of culpability and/or inability to pay. Provided, however, that in exercising its discretion the court should consider the purpose of this chapter to prevent and deter violations and whether the reduction of civil penalties will frustrate that purpose by resulting in the property's owner's or responsible person's enrichment or profit as a result of the violation of this chapter. In any such civil action the city also may abate and/or enjoin any violation of this chapter.

2. Where the city proceeds by administrative citation, the city shall provide the property owner or responsible person notice of the right to request an administrative hearing to challenge the citation and penalty, and the time for requesting that hearing.

(a) The property owner or responsible person shall have the right to request the administrative hearing within forty-five (45) days of the issuance of the administrative citation and imposition of the civil penalty. To request such a hearing, the

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property owner or responsible person shall notify the city clerk in writing within forty-five (45) days of the issuance of the citation. The appeal notification shall include all specific facts, circumstances and arguments upon which the appeal is based.

(b) The city manager is hereby authorized to designate a hearing officer to hear such appeal. The city hearing officer shall conduct a hearing on the appeal within ninety (90) days of the request for the hearing unless one of the parties requests a continuance for good cause. The hearing officer shall only consider those facts, circumstances or arguments that the property owner or responsible person has presented in the appeal notification.

(c) The hearing officer shall render a decision in writing within thirty (30) days of the conclusion of the hearing. The hearing officer shall have discretion to reduce the civil penalty based upon evidence presented by the property owner or responsible person that such a reduction is warranted by mitigating factors including, without limitation, lack of culpability and/or inability to pay. Provided, however, that in exercising its discretion the hearing officer should consider the purpose of this chapter to prevent and deter violations and whether the reduction of civil penalties will frustrate that purpose by resulting in the property's owner's or responsible person's enrichment or profit as a result of the violation of this chapter.

(d) Any aggrieved party to the hearing officer's decision on the administrative appeal may obtain review of the decision by filing a petition for writ of mandate with the Napa County Superior Court in accordance with the timelines and provisions set forth in Government Code Section 53069.4. Any aggrieved party to the appeal may obtain review of the decision by filing a petition for writ of mandate with the Napa County Superior Court in accordance with the timelines and provisions set forth in Government Code Section 53069.4.

(e) If following an administrative hearing, appeal, or other final determination, the owner of the property is determined to be the responsible person for the civil penalty imposed by this section, such penalty, if unpaid within forty-five (45) days of the notice of the final determination, shall become a lien to be recorded against the property on which the violation occurred pursuant to chapter 1.12. Such costs shall be collected in the same manner as county taxes, and thereafter the property upon which they are a lien shall be sold in the same manner as property now is sold for delinquent taxes.

D. Any such violation of this chapter nuisance may also be abated and/or restored by the enforcement official and also may be abated pursuant to Chapter 1.12, except that the civil penalty under Chapter 1.12 for a violation shall be one thousand dollars (\$1,000).

E. Each day the violation of this chapter occurs shall constitute a separate offense.
~~Each day the violation occurs shall constitute a separate offense.~~

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FC. 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 had the use been legal, including the penalty and interest provisions of Section 3.28.070. (Ord. 12-2 § 8 (part))

G. The remedies under this chapter are cumulative and in addition to any and all other remedies available at law and equity.

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CITY OF ST. HELENA

ORDINANCE NO. _____

**AMENDING CHAPTER 17.134 OF THE ST. HELENA MUNICIPAL CODE TO REVISE
AND ENHANCE THE CITY'S REGULATIONS OF SHORT TERM RENTALS.**

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

SECTION 1. Amendment of Chapter 17.134. Chapter 17.134 of Title 17 of the St. Helena Municipal Code is hereby amended to read in its entirety as shown on Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance to amend Chapter 17.134 of the St. Helena Municipal Code is exempt from, the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) (CEQA) because the City Council hereby finds that it can be seen with certainty that there is no possibility the adoption and implementation of this Ordinance may have a significant effect on the environment, and the Ordinance is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(1), 15061(b)(2), and 15061(b)(3).

SECTION 3. 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 4. Inclusion in the St. Helena Municipal Code. It is the intention of the St. Helena City Council that the text in Exhibit A of this ordinance 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 5. Effective Date. 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 Council voting for and against the ordinance in the St. Helena Star, a newspaper of general circulation published in the city of St. Helena.

SECTION 6. Amendment Declarative Of Existing Law. The City Council finds that the amendment of Section 17.134.100 by this ordinance with respect to the imposition of civil penalties, and the right of the City to seek and obtain civil penalties by civil action, is intended to be declarative of existing law.

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THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the ___th day of _____ 2015, and was adopted at a regular meeting of the St. Helena City Council on the ___th day of _____, 2015, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Alan Galbraith, Mayor
ATTEST:

CITY OF ST. HELENA

Cindy Black, City Clerk

I, CINDY BLACK, CITY CLERK of the City of St. Helena, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the ___th day of _____, 2015. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the ___th day of _____, 20__ by the following vote:

AYES:
NOES:
ABSENT:

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EXHIBIT A

Chapter 17.134 SHORT-TERM RENTALS

Sections:

- 17.134.010 Purpose and findings.**
- 17.134.020 Short-term rental permit required.**
- 17.134.030 Districts in which permitted.**
- 17.134.040 Restrictions and standards.**
- 17.134.050 Procedures for application and public notice.**
- 17.134.060 Permit processing.**
- 17.134.070 Appeals.**
- 17.134.080 Inspections.**
- 17.134.090 Revocation.**
- 17.134.100 Violations, enforcement and civil penalties.**

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; to

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impose limitations on the total number of permits issued in order to ensure the long-term availability of the affordable housing stock; and to provide for robust enforcement remedies and penalties to prevent and deter violations of this chapter and unjust enrichment by those who violate this chapter.

F. The city council hereby finds that the city's regulation of short-term rental uses in accordance with this chapter, including the establishment of the non-transferability provisions, is a valid exercise of the city's police power in furtherance of the legitimate governmental interests documented in this chapter. (Ord. 12-2 § 8 (part))

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. (Ord. 12-2 § 8 (part))

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. (Ord. 12-2 § 8 (part))

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. 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.

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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.

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 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.
- K. 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..
- L. 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.

M. 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.

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N. 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.

O. The owner-applicant shall maintain city business licenses and pay all transient occupancy taxes in accordance with Chapter 3.28 as required. (Ord. 12-2 § 8 (part)) Declarations that the property was rented for greater than 30-days within a transient occupancy tax reporting period shall be supported by contractual and financial documentation as requested by City staff.

P. Preference for the review and issuance of new short-term rental permits shall be given to current residents of St. Helena over non-resident applicants. Applicants whose primary residence is within the City of St. Helena shall be reviewed and acted on ahead of other non-resident applications to implement the local preference policy for short-term rental permits.

Q. 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.

R. Short-term rental permit holders are required to rent their properties on a short term basis a minimum (average) of 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.

S. Properties receiving approval for short-term rental permits shall be separated by a minimum of 300-feet from other properties previously approved for short-term rental activities (as measured from the property lines of each property). Renewals of permits issued prior to April 5, 2016, are exempt from these limitations.

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 property.
2. The assessor's parcel number of the lot on which the short-term rental use is proposed.

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3. Certification that the permit will be nontransferable.
4. Certification that the local contact person is 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.
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 (300) 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 and residents located within a three hundred (300) 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 (300) foot distance.
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. (Ord. 12-2 § 8 (part))

17.134.060 Permit processing.

- A. The planning director and/or Planning Commission 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 at a noticed Public Hearing if any of the following occur:

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1. Written protests pursuant to Section 17.134.050(D)(4) comprise thirty percent (30%) or more of the owners within a three hundred (300) 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.
3. Any other reason determined by the Planning Director to justify or dictate that the Planning Commission is the appropriate review authority for an individual short-term rental permit.

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 (STR) application, the planning commission must make the use permit findings contained in Chapter 17.168.

C. If 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 interested property owners on a waiting list in the order in which they were received. ~~New~~ If a permit becomes available, applications shall be accepted and reviewed in the order that they are listed on the waiting list, subject to the local preference policy established in Section 17.134.040 P.

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 e-mail address of the local contact person 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. 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. Substantial evidence identifying operation of an unpermitted short-term rental within the City of St Helena shall prohibit approval and/or issuance of a short-term rental permit to the property owner and/or agent conducting the unpermitted rental activity,

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H. 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. (Ord. 12-2 § 8 (part))

17.134.065 Renewals.

A. A minimum of 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 Section x 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 60-days per year, 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.

17.134.070 Appeals.

Any person whose application for a short-term rental permit (including a renewal application) 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. The appeal shall be accompanied by a filing fee, if any, as established by city council resolution. (Ord. 12-2 § 8 (part))

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. (Ord. 12-2 § 8 (part))

Attachment 1 b

17.134.090 Revocation.

A. The planning director may revoke a short-term rental permit pursuant to Section 17.04.140 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 reapply for another permit for two years after the date of revocation. (Ord. 12-2 § 8 (part))

17.134.100 Violations, enforcement and civil penalties.

A. Any property owner or responsible person who uses, or allows the use of, or advertises or causes to be printed, published, advertised or disseminated in any way, the availability of residential property in violation of this 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. For purposes of this chapter, "responsible person" shall mean and include and manager or other person responsible for allowing property to be used for short-term rental in violation of this chapter.

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.

C. Any property owner or responsible person who violates this chapter shall be liable and responsible for a civil penalty of one thousand dollars (\$1,000) per violation per day such violation occurs. The city may recover such civil penalty by either civil action or administrative citation. Such penalty shall be in addition to all other costs incurred by the city, including without limitation the city's staff time, investigation expenses and attorney's fees.

1. Where the city proceeds by civil action, the court shall have discretion to reduce the civil penalty based upon evidence presented by the property owner or responsible person that such a reduction is warranted by mitigating factors including, without limitation, lack of culpability and/or inability to pay. Provided, however, that in exercising its discretion the court should consider the purpose of this chapter to prevent and deter violations and whether the reduction of civil penalties will frustrate that purpose by resulting in the property's owner's or responsible person's enrichment or profit as a result of the violation of this chapter. In any such civil action the city also may abate and/or enjoin any violation of this chapter.

Attachment 1 b

2. Where the city proceeds by administrative citation, the city shall provide the property owner or responsible person notice of the right to request an administrative hearing to challenge the citation and penalty, and the time for requesting that hearing.

(a) The property owner or responsible person shall have the right to request the administrative hearing within forty-five (45) days of the issuance of the administrative citation and imposition of the civil penalty. To request such a hearing, the property owner or responsible person shall notify the city clerk in writing within forty-five (45) days of the issuance of the citation. The appeal notification shall include all specific facts, circumstances and arguments upon which the appeal is based.

(b) The city manager is hereby authorized to designate a hearing officer to hear such appeal. The city hearing officer shall conduct a hearing on the appeal within ninety (90) days of the request for the hearing unless one of the parties requests a continuance for good cause. The hearing officer shall only consider those facts, circumstances or arguments that the property owner or responsible person has presented in the appeal notification.

(c) The hearing officer shall render a decision in writing within thirty (30) days of the conclusion of the hearing. The hearing officer shall have discretion to reduce the civil penalty based upon evidence presented by the property owner or responsible person that such a reduction is warranted by mitigating factors including, without limitation, lack of culpability and/or inability to pay. Provided, however, that in exercising its discretion the hearing officer should consider the purpose of this chapter to prevent and deter violations and whether the reduction of civil penalties will frustrate that purpose by resulting in the property's owner's or responsible person's enrichment or profit as a result of the violation of this chapter.

(d) Any aggrieved party to the hearing officer's decision on the administrative appeal may obtain review of the decision by filing a petition for writ of mandate with the Napa County Superior Court in accordance with the timelines and provisions set forth in Government Code Section 53069.4.

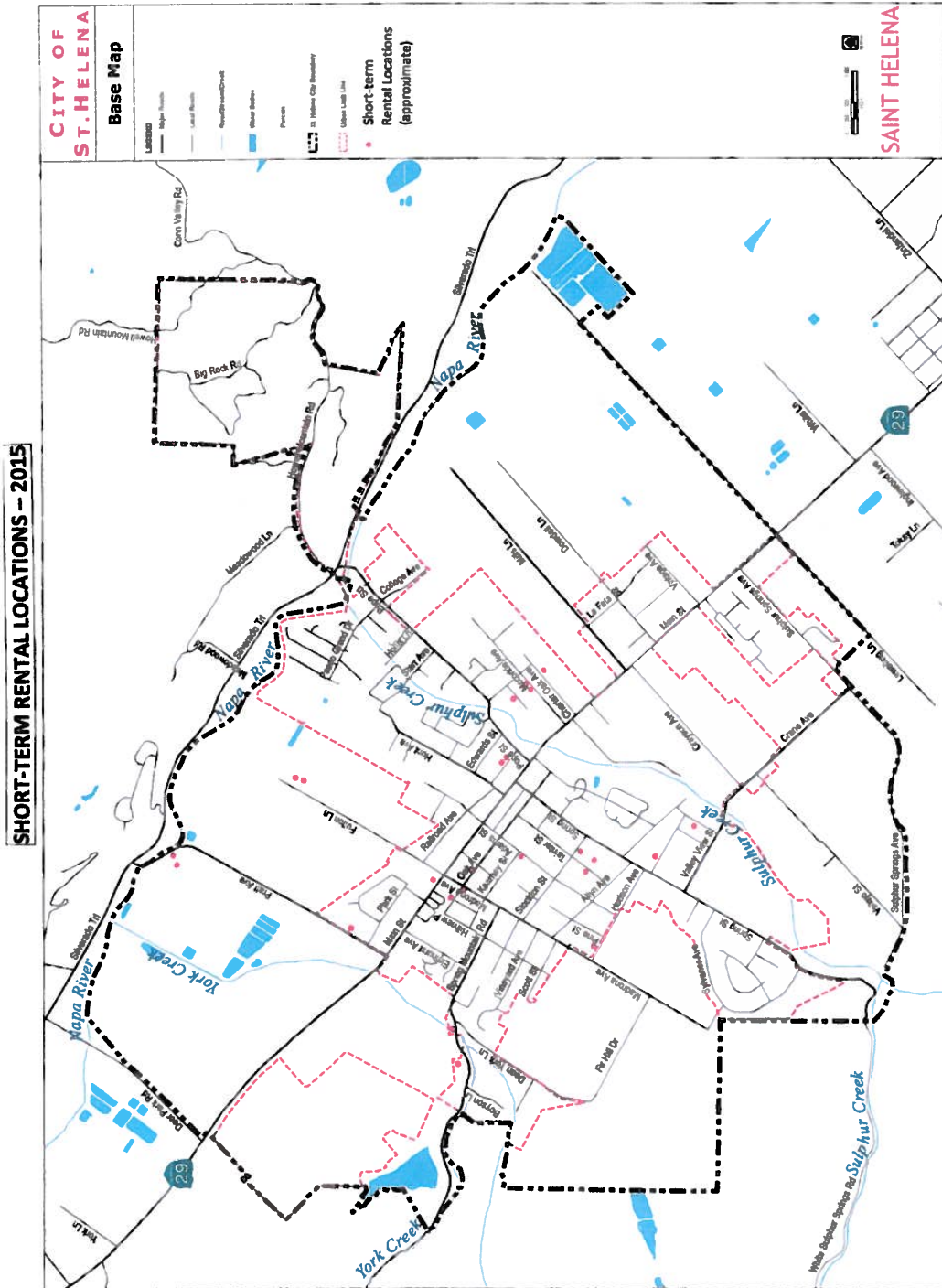
(e) If following an administrative hearing, appeal, or other final determination, the owner of the property is determined to be the responsible person for the civil penalty imposed by this section, such penalty, if unpaid within forty-five (45) days of the notice of the final determination, shall become a lien to be recorded against the property on which the violation occurred pursuant to chapter 1.12. Such costs shall be collected in the same manner as county taxes, and thereafter the property upon which they are a lien shall be sold in the same manner as property now is sold for delinquent taxes.

D. Any violation of this chapter may also be abated and/or restored by the enforcement official and also may be abated pursuant to Chapter 1.12, except that the civil penalty under Chapter 1.12 for a violation shall be one thousand dollars (\$1,000).

Attachment 1 b

- E. Each day the violation of this chapter occurs shall constitute a separate offense.
- F. 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 had the use been legal, including the penalty and interest provisions of Section 3.28.070. (Ord. 12-2 § 8 (part))
- G. The remedies under this chapter are cumulative and in addition to any and all other remedies available at law and equity.

Attachment 2



Attachment 3

To: City Council Members
City of Saint Helena

From: Jeanne Cabral
2150 Spring Mountain Road – Short Term Rental Permit No. 2012-71

Date: November 30, 2015

Subject: Short Term Rental Permit Ordinance Amendment
December 8, 2015 City Council Meeting

Dear City Council Members;

We have a permitted Short Term Rental (STR) on a 2 acre parcel at 2150 Spring Mountain Road.

Recently, a couple of legal STR's have come under scrutiny for behavior that has been disruptive to the neighbors and in violation of the STR ordinance as confirmed by police reports.

In reaction to this and other concerns raised by some community members, several of the STR permit holders, including ourselves, have met as a group on several occasions with the intent of helping to find solutions. We completely understand the concerns and we are in favor of doing all that is necessary and reasonable to make sure that disruptive activity does not occur. Also, those of us STR permit holders that are managing our properties properly hope that we and the validity of the process will not be judged based on the actions of one or two individuals that have poorly managed their STR's.

The vast majority of the STR permit holders care greatly about the community and want to help find a solution.

To better understand our situation and to characterize most of the type of individuals that we have met who have STR Permits, I think it helps to explain our relationship to our house and our STR experience:

Ours is a family home on two acres. It was purchased by my mother's great aunt and uncle in 1935. My great aunt and uncle helped raise my mother in this home. My great uncle owned a downtown local hangout bar/restaurant for many years called Gee Gee's. Following my great uncles death, my mother and father inherited the house in the late 1970's and lived there for many years until their passing just a few years ago. At that time my siblings and I took over ownership of the home and our families continue to enjoy it. No one currently lives at the house full time. My husband and I live locally in Yountville and we have taken over the responsibility for the day-to-day care and maintenance of the home. There are a lot of great memories attached to this house and it is a very special place that continues to be enjoyed by family and friends. In order to help pay for extensive renovations to the old house and to maintain the property, in May 2013 we applied for and received one of the STR permits. This process has allowed us to keep the house that we love so much.

To ensure that all goes well, we make contact with and welcome all guests to the house. My husband and I respond to any questions or issues that the guest may have and we are the ones that would respond if there were any complaints from neighbors. We have not had any complaints thus far.

For us this has been a very positive experience, we have had people from all over the country and all over the world stay at our home. Everyone has been gracious and are generally here to enjoy the area and are looking for a quiet relaxing time.

Attachment 3

Short Term Rental Permit Ordinance Amendment
November 30, 2015

I understand that one of the Planning Commission recommendations is that the ordinance be revised to require owners to be local and live within the city limits of Saint Helena. We understood that this was suggested as a response to absentee owners that may not be responsive to disruptive activity and to discourage out-of-town speculators. We feel that, the owners should be judged on their ability to properly manage the activities at their STR. The goal should be to attract conscientious STR owners by including proper regulations and then following up with enforcement when there are violations. As long as a STR is properly managed, has no complaints and has a local contact per the ordinance it should be allowed to continue to operate. My husband and I have lived in Yountville for 34 years, I have worked for Heltz Wine Cellars for 27 years and my office is located in downtown Saint Helena and we have long time family roots in Saint Helena, we have been proven to be conscientious STR owners, but would be eliminated from the process if this requirement is enacted.

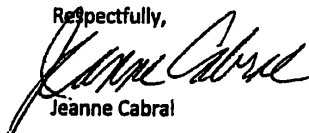
We understand that City Planning Department was short staffed through much of the life of the ordinance and that affected the ability to properly enforce the ordinance regulations during that time. We have been informed that staffing issues are now resolved and it is apparent based on recent Planning Department actions against illegal STR's that enforcement efforts have been stepped up substantially. So, we feel that the STR regulations as written have not completely been given a chance. Had enforcement been pursued in the past possibly the issues that occurred at a couple of the legal STR's would have been resolved and more illegal STR's would have been tracked down and prosecuted similar to those instances that occurred recently. So we feel that the ordinance as written is basically sound but just needs a little tweaking and follow-through.

Things that we feel should be considered when updating the ordinance are as follows:

1. The majority of the permit holders have done a great job and are respectful of the neighbors and community, so allow those permits to continue in perpetuity.
2. Continue to limit the number of permits to 25 which should address the town character concerns.
3. Enforcement:
 - a. Actively search for illegal rentals, shut them down, impose fines and collect back taxes per the ordinance.
 - b. There should be repercussions, including loss of permit, for those legal STR's that violate the regulations, disturb neighbors, etc. based on confirmed complaints and Planning Commission review.
 - c. Implement complaint coordination between the Police Department and the Planning Department.
4. Require that homes be owned for a certain length of time before a STR can be processed to discourage speculators.
5. Do not require that STR owners reside in Saint Helena.

We have a lot of respect for the community, we have done all we can to make sure that this process goes well and works for all, we are grateful for the opportunity to have a STR permit, and would very much like to continue. Thank you for your consideration.

Respectfully,



Jeanne Cabral

Attachment 3

Noah Housh

From: Carolyn Kelperis <ckelperis@hotmail.com>
Sent: Friday, December 04, 2015 4:37 PM
To: Alan Galbraith; Greg Pitts; Paul Dohring; Peter White; Sharon Crull
Cc: Grace Kistner; Mary Koberstein; Sarah Parker; Tracy Sweeney; Aaron Hecock; Noah Housh; Jennifer Phillips
Subject: Proposed Revision of STR Ordinance
Attachments: 12-4-2015 UPDATED RECOMMENDATIONS FOR REVISING STR ORDINANCE.docx

Dear Council Members,

I have previously addressed the Planning Commission, both in writing and at meetings, concerning Short Term Rentals. I am offended at the idea that since St Helena has insufficient hotel rooms, that we should allow commercial operations to encroach upon residential neighborhoods.

I have experienced living next to an illegal STR. I complained in writing for over 10 years, before the City finally took action against the owner.

However, if it is the decision of the majority of the City Council to continue to allow STRs, I believe the existing Ordinance needs to be revised. I have attached an updated list of my recommendations, after reading the Summary prepared by the Planning Department, as well as the recommended line item changes.

For the record, I was recently solicited by airbnb to "earn money renting my vacation home". I responded by advising them of the restrictions here in St. Helena. A few days later, I perused both the airbnb and vrbo websites, and learned that both of these platforms require the applicant to certify that they will comply with all local laws, rules and regulations. If any STR Applicant has previously listed with any of these websites offering rentals for less than 30 days, they have not only been cheating the City, but have also been lying to the websites. Such an application for an STR permit should automatically be rejected.

The bottom line is, any STR ordinance for the City of St Helena, needs to be written in a manner so that it can be enforced with the resources and staff available.

Thank you for your consideration.

Sincerely,
 Carolyn Kelperis
 1615 Main Street
 St. Helena, CA 94574

Attachment 3

12/4/2015 UPDATED RECOMMENDATIONS FOR REVISING STR ORDINANCE

I BELIEVE STRs SHOULD ONLY BE ALLOWED FOR SITUATIONS WHERE THE RESIDENCE IS OWNER OCCUPIED (INCLUDING ADJACENT GRANNY UNITS)

THE 300' RADIUS OF NOTIFICATION IS TOO BROAD. IT IS THE IMMEDIATELY ADJACENT RESIDENTS WHO ARE MOST AFFECTED. NOTIFICATION SHOULD BE REDUCED TO A SMALLER RADIUS—100-150'?

I AGREE WITH THE PROPOSED AMENDMENT TO 17.134.050 D1 TO INCLUDE NOTICE TO ALL RESIDENTS, NOT JUST OWNERS. HOWEVER, D4 SHOULD ALSO BE CHANGED TO ALLOW THE NOTICED RESIDENTS TO FILE A WRITTEN PROTEST, NOT JUST OWNERS.

THE CURRENT 30% THRESHOLD OF OBJECTIONS BY NEIGHBORS TO THE PROPOSED PERMIT ONLY RESULTS IN A HEARING. THE OBJECTIONS BY ADJACENT RESIDENTS SHOULD BE GIVEN GREATER WEIGHT IN THE "FINDINGS"

I AGREE WITH STAFF PROPOSAL TO POST THE LOCATION OF PERMITTED STRs AND CURRENT CONTACT INFORMATION ON THE CITY WEBSITE, IN LIEU OF STR OWNERS SENDING WRITTEN NOTICES. I ALSO BELIEVE THE INFORMATION ON THE WEBSITE SHOULD INCLUDE THE EXPIRATION DATE OF THE PERMIT.

PERMIT RENEWALS—THE PROPOSED 17.134.065 Renewals PROPOSES THAT UPON RECEIPT OF A RENEWAL APPLICATION THE PLANNING DIRECTOR SHALL CONFIRM THAT:

- (1) ALL TOT TAXES HAVE BEEN REPORTED AND PAID**
- (2) WHETHER THE POLICE DEPT HAS RECEIVED COMPLAINTS AGAINST THE PROPERTY WITHIN THE PRECEDING 2 YEARS**
- (3) WHETHER BUSINESS LICENSE IS CURRENT**
- (4) WHETHER ANY PROVISION OF THE ORDINANCE HAS BEEN VIOLATED.**

THERE IS NO PROVISION IN THE RENEWAL PROCESS TO NOTIFY NEARBY PROPERTY RESIDENTS. THERE MAY BE ISSUES THAT HAVE ARISEN THAT WERE NOT ELEVATED TO THE LEVEL OF A POLICE DEPARTMENT COMPLAINT. OWNERS OR RESIDENTS MAY HAVE CHANGED IN THE INTERVENING PERIOD. AND THEY SHOULD HAVE THE OPPORTUNITY TO PROTEST AN APPLICATION. I BELIEVE THE RENEWAL APPLICATION SHOULD GO THROUGH THE SAME NOTIFICATION PROCESS AS THE INITIAL APPLICATION.

APPLICATION FORM FOR THE PERMIT SHOULD CONTAIN A QUESTION AS TO WHETHER THE OWNER HAS BEEN RENTING THE UNIT FOR LESS THAN 30 DAYS SINCE THE DATE THE ORDINANCE WENT INTO EFFECT. I AGREE THAT AN UNPERMITTED OPERATION OF AN STR SHOULD BE AN AUTMOATICE PROHIBITION TO THE ISSUANCE OF A PERMIT.

THE BOTTOM LINE IS THAT ANY ORDINANCE FOR THE CITY OF ST HELENA, NEEDS TO BE WRITTEN IN A MANNER THAT IT CAN BE ENFORCED WITH THE RESOURCES AND STAFF AVAILABLE.

Attachment 3

Noah Housh

Subject: FW: Short-Term Rental Ordinance

From: Connie Wilson [clw1956@comcast.net]
 Sent: Thursday, December 03, 2015 9:19 PM
 To: Peter White
 Subject: Short-Term Rental Ordinance

Dear Vice Mayor White,

I am disheartened by the recent decision of the Planning Commission and its recommendations regarding the Short – Term Rental Ordinance. Rather than repeal an ordinance that clearly has not worked for three years, the PC has chosen to recommend “tweaking” it. However, under the City’s own admission, there are no resources for enforcement of existing or new rules to this ordinance. We can assume that any TOT from STRs would result in a wash if the City were to hire an enforcement officer. Once again, the onus falls upon the neighbors to monitor and report disturbances.

What an awful situation to be in, if one has the misfortune to live next to a legal or illegal STR. I know from experience that the very transient nature of STRs changes neighborhoods. I live across from the illegal STR on Scott Street that was finally taken to court by the City, after THREE years of complaints by myself and other neighbors. It is now a long-term rental with a young family, and this is a wonderful change. No more late night drunken parties, loud music, vehicles coming and going at all hours and parking in front of neighbors’ homes, limos and tour buses idling in the street, or folks wandering around with wines glasses in hand. I truly sympathize with anyone who has to contend with a legal or illegal STR and all the woes it brings every time a new occupant arrives. I find it inconceivable that the Planning Commission would side with 25 permit holders and ignore the plight of all other citizens impacted by dramatic changes to their neighborhoods.

If indeed you plan on making changes to the ordinance, then it should be your due diligence to contact neighbors who live in the immediate area of legal STRs and get feedback on their experiences. Our Police Department has only recently tried to correlate STR disturbance calls, and this has been woefully inadequate to form any conclusions. Please make changes that protect the majority of St. Helena’s citizens. Insist on owners of STRs being residents of St. Helena (or better yet, live on the property). This is a lucrative business – many outsiders know this and will take advantage of our ordinance. Limit STRs to agriculture zones and business districts, not in compacted neighborhoods. NEVER allow someone who operated an illegal rental to apply for a legal permit. Objections by adjacent neighbors should be given greater weight in the “findings” to determine if a permit is to be granted or renewed.

You are making a decision that benefits a few, to the potential detriment of many. You were elected to represent ALL the people and to protect and preserve the rights of ALL citizens. Allowing commercial STRs in residential neighborhoods is a serious breach of faith to your constituents.

Thank you.

Respectfully,

Connie Wilson
 1658 Scott Street
 St. Helena, CA 94574
 707.337.2210

Attachment 3

Survey Results **of** **Neighbors of Legal STRs in St. Helena**

September 2015

SURVEY OVERVIEW

A survey of the neighbors of legal Short-Term Rentals (STRs) was taken in August and September of this year. It was conducted by the Stockton/Pine Street Neighborhood Group in order to quantify the nature of legal STRs in residential neighborhoods in the view of the people who live near them.

Neighbors of STRs in the residential part of St. Helena were contacted; STRs in the rural areas of Spring Mountain, Fulton and Pratt Avenue were not included.

The questions asked along with the responses and their statistics are below.

RATIONALE FOR A SURVEY OF OPINIONS AND POTENTIAL IMPACTS

There are two fundamental reasons for conducting our survey of legal STRs:

1. According to the City's STR Ordinance, all legal STRs presumably comply with a strict set of requirements relative to conducting a business operation in a residential zone. In order for a permit to have been approved, the findings needed for approval document that there will be no impacts due to the STR's operation. Further, the STR's operation must not harm the public health, safety and welfare, and it is required that such an operation will not change the character of the neighborhood. The Ordinance has now been on the books for nearly three years. A survey of people who live near STRs seemed appropriate to learn if the legally required "no impact" conditions are in reality being realized in our neighborhoods.
2. The official City position on STRs is that "there hasn't been a problem." A survey of those living near a legal STR, presumably constrained by the law's rules and regulations, seemed to be appropriate in order to shed some light on whether the City's "no problem" position is true.

Attachment 3

*Short-Term Rental Survey
of Neighbors of Legal STRs
St. Helena
September 2015*

SURVEY RESULTS AND STATISTICS

- Of the residential legal STRs considered, we were able to speak with at least one neighbor relative to eleven (11) legal STRs.
- Of these eleven STRs, we were able to interview a total of twenty-eight (28) neighbors.

List of Question Items, Responses and Statistics from 28 Respondents

1. Are you aware of an STR in this vicinity?
Yes: 28 100%
No: 0 0%
2. Does the STR Impact your property in any way?
Yes: 23 82%
No: 5 18%
3. Are you OK with your specific STR situation?
Yes: 6 22%
Kind of: 4 14%
No: 18 64%
4. Do you think St. Helena should have STRs?
Yes: 4 14%
No: 24 86%
5. Do you believe that STRs change the character of your neighborhood?
Yes: 24 86%
No: 4 14%

Most Common Impact Complaints

1. Noise, Music, Talking Having to Call the Police
2. Parties, drunks, disrespectful people
3. Parking and cars coming and going.

Other Typical Complaints

1. Lack of Privacy
2. Safety, not knowing who comes and goes, fear for their children
3. Reduced property values
4. Reduced work-force housing and rental housing.

Attachment 3

*Short-Term Rental Survey
of Neighbors of Legal STRs
St. Helena
September 2015*

TYPICAL COMMENTS FROM NEIGHBORS OF LEGAL STRs [Note: One respondent stated they were happy to have an STR next door, and there were some who didn't mind them. See Survey #2, #3, #4]

- It definitely impacts me negatively, and I'm concerned I'll have to declare it if I ever sell.
- Takes away the privacy I used to have in my backyard.
- I'm not OK with the situation, but what can I do?
- These kinds of rentals belong in a commercial area, or an area with larger lots or acreage.
- The tax income is not worth the impact on me.
- Thank goodness my kids are grown and out of the house. I'd worry about strangers next door if I had small children
- This STR has affected me greatly. People stand outside talking on their cell phones and looking straight into me kitchen and sliding door.
- The owner intimidates me. I'm a senior, and live alone. I'm intimidated by him.
- Rentals like this don't belong in areas with homes built with small side yards.
- This has changed the way I am able to live, and enjoy my home. I don't like it.
- I worry that my dog will be poisoned. The renters have thrown food into my yard.
- It affects me in that I never know who's coming and going.
- I would prefer to know my neighbors.
- It's right next door. Cars are in and out at all hours.
- It has definitely changed the character of this area.
- We don't like it, but what can we do about it?
- I have small children and I'm concerned about Megan's Law people.
- The STRs create a more transient community which reduces the community feel.
- I have to call the police about every week.
- The STR people are disrespectful and the owners don't live here so they can't do anything, and they don't contribute to the community.
- I have to call the police regularly. An ambulance came once because a drunk fell off the porch.
- The renters are disrespectful. Service people, limos, caterers and pool people are in and out all week.
- I have to call the police constantly. There are different people there every week, like it's a hotel.
- I had to buy a sound machine to mask the noise so I can sleep.

Attachment 3

*Short-Term Rental Survey
of Neighbors of Legal STRs
St. Helena
September 2015*

BRIEF DISCUSSION

A review of the survey results begs the following questions:

- Since the STR Ordinance legally mandates that STRs will not create “impacts” nor change the character of a neighborhood, do the survey results hold up to these standards?
- Since the City claims that STRs are not a problem, do the survey results tell us otherwise?

Statements from the Results

- All respondents knew there was an STR in their vicinity.
- 82% of neighbor respondents claim they are impacted by the operation of a nearby legal STR in St. Helena
- 64% were “not OK” with their specific impact situation
- 86%, all of the respondents, regardless of whether they are personally impacted or not, felt that St. Helena SHOULD NOT have STRs
- 86% of the respondents claimed that they thought STRs change the character of their neighborhood.
- The people who were OK with St. Helena having STRs (Q #4) are the same people who thought that STRs do not change the character of their neighborhood (Q #5).

Survey conducted and reported by members of the *Stockton/Pine Street Neighborhood Group*:

- Tona Kovacevic
- Kati Lynn
- Connie Wilson
- Lana Ivanoff
- Jerry Hyde
- Michele Barberi
- Marianne Brooks
- Carolyn Kelperis

Attachment 3

Comments before the Town Hall meeting on Short Term Rentals

Larry Vermeulen
1350 Oak Avenue

First, let me say that those speaking against short-term vacation rentals are not an anti-business or anti-tourism group. This is simply a group of folks who want to go home at night and relax and enjoy the privacy of their homes and yards. They want to leave the commercial part of town behind and return to the sanctuary of their residential neighborhoods where commercial activities have traditionally not been allowed.

And criticism of the ordinance is not blanket criticism of all operators of STRs. Some folks may be managing their STRs in full compliance with the ordinance and with sensitivity to their neighbors. Unfortunately too many of the STRs have become party houses whose owners have shown little regard for the surrounding neighborhoods.

St. Helena is not alone in dealing with this issue. Communities all over the country and indeed, the world, are dealing with the issues that arise from placing STRs in residential neighborhoods; impacts of noise and traffic, long term rental homes being converted to STRs and squeezing out low and moderate income renters, and inflated real estate prices due to absentee owners and speculators purchasing homes solely for use as STRs or conversely, loss of property value for the neighbor that wants to sell and has to disclose that there's a mini-hotel operating next door.

The STR ordinance was an experiment. One of its goals was to see if a limited number of tightly-regulated vacation rentals could operate in residential neighborhoods without negatively impacting those neighborhoods. Another goal of the STR ordinance was to put an end to the illegal vacation rentals that had operating with impunity in our town for years. The experiment has failed on both counts.

You've heard from many that having an STR in their neighborhoods has diminished their quality of life. And a quick search of the Internet will reveal that there are no fewer illegal STRs than there were 3 years ago.

Some would have you believe that the revenue from the TOT makes this all worthwhile. \$134,000 (last year's TOT revenue from STRs) is not chump change but it doesn't go very far toward balancing our budget either. We've heard repeatedly that the City doesn't have the resources to properly enforce the ordinance, or until recently, to even bother collecting the TOT on a regular basis. And we clearly don't have the resources to shut down the illegal rentals. What that would probably require is a full-time staff member. And that would pretty-much eat up the \$134,000, wouldn't it?

So what have you created in the end? An ordinance that destroys the quality of life in the residential neighborhoods and creates a bureaucracy to manage it, with a net gain of zero dollars. This simply isn't defensible.

Much has been made of our visitors' desire to partake in a "neighborhood experience" in the wine country. The residents of St. Helena are under no obligation to provide a neighborhood experience to anyone. Visitors cannot have a neighborhood experience because they're not neighbors. Being a

Attachment 3

neighbor means getting to know the people that live around you. Keeping an eye on their homes. Watching out for each other's kids. When real neighbors have disputes they often work them out among themselves because they have a vested interest in getting along. They don't want to have to call the cops on each other.

But the STR ordinance has created an environment where that's often the only option. When an absentee owner rents their house to short-term vacationers there's nobody responsible to turn to when there's a problem.

The ordinance says there shall be a local contact available 24-hours a day who will respond physically to the STR within 30 minutes to address problems. Based upon what we're hearing from those who live closest to some of these STRs that clearly isn't working.

I simply do not believe that if we do not provide lodging in our neighborhoods for our visitors they will cease to visit and our town will become a wasteland. There is no end to the number of folks that want to visit St. Helena and new hotel projects are coming online in the immediate and near future. There are buildings in our commercial area that could be converted to bed and breakfasts and inns. If there are folks that want to get into the hotel business then let them. Just do it in the commercial districts, not the residential neighborhoods.

You City Council Members were elected to represent the citizens of our City. And you Planning Commissioner were appointed by proxy to do the same. First and foremost among your duties must be to provide safe and secure neighborhoods for our residents. And in order for those residents to get the rest and relaxation they need at the end of the day those neighborhoods need to be relatively quiet and peaceful, not disturbed by party houses and idling livery vehicles, and excessive traffic and noise.

I ask you to give higher priority to your citizens' quality of life than to some tourist's desire for a "neighborhood experience", or some absentee owner's desire to finance their weekend home through short term rentals, or some misguided notion that we can balance our city's budget by cramming our neighborhoods full of STRs and collecting the TOT.

Attachment 3

Noah Housh

From: Rodney Friedrich <rodney.friedrich@gmail.com>
Sent: Sunday, August 30, 2015 6:18 PM
To: Jennifer Phillips; Pam Simpson; Noah Housh
Subject: Short Term Rental Units

Jennifer and Noah,

Regarding the upcoming discussion on short term rental units:

St. Helena has had numerous illegal rental units going on within our town prior to having a short term rental agreement in place. Now that we have an ordinance in place we need to continue to work with and modify, as needed, in such a way in order to continue to legalize the ones that make sense to our community.

The process is not perfect, nor was it expected to be perfect from day one. It was written in such a way as to work through the issues and modify them as needed. This is the process we are seeing now, and with continued effort, this will legitimize what are possible legal units and take away those units that do not abide by the guidelines or those not wanted by surrounding neighbors.

To terminate the short term rental agreement completely is not the answer and will only bring back illegal units once again of which this City does not have the funds to monitor or control.

The group trying to eliminate this effort completely will only bring back illegal rental units.

Rodney Friedrich

Rodney Friedrich

PO Box 392
St. Helena, CA.
94574
707-486-7070

www.friedrichcompany.com
www.vinelandstation.com

Attachment 3

Noah Housh

From: Gregory Hunter <gregorylanehunter@yahoo.com>
Sent: Thursday, August 27, 2015 12:55 PM
To: Noah Housh
Cc: Jennifer Phillips
Subject: City of St. Helena--Short-Term Rental Program--Town Hall Meeting--September 23, 2015--Resident Input

To Whom It May Concern:

I have resided at 974 Allison Avenue in St. Helena since March 1978 and since then I have been subjected to a few unwelcome developments and benign neglect in my general vicinity. From Steve Sherwin's adjacent 5 2-story home Manhattanization project with minimal off-street parking to the approval of at least 2 short-term rental permits at 940 Brown (Jill Russo) and 962 McCorkle (Frances Nestor Management Trust), my neighbors and I have been oppressed. Plus, despite years of promises from Mayor Britton on down, Allison and Charter Oak avenues have not been repaved and are literally falling apart. As a major Main Street bypass, Allison Avenue should be renamed Allison Speedway.

My May 9, 2013 comments, e-mailed to the then-City Planner Greg Desmond, still apply to the City's STRP review:

"I hereby protest against the short-term rental permit application, as filed by Jill Russo, regarding the property located at 940 Brown Street in St. Helena. It is a most inappropriate usage of St. Helena's very limited residential-zoned real property given the ongoing City-approved reduction in its scarce affordable rental housing. Providing more affordable rental housing options for locals should be a much higher priority than chasing TOT while further degrading our neighborhood's overall quality of life.

More specifically, this nice modern 3-bedroom residence, within easy walking distance to shopping and the CBD, was purchased for \$745,000 on March 29, 2013 with the probable objective of being changed from a local-serving single-family residence into a tourist-oriented facility, i.e., a business opportunity. Thus, one of the St. Helena City Council's clearly foreseeable but unintended consequences of its adoption of the Short-Term Rental Program, in its rapid rush to raise revenue, is an almost automatic reduction in affordable housing and upward pressure on housing prices due to the current lack of supply but not high demand for affordable housing.

The negative precedent-setting nature of approval of this particular application should be seriously considered as an approval would only serve to encourage others to seek to do the same investment in the near future."

Please seriously consider the facts and opinions expressed herein during the City's review, etc. of its current STRP.

Sincerely,

Sinc

ory Lane Hunter

Allison Avenue

Helena, CA 94574-1304

Attachment 3

Greg

974

St.

Attachment 3

Noah Housh

From: Aaron Hecock
Sent: Friday, August 14, 2015 11:27 AM
To: Noah Housh
Subject: FW: public comment attached

FYI.

Aaron Hecock, AICP
 Senior Planner
 City of St. Helena
 1480 Main Street
 St. Helena, CA 94574
 707-967-2792
aaronh@cityofsthelena.org

From: psmithrs@comcast.net [mailto:psmithrs@comcast.net]
Sent: Friday, August 14, 2015 11:21 AM
To: Alan Galbraith <AlanG@cityofsthelena.org>; Paul Dohring <PDohring@cityofsthelena.org>; Greg Pitts <GregP@cityofsthelena.org>; Sharon Crull <SCrull@cityofsthelena.org>; Peter White <PWhite@cityofsthelena.org>; Bobbi Monnette <BobbiM@cityofsthelena.org>; Sarah Parker <SarahP@cityofsthelena.org>; Mary Koberstein <MKoberstein@cityofsthelena.org>; Tracy Sweeney <TSweeney@cityofsthelena.org>; Grace Kistner <GraceK@cityofsthelena.org>
Cc: Jennifer Phillips <JPhillips@cityofsthelena.org>; Aaron Hecock <AaronH@cityofsthelena.org>; Cindy Black <CindyB@cityofsthelena.org>
Subject: public comment attached

August 13, 2015
 City of St Helena
 City Council members
 Planning Commission members

re: illegal short term rentals/1134 Valley View

I am writing to urge City leaders to (follow the County's lead and) start being proactive in holding people to their permits (and penalize those acting outside of their permits). All types of businesses need to follow the rules: wineries, industrial, short term vacation rentals but this letter is in response to illegal vacation rental operations.

There are a number of short term vacation rental homes in St Helena still operating without permits. I watched somewhat incredulously the Stockton Street (alleged) illegal rental/permit application proceedings before the Planning Commission a few weeks ago. The fact that they were operating illegally was barely discussed. Instead the focus was on the width of Stockton Street. *Illegal operations alone should be cause for an automatic no vote on a permit application, without a public hearing.*

The Stockton Street owners claimed the vacation reviewers on their website were just their friends. If they didn't have a permit, why have their property online? *This "friends" defense needs to be examined in detail and the ordinance revised as necessary so future scofflaws cannot use it.*

When we debated the idea of allowing short term rentals in town originally, a couple of years ago, there was much concern for neighbors in that original discussion and the presumption was that the neighbors would know exactly what was or wasn't happening, and that they would be part of the solution and get a strong voice. Now it seems like neighborhoods have to come out in force, in person, with dates, photos and the like, in order to persuade the Commission to deny permit applications for rule evaders. Neighborhoods should NOT have to organize around denying a permit to an illegal rental. Why do they even get a hearing? *There should be a clause whereby illegal operations are denied a legal permit for some number of years, so the advantage to operating illegally is zero.*

Attachment 3

A quick reading of the current ordinance on the City website says the fines are \$1000/day for illegal operations, plus TOT on all past rentals. With just the illegal operations I'm aware of over the last year or two (1134 Valley View, 710 McCorkle), this money could add up for the City, although our legal costs would rise as well, I suppose, if our ordinance is poorly written. I'm frankly surprised that *legal* holders of short term vacation rentals aren't more upset about this situation. It seems like an "unfair business advantage", to quote Napa County's David Morrison. *Please collect this money that is due to our City.*

Planning Commission and City Council, please rigorously enforce the ordinance you wrote and adopted, or rewrite it. Without proactive enforcement, you are putting full time residents in the awful position of having to rally the neighborhood. Not everyone is comfortable doing this, or has the time, and, this was not the intent of the original ordinance nor should it be the responsibility of the residents. And, it only encourages more scofflaws, who then will take more City staff time. Please take the burden off the residents. We will thank you.

PS Regarding the permit application before you for 1134 Valley View, please count us as a no vote to converting the illegal rental to a legal one in the upcoming hearing next Tuesday. We will be out of town through Labor Day, otherwise I would come and speak up in public.

Pam Smithers
1819 Vallejo Street, St Helena, CA 94574
707-696-0530

Attachment 3

Noah Housh

From: Ethan Brown <ethanbrownemail@yahoo.com>
Sent: Friday, August 21, 2015 11:23 AM
To: Noah Housh; Aaron Hecock
Subject: Short Term Rental Town Hall meeting

Gentlemen,

My wife and I have one of the 25 short-term rental permits, and look forward to attending the Town Hall meeting in September. I have noticed a couple bits of press recently that concern me with respect to the discussion.

The first was an article about a month ago regarding a permit denial. (I do not have issue with the denial and consider the Commission's deliberation and ruling to be a good example of the ordinance working.) In that article, a statement was made that the police have received numerous calls reporting noise disturbances at short term rentals. What the article did NOT report was exactly how many calls there were or, more importantly, how many were for addresses with valid short term rental permits. This is a very important distinction for the City to understand, especially given the proliferation of illegal short term rentals. Thus, prior to the Town Hall meeting, we suggest that you work with the Police Department to determine how many of the "numerous calls to police" this past year were for actual permit holder locations versus illegal operations or simply parties by residents.

Second was the article describing this week's Planning Commission meeting that denied the Valley View permit application. In this case, the neighbors were understandably upset at the effects of this illegal operation that had gone on for some time. My concern again is that any of that activity was for an illegal operation and not by a permit holder.

I urge staff to provide the Council and Commission with as much fact-based information about violations by actual permit holders and/or calls to the police for actual permitted locations. Permit holders are highly incentivized to screen applicants and generally manage their properties to avoid disturbances to neighbors. If permit holders have in fact been successful at this, then this should provide great incentive to the City to further crack down on the illegal operations, not the legal ones! If, rather, there have been numerous infractions at permit holder locations, then of course it makes sense to consider ordinance modification to mitigate impact to the neighbors going forward.

Let me provide a couple thoughts regarding potential ordinance modifications to further mitigate parties:

First, the ordinance allows a body count of (number of bedrooms x 2) + 2 + 6 "guests of guests." So, for a typical three bedroom house, we are talking about a body count of $(3 \times 2) + 2 + 6 = 14$. Fourteen people at a short term rental—that's practically a party by definition! We would never want 14 people at our house and we don't need to offer that to book guests at the rate we want to earn. Our ideal guests are one or two adult couples, no kids, no additional guests. So, it is a no-brainer to reduce the allowable guests and/or guests of guests to mitigate the potential for party-sized gatherings.

Attachment 3

Second, there are a number of potential penalties you can consider for violating renters and/or permit holders depending on the violation. If renters will be fined by police for noise violations or excessive guests, I would gladly post that information in our ad to discourage potential violators from applying.

Just a few thoughts for your consideration in advance of the Town Hall--happy to discuss if you wish.

Regards,

Ethan Brown
489 Fulton Lane

Attachment 3

Noah Housh

From: Mariam Hansen <wartuhi@comcast.net>
Sent: Wednesday, August 26, 2015 6:18 PM
To: Noah Housh
Subject: Short term rentals

Dear Mr. Housh,

Thank you for the opportunity to comment on the issue of the short term rentals. I won't be able to attend Sept. 23. I believe the city should not allow short term rentals. In a small town surrounded by vineyards housing is already in short supply for those on a budget. The residents of the city are not served by purchasers of our meager supply of houses who want to use them as investments.

We need homes in St. Helena to be for people who work here and need to live here. Adding money making potential to a residential home increases its value, putting it out of reach for middle class people who are part of our community and want to buy here. We are already seeing this happening. Just ask the full time neighbors how many houses on their street are owned by part timers. Some whole blocks are owned by part timers. These part timers want to make money when they are not in town.

The recent example on Valley View is a classic case of the aforementioned. Thanks to the neighbors for speaking up and to the city for saying no.

I used to live next to a short term rental on Pope Street. The renters hired a live band, invited 200 people and blasted us out of our house. Then the police department issued a noise permit the next week and they did it again!!!! They damaged the property and the owners had to collect for repairs.

Don't let this happen to our housing stock. Stop short term rentals now. Don't put more pressure on our vineyards to be torn out!!

Best wishes,
 Mariam Hansen
 5 San Lucas Ct.
 St. Helena, CA 94574

Attachment 3

Noah Housh

To: Tona Kovacevic; Aaron Hecock; Alan Galbraith
Subject: RE: TOWN HALL MEETING TENTATIVELY SCHEDULED FOR SEPTEMBER 23RD

Tona,

Thank you for reaching out to share your opinions on the Short Term Rental issue.

Yes, the Planning Department has tentatively scheduled a Town Hall Meeting for September 23, 2015, from 5-7 at Vintage Hall to receive public input on the STR issue. This is an informational meeting intended to inform the policy process. No decisions will be made and no formal actions will be taken. This meeting is in response to both the variety of community interest and opinion on the issue and to Council direction (provided when the ordinance was passed) to bring the item back before the Council for review approximately one year after adoption of the current ordinance. Prior to bringing the issue back to the Council, staff is seeking public input to inform the recommendations.

Separate from this information gathering process, the existing ordinance is guiding the procedures for review. As existing permit holders relinquish their permits and those on the waiting list become eligible to receive permit approval, they are reviewed in accordance with the existing ordinance requirements and stipulations.

To answer your specific questions:

- 1) With complaints filed against the owners of 1134 Valley View for running an illegal STR, who made the decision to allow them to submit an application for a permit? No individual made a decision. 1134 Valley View was next on the waiting list when an STR permit became available and, according to the provisions of the adopted ordinance, they are next to be reviewed.
- 2) With proof that the applicant had been operating a short term rental illegally for quite some time, why weren't they placed at the BOTTOM of the list of applicants? To ensure they are legally binding, all decisions must be made in keeping with the adopted ordinance, which does not dictate the next be placed at the "bottom of the list" due to unpermitted rental of the property.
- 3) It is painfully obvious to me that the owners of 1134 Valley View do not have any connection to St. Helena or to our community at large, let alone their neighborhood. The owners are based in London, England, they could not possibly give two hoots about St. Helena and the impact this STR could have on their Valley View neighbors. When they agreed to pay their back taxes, why weren't they told that they would not be allowed to submit a permit application for a lengthy period of time? Say 12 to 24 months, as a punishment, of sorts, for their blatant disregard for St. Helena's ordinances??? Again to ensure the decision is legally binding, all decisions must be made in keeping with the adopted ordinance, which does not dictate the punishment you suggest.

Attachment 3

Again, I thank you for your interest and will take these comments as suggestions for Ordinance revisions when the policy is brought before the Council.

Noah Housh
Planning and Community Improvement Director
City of Saint Helena
(707) 968-2659

From: Tona Kovacevic [mailto:tonak@rombauer.com]
Sent: Friday, August 14, 2015 9:16 AM
To: Aaron Hecock; Noah Housh; Alan Galbraith
Subject: TOWN HALL MEETING TENTATIVELY SCHEDULED FOR SEPTEMBER 23RD
Importance: High

Good Morning Gentlemen: Thank you for taking the time to read this email. After reading the agenda for the Planning Commission meeting scheduled for Tuesday, August 18th, I have a few questions about the STR application for 1134 Valley View Avenue.

It is my understanding that the City of St. Helena is planning a town hall meeting for September 23rd to bring the community together to discuss STR permits. If this is the case, then why wouldn't the permit request for 1134 Valley View be placed on hold until after that meeting? The applicants have already admitted that they have violated the regulations and have finally paid the back taxes, bully for them!!! So now the city may REWARD them by granting this permit for another 2 years – that makes no sense to me.

My specific questions are as follows, I would greatly appreciate a reply:

- 1) With complaints filed against the owners of 1134 Valley View for running an illegal STR, who made the decision to allow them to submit an application for a permit?
- 2) With proof that the applicant had been operating a short term rental illegally for quite some time, why weren't they placed at the BOTTOM of the list of applicants?
- 3) It is painfully obvious to me that the owners of 1134 Valley View do not have any connection to St. Helena or to our community at large, let alone their neighborhood. The owners are based in London, England, they could not possibly give two hoots about St. Helena and the impact this STR could have on their Valley View neighbors. When they agreed to pay their back taxes, why weren't they told that they would not be allowed to

Attachment 3

PCL XL error

Subsystem: TEXT

Error: InternalError 0x50

Operator: Text

Position: 1836

Attachment 3

Date September 17, 2015

To: City of St. Helena Planning Department

From: Carolyn Kelperis

Re: **City of St. Helena Short Term Rental Town Hall Meeting**

The following comments are submitted to be included in the Staff Report in preparation for the Town Meeting scheduled for September 23, 2015.

I have been a resident of St. Helena for the past 45 years. I have also been a St. Helena landlord (long term rentals) for approximately 30 years. I am writing these comments as an individual, not a representative of any group.

An illegal short term rental was conducted next door to my residence for over 10 years. I submitted frequent written complaints regarding the ongoing operation. The City finally was able to bring an end to the activities, and the owner paid back TOT taxes.

The Short Term Rental Ordinance adopted in April of 2012 established a permitting process whose stated purpose was to (1) ensure the collection and payment of TOTs, (2) to minimize the negative secondary effects on surrounding residential neighborhoods and (3) to retain the character of such neighborhoods.

Allowing commercial operations in residential neighborhoods, is the antithesis of the stated purpose of the General Plan—to preserve the small town quality and character of St. Helena,

If the City chooses to continue the STRs, consider the following modifications:

TYPES OF PROPERTIES ELIGIBLE FOR STR PERMITS—OWNER OCCUPIED VS. ABSENTEE?

There is a considerable difference between an onsite homeowner who chooses to rent a portion of a single family residence or a "granny" unit to short term guests versus buyers who purchase a single family residence (previously occupied by long term owners or tenants), with the sole purpose of making it a short term vacation rental without ever living there. This removes the property from the possibility of becoming a residence for a working family.

Should STRs be owner occupied?

RADIUS OF NOTIFICATION TO ADJACENT PROPERTIES

I watched the February 18, 2014 Planning Commission meeting on delayed video-on-demand. As I recall, there was some discussion with reference to the fact that the 300 foot radius of notification was too broad. It is the immediately adjacent residents who are most affected.

Should the radius be reduced to 100 or 150 feet?

Attachment 3

NOTIFICATION OF RESIDENTS, NOT JUST OWNERS

Only owners of properties within the stated radius receive notice of the permit application. If the owner of a property has a different mailing address from the one nearest the applicant address ***there should also be a notice sent to "Resident" of the nearby address, since they would be most affected.***

FINDINGS REQUIRED TO GRANT PERMIT

The 30% threshold of objections to the proposed permit only results in a hearing before the Planning Commission.

The objections of adjacent residents to the permit should in itself be given weight in the "findings"—not simply bring about a hearing.

NOTIFICATIONS REQUIRED AFTER PERMIT GRANTED

Sec. 17.134.060 Permit processing:

The current ordinance requires that within 10 days of the approval of a permit, the owner-applicant shall notify all property owners within 300 feet, the contact information of the person available 24 hours a day. Notice shall be on a form acceptable to the Planning Director. Within 10 days of the mailing of such notice, the owner-application shall provide evidence that such mailing occurred.

In addition, 17.134.040 Restrictions and standards

I. The owner shall, prior to April 1st annually, provide written notice to all neighboring property owners within a three hundred (300) 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 e-mail 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.

The Planning Department has confirmed that this required notification process by the owner-applicant is not monitored due to limited staff. If the radius is reduced from 300', there would be fewer notifications required by the permit owners, and less to be monitored by Planning Department staff.

LOCATING PERMITTED STRs

The location of the permitted STRs can only be found on the City website, buried under Financial Reports. Even there, there is no listing of the site address of the STR.

There needs to be an indexed place on the City website that identifies the location of the permitted STRs and includes the expiration date of the permit.

Attachment 3

PERMIT RENEWALS

I recently learned that when a permit comes up for renewal, there is no notification of nearby owners or residents—because there is no provision in the current ordinance for such notice.

Requests for permit renewals should be required to go through the same notification process as the initial application.

COMPLAINTS

I attended the community meeting at the Firehouse earlier this year, at which time the Interim Planning Director, Victor Carniglia, stated that due to lack of resources ordinances were not being enforced unless they were complaint driven.

There is no procedure in place whereby the Planning Department is notified of complaints made regarding the disruptive behavior of guests. The Police Department has no way of knowing if a disturbance is occurring at a permitted STR.

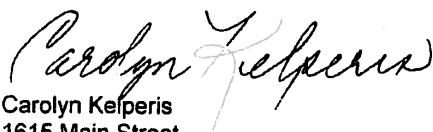
There needs to be a workable procedure for reporting and monitoring complaints so that the Planning Department may determine if appropriate action should be taken to terminate a permit.

ENFORCEMENT

If STRs are to continue to be permitted, the provisions need to be of such a nature that they can be enforced with the resources and staff available.

In its present form, added to the lack of enforcement, the current ordinance is as effective in regulating STRs in St. Helena, as the National Do-Not-Call Registry is in controlling telemarketers!

Sincerely,



Carolyn Kelperis
1615 Main Street
St. Helena, CA 94574
Email: ckelperis@hotmail.com

Attachment 3

From: tmbelt@comcast.net [tmbelt@comcast.net]
 Sent: Tuesday, June 30, 2015 3:07 PM
 To: Alan Galbraith
 Cc: ; regp@cityofsthenela.org; Paul Dohring
 Subject: Short Term Rental Permits

Dear Mayor Galbraith,

I have been told by two St. Helena residents that the city council will be reviewing its municipal code section regarding short term rental permits in the next few months. First of all, can you confirm that this will be taking place?

Secondly, I would like to express my concerns and the concerns of many of my neighbors, about the city continuing to allow these permits:

1. The city does not currently have the staff to monitor the illegal verses legal short term rentals existing in our town. Today, I went online to the VRBO website and counted 51 listings for St.Helena rentals offered on a daily or weekly basis. It is my understanding that there are 24 approved short term rental permits, of which two are currently available. And VRBO is only one rental website advertising short term rentals.
2. The city does not currently have a municipal code that empowers our police department to issue citations to the unruly renters of these properties when the neighbors of the short term rentals call about late night noise disturbances. While our police department will respond to noise complaints and contact the responsible parties of the complaint, they will not issue citations to the disturbing parties, even if the complaint reoccurs on the same date . As a result of this, there have been several instances where St. Helena residents have called the police department multiple times a night because of reoccurring noise, and the disturbance continues. According to our past and present police chiefs, if a police officer responds to a "public" disturbance call after hours and witnesses the loud noise them-self, they cannot issue a citation because they are not considered the public. In order to have a citation issued, the neighbor calling in the complaint must have the responding officer issue a citizen's arrest to the unruly renters. This requires the neighbor to sign the citation initiating the arrest. Obviously, this pits neighbor against neighbor and has the potential to cause even more grief. I can confirm this with an email I have received from our present chief of police and by the personal experiences my neighbors and I have had to endure.
3. To my knowledge, there is no system in place for our police department to document the complaints it receives about short term rentals and reporting those complaints to the city council. In deed, it wouldn't surprise me if the city council was unaware of how many residents in our town have complained about the late night disturbances or how grave the situation is.

In summation, based upon the fact that our city does not have the staff to effectively control the illegal short term rental market in our town and because our police department cannot by itself enforce disturbance complaints, I would like the city council to postpone extending any current short-term rental permits and cease any consideration off expanding the number of permits issued until such time as the city can responsibly manage the adverse impact these permits have in our neighborhoods.

Tom Belt

Attachment 3

Noah Housh

From: Alan Galbraith
Sent: Wednesday, July 08, 2015 2:44 PM
To: Sara Cakebread
Subject: Re: Vacation Rentals

Thanks, Sara. This issue, and how the city should approach it, is much on my mind. Best, Alan

Sent from my iPad

On Jul 8, 2015, at 1:13 PM, Sara Cakebread <scakebread@comcast.net> wrote:

Dear Mayor Galbraith, Vice Mayor White and Members of the St. Helena City Council:

As much of the conversation in the city these days is around budgets and austerity measures, I wanted to share a thought about a potential source of revenue; vacation rentals. This came to mind after reading about the property on Scott St. that is facing a lawsuit for operating a short term vacation rental illegally, and then learning that a few of my neighbors are doing the same thing—and making a lot of money. It seems unfair to single out one property owner when, according to my very rough calculations, there are possibly 20 or so St. Helena listings on Airbnb, and 50+ listings on VRBO that are likely not following the rules either.

As it took me just a few minutes to find the above, it would not take long for a volunteer, intern or modestly paid high school student to find all the addresses of these listings, compare them to the list of permit holders and see if they are in the city limits. Then, the city could either fine those renting illegally, enhance an existing source of funding by increasing the number of vacation rental permits, or go for the most you can and do both. In addition to neighbors renting for weekends and weeks under the table, I also have friends with permits who are following the rules and paying the taxes. The system as it is now does not seem fair nor should it be ignored, especially in light of our financial challenges.

I'm sure I'm not the first or last to suggest this, but it just seems to make a lot of sense.

Thank you for your time and consideration.

Sara Cakebread

"Life is too important to be taken seriously." -- Oscar Wilde

990 Allison Ave.
St. Helena, CA 94574
707-254-5309
scakebread@comcast.net

Attachment 3

Noah Housh

From: rhnunn <rhnunn@aol.com>
Sent: Sunday, September 06, 2015 8:07 PM
To: Noah Housh
Subject: Vacation Rentals in St Helena

September 6, 2015

Thank you for compiling feedback from the community of St Helena on the Vacation Rental Ordinance that was sadly approved a few years ago.

As a long time resident of St Helena (and the west side of town), Vacation Rentals have done an enormous damage to the tranquility of our neighborhoods. Not only are there disturbances of noise, but constant changes of visitors coming in and out of the streets at all hours.

The small town character we so value is very fragile and more commercial activity has not helped anyone~~not even the City's coffers. Legal challenges, police security issues, and additional administrative work are all directed in a non- productive way.

Also it seems very unfair to the legal hospitality businesses, as Hotels, Inns, and Bed and Breakfasts who indeed will pay the Transient Occupancy Tax.

This has been a ill conceived Ordinance from the very beginning. It will be doing the City of St Helena a large FAVOR to rescind the Vacation Rentals!

We have been overwhelmed with the avarice of the City to grab more and more revenue~~losing forever what is so special about our small town.

It shouldn't always be about money.

Thanking you in advance for your attention to this matter.

Hannah and Ron Nunn
1385 St James Drive
St Helena, CA (707) 963-3431

Attachment 3

Noah Housh

From: joyrb@aol.com
Sent: Wednesday, September 23, 2015 1:38 PM
To: Noah Housh
Subject: short term rental

Commissioners:

Despite whatever attendance this evening's meeting elicits... this issue is very important to virtually all fulltime residents and there are many opinions circulating.

The following are some of mine:

1. Any and all of the 25 permitted short term rentals should be identified and listed.
2. A city street map with *starred* addresses indicated would be beneficial.
3. Contact persons and numbers for all parties (owners and managers) should be notated.
4. Fines for failing to follow permitted uses should be identified.
5. Consequences for repeat violations should result in loss of permit.
6. Any parties operating short term rentals without permit should be fined and lose the privilege of acquiring any future permit.
7. All parties who violate city rules and regulations should not benefit...e.g. (forgiveness vs permission).

The abuses and problems with existing short term rentals are well known.
Noise is an ongoing problem...as is parking and trespassing.
Calling the police does not solve any of these issues.

Thanks for the meeting. I hope many resolutions are discussed and new ideas forthcoming

Sincerely,
Joy Roades

Attachment 3

Noah Housh

From: Shannon Pestoni <shannon@jellyjarwines.com>
Sent: Friday, October 02, 2015 9:36 AM
To: Noah Housh
Subject: Short term rentals

Hello Noah,

I'm writing to you regarding the short term rentals in St. Helena. The number of rentals permits is up for review, as I understand, and I would like to urge the city to keep them at the 25 currently permitted without increasing the number. One of these 25 permitted rentals (1025 Pratt Ave) is behind our home. I've never formally placed a complaint since I was able to find out that they are, indeed, operating legally, but I will say it is a huge nuisance. Every weekend or so there is a new, large group of people who are partying and loud. The noise carries into our backyard, kitchen, living room and bedroom. It's like living next to a hotel, which we would not have chosen to do had we known when purchasing our home. Not only do these rentals rob you of your privacy, I fear they will devalue property value as they are not desirable neighbors.

We live an area where many of us are reliant on the tourism for business, I get that. We are in the wine business ourselves and support progress and business here, but at the end of the day we should be able to come home to our own home and have some privacy and to get away from the tourism and have a peaceful place to raise our families and enjoy our own backyards.

I urge you to keep the permits at 25 and not to increase the number. I also would like to see more enforcement of those operating illegal rentals. VRBO show 90+ rentals in St. Helena alone. I'm not sure if all of these are in the city limits, but that is a lot more than 25. Clearly there is an issue with illegal short term rentals at this moment.

My husband and I were both raised in St. Helena, and while change is inevitable, we are saddened to see a loss of community due to the overabundance of absentee owners and investors buying properties in the hopes of operating short term rentals. We have always had a special community and I really would hate to see it totally disappear.

Thank you for your time.

Best regards,
 Shannon Pestoni

Shannon Pestoni
 Jelly Jar Wines | Hearsay Wines
 707-738-3050
www.jellyjarwines.com

Attachment 3

Noah Housh

From: Rodney Smith <rbsmith1160@gmail.com>
Sent: Wednesday, September 23, 2015 2:05 PM
To: Noah Housh
Subject: Short term vacation rentals

Hi Noah, I'm unable to attend the meeting this evening but I'd like to say a few words on the subject. I live next door to a short term vacation rental and I would not recommend it to anyone.

The renters are often drunk and loud late at night when most people are trying to sleep. If the city is looking for revenue sources, look elsewhere, the short term vacation rentals in residential neighborhoods do not improve the quality of life in St. Helena. Thanks for listening, Rod Smith

Sent from my iPad

Attachment 3

Noah Housh

From: mcoy@napanet.net
Sent: Tuesday, September 22, 2015 12:01 PM
To: Noah Housh
Subject: short term vacation rentals

Importance: High

Dear Mr. Housh,

We are writing because we wanted to voice our opinions on the short-term rental ordinance as we can not attend the meeting this Wednesday. There has been such a dramatic change in St. Helena since the vacation home trend escalated and it is not for the good of our town. The fact that there are many vacation or 2nd/3rd homes and many of them end up being rented, some legally but many not. It has impacted the city, citizens and sense of community in a negative way.

I applaud the Planning Commission on their two recent denials of short-term rental permits. Houses in neighborhoods with not much space between dwellings are not conducive to such rentals. The noise and traffic are too much. I agree that the Police Dept. and the department that handle these agreements are not communicating when there are complaints.

People who come to stay at these rentals, though not all, think of their stay as PARTY TIME!. They show no concern for the noise they make at all hours, how their voices carry to neighboring yards and residences, how their parking impact those that live near by and the hours they keep. They paid good money for the rental and figure it is their right to use it how they want.

We back up to a vacation home, though to our knowledge it has never been rented for a short term. The owners have been very loud on occasion. They probably did not know of the noise ordinance and hours. It took a phone call from us to the police after midnight for them to become aware. Then as a result of our call they made a derogatory remark from their yard that was heard by us. Since that time things have been a little better.

On our street now recent home sales have been to part timers. Though one of the new owners are very nice and respectful of the neighborhood the other is another story which we have already spoken about to the Planning Commission. But my concern is that future sales may attract those interested in short term rentals. That is our fear.

As a person active in the community through a service club I am finding that it is hard to get new members. I have shared this concern with others and it seems to be happening with other clubs too. Enrollment in our public schools is declining. Having less full time residences, not to mention the lack of affordable housing for the MIDDLE CLASS and those that grew up in St. Helena and now work here, is the cause.

I realize we must adapt to change but how much should we put up with just so the city can get more money through tourism? We moved here to live when I got a teaching job at the local high school. We chose to make this our home and raise a family. We want to keep St. Helena nice for others to do the same thing. If we wanted to live in a resort town we would have moved to Tahoe or Carmel.

Attachment 3

Thank you for your time to hear how this ordinance is affecting locals. I hope this makes it in time for the meeting on Wednesday, September 23rd.

Sincerely,

Marilyn and Nick (Louis) Coy
1221 Soring Brook Ct.
St. Helena, CA 94574
963-306

Attachment 3

Noah Housh

From: Alan Galbraith
Sent: Tuesday, May 19, 2015 11:14 PM
To: Noah Housh
Cc: Jennifer Phillips
Subject: Short Term Vacation Rentals

A constituent asked today whether the City could post on its website the addresses of the 25 permittee holders. My reaction was that this might be a good idea as it would assist residents in identifying illegal operators. I would appreciate your reaction to this idea. Best. Alan

P.S.: I am assuming this issue falls in your bailiwick. Also, FYI, there is significant history on the general issue, and I am happy to brief you at some point if relevant to your work. I was the author of a substantial study prepared for the Planning Department that identified the many illegal rentals and set out the pros and cons of allowing them.

Sent from my iPad

Attachment 3

Noah Housh

From: Katalin Kádár Lynn <editor@helenahistorypress.com>
Sent: Thursday, September 24, 2015 12:43 PM
To: Noah Housh
Cc: Aaron Hecock; Douglas G. Lynn
Subject: STR Town Hall Meeting

Dear Noah,

Doug and I want to congratulate you and your team on a well run and valuable forum last night. I think almost everyone who wished to speak had an opportunity to do so, which was wonderful. Thank you for organizing the forum and for gently keeping everyone "on message". You did a terrific job!

Some thoughts related to STR's which would be valuable to add to our future conversation on this subject.

All the best,

Kati & Doug Lynn
 1440 Stockton St.

1. There are investors who have purchased homes in St. Helena with the specific intent of using them as STR's. If you look at the application for our next door neighbors at 1450 Stockton which was denied, it is clear from the dates that immediately after purchasing their home they applied for an STR permit but also were renting the home for short term rental for the two years while they waited to be considered for a permit as proven by the VRBO comments on line. While they were denied (a good thing) the \$1000 fine for violation of the short term permit ordinance was not imposed, nor were they retroactively charged TOT. We believe imposition of this fine is not optional, it is the law. Once imposed, it will send a clear message that the City of St. Helena is not going to tolerate scofflaws. If the per-stay fine is difficult to calculate retroactively in order to impose it, then the ordinance needs to be re-written to impose a fine that is sizable and non-negotiable i.e. \$10,000 that is imposed for all infractions.

We would also like to suggest that a provision be written into the STR ordinance that any homeowner who applies for an STR permit who has been proven to rent their home commercially prior to the STR being issued is DENIED a permit for a period of no less than 3 years. Why reward people who simply ignore the law?

In this same vein the young homeowner last night who says he can't apply for an STR because he would owe \$25,000 we can all calculate that at 12% he has income of over \$ 200,000 from his property!! In addition to committing a misdemeanor by ignoring the STR ordinance and shortchanging the city of St. Helena (and US as taxpayers) is he also not reporting the income to the proper tax authorities - another misdemeanor. Something must be done about persons renting illegally sooner rather than later as it makes a mockery of the law and sends a message that one can easily get away with it.

2. If STR's continue require proof from the STR permit holders that they are declaring the revenue from the STR rentals. That should also separate those who are operating professionally vs those who think they will pay for their vacation home with undeclared income.

3. The point made about local ownership of STR's is also a good one. A local resident who has to face his neighbors if an STR gets out of hand is going to be more responsive than the investor in London! If the

Attachment 3

ordinance could be written to give preference to local owners that would take a big step toward shutting down many of the problems we heard about last night.

4. If STR's are going to continue to be allowed, real estate firms must be required to disclose a nearby STR to potential buyers of property in St. Helena. There is no question that it devalues a property to have a commercial establishment next door or nearby. We would never have purchased our home at 1440 Stockton had we known that 1450 Stockton had an application in for an STR. NEVER. We still see traffic in and out on short term basis and lots of non local cars - while the owners deny they rent short term and these are all "friends and family". Coincidentally, none of their "guests" have occupied the home for 30 days or more.

Dr. Katalin Kádár Lynn PhD
Editor in Chief
Helena History Press LLC
www.helenahistorypress.com
USA 1 415 518-1089
Hungary 36 30 924-7626

Attachment 3

Noah Housh

From: Carolyn Bond <bond@napanet.net>
Sent: Friday, September 25, 2015 11:25 AM
To: Noah Housh
Subject: Wednesday night STR meeting

Dear Commissioner Housh,

Thank you for your leadership during the discussion Wednesday night. I thought it was respectful and fair and I learned and understood more about all sides of this complicated issue.

However, I'm sure you understand that the vote at the end was completely skewed and made meaningless, in my opinion, by the last minute plea for ending STRs. That camp went right over and voted for that option, while the other side scattered their votes throughout the points listed.

Again, I feel that overall, it was a very valuable evening, despite the heat!

Respectfully,

Carolyn Bond
1165 Valleyview Street

Sent from my iPad

Attachment 3

Noah Housh

From: Donna Hinds <dhinds@me.com>
Sent: Thursday, September 24, 2015 10:22 AM
To: Noah Housh; Aaron Hecock
Subject: Additional Thoughts related to STR's
Attachments: Cities with Short term rental ordinances.docx

Noah and Aaron,

Thank you for putting on the town hall meeting. I believe it was very successful and enabled everyone who has an opinion on the issue of short term rentals to voice their opinions.

I have some additional thoughts that were too detailed to share at the meeting last night. The first thought relates to insuring that the STR ordinance maximizes revenues for the city. I was surprised to hear that the city is only collecting \$130K +/- in TOT. I think there is much more potential income from STR's. If there are permit holders that are only renting a few times a year, they are preventing a possible more serious STR owner from obtaining a permit and providing additional revenue to the city. It is also possible that some of the STR's are not generating revenue because they are not getting great reviews and are not building referral and repeat business. There are a few ways of maximizing the income to the city: Option 1: Require the permit holders to produce a minimum level of TOT annually to retain their permits (maybe \$5000); Option 2: Rank the income of the permit holders and have the bottom 2 or 3 performers lose their permits each year; Option 3: Provide for a annual permit fee that would make it uneconomical for the non performers to retain their permits. New permit holders should be given a two year period to build their business prior to being subject to this review. The city should also provide for a system of insuring that the STR owners are reporting all income. This could be accomplished, in part, by having the owners keep a log of guests and dates that must be kept current at all times and open for review.

The current trend around the country is ordinances allowing "home sharing". This is renting out a portion of personal homes to vacationers. The most common website used is airbnb.com. Some ordinances are providing for two categories of rentals: one for STR's and one for home sharing. Several of the current STR permit holders are actually doing home sharing. The city should consider, as a means to increase revenue, creating two categories of rentals. My suggestion would be to create a new category of Home Sharing permits and start with 15 permits in this category. This could be defined to include all situations where the owner is on the premises with the renters (renting out rooms in a house or a guest house as long as the owner is sleeping on the premises). The current holders of STR permits that are actually home sharing could move into this category and create openings on the wait list for new STR owners. The home sharers should not be subject to the minimum fee requirements that I am suggesting for STR's, as many of them may be doing this on a part time basis to supplement their income. There seems to be consensus among the proponents and opponents to STR's that when the owner is on premises, the concerns of noise and parties are diminished. For this reason, the opponents of STR's may be willing to accept the addition of home sharing permits. Napa is considering this two category approach.

Finally, I believe the number of STR's could be expanded provided the ordinance is revised to include a detailed process for dealing with complaints and penalties for offenders. Based on what I heard at the meeting, the owners who provide their guests with clear rules and requirements concerning noise and respect for neighbors do not seem to be creating issues. The ordinance should provide that every guest must sign a form notifying them of the noise requirements and penalties. These forms should be maintained in a binder by the owner and subject to review by the city in the event of complaints.

I am attaching a list of cities that I found in my brief google search that have ordinances regulating short term rentals (STR's). I thought this may be of help to the planning commissioners as they move forward with possible modifications

Attachment 3

to the current ordinance. I am willing to help the planning commissioners with review of other city ordinances and drafting, if that would be helpful.

Please include this email in the packet you are preparing for the planning commissioners. Thank you for consideration of my suggestions.

Warm regards,

Donna Hinds
Cell: 707-799-4844

Attachment 3

September 20, 2015

To: City of St. Helena Planning Department

Aaron Hecock: Director of Planning

Re: STR Permits in St. Helena

As St. Helena homeowners for more than 18 years my husband and I wish to share our views regarding the ordinance that permits STR's in our city.

The STR Permit Situation in St. Helena:

- 1) The current ordinance makes little or no provision for monitoring, compliance and follow up after STR permits are granted. By their own admission the city does not have the staff to follow up and make certain that residences are in compliance. Since the STR ordinance has been in place it has put the burden on the neighbors and the neighborhood in which the STR are located to "police" STR's that are not following the letter of the law. No City ordinance should be passed that cannot be supervised and monitored by the paid professionals of the city administration.
- 2) At the same time the city of St. Helena appears not to have tracked complaints by its citizens since the ordinance has been in force. That means that data available related to STR issues other than gathered by neighbors of STR's is non-existent. The city administration should have a system in place which flags all calls to the police or city hall that are related to STR's. This should have been done when the ordinance was passed. If STR's are to be allowed to continue a transparent reporting system regarding STR complaints must be established in this regard.
- 3) If the City of St. Helena continues to allow STR's the contract should be amended to require the owners of the STR's to report the income that they are deriving from STR's to the appropriate US tax authorities.

The present situation we find ourselves in is unacceptable and potentially dangerous. Essentially the city of St. Helena has permitted 25 short term rental properties with virtually no controls placed over them save the fact that they need to report their income and pay their prescribed tax. The notion that STR's would manage themselves without city oversight seems to have been the practice. And while hotels have to adhere to life safety issues such as sprinklers, handicapped access, these properties do not, nor is there any form of control over or supervision of these "transients visitors" that we find in our residential neighborhoods throughout the city. Unlike hotels where there are personnel in place who can be on

Attachment 3

the lookout for problems – our neighborhoods have had short term visitors foisted on them who are present without any form of oversight.

Ultimately the leadership of the City of St. Helena will have to decide which is more important to the quality of life in our community – a few hundred thousand dollars in tax revenue or the potential destruction and commercialization of our residential neighborhoods. Strangers living next door for a day or two, noise, traffic, safety. Had the city recorded the complaints to police department and logged them in as STR related the city management would have long ago been aware that STR's have been and are a problem

Property owners already have the right to rent on a more than 30 day basis and there are many members of our community who do rent their properties for 30 days or more – we welcome those non-transient residents. It is the transients guests next to which we object.

We join the majority of our neighbors in the Stockton Pine Street community to urge the City of St. Helena administration to revoke STR permits in St. Helena's residential neighborhoods.

Sincerely,

Katalin Kádár Lynn and Douglas G. Lynn

1440 Stockton St.

Attachment 3

Noah Housh

From: Peter White
Sent: Tuesday, June 30, 2015 5:18 PM
To: William Imboden; Noah Housh
Subject: FW: Short Term Rental Permits

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Bill and Noah,

When you have time, could you review Mr. Belt's letter and advise me on the accuracy of his assertions? I know short term rentals has been a hot topic and considered a nuisance to some residents and I would very much like to hear your perspectives.

Thanks,

Peter

Peter White
City Council
1480 Main Street
St. Helena, CA 94574
707-480-9958
PeterW@ci.st-helena.ca.us

From: tmbelt@comcast.net [tmbelt@comcast.net]
Sent: Tuesday, June 30, 2015 3:18 PM
To: Peter White
Subject: Fwd: Short Term Rental Permits

Sorry Peter, I mistakenly sent your copy of this message to Alan to the wrong address.
Tom Belt

From: tmbelt@comcast.net
To: alang@cityofsthelena.org
Cc: ", <pwhite@cityofsthelena.org>, regp@cityofsthelena.org, pauld@cityofsthelena.org
Sent: Tuesday, June 30, 2015 3:07:54 PM
Subject: Short Term Rental Permits

Dear Mayor Galbraith,
I have been told by two St. Helena residents that the city council will be reviewing its municipal code section regarding short term rental permits in the next few months. First of all, can you confirm that this will be taking place?

Secondly, I would like to express my concerns and the concerns of many of my neighbors, about the city continuing to allow these permits:

Attachment 3

1. The city does not currently have the staff to monitor the illegal versus legal short term rentals existing in our town. Today, I went online to the VRBO website and counted 51 listings for St. Helena rentals offered on a daily or weekly basis. It is my understanding that there are 24 approved short term rental permits, of which two are currently available. And VRBO is only one rental website advertising short term rentals.

2. The city does not currently have a municipal code that empowers our police department to issue citations to the unruly renters of these properties when the neighbors of the short term rentals call about late night noise disturbances. While our police department will respond to noise complaints and contact the responsible parties of the complaint, they will not issue citations to the disturbing parties, even if the complaint reoccurs on the same date. As a result of this, there have been several instances where St. Helena residents have called the police department multiple times a night because of reoccurring noise, and the disturbance continues. According to our past and present police chiefs, if a police officer responds to a "public" disturbance call after hours and witnesses the loud noise them-self, they cannot issue a citation because they are not considered the public. In order to have a citation issued, the neighbor calling in the complaint must have the responding officer issue a citizen's arrest to the unruly renters. This requires the neighbor to sign the citation initiating the arrest. Obviously, this pits neighbor against neighbor and has the potential to cause even more grief. I can confirm this with an email I have received from our present chief of police and by the personal experiences my neighbors and I have had to endure.

3. To my knowledge, there is no system in place for our police department to document the complaints it receives about short term rentals and reporting those complaints to the city council. In deed, it wouldn't surprise me if the city council was unaware of how many residents in our town have complained about the late night disturbances or how grave the situation is.

In summation, based upon the fact that our city does not have the staff to effectively control the illegal short term rental market in our town and because our police department cannot by itself enforce disturbance complaints, I would like the city council to postpone extending any current short-term rental permits and cease any consideration off expanding the number of permits issued until such time as the city can responsibly manage the adverse impact these permits have in our neighborhoods.

Tom Belt

Attachment 3

Noah Housh

From: joyrb@aol.com
Sent: Wednesday, September 23, 2015 1 38 PM
To: Noah Housh
Subject: short term rental

Commissioners:

Despite whatever attendance this evening's meeting elicits... this issue is very important to virtually all fulltime residents and there are many opinions circulating.

The following are some of mine:

1. Any and all of the 25 permitted short term rentals should be identified and listed.
2. A city street map with *starred* addresses indicated would be beneficial.
3. Contact persons and numbers for all parties (owners and managers) should be notated.
4. Fines for failing to follow permitted uses should be identified.
5. Consequences for repeat violations should result in loss of permit.
6. Any parties operating short term rentals without permit should be fined and lose the privilege of acquiring any future permit.
7. All parties who violate city rules and regulations should not benefit...e.g. (forgiveness vs permission).

The abuses and problems with existing short term rentals are well known.
Noise is an ongoing problem...as is parking and trespassing.
Calling the police does not solve any of these issues.

Thanks for the meeting. I hope many resolutions are discussed and new ideas forthcoming

Sincerely,
Joy Roades

Attachment 3

Noah Housh

From: mcoy@napanet.net
Sent: Tuesday, September 22, 2015 12:01 PM
To: Noah Housh
Subject: short term vacation rentals

Importance: High

Dear Mr. Housh,

We are writing because we wanted to voice our opinions on the short-term rental ordinance as we can not attend the meeting this Wednesday. There has been such a dramatic change in St. Helena since the vacation home trend escalated and it is not for the good of our town. The fact that there are many vacation or 2nd/3rd homes and many of them end up being rented, some legally but many not. It has impacted the city, citizens and sense of community in a negative way.

I applaud the Planning Commission on their two recent denials of short-term rental permits. Houses in neighborhoods with not much space between dwellings are not conducive to such rentals. The noise and traffic are too much. I agree that the Police Dept. and the department that handle these agreements are not communicating when there are complaints.

People who come to stay at these rentals, though not all, think of their stay as PARTY TIME!. They show no concern for the noise they make at all hours, how their voices carry to neighboring yards and residences, how their parking impact those that live near by and the hours they keep. They paid good money for the rental and figure it is their right to use it how they want.

We back up to a vacation home, though to our knowledge it has never been rented for a short term. The owners have been very loud on occasion. They probably did not know of the noise ordinance and hours. It took a phone call from us to the police after midnight for them to become aware. Then as a result of our call they made a derogatory remark from their yard that was heard by us. Since that time things have been a little better.

On our street now recent home sales have been to part timers. Though one of the new owners are very nice and respectful of the neighborhood the other is another story which we have already spoken about to the Planning Commission. But my concern is that future sales may attract those interested in short term rentals. That is our fear.

As a person active in the community through a service club I am finding that it is hard to get new members. I have shared this concern with others and it seems to be happening with other clubs too. Enrollment in our public schools is declining. Having less full time residences, not to mention the lack of affordable housing for the MIDDLE CLASS and those that grew up in St. Helena and now work here, is the cause.

I realize we must adapt to change but how much should we put up with just so the city can get more money through tourism? We moved here to live when I got a teaching job at the local high school. We chose to make this our home and raise a family. We want to keep St. Helena nice for others to do the same thing. If we wanted to live in a resort town we would have moved to Tahoe or Carmel.

Attachment 3

Thank you for your time to hear how this ordinance is affecting locals. I hope this makes it in time for the meeting on Wednesday, September 23rd.

Sincerely,

Marilyn and Nick (Louis) Coy
1221 Soring Brook Ct.
St. Helena, CA 94574
963-306

Attachment 3

Noah Housh

From: mdmilat@comcast.net
Sent: Tuesday, September 22, 2015 7:42 PM
To: Noah Housh; Alan Galbraith; Sharon Crull; Greg Pitts; Paul Dohring; Bobbi Monnette; Grace Kistner; Sarah Parker; Tracy Sweeney; Mary Koberstein; Peter White
Cc: sthelenastrong@gmail.com
Subject: Short term rental ordinance

Sept. 22, 2015

Dear Mayor, Councilmembers and Commissioners,

I hope you will listen to your constituents and revise the short-term rental ordinance. The rules contained in the original ordinance have been blatantly ignored and violated since it was put in place.

These rentals were originally mostly bed and breakfast rooms in private homes, with the owners present. Now we have people, often from out of town or even out of the country, buying single family homes in strictly residential neighborhoods and turning them into mini commercial hotels. The city has done a very poor job of implementing and policing this ordinance. There are only 25 permits. A quick look at VRBO and other sites shows over 90 such properties, mostly within the city limits. It should not be that hard to identify them and stop them. We know that even if they are shown to be 30 day minimum rentals, they are routinely rented for shorter periods. You should publish a list of the 25 legal sites so we can tell if the ones in our neighborhoods are illegal. Some of these homes are on very small lots with the neighboring homes only a few feet away. Many have only 5 foot side yards to separate us. Some are even in condo complexes with only walls separating them. If these uses are permitted, they should be in mixed use or agriculture zoning on larger lots, preferably with the owners living on the property.

There should be no additional permits issued unless there is a thorough study of how the existing permits are being used and the impact on the neighbors involved. Nobody who has been running an existing illegal rental should be allowed to apply for a permit, at least without a long waiting period, and should be fined for the illegal use. The \$1000 per day fine is ridiculous. Make it a reasonable amount and actually collect it.

With the rental housing shortage in St. Helena these strictly family homes in residential neighborhoods should be kept that way. While the prospect of collecting the transient tax may be tempting, it's not worth it. There are enough hotels now being built or in the planning pipeline to significantly increase the taxes collected.

Mark Milat
 1180 Valley View St.

Attachment 3

Noah Housh

From: Daniel E. Siri <dan@desircpa.com>
Sent: Thursday, September 24, 2015 9:39 AM
To: Noah Housh
Cc: 'Denise Siri <denise.siri@gmail.com>'
Subject: Comments on Short Term Rental Permit town hall

Noah:

Thank you for a very well organized and well run town hall meeting last night.

Denise and I have been STRP holders since June 2012; our St Helena home is located at 1242 Madrona Avenue; it has 2 bedrooms/2 baths, and is conveniently located on a nice corner lot that allows us and our rental guests to easily walk to the downtown area for dining and shopping.

We have two neighbors that abut our property; Peter and Karen Dahl at 1234 Madrona Avenue, and Richard and Charlene Paulson at 1660 Oak Avenue; the set back between these 3 homes is very small as these homes very constructed well before the modern day set back requirements.

In the 3 years we have had short term rental guests the Dahls and the Paulsons have never experienced in negative impacts such as excess cars or traffic, loud noise or any other type of disturbance; as a matter of fact some of our guests have greeted them in person while walking the neighborhood; both of these neighbors have told us we are the "ideal" neighbor to have as a STRP holder. We also allow family and close friends to use our home outside of the rental program – that use would continue even if we did not have a STRP as it is not a violation of any city ordinance.

We are very selective about our rental guests; this is a second home to us and we expect our rental guests to treat it in the same manner. Our typical guest renters are mature and responsible; they prefer staying in a house with kitchen and laundry amenities that they would not get at a hotel/motel/B&B.

I will summarize my points:

1. There is a small vocal minority that simply don't want STRP's – I don't believe they will prevail in eliminating the ordinance, and I don't think the ordinance should be eliminated.
2. There is definitely a lack of enforcement by the Planning Dept – back in June 2014 I attended a City Council meeting to request a renewal process be put in place – at that time there was no permanent city manager or planning director which resulted the STRP program being ignored as a city priority; now that these two positions have real city employees I think they may take some steps to do better enforcement for noise and disturbance violations, and illegal operators.
3. There seem to be a couple of STRP's that are pushing their rentals beyond what I thought STRP's were about – we were about allowing couples and families to rent our houses as alternatives to higher priced hotel/motel/B&B alternatives whereby they have multiple bedrooms and baths, a kitchen and laundry facility, and an enjoyable outdoor patio and garden; this was not about having catering trucks, buses, and large party gatherings at our homes; remember, these are homes and not meant to be commercial gathering places; your guests are meant to "live and stay" like it was their own second home.
4. For those properties that may fall into the complaint and enforcement process I think you need to realize that your STRP can be revoked and possibly never renewed.

Please include this communication in your report to the Planning Commission and City Council.

Sincerely yours,

Attachment 3

Dan Siri

Daniel E. Siri CPA
363 Village Square
Orinda, CA 94563-2505
T: 925-253-4882
F: 925-253-4898
C: 925-766-6107
E-mail: dan@desiricpa.com

Attachment 3

Noah Housh

From: Paul Dohring
Sent: Wednesday, July 08, 2015 1:31 PM
To: Sara Cakebread
Cc: Noah Housh
Subject: RE: Vacation Rentals

Hi Sara,

Thank you for sharing your comments. I am not sure what the total number is but I have heard from others that we may have several illegal rentals within the city limits. As a planning commissioner Alan did a report a few years ago about the existence of these illegal operations but I am not sure whether that information has been updated since the short-term rental ordinance was adopted. I agree that we need to get a better handle of the situation for the reasons you cite. One way to reduce or eliminate illegal operations inside the city is to bring well-publicized enforcement actions. Such actions could dissuade others from going down the wrong path.

Paul

From: Sara Cakebread [scakebread@comcast.net]
Sent: Wednesday, July 08, 2015 1:10 PM
To: Alan Galbraith; Peter White; Sharon Crull; Greg Pitts; Paul Dohring
Subject: Vacation Rentals

Dear Mayor Galbraith, Vice Mayor White and Members of the St. Helena City Council:

As much of the conversation in the city these days is around budgets and austerity measures, I wanted to share a thought about a potential source of revenue; vacation rentals. This came to mind after reading about the property on Scott St. that is facing a lawsuit for operating a short term vacation rental illegally, and then learning that a few of my neighbors are doing the same thing—and making a lot of money. It seems unfair to single out one property owner when, according to my very rough calculations, there are possibly 20 or so St. Helena listings on Airbnb, and 50+ listings on VRBO that are likely not following the rules either.

As it took me just a few minutes to find the above, it would not take long for a volunteer, intern or modestly paid high school student to find all the addresses of these listings, compare them to the list of permit holders and see if they are in the city limits. Then, the city could either fine those renting illegally, enhance an existing source of funding by increasing the number of vacation rental permits, or go for the most you can and do both. In addition to neighbors renting for weekends and weeks under the table, I also have friends with permits who are following the rules and paying the taxes. The system as it is now does not seem fair nor should it be ignored, especially in light of our financial challenges.

I'm sure I'm not the first or last to suggest this, but it just seems to make a lot of sense.

Thank you for your time and consideration.

Attachment 3

Sara Cakebread

"Life is too important to be taken seriously." -- Oscar Wilde

990 Allison Ave.
St. Helena, CA 94574
707-254-5309
scakebread@comcast.net

Attachment 3

St. Helena City Council
1480 Main Street
St. Helena, CA

September 14, 2015

Dear St. Helena City Council,

We are writing in support of the Short Term Rental Ordinance. Current permit holders in full compliance who have had no opposition should not be penalized for the transgressions of others. A stringent permit application process is currently in place. A permit renewal process, which would allow any new opposition to be addressed, would mitigate any future problems.

We have been full time residents of St. Helena for 25 years. We live in our home 100% of the time and do not own a second home. We raised our children here and are active community members. Now that we are retired we have the opportunity to travel more often. For security reasons we prefer our home to be occupied while we are away. Having a short-term rental permit has allowed us to occasionally rent our home while we are away, and thus keep the house occupied.

We live down a country lane and all residents have ample space surrounding their properties. We have the support of our neighbors and have had no issues, opposition, or complaints of any kind. It has been a win-win situation for us, our visitors, and the City of St. Helena, which benefits from the TOT taxes we pay each month.

We urge the City Council to uphold the Short Term Rental Ordinance for permit holders who are in full compliance. With 2708 households in St. Helena, the 25 permit holders constitute less than 1% of the households. If a permit holder is in full compliance their permit should remain valid. Energy should be spent on preventing homeowners from renting their homes for short terms without permits.

Thank you,

David and Kathi Brotemarkle

503 Fulton Lane
St. Helena, CA
Permit number PL14-052

Attachment 3

October 26, 2015

Dear Mayor, City Council, Planning Commission, and Planning Department,

We would like to thank you for holding the recent Town Hall Meeting about the Short Term Rental Permit Ordinance. We were unable to attend but we later watched the video and feel that much valuable information was gathered.

We understand that some in our community would like to abolish the STR Ordinance. We commiserate with those who have been adversely affected by rentals in close proximity to their homes. But we must focus on the primary issues discussed at the meeting: enforcement, regulation, and a stringent renewal process. Abolishing the STR Ordinance would be a mistake. Having a strong ordinance in place would provide a valuable tool to control short term rentals in St. Helena by providing enforceable parameters. The September 30th editorial in the St. Helena Star also suggests there is room for compromise.

The group St. Helena Strong is currently circulating a petition aimed at abolishing the STR Ordinance. Many residents who are unaware of the issue and not directly affected by it are being urged to sign this petition. St. Helena Strong and others opposed to the ordinance continue to state that one third of St. Helena's homes are second homes. This fact is not relevant to the STR ordinance issue. With 2708 households in St. Helena, 25 legal short term rental permits constitute less than 1% of all households. We cannot prevent people from buying second homes in St. Helena, but we can limit the number of rental permits and strictly regulate them.

It was clear from the Town Hall meeting that several crucial points need to be addressed. The ordinance needs to be rewritten, an enforcement process needs to be established, a stringent renewal policy is required, as well as penalties for permit violations. A properly enforced and regulated STR Ordinance can be successful and will provide revenue for the City. The amount of TOT tax collected from short term rentals can be significant and should not be ignored. Restrictions could be incorporated into a revised ordinance and might include a limit on the number of people allowed on the property, prohibiting of parties, events, and weddings, and a limit on the number of rental days per year.

Short term rental permits for current permit holders who are in full compliance should remain valid. We trust the city staff and our elected officials to give this issue thoughtful review. By focusing on the facts, and not emotions, we are confident a reasonable solution will be achieved.

Thank you,



David and Kathi Brotemarkle

503 Fulton Lane
St. Helena, CA
Permit number PL14-052



Attachment 3

Noah Housh

From: Nick Leinen <nickl@gailmaterials.net>
Sent: Wednesday, September 23, 2015 12:04 PM
To: Noah Housh
Subject: short term rental

Please excuse this late submittal. I am in So. Cal on business and have had the stomach flu since Monday. I live at 1537 main St. St. Helena. My immediate two neighbors are Both established B&B's I am across the street from city hall and for all practical purposes live in a commercial like setting. After eight years my remaining children are gone with my youngest starting college at P.U.C. I have a 5 bedroom home with a guest cottage in back. In addition I have a neighbor behind me with a short term rental which I believe is active. With all the noise in my location it seems to me my home would make an ideal location for a short term rental as the noise is already present. In addition I think my two remaining residential neighbors fill the same way. I can't say for sure if this program works everywhere in the city but surely in high traffic areas like mine it should be looked at closely. With the city of St. Helena being the only city in the Napa valley struggling to pay its bills this city counsel has inherited a hornets nest to clean up. If we keep doing the same, things will stay the same. All forms of revenue should be looked at closely so we can remain the heart of the Napa Valley. Good luck. Nick Leinen

Attachment 3

Noah Housh

From: Mila Holt <mholt@johlt.com>
Sent: Saturday, September 26, 2015 8:04 AM
To: Noah Housh
Subject: Short Term Rental comments
Attachments: curb in front of Tona's house on Stockton Street.png; looking down the street from Doug and Kati Lynne's house parking.png; Pine Street and Stockton Street parking.png

Hi,

I have some suggestions after the meeting Wednesday. Thanks so much for your consideration.

NOISE ENFORCEMENT:

Perhaps renters could put down not just a security deposit, but a "noise" deposit. If a noise complaint by a neighbor is corroborated by police or by the property manager, a portion of the noise deposit is forfeit. Even better, the money should go to a local charity of the neighbors' choice. If there is money involved, people will be quiet. Neighbors should have contact numbers for the property manager and owner.

SHORT TERM RENTAL LOCATION:

I don't agree that there should be limitations based on parcel size or setbacks or local ownership. The program should exist and be available on an equal basis to all, because success rests on the owner and renters. A responsible owner and considerate renters can be quiet and considerate in a densely populated neighborhood. We have been renting on the west side and never caused any complaint from neighbors. However, if the permit holder can't control guests' noise, they lose their permit. Innocent until proven guilty! If the owner does a good job of booking respectful guests, a rental will work in any neighborhood.

PERMIT APPLICATION HEARINGS:

Respectfully, I believe the hearing process should get an overhaul. Right now, it is spectacularly unfair to permit applicants. Since decisions are made somewhat naturally on the basis of which side can draw the biggest crowd and make the most noise, the applicant is immediately at a disadvantage. No applicant can drum up 15 or 20 supporters to come to her hearing. Friends and neighbors who support, or don't oppose, will not take time out of their busy lives, nor want to confront angry neighbors. A group like St. Helena Strong, while well-intentioned in many ways, I can get together and agree on a line of argument. In my hearing, they insisted that the 1450 block of Stockton Ave has a terrible parking and traffic problem. My application was denied on this basis. No traffic or parking problem exists near my house (see photos). It is simply untrue. Yet I was one lone voice against what felt like a mob of people, and I had no proof on hand (since I never anticipated this line of argument). A planning commissioner visited the block after the hearing to see for herself, and my neighbor Gregg Pitts will surely confirm that there is plenty of parking in front of my home and that you could eat breakfast in the middle of the street without having to move for a passing car (my husband did this after the hearing:).

There needs to be a method for rebuttal once the commissioners weigh in, or a chance to ask for a continuance to gather proof.

Speakers should only include those truly affected by the permit. At my hearing, I only recognized three of the speakers (one spoke in support of my application). The rest lived on other blocks, or too far away to truly be bothered by a short term rental in my home. It is just too easy for someone who lives five blocks away to state unequivocally that "this is clearly the wrong place for a permit." What does this person actually know about the

Attachment 3

situation? He knows nothing about the house, the applicant, the actual details at all. He is just there because he is part of a group that works together and has organized an all-purpose offensive strategy against short-term rentals.

Narrow the distance range for notifications of a permit application:

300 feet casts too wide a net. The people notified at my hearing included people who lived a block down, around the corner, and in three houses. This person couldn't possibly be affected by a rental at my home, unless my tenants threw a gigantic party (in which case nearer neighbors would surely complain).

I realize residents resent second home-owners like me. Please know that many second homes here are owned by people who come every single week, care about the community, and want a great relationship with neighbors. We are not owners visiting once a year. We live an hour and fifteen minutes away. Not local, but quite close. Our property manager lives across the street and practically on our property. We have never had a noise complaint. Our renters have been quiet and responsible (and mostly elderly). There is no parking or traffic issue on our street. No limos have ever lined up in front of our home to disturb neighbors. There have been no parties. There was no real reason we should have been turned down for a permit we waited two years and ponied up \$1400 in fees for. The hearing process really and truly needs an overhaul.

Thanks so much for taking the time to read this and for opening up the matter for discussion. I really like being part of the political process in St. Helena, meeting more neighbors, and hearing their perspective. Neighbors should not suffer because of short term rentals. Bad actors need to lose their permits.

Cheers,

Mila Holt

P.S., For commissioners who were absent, I am attaching photos of my block to demonstrate that there really is no traffic or parking problem and to prove that the complaints about this were trumped up. I don't think neighbors were trying to be unfair, as much as they were looking for a way to win their argument and ban permits in St. Helena. It's only human. By the way, I felt that the survey taken by St. Helena Strong and quoted at the meeting should have included quotes they got in support of the program, if such quotes exist.

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M I L A H O L T

Executive Producer I President
JOHLT Productions
6400 Hollis Street, Suite 10
Emeryville, CA 94608
510.879-7620 X102
Cell: 510-599-9689

website: johlt.com

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Attachment 3

Noah Housh

From: Stone, Jim <jstone@frosthconsulting.com>
Sent: Sunday, September 20, 2015 11:20 AM
To: Noah Housh
Subject: Short Term Rental Permits- Permit Holder Comments

Noah,

My name is Jim Stone and I am one of the 25 City of St. Helena Short Term Rental Permit holders. Our property is located at 2080 Spring Mountain Road. I have noted the scheduled town hall meeting on this coming Wednesday, September 23 and I plan to travel from Austin in order to attend the meeting. However, I thought it might be helpful for me to put some of my comments in writing as I hope to be helpful as an interested party.

As background, please note my wife and I live in Austin, Texas, which happens to be the corporate home of Home Away- one of the main players promoting short term rentals. Just this morning there was an article in our main Austin newspaper discussing the fact that the Austin City Council was being challenged by Austin residents and homeowners to reconsider the rules and regulations concerning this type of business activity. And recently we owned a home in Beaver Creek, Colorado which also has had a troubled time defining and fine tuning how short term rentals should be regulated and controlled. I mention this only to suggest to you that it is certainly a hot topic and few have yet to conclude exacting standards that have met the expectation of all stakeholders.

I would also like to state that my wife and I do spend about one week every month in our St. Helena home and plan to eventually retire in St. Helena and live in our current home. So I am sensitive to the neighbors and homeowners of St. Helena and I would also be troubled if a neighboring property became an obvious transient location that caused noise, parking problems, excessive trash, periodic rude occupants who did not value the standards and goals of most St. Helena neighborhoods and homeowners. And despite whatever rules and regulations are in place you sometimes just cannot control (the homeowner or police department) the actions of other people, especially one-time renters. Based on my experiences, here are some concerns/suggestions I would have as a neighbor or homeowner or official of the City staff or elected official:

- The City of St. Helena chose to implement guidelines and regulations to permit 25 Short Term Rental Permits. If you are going to enact such regulations, please know you must enforce them fairly. In 2012 I spent a considerable amount of time and effort and attorney fees to get my permit. Our property has rental activity most every month of the calendar year and we have paid our TOT and filled out the required forms and paid for an annual business license. Why should I continue if the City openly disregards its' own regulations by allowing so many other properties to operate without paying the TOT, getting the permit and business license. I know staffing positions are over-burdened but if you cannot fairly and equitably enforce the STR regulations then you should abandoned them until such time as you can properly go forward.
- The City needs revenue and I know that a lot of citizens would like to think that growth and tourism is not needed to support the facilities and infrastructure that they want and demand. But they are wrong. Like it or not, the City of St. Helena is an expensive community in which to both live and maintain. One of the City's best attributes is the ability to attract tourism. And it is possible to control growth and high quality standards for the types of businesses endorsed and permitted so that you drive the type of visitor you want to attract. Just like the discussion of possible hotel additions for added tax base revenue, Short Term Rentals can also be a great source of added revenue. But if you are only going to permit 25 perhaps you need some stated goals as to locations, density targets and expected TOT. Maybe so many of the permits should be allocated for high end properties, so many for inter-city densely populated properties, etc.
- Related to my last point, over the years I have rented a number of vacation homes and now I own one. What has been successful in the homes I have rented and what I think has been successful for our St. Helena property is the fact that many of these homes tend to sit in a somewhat private setting. Certainly I think you should have

Attachment 3

some very strong goals with respect to densely populated areas- maybe greater distances between adjacent properties in regard to applicable entrances and entertainment areas.

- Perhaps you should have different permits for rentals that are full property rentals (the whole house) versus those renting a portion- and maybe that is already in place more under the bed and breakfast type concept.
- I do think that it would be reasonable for you to impose monetary penalties for the STR permit holders to help control noise and the like. I think that permit holders could ask for a refundable deposit by renters so that they have some greater clout to avoid unwanted behaviors- but those need to be at a level to have some meaning and also recognize that there (again) is the added burden on the City for regulation and enforcement.

Thanks for the opportunity to be part of the conversation.

Jim Stone

Jim Stone
Frost HR Consulting
President and Director
401 Congress Avenue, 14th Floor
Austin, Texas 78701
512-473-4560 (Direct)
512-751-7829 (Mobile)

Compensation | Consulting | HR Outsourcing

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Attachment 3

Noah Housh

From: Gisela Campagne <campagne123@socal.rr.com>
Sent: Monday, September 21, 2015 10:35 AM
To: Alan Galbraith; Peter White; Sharon Crull; Greg Pitts; Paul Dohring
Cc: Bobbi Monnette; Grace Kistner; Sarah Parker; Tracy Sweeney; Mary Koberstein; Noah Housh
Subject: SHORT TERM RENTAL REVIEW

Honorable Mayor Galbraith and Members of the City Council
Cc: City Planning Commission
Noah Housh, Planning & Community Development Director

Dear Distinguished Leaders,

We are Charles Sheldon and Ingrid Campagne, owners of a home at 1160 Church Street, St. Helena. We have owned our home in excess of 10 years. We live in San Francisco, however have enjoyed and are continuously enjoying spending a lot of time IN beautiful St. Helena.

We have been very fortunate in obtaining a short term rental permit since its inception. This has been such a wonderful partnership, for the City of St. Helena, the folks coming to St. Helena to visit and, of course, for us.

I am hoping you'll continue this amazing short rental program because it benefits so many. This practice is so very good for the city. First of all, the City benefits with the added revenue. Our rental alone brings the City of St. Helena a minimum of \$5,000 annually. Think about the number of families you're helping because there is no other option for a family to stay economically in the Valley. Please give some consideration to all the added income our guests bring to your city by visiting the restaurants and local businesses. You must see that it's a WIN-WIN for everyone.

I know our neighbors are more than happy with having folks come and stay at our house. We follow the rules and our guests often make new friends with the neighbors. Right now, St. Helena is providing a great service, and we, the homeowner are delighted to pay our fair share of taxes through the short rental program. Please don't allow a few disgruntled folks to take such a great privilege away.

We sincerely thank you and are in great hope that you will allow the continuance of this practice because it benefits a great many wonderful people.

Thank you and best regards,

Ingrid Campagne
Charles Sheldon

Best regards,

714-328-8661

Attachment 3



<http://www.WagsNWine.com>
<http://www.WagginTrails.org>

Attachment 3

Noah Housh

From: Katie Leonardini <katie@whitehalllane.com>
Sent: Tuesday, September 29, 2015 11:25 AM
To: Noah Housh; Noah Housh
Subject: Short Term Rentals in St. Helena

Hi Noah,

Thank you for hosting the Town Hall Meeting last week to discuss Short Term Rentals. I attended the meeting and thought it was a healthy way for our town to discuss the item at hand.

I own a home on the corner of Allyn and Pine (1504 Allyn Ave). I have not had any issues with short term rentals as neighbors, so I do not have any horror stories to share!

I do believe that if short term rentals become illegal once again, many home owners will continue to host these short term guests, and the problems we have heard will increase. If we continue to have rules and regulations in place, and improve enforcement of the rules, then we can co-exist with minimal issues. Most home owners want to be law abiding citizens and follow the rules that have been put in place.

KEEP SHORT TERM RENTALS AS THEY ARE WITH IMPROVED ENFORCEMENT OF RULES.

The number of short term rental permits should not be increased. I do believe that 25 is a good number for the size our town. The map on the city website is really helpful in order to grasp the number of rentals in a town of our size. Again, improvement of rule enforcement will minimize issues. Further, those that continually break the rules, should have their permits revoked. **KEEP THE NUMBER OF SHORT TERM RENTAL PERMITS AT 25.**

There is one additional note that I would like to add. When an application is submitted for a permit, please take special note of the address. If there are already one or two permits on that block, please bear this in mind. It would be unfortunate for full time residents if multiple homes on their block were short term rentals. In other words, **DO NOT ALLOW FOR A HEAVY CONCENTRATION OF SHORT TERM RENTALS ON ANY ONE BLOCK.**

Thanks again, Noah.

Katie Leonardini

Whitehall Lane Winery
 1563 St. Helena Hwy
 St. Helena, CA 94574
 C: 707-815-3650

Attachment 3

Noah Housh

From: Kimberly Phinney <kimbophinney@gmail.com>
Sent: Thursday, October 01, 2015 7:05 AM
To: Noah Housh
Subject: Short Term Rentals

Hello Noah,

I attended the Town Hall meeting to discuss short term rentals but had to leave around 6:15pm.

I appreciated the opportunity to have this discussion take place and think it is definitely a hot, yet important topic for our community.

Below are my thoughts regarding short term rentals:

-The guidelines in place are good and make sense without completely handcuffing a paying guest, while respecting the neighborhoods with parking, noise and time restrictions.

-We should not punish those abiding by the guidelines currently. There seems to be a few that are doing a fantastic job of respecting the neighbors, the community and the rental guidelines set up by the city of St. Helena.

-I do not think we should add any more permits, 25 is great and is a suitable amount for a community our size. I believe in a use it or lose it approach. Maybe a minimum of revenue if there isn't a high enough fee to have a rental warranting a permit in the first place.

-Enforcement is paramount. Giving neighbors that have issues with neighboring rentals a voice and back up is essential. I think one warning per house is suitable since the rules are laid out so well. Along with a list of addresses for these short term rentals, it would be nice to see the owners name and contact phone number. It puts a person/name with a rental property and furthers their responsibility knowing that they could be called as well, at any hour, like the police.

As a side note generally speaking of short term rentals, there is an obvious short term rental in our neighborhood by the amount of car turnover, out of state plates and the cleaning crew regularly. I have had two morning encounters regarding this property and the cars being parked there. You pointed out at the night of the meeting that two on property parking spaces are required. I thought that was one of the best guidelines. This house has zero and yet is still operating, frequently. The address is 1512 Hudson Ave. My reason for mentioning this is not only to further the enforcement of rentals, but ask how they got their permit in the first place?

Thank you for your time on this and again for having the town hall meeting. If you would like any of this discussed further due to lack of understanding with my writing, please let me know.

Thank you again.

Ciao,
 Kim Phinney

Attachment 3

CITIES WITH SHORT TERM RENTAL ORDINANCES

1. Napa, Ca
2. Petaluma, Ca
3. Newport Beach, Ca
4. San Bernardino County, CA
5. Carlsbad, CA
6. Monterey County, CA
7. Solana Beach, Ca
8. San Francisco, CA
9. Palm Desert, Ca
10. Santa Monica, CA (House Sharing)
11. Ventura, Ca
12. Indian Wells, CA
13. Dana Point, CA
14. Encinitis, CA
15. Pacific Grove, Ca

1. Spokane, WA
2. Savannah, GA
3. Charlottesville, VA
4. Manzanita, OR
5. Aspen, Co
6. Charleston, SC
7. Cape Elizabeth, Mn
8. Santa Fe, NM
9. New Orleans, LA
10. Portland, OR
11. Austin, Tx
12. Cape Code, Ma
13. Maui, Ha
14. Bend, Or
15. Nashville, TN

Attachment 3

Noah Housh

From: Nick Leinen <nickl@gailmaterials.net>
Sent: Wednesday, September 23, 2015 12:04 PM
To: Noah Housh
Subject: short term rental

Please excuse this late submittal. I am in So. Cal on business and have had the stomach flu since Monday. I live at 1537 main St. St. Helena. My immediate two neighbors are Both established B&B's I am across the street from city hall and for all practical purposes live in a commercial like setting. After eight years my remaining children are gone with my youngest starting college at P.U.C. I have a 5 bedroom home with a guest cottage in back. In addition I have a neighbor behind me with a short term rental which I believe is active. With all the noise in my location it seems to me my home would make an ideal location for a short term rental as the noise is already present. In addition I think my two remaining residential neighbors fill the same way. I can't say for sure if this program works everywhere in the city but surely in high traffic areas like mine it should be looked at closely. With the city of St. Helena being the only city in the Napa valley struggling to pay its bills this city counsel has inherited a hornets nest to clean up. If we keep doing the same, things will stay the same. All forms of revenue should be looked at closely so we can remain the heart of the Napa Valley. Good luck. Nick Leinen

Attachment 3

Noah Housh

From: Alan Galbraith
Sent: Wednesday, September 23, 2015 10:38 AM
To: Noah Housh
Subject: Fwd: letter for commissioners for short term rentals
Attachments: short term rental pg 1.pdf; ATT00001.htm; short term rental pg 2 pdf; ATT00002.htm

For the record. Alan

Sent from my iPhone

Begin forwarded message:

From: Darlene Walsh <walsh3dsw@gmail.com>
Date: September 23, 2015 at 9:36:04 AM PDT
To: Bobbi Monnette <BMonnette@cityofsthelena.org>, Grace Kistner <gkistner@cityofsthelena.org>, Sarah Parker <sparker@cityofsthelena.org>, Tracy Sweeney <TSweeney@cityofsthelena.org>, Mary Koberstein <MKoberstein@cityofsthelena.org>, Alan Galbraith <AGalbraith@cityofsthelena.org>, Peter White <PWhite@cityofsthelena.org>, "shraonc@cityofsthelena.org" <shraonc@cityofsthelena.org>, Greg Pitts <GPitts@cityofsthelena.org>, Paul Dohring <PDohring@cityofsthelena.org>
Subject: Fwd: letter for commissioners for short term rentals

Hello,

I am writing to you regarding the short term rental process. I have lived in St Helena for over 30 years and as a Real Estate Appraiser, I have observed numerous changes in our community , some good and some not so good. Having most recently been a part of the short term rental process, I would like to share a few thoughts. I am unable to attend the forum this evening but felt there may be a few things I observed that may shed some light on how this process is going. I thank you for taking the time to read my attached letter.

Sincerely

Darlene Walsh

Attachment 3

Another Commissioner based her vote on a neighbors comment regarding traffic (which was stated in the St Helena Star) did they know her house was in escrow at the time of the hearing and she no longer lives on this street, in fact has moved out of town? The neighbor to the South of the house complained about parking issues. I live directly across from this house and never see anyone parked there for any length of time. That neighbor has **chosen** to convert their garage to an office and has a five "one car" drive way which they choose not to use. Then there was a comment from a neighbor on the adjoining street "Pine Street" a dead end street. This neighbor spoke about traffic. I have never seen traffic on Pine Street or an issue of them with egress and ingress from Pine Street onto Stockton (I live across from the entrance). They spoke about the safety of 90 year old Mr Del Bondio walking on the dead end Pine Street. How was that a valid concern? After the meeting, I met with Sara Parker at my house. I wanted to interview her about what it is like being on the planning commission. At the end of our visit I asked her if she had heard traffic and her answer was no, as there is very little traffic on this street.

I apologize for the long letter but it is my hope you see where I am going with this. If you continue to have these short term rental discussions, let's try to have them be more pertinent to who is most directly involved and let's get away from the " I want you to make changes for me so I can have it like I want it but once you do that, don't let it change for anyone else" mentality that we have risen to. Take time after you hear public comment to further look into the issues and not make an on the spot decision. If you do not want short term rentals in neighborhoods, build criteria that would eliminate this issue. If parcel size is not sufficient, make the criteria start with a larger parcel size with greater set backs. I was disenchanted by the reaction I heard that night. The folks at the hearing all took the guilty before proven innocent stand. Yes the permit does allow for 20 people maximum at a party, yes it does allow for two to four cars but not everyone who rents a house on a shot term rental basis wants a rager. It has been my experience that the renters that I have seen in this area are considerate, quiet and respectful of our neighborhoods and city. I see short term rentals' as an opportunity to explore all we have to offer and potentially become permanent residences further supporting our city and its resources. This used to be a great community where everyone supported everyone else. It is sad to see its demise.

Thank you for listening

Sincerely,

Darlene Walsh

Attachment 3

Noah Housh

From: Carolyn Bond <bond@napanet.net>
Sent: Friday, September 25, 2015 11:25 AM
To: Noah Housh
Subject: Wednesday night STR meeting

Dear Commissioner Housh,

Thank you for your leadership during the discussion Wednesday night. I thought it was respectful and fair and I learned and understood more about all sides of this complicated issue.

However, I'm sure you understand that the vote at the end was completely skewed and made meaningless, in my opinion, by the last minute plea for ending STRs. That camp went right over and voted for that option, while the other side scattered their votes throughout the points listed.

Again, I feel that overall, it was a very valuable evening, despite the heat!

Respectfully,

Carolyn Bond
1165 Valleyview Street

Sent from my iPad

Attachment 3

Noah Housh

From: Ethan Brown <ethanbrownemail@yahoo.com>
Sent: Tuesday, April 19, 2016 10:03 PM
To: Noah Housh
Subject: Short Term Rental Ordinance

Greetings Noah,

Regarding the notion of rotating or limiting the terms of STR permits, please consider the following:

- 1) I think the Council already discussed this idea during their previous deliberations on the STRO before they sent it back for your analysis. My recollection is that they rejected this idea.
- 2) As with use permit holders on Main St, holders of STR permits go through a process of obtaining a permit, investing in their property, marketing their property, and managing their property. The City doesn't force Main Street use permit holders to relinquish their permits, in part because the City and the community benefit from the experience of operators as they gain experience and a solid customer base. The same is true for STR properties. I'm not sure where the pressure to consider rotating the permits comes from, but considering what the City just went through regarding community objections to poorly managed properties, why would the City invite more of the same by regularly forcing out well-managed properties and introducing new permits which might or might not be well managed? Consider also that if neighbors are tiring of an STR property next door, they can always address this during the renewal process. I don't understand the logic of this rotation/expiration idea whatsoever.
- 3) There are several permits available and the permitting process will be increasingly difficult going forward due to heightened community awareness and activism. Why would the City jeopardize this revenue source by forcing out the well-managed properties?
- 4) In contrast to this idea, I would actually urge you to consider allowing permit holders who do not have any complaints against them to renew automatically. This would be consistent with other changes you made that ensure efficient use of staff time.

Thanks for your consideration,

Ethan Brown
 489 Fulton Lane

Attachment 3

Attachment 3

Noah Housh

From: Jackson and Sandra Carr <fowldog@sbcglobal.net>
Sent: Monday, April 11, 2016 4:51 PM
To: Noah Housh; Aaron Hecock
Subject: Short term Rental Permit 2012-30

Dear Director of Planning and Community Development and the Honorable City Council Members,

St Helena has been our home since 1980. We raised our children here and have seen lots of changes. We always have the best intentions representing our city and we are proud to be a part of this community.

We have attended all Planning and City Council meetings from the beginning regarding the Short Term Rentals. We are in agreement with all the changes that are being proposed except for the renewal process. This change would affect our return guests who frequent our town and enjoy the ambiance of St. Helena. Since obtaining our permit we have never had a complaint from our neighbors in fact they embrace the visitors and enjoy their company.

The suggested change would have a negative impact on the visitors, the permit holders and the city.

We respectfully request that those short term permit holders who abide by all rules and regulations be granted automatic renewals.

Jackson and Sandra Carr
1172 Hudson Ave.
St. Helena, CA 94574
707-963-1172
707-486-5123

Attachment 3

Attachment 3

Noah Housh

From: Kathi Brotemarkle <kathi.brotemarkle@yahoo.com>
Sent: Monday, April 11, 2016 10:07 AM
To: Noah Housh; Alan Galbraith; Peter White; Sharon Crull; Greg Pitts; Paul Dohring
Subject: STR Ordinance revisions

Dear Noah and Members of the St. Helena City Council,

We attended the recent Planning Commission meeting regarding the proposed modifications and additions to the STR Ordinance. We would like to thank Noah Housh, city staff, and the members of the Planning Commission for their very thorough and thoughtful work on the ordinance. It is very evident that they listened to the complaints and suggestions of the citizens in the drafting of the proposed revisions. We believe the revised ordinance will be a tremendous improvement and will satisfy many who were initially opposed to the STRs.

There is one proposed addition which is of great concern to us as current STR permit holders. It was suggested that there could be a limit set on the number of renewals a permit holder could be issued. We do not think this is necessary or beneficial for the following reasons.

1. There is already natural attrition and turnover within the current 25 permits allowed; people sell their homes and move, decide they no longer desire to rent their homes, or permits may be revoked due to violations. New, stricter permit requirements will eliminate some potential permit applicants.
2. There are currently 4 permits available which will give a number of persons on the waiting list an opportunity to apply for a permit.
3. It takes time to learn how to properly and successfully run a STR. It may be 2 years before a permit holders is experienced and capable of running a good operation.
4. Constant turnover of STR permits would likely result in a decrease in TOT taxes as it takes time to get up and running, create a listing, and to begin hosting guests. In our case, our STR permit was issued to us in December of 2014 and we hosted our first rental in April, four months later. This illustrates a possible decrease of TOT revenue for some months while new STRs become fully operational. In the meantime, ongoing TOT from the current permit who is denied renewal is lost.
5. Constant turnover of STR permits will result in increased time spent and work for city staff and Planning Commission.
6. Current permit holders in full compliance have built good neighbor relationships and have put considerable time and energy into their preparations for hosting guests. Denying renewal of their permits in favor of a new and inexperienced permit holder is problematic at best.

Permit holders in good standing, who pay their TOT, have not had any complaints, and have build good neighborhood relationships should not be subject to renewal limits. We have properly managed our rentals and should be allowed to continue. Natural attrition and the new, stricter STR restrictions will allow for a manageable number of new permits being issued without penalizing those who have done everything right.

Thank you,

Kathi & David Brotemarkle
 503 Fulton Lane
 Permit number PL14-052

Attachment 3

Attachment 3

Noah Housh

From: Matthew Demchuk <matthew@demchuk.com>
Sent: Tuesday, April 05, 2016 1:46 PM
To: Bobbi Monnette; Grace Kistner; Sarah Parker; Tracy Sweeney; Mary Koberstein
Cc: Aaron Hecock; Noah Housh
Subject: Proposed Short Term Rental Permit Ordinance Revisions

Dear Commissioners and City Staff,

I represent my families Trust which is currently one of the Short Term Rental Permit Holders here in St. Helena (#2013-59). My folks purchased the home at 1702 Tainter Street back in 1986. I find that I am in a very peculiar position in that my permit expired on March 31, 2016. I did submit my renewal to the City on February 18, 2016 and since then my check has been cashed and the notices were sent to my neighbors as required by the ordinance. Per City staff, there were only two letters of opposition received, which is well below the 30% required to bring the application to the Planning Commission. As some of you may recall, my original application resulted in the first application being heard by the Planning Commission because our now mayor, Alan Galbraith, mounted a one-man opposition effort and convinced some of my neighbors to send in pre-addressed cards in opposition. However, after you, the Planning Commission, heard my position, my permit was granted. Now I find out that even though I have appropriately submitted my renewal application, paid my fees and based on my knowledge, complied with all of the requirements of the existing ordinance, my permit will not be renewed until the ordinance is revised and will be subject to those revisions. I have some concerns regarding some of the revisions, as I will elaborate below, but my biggest concern is that because of "timing", I now find myself once again in a unique position. Should the ordinance be revised as submitted, my renewal may not be granted because I have not met the suggested minimum nights. Even though I did receive the permit in 2014, we did not actually start renting the home till July 2015. We had experienced a pipe burst that caused extensive damage to the entire first floor of the home and we finally completed repairs in June 2015. However, since July 2015, I have rented the home a total of 47 nights and generated \$4,543 in TOT revenue for the City.

With all that being said, I would like to respectfully request that my permit application be accepted as complete and that my Short Term Rental Permit be renewed without being subjected to any revision of the ordinance.

In regards to the proposed revisions, I have the following comments.

I understand and support enforcement provisions in the ordinance, but feel that there really are two separate types of violations. Those that occur due to individuals conducting illegal short term rentals without a permit and those that are by legal permit holders in violation of the ordinance provisions. The penalties should not be equal for both. I wholeheartedly support enforcing illegal rentals because not only do they take money away from the City in lost TOT, but they are also competition for the legal permit holders. Those violators should be subject to severe penalties. However, in regards to legal permit holders, the language in the ordinance has been changed from "best efforts" to "shall". Although I know that most permit holders attempt to screen their potential renters, it is impossible to be able to ensure every renter will be the perfect renter. I would suggest some type of graduated fine for repeat offenders so that a permit holder that unfortunately rents to a bad apple once, isn't severely penalized. The way the ordinance is currently drafted, a legal permit holder that has one bad renter can be fined \$1,000/day.

Again, I support a "use it or lose it" provision, but 60 nights a year is significant. One of the reasons that I applied for the Rental Permit was because this home is in our families Trust and it was a way to offset some of the expenses of home ownership. However, I wanted it to still be available for the family to use and thus didn't want to get into a long term lease. There are five of us that benefit from the Trust and part of my arrangement is that each of us are allowed to use the rental properties in the Trust 2 weeks a year. That leaves 42 weeks a year to have the property rented. If I would need to have a minimum of 60 nights a year, that would mean I would have to rent the property at least 30 weekends

Attachment 3

out of 42 or 70% of the time. I am just expressing my situation, but I know that there are several permit holders that actually are renting out their primary residence and would not be able to meet this requirement either. I would suggest as an alternative, that a minimum amount of TOT tax generation be the measure as opposed to a minimum number of nights.

I am sensitive to the proximity provision because I am within 300 feet of at least one other permit holder and may be within 600 feet of several others. Although there is language that exempts existing permits from this provision, I think that this should be evaluated on a case by case basis and not have such stringent restrictions as to completely ban two permits within 300 feet. Also, going back to my original request above, depending on when my permit is actually issued, will I be exempt from this provision?

I understand that there are definitely opinions on whether this ordinance should exist at all, but for our situation, it has been a tremendous benefit to our family. I encourage you to listen to the current permit holders and the suggestions that we have. Most of us agree that the ordinance needs revisions, but they should not penalize current permit holders that are abiding by the existing ordinance.

Thank you.

Matthew Demchuk
Attorney at Law

Cell: 313-442-6600 / 313-442-6601

Office: 313-442-6600

Attachment 3

489 Fulton Lane
St. Helena, CA 94574
April 4, 2016

Planning Commission
City of St. Helena
St. Helena, CA 94574

Greetings Commissioners:

The draft revised ordinance before you on Tuesday April 5, 2016 represents the culmination of a series of steps taken by the City over the past year to address concerns raised by members of the community over the impact of short term rentals to our neighborhoods. The draft is thoughtful and thorough, and staff should be commended for it as well as for how the entire process has been handled. I have one primary comment and two minor comments for your consideration as you deliberate on the draft.

My primary comment concerns the establishment of a minimum of 60 rental days per year (Section 17.134.040.R). 60 days could result in permit operators taking riskier bookings just to hit the minimum days. Furthermore, as a permit holder who uses our house as our primary residence, 60 days will pose a hardship for us to maintain our permit. Primary residence rentals add a beneficial element to the STRO inventory by ensuring minimal or no impact to neighborhoods with a modest number of rental days while still providing meaningful tax revenue, albeit perhaps not as much as a full time rental. It's good to have these homes in the mix, and I urge the Commission to adopt a figure of 30 days which works for primary residence homes.

First minor comment: Section 17.134.040.K states that "Auctions, weddings, commercial functions, and other similar events which have the potential to cause traffic, parking, noise or other problems in the neighborhood are prohibited..." I suggest striking the phrase "which have the potential to cause traffic...in the neighborhood." Leaving the phrase as presently written allows for subjective interpretation on the part of operators who might claim, for example, that a wedding they are allowing will be managed to mitigate potential problems. Striking this phrase would simply ban auctions, weddings and commercial functions—all of which are risky events for short term rentals.

Second minor comment: Section 17.134.100 Violations, enforcement and civil penalties. I applaud the expansion of this section to include specific and robust enforcement. However, I found the legal nomenclature difficult to follow and generally inconsistent with City ordinance language. May I suggest an edit is in order to ensure comprehension by permit holders and the general population?

Thanks for listening,

Ethan Brown

Attachment 3

Noah Housh

From: Jay Greene <greene7375@comcast.net>
Sent: Tuesday, April 05, 2016 1:27 PM
To: Noah Housh
Subject: PlanningComm mtg 5April - STRO amendments

Dear Noah,

Thanks for updating me at our impromptu meeting this morning regarding the origin of the 60 night minimum you are proposing as an amendment to the STRO. This minimum derives, you say, from Councilmember Crull's statement in December, "Use it or lose it".

Paulina Humeres Greene and I (at 1516 Oak Avenue) hold a permit under this ordinance. We believe this minimum is too high and suggest 30 nights as a reasonable substitute.

The unintended consequences of too high a minimum will cause:

- a) those who are unwilling or unable to rent for as many nights as the minimum to abandon their permit. There may not be new applicants willing/able to meet the minimum. In any event, new applications will be resisted by those who advocated the abolition of STRO and there may be sufficient public demand to resist all new applications.
- b) those who are unwilling or unable to rent for as many nights as the minimum to consider leasing for 30 days for more (but less than the minimum).

In both instances, the City loses present levels of TOT, with questionable possibilities of replacement.

We urge the Planning Commission to adopt a more realistic minimum of not more than 30 nights - the transition point between short term and long term rental..

Jay Greene
 Editor & Webmaster
<http://www.becominghuman.org/>
<http://celebratingsthehena.net/>

1516 Oak Avenue • St Helena CA 94574
 707.815.7432
greene7375@comcast.net
jay.greene@asu.edu

Attachment 3

Noah Housh

From: Carolyn Kelperis <ckelperis@hotmail.com>
Sent: Sunday, April 03, 2016 6:29 PM
To: Noah Housh
Cc: Sarah Parker; Bobbi Monnette; Grace Kistner; racys@cityofsthelena.org; Mary Koberstein
Subject: Short Term Rentals--Proposed Changes

Hi Noah,

Thank you for your email alerting me of the upcoming PC Meeting which includes consideration of amendments to the STR Ordinance.

I have reviewed the attached documentation and have the following comments or questions:

1. Page 1 of both the Red Lined/Strike through and Draft finalized versions:

The first paragraph under "The City Council of St. Helena does hereby ordain as follows: begins with "Helena". . .the "St." is missing

2. **17.134.050** Procedures for application and public notice.

Application must include:

Sec. C, Item 6.

A list of the names and addresses of the property owners within a three hundred (300) 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.

Sec. D, Item 1.

The planning director shall provide a notice of application for a short-term rental permit to the property owners

and residents located within a three hundred (300) foot distance from the lot on which the short-term rental use

is proposed.

Is it correct to assume that in order to implement the proposal that residents, as well as owners receive notification, that it would be up to the Planning Department to send a notice to "Resident" if the mailing address of the owner was different from the address of the property located within 300 feet?

Attachment 3

Once the amendments to the Ordinance are finalized by the Planning Commission and City Council, will the STR Permit Application Form be revised to conform to the provisions of the amended Ordinance--especially to include a question as to whether the property has previously been rented as an STR without a permit?

Sincerely,
Carolyn Kelperis
1615 Main Street
St. Helena

Attachment 3

Noah Housh

From: Carolyn Kelperis <ckelperis@hotmail.com>
Sent: Sunday, April 03, 2016 6:39 PM
To: Noah Housh
Subject: STR Enforcement

Hi Noah,

The proposed amendment to the STR Ordinance, adds the following language to **17.134.010 Purpose and findings.**

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. . . .and to provide for robust enforcement remedies and penalties to prevent and deter violations of this chapter and unjust enrichment by those who violate this chapter.

At some of the previous town meetings it was reported that the City had contracted with a company who would be seeking out the "scofflaws" who continue to flaunt the rules by providing STRs without permits. Can you tell me if this service is still continuing and what success they might have had?

In past correspondence I noted that **1570 Main Street in St Helena** was continuing to advertise on airbnb--and they are still doing so as of this date:

<https://www.airbnb.com/rooms/4342790?guests=8&s=b-HkGnjK>

What action, if any, has been taken against this property owner?

This morning's NAPA VALLEY REGISTER contained an article about Airbnb cracking down on "iffy" hosts in San Francisco.

http://napavalleyregister.com/ap/travel/airbnb-pledges-host-crackdown-in-san-francisco/article_e2872b30-5537-5915-a0b5-6552fe7687ad.html

Attachment 3

The article indicated that Airbnb was pledging to purge its listings of hosts who have turned private homes into hotels, . . .that they (Airbnb) are seeking to adapt its policies "so it serves the best interest of each city we're in". . . and that they plan to do more to police its own listings in some cities.

Airbnb hosts certify that they are in compliance with all applicable laws (such as zoning laws and laws governing rentals of residential and other properties) -- so those listings in St. Helena without permits are lying to both Airbnb and the City.

Sincerely,

Carolyn Kelperis

1615 Main Street

St Helena

Attachment 4



**ACTION MINUTES
ST. HELENA PLANNING COMMISSION
VINTAGE HALL BOARD ROOM – 2ND FLOOR
465 MAIN STREET, ST. HELENA
NOVEMBER 17, 2015
6:00 P.M. REGULAR MEETING**

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER AND ROLL CALL:

3. Chairperson: Sarah Parker

Vice Chair: Grace Kistner

Commissioners: Bobbi Monnette, Tracy Sweeney, Mary Koberstein

STAFF: Noah Housh, Planning Director, Aaron Hecock, Senior Planner, Jim Kerrigan Building Permit Technician

4. PUBLIC FORUM: This is an opportunity for the public to address the Commission on items of interest to the public that are NOT listed on the agenda. Because of restrictions imposed by the Brown Act, the Commission may not engage in discussion nor take action on matters not described on the agenda. **Please observe the time limit of three minutes.**

Chair Parker opened Public Forum.

Geoff Ellsworth addressed the Commission.

Chair Parker closed Public Forum.

CONSENT ITEMS: Members of the Commission or the public may ask that any items be considered individually for purposes of considering alternative action, for extended discussion, or for public comment. Unless this is done, one motion may be used to adopt all recommended actions. (Roll Call Vote)

5. APPROVAL OF MINUTES: *October 20, 2015*

MOTION: *It was moved by Commissioner Kistner and seconded by Commissioner Monnette to approve the minutes of October 20, 2015.*

Ayes: *Commissioners Koberstein, Sweeney, Monnette, Kistner Chair Parker*

Noes: *None*

Abstain: *None*

*Planning Commission Action Minutes
November 17, 2015*

Attachment 4

Absent: None

Chair Parker requested that Department Report be heard before Public Hearings

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

- *General update on Planning Department activities.*

PUBLIC HEARINGS:

Commissioner Sweeney recused herself from Item 6 and left the room.

- 6. DESCRIPTION:** *Consider conceptual amendments to the City's Zoning Ordinance, St. Helena Municipal Code ("SHMC") Chapter 17.134, Short-term Rentals.*

RECOMMENDED ACTION: *Staff recommends that the Planning Commission review and discuss the proposed options for revisions to the STR Ordinance and provide direction on any recommended revisions to SHMC Chapter 17.134, Short-term Rentals to the City Council.*

Noah Housh reported on Item 6.

Chair Parker opened Public Hearing.

Chair Parker invited Sgt. Scott Fleming of the St. Helena Police Department to the podium to answer questions from the audience present.

Maryann Brooks, Tom Belt, Geoff Ellsworth, Lana Ivanoff, Dave Brotemarkle, Pam Simpson, Susan Gaze, Lisa Cabral, Tona Kovacevic, Jim Sweeney, Conie Wilson, Jill Russo, Paulina Wedesgreen, Kathy Brotemarkle, Larry Vermulon, Tom Belt, Kevin Diamond, Byron Smith, David Tate, Matthew Demchek addressed the Commission.

Chair Parker closed Public Hearing.

MOTION: *It was moved by Commissioner Kistner and seconded by Commissioner Koberstein to make revisions to the Ordinance and improve enforcement mechanisms, allow time for these improvements to be enacted and properly enforced and review the Ordinance again in a short time to see if the community impacts are lessened.*

Ayes: Commissioners Koberstein, Monnette, Kistner Chair Parker

Noes: None

Recusal: Commissioner Sweeney

Absent: None

*Planning Commission Action Minutes
November 17, 2015*

Attachment 4

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

- ~~• General update on Planning Department activities.~~

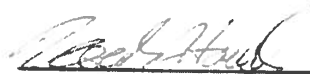
ADJOURNED: 8:14 pm

APPROVED:

ATTEST:



Sarah Parker
Chair, Planning Commission



Noah Housh
Planning Director

*Planning Commission Action Minutes
November 17, 2015*

Attachment 5

**DRAFT MINUTES
REGULAR MEETING
ST. HELENA CITY COUNCIL
December 8, 2015**

**3:00 PM SPECIAL MEETING - CLOSED SESSION
CITY HALL CONFERENCE ROOM,
1480 MAIN STREET, ST. HELENA**

**6:00 P.M. REGULAR MEETING
465 MAIN STREET, ST. HELENA
VINTAGE HALL BOARD ROOM – SECOND FLOOR**

A complete video recording of this meeting, except for closed session, can be found at www.cityofsthelema.org or by calling the City Clerk at (707) 967-2792. The City Council video is the official record of the Council meeting.

1. PUBLIC COMMENTS PERTAINING TO THE CLOSED SESSION

Mayor Galbraith called for public comment regarding the Closed Session matters listed. There being none, the Council convened into Closed Session.

2. CLOSED SESSION

- a. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION;
Government Code § 54956.9, subdiv. (d)(2): Significant exposure to litigation (one potential case)
- b. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION;
Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): (One potential case)
- c. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION;
Government Code Section 54956.9(d)(1); City of St. Helena v. Upper Valley Disposal Service, Napa County Superior Court No. 26-64875.
- d. CONFERENCE WITH REAL PROPERTY NEGOTIATOR; Government Code Section 54956.8;
Property: PG&E Property on Mitchell Drive APN 009-263-005
Agency Negotiator: City Manager Jennifer Phillips and
Planning and Community Improvement Director Noah Housh
Negotiating Party: Pacific Gas and Electric Company
Government Relations Representative Mark Van Gorder and Maya Herr-Anderson
Under Negotiation: Price and terms of payment

3. CALL TO ORDER

Attachment 5

The Special Meeting was reconvened at 6:00 p.m. and City Attorney Thomas B. Brown reported there was no reportable action.

4. PLEDGE OF ALLEGIANCE

4:00 PM CLOSED SESSION

Present: Councilmembers Dohring, Pitts, Crull, Mayor Galbraith

Absent: Vice Mayor White

6:00 P.M. REGULAR MEETING

Present: Councilmembers Dohring, Pitts, Crull, Mayor Galbraith

Absent: Vice Mayor White

5. ROLL CALL

6. PUBLIC FORUM:

Geoff Ellsworth addressed the City Council.

7. REPORTS BY STAFF AND CITY COUNCIL, FUTURE AGENDA ITEMS, and AB 1234 REPORTS:

City Manager Jennifer Phillips noted the December 15, 2015 City Council meeting is cancelled.

STAFF BRIEFING

8. Monthly water wise update presented by Jennifer Tuell, Water Conservation Coordinator

Water Conservation Coordinator Jennifer Tuell provided a monthly water update.

CONSENT ITEMS:

9. Second reading and proposed adoption of ordinance 2015-7 by title only of Proposed Modifications of the Development Impact Fee Ordinance No. 2013-2, Section 3.32.070 Water Impact Fees B. Schedule of Water Impact Fees. Modification is to Correct a Calculation Error Discovered in the October 3, 2013 Development Impact Fee Study Report

CEQA Status: Exempt. (CEQA Guidelines §§ 15061(b)(3), 15273.)

Lead Staff: April Mitts, Finance Director

Recommendation: Waive reading and adopt by title only

10. Second reading and proposed adoption of ordinance 2015-8 by title only of Proposed Amendments to the City's Purchasing System Ordinance, St. Helena Municipal Code Chapter 3.04 Purchase of Supplies, Equipment and Services and Procedures for Public Works Projects. Specific Amendments Apply to the Following:

Article 1 §3.04.010 Purpose Objectives / Scope / Responsibilities, Article 1 §3.04.020

Attachment 5

Definitions, Article 2 §3.04.060 Requisitions, Article 2 §3.04.080 Contracts, Article 2 §3.04.100 Bidding procedures for various purchase amounts, Article 2 §3.04.110 Departmental purchases, Article 2 §3.04.120 Informal bid procedure, Article 2 §3.04.130 Formal bid procedure, Article 2 §3.04.150 Cooperative purchasing with other agencies, Article 2 §3.04.170 Emergencies, Article 3 §3.04.200 Uniform construction cost accounting procedures, Article 3 §3.04.210 Bidding procedures for various project amounts, Article 3 §3.04.230 Informal bidding procedures, Article 3 §3.04.240 Formal bidding procedures, Article 3 §3.04.250 Bonds, Article 3 §3.04.270 Tie bids, Article 3 §3.04.300 Prevailing wages required, Article 3 §3.04.310 Pre-qualification of bidders, Article 4 §3.04.320 Award of professional service contracts based on competence, and Article 4 §3.04.340 Contracting authority.

The proposed amendments will increase purchasing limits and add clarifying language and definitions.

CEQA Status: Not a CEQA project

Lead Staff: April Mitts, Finance Director

Recommendation: Waive reading and adopt by title only

11. Consideration and proposed approval of a resolution 2015-148 authorizing a budget transfer from Fund 238 – Training Development Fund to the Public Safety budget (238-4900-2155), in the amount of \$4,000.00 to be used for reimbursable Police Department training

CEQA Status: Not a CEQA Project

Lead Staff: William Imboden, Acting Chief of Police

Recommendation: Adopt

12. Consideration and proposed approval of a resolution 2015-149 award for the Purchase Order in the Amount of \$58,857.82 to Downtown Ford Sales for the Purchase of Two 2016 Ford Interceptor All Wheel Drive SUV and Approve a Resolution to Adjust Citizens' Option for Public Safety Fund (COPS) in the Amount of \$109,356.82 for the Purchase and Outfitting of the Two Vehicles

CEQA Status: Not a CEQA Project

Lead Staff: William Imboden, Acting Chief of Police

Tracey Perkosky, Grants Manager

Recommendation: Adopt

Councilmember Dohring moved to approve Consent as presented. The motion was seconded by Councilmember Pitts and on roll call carried by the following vote:

AYES: Councilmembers Dohring, Pitts, Crull and Mayor Galbraith

NOES: None

ABSENT: Vice Mayor White

PUBLIC HEARING:

13. Consideration to adopt a resolution 2015-150 requesting membership in Marin Clean Energy (MCE); introduce the first reading by title only of an ordinance authorizing the City to implement and carry out a community choice aggregation program within the

Attachment 5

City of St. Helena through membership inclusion with Marin Clean Energy (MCE); authorize the City Manager to execute an MOU exploring inclusion with MCE; and authorize the Mayor to sign a letter requesting confidential load data from PG&E

CEQA Status: Not a CEQA project as defined in accordance with CEQA Guidelines, Section 15378

Lead Staff: Kathy Robinson, Operations Manager

Recommendation: Open/close Public Hearing, introduce by title only

City Manager Jennifer Phillips reported on this item.

Mayor Galbraith opened the public hearing.

Henry Gunther addressed the City Council.

Mayor Galbraith closed the public hearing.

A motion was made by Councilmember Pitts to approve resolution 2015-150 requesting membership in Marin Clean Energy (MCE); introduce the first reading by title only of an ordinance authorizing the City to implement and carry out a community choice aggregation program within the City of St. Helena through membership inclusion with Marin Clean Energy (MCE); authorize the City Manager to execute an MOU exploring inclusion with MCE; and authorize the Mayor to sign a letter requesting confidential load data from PG&E. A second was made by Councilmember Crull and on roll call carried by the following vote:

AYES: Councilmembers Pitts, Crull, Dohring and Mayor Galbraith

NOES: None

ABSENT: Vice Mayor White

NEW BUSINESS:

14. Consideration of Potential Amendments to the City's Zoning Ordinance, St. Helena Municipal Code ("SHMC") Chapter 17.134, Short-Term Rentals (STRs)

CEQA Status: Not a Project Under CEQA; Any Future Legislative Actions will require CEQA review and a Determination

Lead Staff: Noah Housh, Planning and Community Improvement Director

Recommendation: Provide direction

Planning and Community Improvement Director Noah Housh reported on this item.

Jim Sweeney, Geoff Ellsworth, Jay Green, Ernie Cabral, Pam Simpson, Larry Mullin, Kathy Brotemarkle, Tom Belt, Lana Ivanoff and two citizens addressed the City Council.

Mayor Galbraith called for a recess at 7:14 pm.

The meeting reconvened at 7:19 pm.

Attachment 5

Planning and Community Improvement Director Noah Housh summarized the direction and consensus from the City Council.

- a. Establish a local contact person
- b. Stricter enforcement
- c. Must own a home or own a home for time specific
- d. Increase fines
- e. No permit issued if previous violations on record
- f. Cap guests to two per room plus two
- g. Consider local preference
- h. No events and weddings prohibited
- i. Complaints trigger Planning Commission review
- j. Identify STR permit number on all advertising
- k. Further consideration of use it or lose it permit criteria
- l. Renewal will be reviewed by the Planning Commission if warranted and neighbors within 300' will be notified of Planning Commission review
- m. Increase the ability to revoke the permit

ADJOURNMENT

Mayor Galbraith adjourned the meeting at 8:22 p.m.

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk

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Appellant's Exhibit 2

Chapter 17.134

SHORT-TERM RENTALS

Sections:

- 17.134.010 Purpose and findings.
- 17.134.020 Short-term rental permit required.
- 17.134.030 Districts in which permitted.
- 17.134.040 Restrictions and standards.
- 17.134.050 Procedures for application and public notice.
- 17.134.060 Permit processing.
- 17.134.065 Renewals.
- 17.134.070 Appeals.
- 17.134.080 Inspections.
- 17.134.090 Revocation.
- 17.134.100 Violations, enforcement and civil penalties.

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; to impose limitations on the total number of permits issued in order to ensure the long-term availability of the affordable housing stock; and to provide for robust enforcement remedies and penalties to prevent and deter violations of this chapter and unjust enrichment by those who violate this chapter.

F. The city council hereby finds that the city's regulation of short-term 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. (Ord. 16-9 § 1 (Exh. A) (part); Ord. 12-2 § 8 (part))

17.134.020 Short-term rental permit required.

No person shall use or maintain, nor shall any person authorize, aid, facilitate or advertise the use of, any single-family dwelling on any parcel in any zoning district for short-term rental without a short-term rental permit. (Ord. 16-9 § 1 (Exh. A) (part); Ord. 12-2 § 8 (part))

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. (Ord. 16-9 § 1 (Exh. A) (part); Ord. 12-2 § 8 (part))

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. 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. (Ord. 16-9 § 1 (Exh. A) (part); Ord. 12-2 § 8 (part))

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 property.
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 (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.
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 (300) 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 and residents located within a three hundred (300) 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 (300) foot distance.
3. 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. (Ord. 16-9 § 1 (Exh. A) (part); Ord. 12-2 § 8 (part))

17.134.060 Permit processing.

A. Short-term rental permit applications shall be submitted to the planning commission at a noticed public hearing pursuant to the requirements of this chapter.

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 (STR) 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.

C. If 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 interested property owners on a waiting list in the order in which they were received. If a permit becomes available, applications shall be accepted and reviewed in the order that they are listed on the waiting list, subject to the local preference policy established in Section 17.134.040(P).

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. 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.

F. Substantial evidence identifying operation of an unpermitted short-term rental within the city of St. Helena shall prohibit approval and/or issuance of a short-term rental permit to the property owner and/or agent conducting the unpermitted rental activity.

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. (Ord. 16-9 § 1 (Exh. A) (part); Ord. 12-2 § 8 (part))

17.134.065 Renewals.

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. (Ord. 16-9 § 1 (Exh. A) (part))

17.134.070 Appeals.

Any person whose application for a short-term rental permit (including a renewal application) 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. The appeal shall be accompanied by a filing fee, if any, as established by city council resolution. (Ord. 16-9 § 1 (Exh. A) (part); Ord. 12-2 § 8 (part))

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. (Ord. 16-9 § 1 (Exh. A) (part); Ord. 12-2 § 8 (part))

17.134.090 Revocation.

A. The planning director may revoke a short-term rental permit pursuant to Section 17.04.140 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.

B. If an owner-applicant's short-term rental permit is revoked, the owner-applicant may not reapply for another permit for two years after the date of revocation. (Ord. 16-9 § 1 (Exh. A) (part): Ord. 12-2 § 8 (part))

17.134.100 Violations, enforcement and civil penalties.

A. Any property owner or responsible person who uses, or allows the use of, or advertises or causes to be printed, published, advertised or disseminated in any way, the availability of residential property in violation of this 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. For purposes of this chapter, "responsible person" shall mean and include any manager or other person responsible for allowing property to be used for short-term rental in violation of this chapter.

B. Short-term rental use, and/or advertisement for 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, except that the civil penalty for a violation shall be one thousand dollars (\$1,000.00). Each day the violation occurs shall constitute a separate offense.

C. Any property owner or responsible person who violates this chapter shall be liable and responsible for a civil penalty of one thousand dollars (\$1,000.00) per violation per day such violation occurs. The city may recover such civil penalty by either civil action or administrative citation. Such penalty shall be in addition to all other costs incurred by the city, including without limitation the city's staff time, investigation expenses and attorney's fees.

1. Where the city proceeds by civil action, the court shall have discretion to reduce the civil penalty based upon evidence presented by the property owner or responsible person that such a reduction is warranted by mitigating factors including, without limitation, lack of culpability and/or inability to pay. Provided, however, that in exercising its discretion the court should consider the purpose of this chapter to prevent and deter violations and whether the reduction of civil penalties will frustrate that purpose by resulting in the property owner's or responsible person's enrichment or profit as a result of the violation of this chapter. In any such civil action the city also may abate and/or enjoin any violation of this chapter.

2. Where the city proceeds by administrative citation, the city shall provide the property owner or responsible person notice of the right to request an administrative hearing to challenge the citation and penalty, and the time for requesting that hearing.

a. The property owner or responsible person shall have the right to request the administrative hearing within forty-five (45) days of the issuance of the administrative citation and imposition of the civil penalty. To request such a hearing, the property owner or responsible person shall notify the city clerk in writing within forty-five (45) days of the issuance of the citation. The appeal notification shall include all specific facts, circumstances and arguments upon which the appeal is based.

b. The city manager is hereby authorized to designate a hearing officer to hear such appeal. The city hearing officer shall conduct a hearing on the appeal within ninety (90) days of the request for the hearing unless one of the parties requests a continuance for good cause. The hearing officer shall only consider those facts, circumstances or arguments that the property owner or responsible person has presented in the appeal notification.

c. The hearing officer shall render a decision in writing within thirty (30) days of the conclusion of the hearing. The hearing officer shall have discretion to reduce the civil penalty based upon evidence presented by the property owner or responsible person that such a reduction is warranted by mitigating factors including, without limitation, lack of culpability and/or inability to pay. Provided, however, that in exercising its discretion the hearing officer should consider the purpose of this chapter to prevent and deter violations and whether the reduction of civil penalties will frustrate that purpose by resulting in the property owner's or responsible person's enrichment

or profit as a result of the violation of this chapter.

d. Any aggrieved party to the hearing officer's decision on the administrative appeal may obtain review of the decision by filing a petition for writ of mandate with the Napa County superior court in accordance with the timelines and provisions set forth in Government Code Section 53069.4.

e. If, following an administrative hearing, appeal, or other final determination, the owner of the property is determined to be the responsible person for the civil penalty imposed by this section, such penalty, if unpaid within forty-five (45) days of the notice of the final determination, shall become a lien to be recorded against the property on which the violation occurred pursuant to Chapter 1.12. Such costs shall be collected in the same manner as county taxes, and thereafter the property upon which they are a lien shall be sold in the same manner as property now is sold for delinquent taxes.

D. Any violation of this chapter may also be abated and/or restored by the enforcement official and also may be abated pursuant to Chapter 1.12, except that the civil penalty under Chapter 1.12 for a violation shall be one thousand dollars (\$1,000.00).

E. Each day the violation of this chapter occurs shall constitute a separate offense.

F. 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 had the use been legal, including the penalty and interest provisions of Section 3.28.070.

G. The remedies under this chapter are cumulative and in addition to any and all other remedies available at law and equity. (Ord. 16-9 § 1 (Exh. A) (part); Ord. 12-2 § 8 (part))

Appellants Exhibit 3

RECEIVED
By xgamero at 3:09 pm, Mar 16, 2021



SHORT-TERM RENTAL PERMIT RENEWAL APPLICATION

Planning Department
1572 Railroad Ave.
St. Helena, CA 94574
(707) 968-2659

For additional information, zoning & documents please visit us on the web at: <http://www.cityofstheleena.org>

Property Owner/Applicant Information -- Please Type or Print

Name Eugene A Demchuk Family Trust
Address P.O. Box 3448
City Dana Point State CA Zip Code 92629
Phone (626) 533-8468 Email tmfess@yahoo.com

NOTE: Attach contact information for all additional property owners to the application. In the case of a partnership, all general and limited partners must be identified. In the case of a corporation, all shareholders owning 10% or more of the stock and all officers and directors must be identified.

Property Information

Address of the Proposed Short-Term Rental Unit 1702 Tainter St
Is your business license current? ☒ Yes ☐ No TOT payments current? ☒ Yes ☐ No
Number of bedrooms available for use by short-term rental occupants 3
Number of on-site parking spaces available for short-term rental occupants 10

Local Contact Person Information

Name Trevor Fessenden
Address 924 Signorelli Circle
City St Helena State CA Zip Code 94574
Phone (707) 200-7854 Cell Phone (707) 200-7854
Email tfessenden@gmail.com

NOTE: The local contact person must be available 24 hours a day to accept telephone calls and respond physically to the short-term rental within 30 minutes when the unit is rented and occupied.

Office Use Only - Do Not Write in this Area

File/Permit Number PL 22-011 Date Application Received 3/16/22 Received by Aaron Hecok
APN 009-312-016 Zoning MR: Medium Density Resid
Renewal Fee: \$2,250 ☒ Total Paid (w/ PHN & LABELS) N/A

I, Martha Fessenden, hereby file this application for a short-term rental permit renewal. I certify that I am the owner of the property on which the short-term rental use is proposed, and that I understand the permit, if granted, shall not be transferable.

I certify that I have received and inspected a copy of all regulations pertaining to the operation of a short-term rental unit, and I agree to abide by the rules and regulations contained in the St. Helena Municipal Code and City Council resolutions, as they may be amended from time to time.

I further certify that the property manager identified in this application will be available twenty-four hours a day to accept telephone calls and will respond physically to the short-term rental within thirty minutes when the unit is rented and occupied.

I hereby authorize employees of the City of St. Helena to enter upon the subject property, as necessary, to inspect the premises and process this application.

In the event the City is required to take legal action to enforce any of the terms and conditions of this application, the property owner(s) agree(s) to pay to City reasonable attorney fees and costs incurred in such action.

I, the owner and the applicant, will defend, indemnify and hold the City, its agents, officers, and employees harmless from any claim, action or proceeding to attack, set aside, void or annul an approval of the City concerning the project, as long as the City promptly notifies the applicant of any such claim, action or proceedings and the City cooperates fully in the defense. I have also reviewed the requirement to disclose the complete list of partners and/or shareholders.

I hereby certify that all of the statements made and supporting documentation provided in this application are true, accurate and authentic to the best of my knowledge, information and belief, and further, I understand that knowing and willful misstatements or misrepresentations will result in a denial of the application.

Property Owner's Signature: Martha Fessenden Date: 3/8/2022

Property Owner's Signature: _____ Date: _____

CHECKLIST FOR FILING A COMPLETE SHORT-TERM RENTAL PERMIT APPLICATION

Each application must contain the following information. Incomplete applications will not be scheduled for review by the planning director or the Planning Commission.

- ☒ **APPLICATION FORM**, with all property owners' signatures, including all parties holding a title interest.
- ☒ **PROOF OF OWNERSHIP** of the subject property, in the form of a property tax bill, title documents, or listing on the most recent assessor's parcel roll.
- ☒ **SITE PLAN** indicating the location of at least two on-site parking spaces available for use by the short-term rental occupants, and **FLOOR PLAN** indicating the number and location of bedrooms proposed to be used by the short-term rental occupants. Plans should be on plan sheets up to 11" x 17" and need to be clear and easy to understand, but do not need to be prepared by a professional designer.
- ☒ **APPLICATION FEE** of \$2,250 made payable to the City of St. Helena.
- ☐ ***PUBLIC HEARING NOTICE FEE** of \$400 made payable to the City of St. Helena.
- ☐ ***MAILING LABEL PREPARATION FEE** of \$200 made payable to the City of St. Helena.

**May not apply.*

Upon receipt of a complete application, the planning department will verify any complaints on the subject property over the two years of the permit and will confirm that the operator has a current city business license and has submitted and paid all required TOT. If, for any reason, the planning department determines that the applicant hasn't complied with all provisions of the STR ordinance, the planning director may revoke the permit or choose to take the applicant before the planning commission for consideration. Applications will be reviewed in the order in which they are completed and determined ready for review.