AGENDA ITEM: 8

PL15-033: Request by Paul & Paula Rosdol for a Short-term Rental Permit to rent the single-family home located at 1134 Valley View Street in the MR: Medium Density Residential district in accordance with the requirements of the short-term rental ordinance.

PREPARED BY: Aaron Hecock, Planner

REVIEWED BY: Noah Housh, Planning Director

APPLICATION FILED: 07/09/15 ACCEPTED AS COMPLETE: 07/09/15

LOCATION OF PROPERTY: 1134 Valley View Street

APN: 009-441-005

GENERAL PLAN/ZONING: MR: Medium Density Residential

APPLICANT: Paul & Paula Rosdol PHONE: 0044-777-885-4539

DISCUSSION

BACKGROUND

In mid-June 2015, it was brought to staff’s attention that a possible illegal short-term rental was occurring at 1134 Valley View Street. Upon further investigation it was confirmed that said address was listed on VRBO.com as a short-term rental. Subsequently, a cease and desist letter was sent to the owners demanding that short-term rental activities stop immediately. Shortly thereafter, staff determined that the Rosdol’s and their home at 1134 Valley View were next in line on the short-term rental permit waiting list where they had been waiting since December 13, 2013.

At this time, staff began a dialogue with the Rosdol’s where they expressed their desire to move forward with an application for a short-term rental permit. Staff notified the Rosdol’s that due to the circumstances staff would need to take the application to the Planning Commission for consideration regardless of the outcome of the Notice of Application. As part of this dialogue, the Rosdol’s agreed to pay all Transient Occupancy Tax (TOT) associated with rental activities since they have owned the home. Staff provided them with the TOT forms and instructions on how to complete them and the Rosdol’s promptly filled them out, sent them in, and paid them in full (a total of $14,671.93 was paid for TOTs, including interest and penalties, dating back to January 2014). Staff notes that the Rosdol’s have been very forthcoming, cooperative, and prompt throughout the process even while communicating from Europe.
GENERAL PLAN/ZONING
The property has a General Plan and Zoning designation of Medium Density Residential (MR). This district provides for single-family detached homes, accessory dwelling units and compatible uses. Short-term rentals are a permitted use within the MR district with the issuance of a short-term rental permit.

SHORT-TERM RENTAL PERMIT
Municipal Code Section 17.134 regulates short-term rentals within the City. As required by Section 17.134.050(D), a notice of application for a short-term rental permit was provided to all property owners within a 300’ distance of the subject property.

As provided in Section 17.134.060(B), short-term rental permit applications shall be submitted to the Planning Commission if written protests 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. In this case, the 30% threshold was not reached, however, due to the circumstances, staff decided to bring the item before the Commission for approval regardless. The Planning Commission shall review and either approve or deny the application after considering the effects the proposed use would have on surrounding uses and the cumulative impacts within the community. In approving a short-term rental application, the planning commission must make the following Use Permit findings:

1. That the proposed use would not generate odors, fumes, light, glare, radiation or refuse that would be injurious to surrounding uses or to the community;

   The issuance of a short-term rental permit in and of itself would not generate any of the above.

2. That the proposed use would not generate levels of noise that adversely affect the health, safety or welfare of neighboring properties or uses;

   A short-term rental permit in and of itself would not generate any noise. While those staying in a short-term rental could potentially generate noise, this is not a given and the police can be called if noise becomes excessive. Furthermore, ordinance required house policies require that “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” and that “amplified sound that is audible beyond the property boundaries of the short-term rental dwelling is prohibited”. The Planning Director can revoke a permit if any of the required conditions are violated.

3. That the proposed use would not generate traffic noise in excess of the normally acceptable range identified in the general plan;

   Traffic noise generated by a short-term rental permit would not cause noise in excess of the normally acceptable range identified in the general plan.

4. That the proposed use would not make excessive demands on the provision of public services including water supply, sewer capacity, energy supply, communication facilities, police protection and fire protection;
The issuance of a short-term rental permit would have no effect on the services above.

5. That the proposed use would provide adequate ingress and egress to and from the proposed location;

The proposed short-term rental permit location has an existing driveway on Valley View Street.

6. That allowing the proposed use would not conflict with the city’s goal of maintaining the economic viability of a local-serving economy;

A short-term rental permit would not affect the City’s local serving economy and would therefore not conflict with the goal of maintaining the economic viability of a local serving economy.

7. That the proposed use would be compatible with surrounding land uses and would not conflict with the purpose established for the district within which it would be located;

Short-term rentals are a permitted use in the Medium Density Residential district. However, it is possible that the establishment of a short-term rental in a residentially zoned district could negatively impact a neighborhood depending on the frequency of the rentals and the individual characteristics of the particular neighborhood.

8. That the proposed use would not be in conflict with the city’s general plan;

A short-term rental permit is not in conflict with the City’s General Plan.

9. That the proposed use would not be injurious to public health, safety or welfare;

A short-term rental permit would not be injurious to public health, safety or welfare.

10. That granting the use permit would not set a precedent for the approval of similar uses whose incremental effect would be detrimental to the city or would be in conflict with the general plan;

The granting of a short-term rental permit within the ordinance mandated cap of 25 permits would not set a precedent for the approval of similar uses that would be detrimental to the City or in conflict with the General Plan.

11. That, as demonstrated on a detailed plan submitted by the applicant, adequate off-street parking to accommodate the long-term parking needs of employees and business owners and customers is available;

As demonstrated in the attached site plan, the proposed short-term rental location has the two (2) required off-street parking spaces.
12. That the capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed use.

*Valley View Street is adequate to serve any traffic generated by the proposed short-term rental permit.*

**CORRESPONDENCE**
Staff has received 5 letters of opposition for this application. This constitutes approximately 22% of those notified (less than the 30% required in order to bring the item to the Planning Commission for approval). Neighbor opposition to the short-term rental permit is generally focused on effects to neighborhood character.

**STAFF DISCUSSION**
The City has an adopted short-term rental ordinance that allows for a maximum of 25 short-term rental permits in the City; this applicant would be taking the place of previous permit holder, therefore, there is no net increase in short-term rental permits within the City. Furthermore, short-term rentals are a permitted use (with a permit) within the Medium Density Residential district. The City would also benefit from Transient Occupancy Tax (TOT) revenue collected from an active short-term rental permit holder. It should also be noted that per Section 17.134.090 of the Short-term Rental Ordinance, the planning director may revoke a short-term rental permit 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 the ordinance; or

4. The owner-applicant has failed to timely pay the transient occupancy tax as required by this code.

The Planning Commission should either approve or deny the application after considering the effects the proposed use would have on surrounding uses and the cumulative impacts within the community. In approving a short-term rental application, the Planning Commission must make the Use Permit findings listed above.

**ATTACHMENTS**
1. Parcel Map
2. Floor Plan
3. Short-term Rentals Map
4. Comment Letters
5. Applicant Response
6. Approval Resolution
7. Denial Resolution
Noah Housch  
Planning Department  
1480 Main Street  
St. Helena, CA 94574  

August 5, 2015  

Dear Mr. Housch;  

I have lived in the Valley View Subdivision for 23 years and moved here to be in a quiet residential neighborhood.  

I am opposed to the short term rental permit that is being proposed at 1134 Valley View Street in St. Helena by Paul and Paula Rosdol. While it is profitable for the Rosdal's and the City, it is not for the neighbors. With people coming and going every few days, the character of the neighborhood changes for those who live here and a bad precedent is set.  

Sincerely,  

[Signature]

Maxine L. Angell  
2101 Spring Street  
St. Helena, CA
Dear Ms. Argell,

Thank you bringing your concerns about our application for a short-term rental permit to our attention.

We like to take a few minutes of your time to respond to your concern that the short-term rental benefits only us and the City of St. Helena city but not the immediate neighbors, such as yourself – and that a short-term rental will change the residential character of the neighborhood. For the reasons that follow, we believed a short-term rental at 1134 Valley View benefits neighbors in several ways -- and much more so than a long-term rental -- and does not change the nature of the neighborhood.

**Overall less noise, footfall, activity, traffic and resource usage to due low rate of occupancy.**

As a short-term rental 1134 Valley would not be occupied 365 days a year as would a long term rental. The property would only be rented between 12-16 days a month in high season (mostly weekends May-October), and much less in the low season (November-April). We will only rent up to four adults -- not eight -- as the City's letter mistakenly stated, as we don't have the room for 8 people nor would be want the disturbance such a large party would cause the property, neighbors and neighborhood. Such limited occupancy and guest numbers does not pose a threat to the quiet residential nature of the neighborhood in our opinion.

**More curb appeal for Valley View Street**

1134 Valley View is professionally maintained by gardeners, as well as a dedicated property manager and her assistant. As many long-term Valley View residents know, our property was in disrepair when we bought it 2013. Since then we've worked diligently to enhance it in a way that complements the lovely ambience of the neighborhood. As short term renters will not be allow to bring pets onto the property, there will be no problem with barking, defecation or territorial marking in neighbors’ yards/gardens.

**Safe, secure and well-monitored environment**

To ensure all is well at 1134 Valley View, our property manager and/or her assistant passes the property daily as they live around the corner. They regularly talk with our immediate neighbors to learn if they have any concerns that we need to address. Most long-term renters do not have the same level of interest in or commitment to a property, its neighbors or a neighborhood.

**A 'Good Neighbor' Guarantee**

If we are granted a short-term permit, it is in our best interest to do everything reasonably possible to continue to maintain the peaceful nature of the neighborhood and quality-of-life of our neighbors. It’s also the neighborly thing to do.
No ‘iffy/unsuitable’ long term neighbors

If a Valley View neighbor is fortunate enough to have nice people living next door to him/her year-round then life is good for all. But the opposite is true if an unruly party rents 1134 Valley View on a long-term basis and uses it in ways that neighbors may find offensive, but can do little about. For example, neighbors could be subject to much more activities that could challenge the quiet of the neighborhood and the quality of life of its residence than would ever be possible with a short term rental. This could include, but not be limited to, ongoing racket from inside/outside the house by a large family, hobby/sporting activity, regular parties/entertainment events with large number of people, children playing in yard and street, dogs barking and defecating/cats wandering and spraying, undesirable family/friend visiting and many other activities beyond a neighbor’s control to influence or change.

Financial Penalty for Noisy Guests

To maintain the quiet of the neighborhood, we will put the following clause in our rental agreement and strongly enforce it. We use a similar clause for the rental agreement for our London Property and it has proven been very effective in discouraging unruly behavior. It alerts guests that we will not waiver on this matter (as noted in the copy highlighted in yellow) and deters ‘party people’ from choosing the property.

NOISE & DISTURBANCE OF NEIGHBORS

Guests shall not disturb neighbors who live up to four houses down on either side of the property with unruly noise, including but not limited to, loud music, conversations, laughing, dancing or singing. If a neighbor/s notifies the property manager via email or phone call during a guests’ stay complaining of such noise and disturbances the guests will be informed to cease and desist by the property manager and will forfeit $150.00 of their security deposit. The City of St. Helena Noise and Disturbance ordinances are posted in each bedroom and upon entering and exiting the backyard. Upon arrival, the property manager will highlight these posting along with the clause from a copy of their rental agreement reminding guests of their agreement to abide by these terms or incur a financial penalty.

Note: This charge will not be debated or waived under any circumstance. Guests who are not comfortable with this term/condition are respectfully advised to consider other accommodations.

Neighbors who are disturbed by noisy guests can call our property manager and report the incident details. She will immediately notify the guests that noise and disturbances have been reported and must cease and that $150.00 will be deducted from their security deposit. For the inconvenience the neighbor has experienced, the $150.00 penalty be donated to a local charity of neighbor’s choice.

Proven Experience with Short Term Rental

On a related note, we have gain extensive experience in effectively operating a short-term rental with our home in London. Consequently, we’ve learned how to be very sensitive and responsive to the needs of our neighbors, as well as our guests -- the success of our endeavors depends on both. Should we be granted a short term permit, such know-how would be applied to 1134 Valley View.
Thank you for your time and consideration. If you have any questions you can email us at pharvan@mac.com

Regards,
Paula and Paul Rosdol

Cc: Noah Housch, Aaron Hecock
Planning Department
My husband Tom Felling and I are concerned about the short term rental request sought
by the owners of the house at 1134 Valley View Street.

The list of requirements required by renters sounds very thorough but
I wonder how/if they would be enforced.

Currently the front yard is watered in what appears to be
in excess of Saint Helena yard watering guidelines. Almost every day the
front sprinklers are on and water runs down the sidewalk and gutter.
I have spoken to the man who I think manages the property for the owner but the watering
still takes place. I wonder if the noise and parking requirements would be similarly enforced.

We would like to attend a public hearing on this permit request.

Sincerely,
Tom and Nancy Felling
1058 Valley View
Saint Helena, CA
967-0517
Dear Mr. & Mrs. Felling,

Thank you for bringing your concerns about our application for a short-term rental permit to our attention.

We like to take a few minutes of your time to respond to them.

**Water Usage**

Regarding what seems to be excess watering in the front of the house. We have had a problem with several sprinkler heads. My maintenance man has informed me that they have been replaced. However, I am in town for the next few weeks and I will review the entire irrigation system with him, and consult a specialist if needed, to prevent water from being wasted.

If we were to be granted a short-term permit, please note we have in place the people, procedures and processes to ensure that the character of the neighborhood and the quality of the life of its residences is not negatively affected. Our property manager and her assistant keep an eye on the property almost daily as they live around the block.

**Noise**

To address concerns about noise, we will put the following clause in our rental agreement and strongly enforce it. We use this clause in our rental agreement for our London home and it has proven been very effective in discouraging unruly behavior, especially since we do not waiver from it, as the highlighted copy illustrates. Most importantly, it sends a clear message to prospective guests that if they intend to behave in an unruly manner, there will be a financial penalty. Most importantly, it has deter ‘party people’ from renting the property.

**NOISE & DISTURBANCE OF NEIGHBORS**

*Guests shall not disturb neighbors who live up to four houses down on either side of the property with unruly noise, including but not limited to, loud music, conversations, laughing, dancing or singing. If a neighbor/s notifies the property manager via email or phone call during a guests’ stay complaining of such noise and disturbances the guests will be informed to cease and desist by the property manager and will forfeit $150.00 of their security deposit. The City of St. Helena Noise and & Disturbance ordinances are posted in each bedroom and upon entering and existing the backyard. Upon arrival, the property manager will highlight these posting along with the clause from a copy of their rental agreement reminding guests of their agreement to abide by these terms or incur a financial penalty.*

**Note:** This charge will not be debated or waived under any circumstance. Guests who are not comfortable with this term/condition are respectfully advised to consider other accommodations.

Neighbors who are disturbed by noisy guests can call our property manager and report the incident details. She will immediately notify the guests that noise and disturbances have been reported and must cease and that $150.00 will be deducted from their security deposit. For the inconvenience the neighbor has experience, the $150.00 penalty would be donated to a local charity of the neighbor’s choice.
Proven Experience with Short Term Rental

On a related note, we have gain extensive experience in effectively operating a short-term rental with our home in London. Consequently, we've learned how to be very sensitive and responsive to the needs of our neighbors, as well as our guests -- the success of our endeavors depends on both. Should we be granted a short term permit, such know-how would be applied to 1134 Valley View.

Thank you for your time and consideration. If you have any questions you can email us at pharvan@mac.com

Regards,
Paula and Paul Rosdol

Cc Noah Housch, Aaron Hecock
In respect to the request from the Rosdol’s to rent out 1134 Valley View Street on a short term basis (less than 30 days) We would like to protest the issuing of this permit. The basic reasoning is as follows;

Traffic is already excessive on this street, adding more street parking to accommodate the possible 8 guests you note this house could accommodate, would necessitate street parking, thus blocking bike passage and creating a dangerous sight issues for children and adults.

This area is extremely quiet at night and sound travels and reverberates due to the open vineyard behind the houses. We live three houses away and have heard the racket from past occupants.

There is no onsite supervision with a home rental vs an actual hotel, and no recourse other than calling the police for disturbances such as Bachelorette parties and large groups that do not follow the renters rules nor the local ordinances. We must suffer or waste tax dollars to call the authorities to police and quiet the neighborhood. Homes closer to the "Business District" are much better suited for short term rentals than the quiet neighborhood settings west of town.

This home has a hot tub. A hot tub is not suitable in a rental A hot tub creates the need to talk loudly and as stated above, you can hear the folks throughout the area, and most do not care what the time ordinance dictates. Especially, since there is normally a daily drinking ritual (Wine Tasting) that our area perpetuates and by evening, many are somewhat inebriated and frankly care less or are unaware of how loud and how disturbing to the neighbors they are, as they will be leaving in a few days.

Best Regards,
Laura M. Keir/Brian Schleicher
1094 Valley View St.
Saint Helena, CA 94574
209-471-9900 (Cell)
Ms. Lauri Keir & Brian Schliecher  
1094 Valley View St.  
St. Helena, CA  94574  
August 11, 2015

Dear Ms. Keir & Mr. Schliecher:

Thank you bringing your concerns about our application for a short-term rental permit to our attention.

We would like to take a few minutes of your time to respond to the issues you raised regarding:

1. Traffic & number of occupants  
2. Lack of supervision  
3. Noise

Traffic & Number of Occupants

Please note the majority of short-term rental stays at 1134 Valley View would occur on the weekend, when there is no school traffic and very little business or residential traffic. Furthermore, as a short-term rental, 1134 Valley View would not be occupied 365 days a year so there would be less traffic than that generated by a family of 4 living there fulltime. The property would mostly likely be rented between 12-16 days a month in high season (mostly weekends May-October), and much less in the low season (November-April).

If granted the short-term permit, we will only rent up to four adults -- not eight people -- as the City’s letter mistakenly stated. With three bedrooms, one of which is used as an office, the house is simply too small to accommodate such a large group. Nor would we want ‘bachlorette parties’, as you mentioned, or any other large number of people disrupting our property, neighbors and neighborhood.

There are spaces for two cars in the driveway, and guests will be instructed to use them – not to park on the street. Compliance easily can be monitored by our property manager, who lives around the corner and passes the house daily.

In our opinion, both the limited nightly occupancy and number of guests does not contribute to the traffic or pose a threat to the quiet residential nature of the neighborhood.

Lack of supervision

Our property manager will greet guests upon arrival. At that time she will review the house rules and city ordinances. (These will also be posted throughout the house, as directed by the City.) Our property manager is available 24/7 via phone and email should any problems arise so there is no need for neighbors to call the police and use City resources to resolve and issues. If we are granted a short term permit, we will provide neighbors with her mobile phone and email details so neighbors have a point of contact.

On a related note, we have gain extensive experience in effectively operating a short-term rental with our London home, all of which is applicable to 1134 Valley View, should we be granted the permit. Consequently, we’re very sensitive and responsive to
the needs of our neighbors, as well as our guests, as we know our success depends on both.

**Noise**

If we are granted a short-term permit, it is in our best interest to do everything reasonably possible to continue to maintain the peaceful nature of the neighborhood and quality-of-life of the residents. It’s also the neighborly thing to do.

As such, we will put the following clause in our rental agreement and strongly enforce it. We use this clause in our rental agreement for our London home and it has proven been very effective in discouraging unruly behavior, especially since we do not waiver from it, as the highlighted copy illustrates. Most importantly, it sends a clear message to prospective guests that if they intend to behave in an unruly manner, there will be a financial penalty. Most importantly, it has deter ‘party people’ from renting the property.

**NOISE & DISTURBANCE OF NEIGHBORS**

*Guests shall not disturb neighbors who live up to four houses down on either side of the property with unruly noise, including but not limited to, loud music, conversations, laughing, dancing or singing. If a neighbor/s notifies the property manager via email or phone call during a guests’ stay complaining of such noise and disturbances the guests will be informed to cease and desist by the property manager and will forfeit $150.00 of their security deposit. The City of St. Helena Noise and & Disturbance ordinances are posted in each bedroom and upon entering and exiting the backyard. Upon arrival, the property manager will highlight these posting along with the clause from a copy of their rental agreement reminding guests of their agreement to abide by these terms or incur a financial penalty.*

**Note:** *This charge will not be debated or waived under any circumstance. Guests who are not comfortable with this term/condition are respectfully advised to consider other accommodations.*

As part of our efforts to ensure reasonable peace and quiet, neighbors who are disturbed by noisy guests, including those using the hot tub, can call our property manager and report the incident details. She will immediately notify the guests that noise and disturbances have been reported and must cease and that $150.00 will be deducted from their security deposit. For the inconvenience the neighbor has experience, the $150.00 penalty would be donated to a local charity of the neighbor’s choice.

Thank you for your time and consideration. If you have any questions you can email us at pharvan@mac.com

Regards,
Paula and Paul Rosdol

Cc: Noah Housch, Aaron Hecock
Mr. Noah Housch  
St. Helena Planning Department  
1480 Main Street  
St. Helena, CA 94574  

August 5, 2015  

Dear Mr. Housch;  

I am responding to the notice I received regarding the Rosdol’s application for a Short Term Rental Permit at 1134 Valley View Street in St. Helena. My wife Debbie and I are opposed to the proposed Short Term Rental Permit being granted in our residential neighborhood. It will change the character of the neighborhood and it sets a bad precedent.  

Sincerely,  

[Signature]  

Mr. and Mrs. W. J. Truman  
1181 Valley View Street  
St. Helena, CA 94574
Mr. & Mrs. W. J. Truman  
1181 Valley View Street  
St. Helena, CA. 94574  
August 11, 2015  

Mr. and Mrs. Truman,  

Thank you for bringing your concerns about our application for a short-term rental permit to our attention.  

We would like to take a few minutes of your time to respond to your concern that a short-term rental will change the residential character of the neighborhood. In our opinion, it will have less of an impact on the neighborhood than a long-term rental for the following reasons.  

**Overall less noise, footfall, activity, traffic and resource usage to due low rate of occupancy and limited guests per visit**  

As a short-term rental 1134 Valley would not be occupied 365 days a year as would a long-term rental. The property would only be rented between 12-16 days a month in high season (mostly weekends May-October), and much less in the low season (November-April). We will only rent up to four adults -- not eight -- as the City's letter mistakenly stated.  

**More curb appeal for Valley View Street**  

As many long-term Valley View residents know, 1134 Valley View was in disrepair when we bought it in 2013. Since then we’ve worked diligently to enhance it in a way that complements the ambience of the neighborhood. As a short-term rental 1134 Valley View will continue to be professionally maintained by gardeners along with other service personnel, as well as a dedicated property manager and her assistant. As a long-term rental, the property would not receive the same level of care and attention. Also, on a somewhat related note, as short term renters will not be allow to bring pets onto the property, there will be no problem with barking, defecation or territorial marking in neighbors’ front and backyards, as well as gardens.  

**Safe, secure and well-monitored environment**  

To ensure all is well at 1134 Valley View, our property manager and/or her assistant pass the property daily as they live around the corner. They regularly talk with our immediate neighbors to learn if they have any concerns that we need to address. Most long-term renters do not have the same level of interest in or commitment to a property, its neighbors or a neighborhood.  

**A ‘Good Neighbor’ Guarantee.**  

If we are granted a short-term permit, it is in our best interest to do everything reasonably possible to continue to maintain the peaceful nature of the neighborhood and quality-of-life of our neighbors. It’s also the neighborly thing to do.  

**Financial Penalty for Noisy Guests**  

To maintain the quiet of the neighborhood, we will put the following clause in our rental agreement and strongly enforce it. We use a similar clause for the rental agreement for
our London Property and it has proven been very effective in discouraging unruly
behavior, especially as we alert guests that we will not waiver on this matter (as noted
in the copy highlighted in yellow.)

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conversations, laughing, dancing or singing. If a neighbor/s notifies the property
manager via email or phone call during a guests’ stay complaining of such noise and
disturbances the guests will be informed to cease and desist by the property manager
and will forfeit $150.00 of their security deposit. The City of St. Helena Noise and 
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who are not comfortable with this term/condition are respectfully advised to consider
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Neighbors who are disturbed by noisy guests can call our property manager and report
the incident details. She will immediately notify the guests that noise and disturbances
have been reported and must cease and that $150.00 will be deducted from their
security deposit. For the inconvenience the neighbor has experience, the $150.00
penalty would be donated to a local charity of the neighbor’s choice.

**Proven experience with short-term rental**

On a related note, we have gain extensive experience in effectively operating a short-
term rental with our home in London. Consequently, we’ve learned how to be very
sensitive and responsive to the needs of our neighbors, as well as our guests -- the
success of our endeavors depends on both. Should we be granted a short term permit,
such know-how would be applied to 1134 Valley View.

Thank you for your time and consideration. If you have any questions you can email us
at pharvan@mac.com

Regards,
Paula and Paul Rosdol

Cc: Noah Housch, Aaron Hecock
Dear Aaron and members of the Planning Commission,

I am writing to express my extreme opposition to the proposal to grant a short term rental permit to the owners of the residence at 1134 Valley View, St. Helena. I live directly next door to this residence and have already been affected by the constant traffic and commotion of vacation renters in and out of the house for the last two years. New people coming and going from the house is disruptive to the neighborhood, not to mention the barrage of house cleaners, yard maintenance and local managers readying the place for the new group, sometimes within hours of the previous renters. We already have a high amount of traffic on this street as it has become well known as the back way in and out of town. Now the stretch limos are driving down the street looking for their pickup at 1134 Valley View.

An even bigger question for me is: what about penalties accruing since the owners began offering their "home" for short term rentals almost two years ago? The home was listed on the website vrbo.com until quite recently when the listing was pulled off the site. In addition, the owner told me that they intended to rent the house long term until they could retire here in a few years, but she also mentioned that they rent out other properties on a short term basis in both London and France. It certainly appears to me that they have another short term vacation rental, although illegal, right next door to me.

Is this the intention of the ordinance? If a short term vacation rental permit is now awarded to the owners of this house, doesn't this make mockery of the rules and ordinances that our city has adopted? Why would anyone apply for a permit if there were no penalties or sanctions for those who do it illegally?

In short, I am against the application for a permit to allow a residence to become a "hotel" in my neighborhood as it detracts from the character of a family-oriented residential community as well as prevents the opportunity for families who work in our town to live here and contribute to the livelihood of our local economy.

Sincerely,

Jane Skeels
1120 Valley View Ave.
St. Helena, CA 94574
707-963-8349
CITY OF ST. HELENA PLANNING COMMISSION

RESOLUTION PC2015-029

SHORT-TERM RENTAL PERMIT NO. PL15-033
GRANTED TO 1134 VALLEY VIEW STREET

PROPERTY OWNER: Paul & Paula Rosdol  APN: 009-441-005

Recitals

1. The applicant submitted a request for a permit to operate a Short-Term Rental located at 1134 Valley View Street in the MR: Medium Density Residential district.

2. A notice of application for a short-term rental permit was distributed by planning staff to neighbors within a 300’ radius of the lot on which the short-term rental is proposed. The noticing period was open from July 15, 2015 to August 14, 2015.

3. Planning staff received five (5) letters of opposition which constitutes 22% of the owners within a three hundred-foot distance from the lot on which the short-term rental use is proposed.

4. The Planning Commission of the City of St. Helena, State of California, held a noticed public hearing on August 18, 2015.

Resolution

1. The Planning Commission hereby approves the Short-Term Rental Permit pursuant to the requirements of the Section 17.134 of the Municipal Code and the conditions listed below.

2. The Planning Commission hereby finds that the Short-Term Rental application complies with the required findings pursuant to Section 17.134.010 and 17.168.050.

3. The Short-Term Rental Permit for the above described parcel is granted subject to compliance with the following conditions. The permit shall be in conformance with all City ordinances, rules, regulations and policies in effect at the time of issuance of the permit. The conditions noted below are particularly pertinent to this permit and shall not be construed to permit violation of other laws and policies not so listed.

4. Pursuant to the St. Helena Municipal Code, Section 17.134.040. Short-Term Rentals shall be subject to the following restrictions and standards:

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

   - 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.
- 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.

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

- The maximum number of bedrooms used for this short-term rental use in the short-term rental dwelling shall be three (3). 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.

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

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

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

- The owner shall, prior to April 1st annually, provide written notice to all neighboring property owners within a three-hundred foot distance from the lot on which the short-term rental is located the following information:
  a. The name, telephone number, cell phone number, and email address of the local contact person provided to the city pursuant to subsection (H) of this section.
  b. The maximum number of guests permitted to stay in the short-term rental unit.
  c. Parking restrictions attached to the short-term rental permit.
  d. 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.

5. 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:

  a. Quiet hours shall be maintained from 10:00 p.m. to 7:00 a.m., during which noise within or outside the Short-Term Rental dwelling shall not disturb anyone on a neighboring property.

  b. Amplified sound that is audible beyond the property boundaries of the Short-Term Rental dwelling is prohibited.

  c. 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.

  d. Parties or group gatherings shall be limited to two times the number of guests permitted to occupy the Short-Term Rental dwelling pursuant to subsection (E) of this section, up to a maximum of twenty (20) persons.
6. Auctions, commercial functions, and other similar events are prohibited at the Short-Term Rental property.

7. 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.

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

9. All advertising for any Short-Term Rental shall include the number of the permit granted to the owner/applicant.

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

11. The permit to operate is valid for 2 years from issuance and the owner must reapply for subsequent Short Term Rental Permits to extend the use beyond this period.

I HEREBY CERTIFY that the foregoing short-term rental permit was duly and regularly approved by the Planning Commission of the City of St. Helena at a regular meeting of said Planning Commission held on August 18, 2015 by the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

APPROVED:  
ATTEST:

Sarah Parker  
Chair, Planning Commission

Noah Housh  
Planning Director
CITY OF ST. HELENA PLANNING COMMISSION

RESOLUTION PC2015-029

SHORT-TERM RENTAL PERMIT NO. PL15-033
DENIED TO 1134 VALLEY VIEW STREET

PROPERTY OWNER: Paul & Paula Rosdol

APN: 009-441-005

Recitals

1. The applicant submitted a request for a permit to operate a Short-Term Rental located at 1134 Valley View Street in the MR: Medium Density Residential district.

2. A notice of application for a short-term rental permit was distributed by planning staff to neighbors within a 300’ radius of the lot on which the short-term rental is proposed. The noticing period was open from July 15, 2015 to August 14, 2015.

3. Planning staff received five (5) letters of opposition which constitutes 22% of the owners within a three hundred-foot distance from the lot on which the short-term rental use is proposed.

4. The Planning Commission of the City of St. Helena, State of California, held a noticed public hearing on August 18, 2015.

Resolution

A. The Planning Commission hereby denies the Short-Term Rental Permit pursuant to the requirements of the Section 17.134 of the Municipal Code.

B. The Planning Commission hereby finds that the Short-Term Rental application does not comply with the required findings pursuant to Section 17.134.010 and 17.168.050 of the City of St. Helena Municipal Code as detailed below:

1. That the proposed use would not generate odors, fumes, light, glare, radiation or refuse that would be injurious to surrounding uses or to the community;

   The issuance of a short-term rental permit in and of itself would not generate any of the above.

2. That the proposed use would not generate levels of noise that adversely affect the health, safety or welfare of neighboring properties or uses;

   A short-term rental permit in and of itself would not generate any noise. While those staying in a short-term rental could potentially generate noise, this is not a given and the police can be called if noise becomes excessive. Furthermore, ordinance required house policies require that “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” and that “amplified sound that is audible beyond the property boundaries of the short-term
rental dwelling is prohibited”. The Planning Director can revoke a permit if any of the require conditions are violated.

3. That the proposed use would not generate traffic noise in excess of the normally acceptable range identified in the general plan;

Traffic noise generated by a short-term rental permit would not cause noise in excess of the normally acceptable range identified in the general plan.

4. That the proposed use would not make excessive demands on the provision of public services including water supply, sewer capacity, energy supply, communication facilities, police protection and fire protection;

The issuance of a short-term rental permit would have no effect on the services above.

5. That the proposed use would provide adequate ingress and egress to and from the proposed location;

The proposed short-term rental permit location has an existing driveway on Valley View Street.

6. That allowing the proposed use would not conflict with the city’s goal of maintaining the economic viability of a local-serving economy;

A short-term rental permit would not affect the City’s local serving economy and would therefore not conflict with the goal of maintaining the economic viability of a local serving economy.

7. That the proposed use would be compatible with surrounding land uses and would not conflict with the purpose established for the district within which it would be located;

Short-term rentals are a permitted use in the Medium Density Residential district. However, the neighborhood around 1134 Valley View Street is characterized by narrow lots which makes a short-term rental incompatible with the surrounding residential land uses.

8. That the proposed use would not be in conflict with the city’s general plan;

A short-term rental permit is not in conflict with the City’s General Plan.

9. That the proposed use would not be injurious to public health, safety or welfare;

The Planning Commission finds that activities associated with a short-term rental at this particular location could be injurious to public health, safety or welfare due to the unique character of Valley View Street (e.g. lot size and width).
10. That granting the use permit would not set a precedent for the approval of similar uses whose incremental effect would be detrimental to the city or would be in conflict with the general plan;

The granting of a short-term rental permit within the ordinance mandated cap of 25 permits would not set a precedent for the approval of similar uses that would be detrimental to the City or in conflict with the General Plan.

11. That, as demonstrated on a detailed plan submitted by the applicant, adequate off-street parking to accommodate the long-term parking needs of employees and business owners and customers is available;

As demonstrated in the attached site plan, the proposed short-term rental location has the two (2) required off-street parking spaces.

12. That the capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed use.

Valley View Street is adequate to serve any traffic generated by the proposed short-term rental permit however there are safety concerns due to the streets width.

I HEREBY CERTIFY that the foregoing short-term rental permit was duly and regularly denied by the Planning Commission of the City of St. Helena at a regular meeting of said Planning Commission held on August 18, 2015 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED: ATTEST:

Sarah Parker
Chair, Planning Commission

Noah Housh
Planning Director