



**STAFF REPORT**

**TO: PLANNING COMMISSION**  
**MEETING DATE: OCTOBER 14, 2024**  
**FROM: ERIN VENTURA, PLANNER**  
**SUBJECT: CONDITIONAL USE PERMIT FOR A SHORT-TERM RENTAL  
 193 BADGER STREET, SUTTER CREEK, APN 018-121-021**

**RECOMMENDATION:**

1. Conduct a public hearing and receive public input, and
2. Find that the project is Categorical Exempt under Class 32 of the CEQA Guidelines; and
3. Adopt Resolution 24-25-\* approving a Conditional Use Permit for Douglas and Victoria Spainhower to operate a Short-Term Rental at 193 Badger Street based on the proposed Findings and subject to the proposed Conditions of Approval.

**BACKGROUND:**

Property owners Douglas and Victoria Spainhower have submitted an application for a Conditional Use Permit (Exhibit A) to use a single family residence as a part time short term rental. They are proposing to use 3 bedrooms and 3 bathrooms within the house for tenants. There is an additional bedroom/bathroom located within the house that will not be used by the short term rental tenant.

Site Location	193 Badger Street (APN 018-121-021)
Building Plan	4 bedroom, 4 bath house, approx.2,900sf
Lot size	9,147 Sq. Ft.
Zoning	R1 (Single Family Residential)
General Plan Land Use Designation	RSF (Residential Single Family)
Main Street Historic District	No
Historic District	Yes
Parking Required per Municipal Code Section 18.48.030 Parking Requirements by Land Use, Transient occupancy. The requirement is one (1) space for each guest room plus one (1) space for each five (or less) guest rooms.	3 spaces required.

## **DISCUSSION:**

During the Council meeting on November 25, 2019, the Council instructed staff to keep track of the number of approved short-term rentals and to report back when the total reached twenty. Currently, there are seventeen active short-term rentals. Although it might appear that there are more, some have discontinued their operations. Approving this item would increase the total number of short-term rentals to eighteen.

### General Plan and Zoning

The home is located in a single-family Residential Zone (R-1). Short-term rental units are functionally equivalent to Bed and Breakfast Inns. Bed and Breakfast Inns are permitted in any zone upon securing a Conditional Use Permit. (Municipal Code Section 18.60.020(B).

### Parking

The home has a driveway that can accommodate three cars plus an additional parking pad that can accommodate two additional cars.

### California Environmental Quality Act (CEQA) Guidelines

This use qualifies for a Categorical Exemption under Class 32 (In-Fill Development Projects)

Staff recommends the following conditions of approval:

1. Maintain the exterior appearance of the vacation rental unit compatible with the single-family residence.
2. Maintain three (3) off-street parking spaces that is available for use by vacationing families.
3. Maintain a valid City of Sutter Creek Business License.
4. Pay the monthly Transient Occupancy Tax to the City of Sutter Creek.
5. Provide a completed checklist for fire safety (fire extinguishers, smoke alarms, carbon monoxide detectors, etc.) It is the owner's responsibility to ensure that the short-term rental is and remains in substantial compliance with all applicable codes regarding fire, building and safety, health and safety, and other relevant laws.
6. The maximum number of overnight guests for a short-term rental unit shall not exceed two persons per bedroom, except that children under the age of four shall not be counted for purposes of calculating this limitation so long as the children sleep in the same bedroom as at least one of their parents or legal guardians. Additional daytime guests are allowed between the hours of 7:00 a.m. and 10:00 p.m., with the maximum daytime guests not to exceed two persons per bedroom plus four.
7. Occupants of the short-term rental unit shall comply with all standards and regulations stated in Chapter 10.50 of this Code concerning noise.

8. The owner or operator shall provide each occupant of the short-term rental unit with the following information prior to occupancy of the unit and shall post such information in a prominent location within the unit:
  - A. The contact information for the operator, with 24-hour availability.
  - B. The maximum number of overnight occupants and the maximum number of daytime occupants as permitted under this permit;
  - C. Trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash on the exterior of the property;
  - D. A copy of the Chapter 10.50 of this Code concerning noise; and
  - E. Notification that the occupant or owner may be cited or fined by the City in accordance with this Code.
9. While a short-term rental unit is rented, the owner, operator, or local contact person shall be available 24 hours per day, seven days per week for the purpose of responding within 60 minutes to complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit or their guests.
10. The owner, operator, or local contact person shall use reasonably prudent business practices to ensure that the occupants and/or guests of the short-term rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the short-term rental unit.
11. Prior to occupancy of a short-term rental unit, the owner or operator shall obtain the name, address, and a copy of a valid government identification of the responsible person and require such responsible person to execute a formal acknowledgement that he or she is legally responsible for compliance by all occupants of the short-term rental unit and their guests with all applicable laws, rules, and regulations pertaining to the use and occupancy of the short-term rental unit.
12. The owner, operator, or local contact person shall upon notification that the responsible person and/or any occupant and/or guest of the short-term rental unit has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of any applicable law, rule or regulation pertaining to the use and occupancy of the subject short-term unit, promptly respond within 60 minutes and appropriate manner to immediately halt or prevent a recurrence of such conduct by the responsible person and/or any occupants and/or guests. Failure of the owner, and/or operator to respond to calls or complaints regarding the condition, operation, or conduct of occupants and/or guests of the short-term rental unit within 60 minutes and appropriate manner shall be subject to all administrative, legal, and equitable remedies available to the City.
13. The owner, operator, or local contact person shall report to the City Manager the

name, violation, date, and time of disturbance of each person involved in *any* disorderly conduct activities, disturbances, or other violations of any applicable law, rule, or regulation pertaining to the use and occupancy of the subject short-term unit.

14. Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the City's authorized waste hauler on scheduled trash collection days. The owner or operator shall use reasonably prudent business practices to ensure compliance with all the provisions of Chapter 9.08 of the City's Municipal Code.
15. A violation of any provision of this Chapter by any occupant, owner, or operator shall constitute grounds for modification, suspension, or revocation of the short-term rental permit. In addition, the failure of the owner or operator to satisfy any of its obligations and requirements of Chapter 4.16 concerning transient occupancy taxes shall be an independent basis for modification, suspension, or revocation of any permit issued under this Chapter.
16. Whenever any owner or operator fails to comply with any provision of this Chapter, the City, after giving the operator or owner ten days written notice specifying the time and place of a hearing before the Planning Commission, and requiring him to show cause why the short-term rental permit should not be modified, suspended, or revoked, may modify, suspend, or revoke the permit held by the operator or owner.
17. The City may enforce this Chapter, including the terms and conditions of any permit granted under this Chapter, by any means provided for in Chapter 1.16 of this Code or by any other means authorized by law.
18. This is a non-transferrable permit.