



Agenda Item No: 1

Meeting Date: May 16, 2023

Prepared By: Jeff Fisher, Assistant Planner

Reviewed By: Scott M. Duiven  
Scott M. Duiven  
Zoning Administrator

## REQUEST FOR ZONING ADMINISTRATOR ACTION STAFF REPORT

**PROPERTY ADDRESS:** 134 North Street

**APPLICANT:** Sarah Quider

**SUBJECT:** **Conditional Use Permit CUP 2023-02** to allow the conversion of an existing apartment to a short-term vacation rental.

### RECOMMENDED ACTION(S)

It is recommended that the Zoning Administrator conduct a public hearing on Conditional Use Permit Application CUP 2023-02 and approve the use permit based on the suggested findings and subject to the attached conditions of approval.

### PROJECT DESCRIPTION

The applicant is requesting approval of a Conditional Use Permit application to allow an existing apartment unit to be used as a short-term vacation rental. The unit will be rented for fewer than 30 days for transient lodging purposes.

### SITE & VICINITY DESCRIPTION

The property is located on the south side of North Street, between Center and East Streets in the CD (Downtown Commercial) zoning district. The site is developed with a single-story mixed-use building containing a small office and a residential apartment unit constituting the remainder of the building. Parking for the apartment is located in a private driveway at the rear of the building accessed from North Street. Surrounding land uses are all commercial in nature.

### DISCUSSION/ANALYSIS

#### Conformance with General Plan

The project site is located within the Downtown Commercial (DC) land use designation. This designation provides for a broad range of commercial and office uses, such as hotels, retail stores, restaurants, professional offices, and personal services, with an emphasis on pedestrian-oriented uses, and for similar and compatible uses.

The applicant's proposal to use the apartment as a vacation rental is consistent with the express purpose of the underlying General Plan's DC designation, as it provides transient rental opportunities similar to that allowed by a hotel or motel. Similarly, guests staying in overnight accommodations in the downtown often shop in Healdsburg's stores, eat in its restaurants and frequent the many other business opportunities that

exist in the community, which help to strengthen the uniqueness and diversity of uses in the downtown. Additionally, new businesses that generate revenues over and above property taxes to support City services are encouraged in the downtown. The General Plan prohibits vacation rental homes in residential only zoning districts. The project would further the following Goal and Policies of the General Plan:

## **Economic Development Element**

**GOAL ED-A      Expand the commercial and industrial sectors of Healdsburg's economy to increase jobs, meet the needs of residents and visitors, and generate revenues that support City services.**

### **Policies**

- ED-A-3      Provide for the continuation and expansion of Healdsburg's commercial services to meet the needs of both Healdsburg area residents and visitors.
- ED-A-4      Encourage businesses that generate revenues such as transient occupancy tax and sales tax, in addition to property taxes, in order to support city services.
- ED-A-5      Encourage development that adds, rather than simply redistributes, sales tax or other revenues derived from commercial transactions.

## **Housing Element**

### **Policies**

- H-27      **Enforce Vacation Rental Prohibition.** Strengthen enforcement of the City's prohibition of vacation home rentals (i.e. fewer than 30-days) in residential zoning districts in order to protect neighborhood character and ensure the housing stock is available for long-term residents.

### Conformance with Land Use Code

The project site is located in the CD District which seeks to maximize the efficiency of the City's retail opportunities that are attractive to pedestrians and which permits the development of office, commercial, and related land uses that are consistent with the General Plan in order to strengthen the City's economic base. Vacation rentals are allowed in the CD District with approval of a conditional use permit. The CD zone is the only zoning district in the City where vacation rentals are permitted. This restrictive zoning keeps vacation rentals out of residential districts where neighborhood conflicts could occur. The location of the CD district also allows guests of the rentals to enjoy the downtown area without the need for a car. The entire CD district is easily accessible for pedestrian activity from the site.

The Land Use Code defines a vacation rental as "*the rental/letting of a complete residential unit, including bedroom(s), kitchen and bath, for a period of less than 30 days for transient lodging purposes and with no on-site management*". As submitted by the applicant, the proposed vacation rental is consistent with this definition. There are no specific requirements contained in the Land Use Code relating to vacation rentals, including parking requirements. However, designated guest parking is available on-site in the existing parking space at the rear of the building. As such, parking is adequate for the proposed use and no impacts are anticipated. While there are no specific standards for vacation rentals, conditions do apply such as requiring receipt of a business license before renting the space, paying the required transient occupancy taxes (TOT), and consulting with and obtaining any needed permits and/or approvals from the City

regarding any physical changes to the site before their installation (e.g., building additions, tenant improvements, etc.).

The vacation rental will be subject to all Municipal Code requirements such as those for property maintenance, noise, or other disturbances in order to ensure that the business is compatible with the adjacent uses. There are currently ten legal/permitted vacation rental units in the downtown area (CD district), as identified on Attachment 6. The City does not have any record of any Municipal Code violations or neighbor complaints in relation to any of the approved vacation rentals in the CD zoning district. The City does not anticipate any violations or complaints with regard to the subject property. As a condition of approval for the project, the applicant will be required to provide a small exterior sign on the front of the building containing the contact information for the applicant, property owner, or property management company in case of any emergency or other issue.

## **FINDINGS**

Staff recommends that the conditional use permit be approved because all of the following conditional use permit findings required by Section 20.28.165A can be made for the proposed vacation rental as follows:

1. The proposed location and operation of the conditional use is in accord with the Healdsburg General Plan and any applicable planned development, specific or area plan.

*The project site is located within the Downtown Commercial (DC) designation, which allows for a broad range of commercial uses, including for guests of transient hotels, motels and vacation rentals. The proposed vacation rental is located in a commercial designation and its use is consistent with the General Plan goal and policies noted in the staff report with respect to both economic development and housing. Also, the General Plan prohibits vacation rental homes in residential only zoning districts. As noted, the CD zoning district is a mixed-use district and permits such uses with approval of a conditional use permit.*

2. The proposed location and operation of the conditional use is consistent with the applicable development standards of the Land Use Code.

*The project site is located in the CD Zoning District (Downtown Commercial) which permits the development of commercial uses that are consistent with the General Plan in order to strengthen the City's economic base. Vacation rentals are allowed in the CD District provided they contain complete facilities, such as a kitchen and bathroom, are occupied for less than 30 days by guests (i.e., transient lodging) and there is no on-site management. The proposed rental unit is consistent with all these requirements and there are no City records of any conflicts or neighborhood complaints regarding the other similar vacation rentals in the CD zoning district. No violations or neighborhood complaints are anticipated with this property as a result of the proposed vacation rental.*

3. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health and safety or materially injurious to uses, properties or improvements in the vicinity.

*There are no specific standards for vacation rentals other than the definition establishing that vacation rentals are self-contained with a kitchen and bathroom, rented for a period of less than 30 days at a*

*time for transient lodging purposes, and there is no on-site management of the vacation rental. As proposed, the project complies with these requirements. While no impacts to the neighborhood are anticipated, the vacation rental will be subject to Municipal Code requirements such as those for property maintenance, noise, or other disturbances to neighbors. As a condition of approval for the project, the applicant will be required to provide a small exterior sign on the front of the building containing the contact information for the property owner or property management company in case of an emergency or other issue.*

### **ENVIRONMENTAL ANALYSIS**

The project is categorically exempt pursuant to California Environmental Quality Act Guidelines Section 15303, Class 3 – New Construction or Conversion of Small Structures due to the fact that the project involves a minor change of use to an existing structure.

### **DEPARTMENT COMMENTS**

The application was routed to the City’s Building, Fire, Electric, and Public Works Departments. Comments from each responding department are included in Attachment 1 (Conditions of Approval).

### **PUBLIC COMMENT**

Staff has received two letters in support of the application from members of the public. The letters are included as Attachment 7.

### **ATTACHMENTS:**

1. Conditions of Approval
2. Applicant’s Project Statement
3. Aerial
4. Floor Plan
5. Photos
6. Vacation Rental Map
7. Public Comment

**Conditions of Approval**

CUP 2023-02

134 North Street

May 16, 2022

**Community Development Department**

1. Approval of this conditional use permit authorizes the establishment and operation of one (1) short-term vacation rental unit as defined in Land Use Code Section 20.28.310 to include one complete residential unit with a kitchen and bathroom, transient lodging for guests for less than 30 days at a time, and no on-site management. The vacation rental shall be operated completely within the residence as shown on the floor plan (Attachment 4) date-stamped April 7, 2023 except as modified by these conditions.
2. Any modifications to the approved plans or scope shall receive the prior approval of the Community Development Director.
3. This conditional use permit may be revoked by the Planning Commission for any of the reasons specified in Land Use Code 20.28.195 or failure to comply with conditions imposed through the conditional use permit. Notice of intention to revoke shall be in writing and shall state the grounds for the revocation. The revocation process is outlined in Land Use Code 20.28.195.
4. Prior to commencing rentals, the business owner shall obtain a City of Healdsburg business license and complete all other applicable City forms relating to transient lodging facilities including the payment of Transient Occupancy Taxes (TOT).
5. The parking space currently designated for the resident of the apartment on the property shall be used for guest parking only and shall be kept available and accessible at all times to accommodate guest vehicles.
6. Prior to occupation, a sign shall be placed on the front wall of the building which contains the contact information of the applicant, property owner, or property management company.

**Fire Department**

1. Sprinkler System: A fire sprinkler system conforming to **NFPA-13 (2022 Edition)** shall be installed in the proposed building. Plans for said system shall be submitted to and approved by the fire department prior to installation under separate cover. Said system shall be monitored for flow and tamper of all control valves by an approved central station. Approved locking Fire Department Connection caps shall be provided. New system shall also include new fire hydrants located within 100 feet of the FDC, or as approved by the fire code official, except where existing fire hydrants are at locations that satisfy this requirement. Also see Fire Alarm below. **CFC 903.2, CFC 901.4, Municipal Code 15.08.020, Sec. 507.5.1.1, 903.3, 903.3.7, 903.4.2, 903.6**
2. Fire Alarm: A fire alarm system shall be installed that meets the requirements of California Building Code. Installation shall be in accordance with **NFPA-72 (2022 Edition)**. The fire alarm system capable of supervising the new or extended fire sprinkler system for flow and tamper shall be installed in the structure(s) requiring sprinklers. System shall include an audible and visual alarm as required. Plans for said systems shall be submitted to and approved by the fire department under separate cover prior to installation. **CFC 907.2, Municipal Code 15.08.020, Sec. 903.4.2.**

3. Smoke Alarm: Smoke alarms listed by the California State Fire Marshal complying with UL217 shall be installed at locations required by the California Building Code and manufacturer location recommendations. Detectors shall take their power from the building's wiring and have battery back-up. Do not install smoke alarms within 36 inches of a heat or air intake register without prior approval of the fire department. **CFC 907.2.11.2**, CRC 314
4. Carbon Monoxide Alarms: Carbon monoxide alarms shall be installed in dwelling units and in sleeping units which fuel-burning appliances are installed and in dwelling units that have attached garages. Said alarms shall be installed outside sleeping areas. CRC R315
5. Key Box: A department approved key box shall be installed at a location agreeable to the fire department. Box shall contain those keys necessary to gain access and control any fire protection systems or hazardous materials. Applicant shall pay the purchase price of said box. CFC Section 506, Municipal Code 15.08.020 Section 506.1
6. Fire Extinguishers: Fire extinguishers with a minimum 2A-10BC rating shall be installed at intervals not to exceed 75 feet. Extinguishers shall be serviced within the last year by a licensed firm and be mounted on the wall at conspicuous locations. **CFC 906**, T-19 Ch 3 Article 5.