



A G E N D A

CITY OF LAKEPORT PLANNING COMMISSION

Wednesday, May 12, 2021

PUBLIC ADVISORY: THE CITY COUNCIL CHAMBERS WILL NOT BE OPEN TO THE PUBLIC

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the regular meeting of the Planning Commission for March 10, 2021 will be conducted telephonically through Go to Webinar. Please be advised that pursuant to the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, the Council Chambers will not be open for the meeting. Planning Commissioners will be participating telephonically and will not be physically present in the Council Chambers.

If you would like to speak on an agenda item, you can access the meeting remotely:

Please click the link below to join the webinar:

<https://zoom.us/j/98661665155>

Or iPhone one-tap:

US: +1669 900 9128, 98661665155# or +13462487799, 98661665155#

Or Join by Telephone:

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Meeting ID: 986 6166 5155

International numbers available: <https://zoom.us/j/98661665155>

The City wants you to know that you can also submit your comments by email to virtualhost@cityoflakeport.com.

To give the City Clerk adequate time to print out your comments for consideration at the meeting, please submit your written comments prior to 4:30 p.m.

Please indicate in the email Subject Line "FOR PUBLIC COMMENT" and list the item number you wish to comment on.

Comments that you want read to the Council will be subject to the three-minute time limitation (approximately 350 words). Written comments that are only to be provided to Council and not read at the meeting will be distributed to the Council prior to the meeting.

The City of Lakeport thanks you in advance for taking all precautions to prevent spreading the COVID-19 virus.



A G E N D A

CITY OF LAKEPORT

PLANNING COMMISSION

REGULAR MEETING: Wednesday, May 12, 2021 5:30 P.M.
City Hall Council Chambers, 225 Park Street

- I. **CALL MEETING TO ORDER:** 5:30 p.m.
- II. **ROLL CALL:**
- III. **ACCEPTANCE OF AGENDA:** **Urgency Items:** To add an item, the Commission is required to make a majority decision that an urgency exists (as defined in the Brown Act) and a two-thirds determination that the need to take action arose subsequent to the Agenda being posted.

Move to accept the agenda as posted or move to add or delete items.
- IV. **COMMUNICATIONS:**
 - A. **Public Input:** Any person may speak for three minutes about any subject within the authority of the Planning Commission, provided that the subject is not already on tonight's agenda. Persons wishing to address the Planning Commission are required to complete a Citizen's Input form and submit it to the Community Development Director prior to the meeting being called to order. While not required, please state your name and address for the record.
- V. **CONSENT CALENDAR:** The following Consent Agenda items are expected to be routine and non-controversial. They will be acted upon by the Commission at one time without any discussion. Any Planning Commissioner may request that any item be removed from the Consent Agenda for discussion under the Regular Agenda.
 - A. **Minutes:** Approval of the completed minutes from the Regular Planning Commission meeting of April 14, 2021.
- VI. **REGULAR CALENDAR:**
 - A. **Euni Marie Sloan Application #2021-09 – Use Permit and Categorical Exemption for Short Term Rental** Application for a Use Permit and a Categorical Exemption for a Short-Term Rental located at 1419 Camden Avenue, (APN 025-731-01).
 - B. **Discussion on Amending Chapter 5.04, 5.24 & 10.12 of the Lakeport Municipal Code** Discussion Amending Chapter 5.04, 5.24, and 10.12 of the Lakeport Municipal Code to address Sidewalk Vending.
- VII. **Correspondence**

**VIII. Comments from Staff
or Commissioners:**

IV. SCHEDULE NEXT MEETING: Discuss and set the next meeting date (June 9, 2021).

X. ADJOURNMENT:

APPEALS:

The applicant or affected persons not satisfied with the decision of the Planning Commission may file an appeal. Affected persons include individuals who received notice of a land use application, or who attended the Planning Commission meeting and made verbal comments or submitted written comments in response to the notice. An appeal of a decision made by the Planning Commission shall be filed with the Community Development Director within five business days of the decision. Said appeal shall be filed on the prescribed form and accompanied by the fee in the amount set by Resolution of the City Council.

ACCESSIBILITY:

The City of Lakeport, in complying with the Americans with Disabilities Act (ADA), requests individuals who require special accommodations to access, attend and/or participate in the City meeting due to disability, to please contact City Clerk's Office, (707) 263-5615, 72 hours prior to the scheduled meeting to ensure reasonable accommodations are provided.



CITY OF LAKEPORT PLANNING COMMISSION REGULAR MEETING – April 14, 2021 MINUTES

CALL TO ORDER / ROLL CALL: Chairman Mitchell called the meeting to order at 5:30 p.m. with Commissioners Maxman, Warrenburg, Combs and Barnett present. Also, present were City Manager, Kevin Ingram, Community Development Director, Jenni Byers, Associate Planner, Daniel Chance and Administrative Specialist, Linda Sobieraj.

ACCEPTANCE OF AGENDA:

Commissioner Warrenburg made a motion to accept the agenda as posted. Seconded by Commissioner Combs.

The vote was called and was as follows:

AYES: Commissioners Maxman, Barnett, Warrenburg, Combs and Chair Mitchell. (5-0)

NOES: None

ABSENT: None

COMMUNICATIONS: Director Byers advised there was no public input.

CONCENT CALENDAR:

A motion was made by Commissioner Maxman, to accept the minutes. Seconded by Commissioner Barnett. (Minutes from the Regular Planning Commission meeting of March 10, 2021.)

The vote was called and was as follows:

AYES: Commissioners Maxman, Barnett, Warrenburg, Combs and Chair Mitchell. (5-0)

NOES: None

ABSENT: None

Director Byers recused herself from the first item at 5:34 p.m.

REGULAR AGENDA:

Thomas Gayner Construction – High Mountain Church Application # 2021-07

Associated Planner Chance briefed the Commission on an application for a Use Permit and an Architectural and Design Review to allow a professional office use within one of the existing office buildings at 875 North High Street, APN 025-221-04.

Commissioner Barnett recused himself at 5:42 p.m. as he lives near the project address.

Public hearing opened at 5:46 p.m. Applicant Thomas Gayner spoke in favor of the project, answering questions regarding notifying the assessor's office of change and CEQA exemption. Public hearing closed at 5:50 p.m.

Categorical Exemption Approval

Warrenburg moved that the Planning Commission find that Project 2021-07 as applied for by High Mountain Church is categorically exempt pursuant to Section 15301(a) of the CEQA Guidelines. Seconded by Commissioner Combs.

The vote was called and was as follows:

AYES: Commissioners Maxman, Warrenburg, Combs and Chair Mitchell. (4-0)

NOES: None

NOT OFFICIAL UNTIL APPROVED BY THE PLANNING COMMISSION

ABSENT: None

RECUSED: Commissioner Barnett

Use Permit Approval

Commissioner Warrenburg moved that the Planning Commission find that the Use Permit applied for by High Mountain Church, on property located at 875 North High Street meet the requirements of Sections 17.06.050.C and 17.36.030 of the Lakeport Zoning Ordinance; consistent with the objectives and policies of the Lakeport General Plan; and subject to the project conditions of approval (Attachment B), and with the findings listed in the April 14, 2021 staff report. Seconded by Commissioner Combs

The vote was called and was as follows:

AYES: Commissioners Maxman, Warrenburg, Combs and Chair Mitchell. (4-0)

NOES: None

ABSENT: None

RECUSED: Commissioner Barnett

Architectural and Design Review Approval

Warrenburg moved that the Planning Commission find that the Architectural and Design Review application as applied for by High Mountain Church, on property located at 875 North High Street does meet the requirements of Section 17.27.080 of the Lakeport Zoning Ordinance; consistent with the objectives and policies of the Lakeport General Plan; and subject to the project conditions of approval (Attachment B), and with the findings listed in the April 14, 2021 staff report. Seconded by Commissioner Combs.

The vote was called and was as follows:

AYES: Commissioners Maxman, Warrenburg, Combs and Chair Mitchell. (4-0)

NOES: None

ABSENT: None

RECUSED: Commissioner Barnett

Director Byers and Commissioner Barnett rejoined the meeting at 5:54 p.m.

CORRESPONDENCE:

The Commission discussed the current project pending list.

COMMENTS FROM STAFF AND COMMISSIONERS:

Director Byers advised that several Planning Commissioners and herself attended a virtual Planning Commissioner's Academy put on by League of Cities.

Chair Mitchell advised he would not be able to attend the next meeting as he was getting married.

Associate Planner Chance informed the Commission on the LMSA meeting he attended and what was discussed.

DISCUSS AND SET THE NEXT MEETING DATE:

It was agreed by consensus that the next meeting be held on Wednesday, May 12, 2021. Meeting was adjourned and closed at 6:03 p.m.

Jennifer M. Byers, Community Development Director



CITY OF LAKEPORT COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

DATE: May 12, 2021

FILE NO: 2021-09, Use Permit and CE, Categorical Exemption

APPLICANT: Euni Maria Sloan
1419 Camden Avenue
Lakeport, CA. 95453

OWNER: Sheldon King Sloan
1419 Camden Avenue
Lakeport, CA. 95453

LOCATION: 1419 Camden Avenue (025-731-01)

GENERAL PLAN: Residential

ZONING: R-1, Low Density Residential

STAFF CONTACT: Daniel D. Chance, Associate Planner

REQUESTED ACTION: The Planning Commission is being asked to review and approve an application of a Use Permit to allow a short-term rental, consistent with Section 17.24.110.E of the zoning ordinance. The Use Permit would allow for a short-term rental permit within an existing single family dwelling located at this site. The project is located along the southern side of Camden Avenue at 1419 Camden Avenue.

GENERAL PLAN AND ZONING DISTRICT: The subject property is designated Residential according to the City of Lakeport General Plan Land Use Map and is within the R-1, Low Density Residential zoning district according to the City Zoning Map. 'Short-term rental of a residence to transient guests' is permitted in the R-1 zoning district subject to the issuance of a use permit per Section 17.04.05.C of the zoning ordinance.

As proposed, the allowance for the short-term rental of a residence to transient guests at this site is consistent with the objective ED 10 of the General Plan which seeks "To promote and enhance Lakeport as a year round visitor/recreation destination area" and likewise Policy ED 10.2 of the Economic Development Element which "supports new visitor-oriented lodging...(Page VI-6-7)."

As proposed the project is consistent with the intent of the General Plan and Zoning Ordinance Section, in respect to community design, 17.04, Low Density Residential and 17.24 Use Permit, in respect to the conditional use on the property.

PROJECT DESCRIPTION: The proposed project consists of a short-term rental proposed in an existing single family residence located on the southern side of Camden Avenue, in the Phase One of the Parkside Subdivision. The short-term rental is to be offered through Airbnb, offering a private bedroom on the first floor of an existing two-story, home. The property owner will still reside at the site. The room would accommodate up to two people. The operation of the Airbnb would provide an affordable room for primarily one to four days. The Airbnb would be located on a corner lot with Fenway Avenue to the west, Camden Avenue to the north, and Charlie Jolin Way and Westside Park to the south. The site is fenced site, with only one neighboring single family dwelling to the east. Access to the site is from a private driveway from Camden Avenue, with adequate on-site parking. The applicant would be on the property, and would not allow large parties, late night noise or smoking.

Staff reviewed all of the criteria applicable to this project and has determined that the proposed short-term rental is in compliance with the use permit standards for short-term rentals 17.24.110.E set forth in the Municipal Code.



Site Plan

The applicant would be required to get a business license for the operation of the short-term rental, as well as working with the city to provide Transient Occupancy Tax for the short-term rental.

Agency Review Comments: The submitted plans were provided to the Building Official, City Engineer, City Public Works, City Finance Department, Environmental Health, Police and Fire District for their review.

- Building Official: Currently not aware of any Building Code requirements for short term rentals.
- City Engineer: The City Engineer had no concerns.

- Public Works: No street or right-of-way improvements required.
- Public Works Utilities: No concerns.
- Finance Department: No concerns.
- City Police: No Police concerns.
- Fire District: The Fire District has no concerns at this time.
- Environmental Health: No comments received.

The conditions being recommended based on comments received. No proposed modifications are being proposed to the structure that would require the issuance of a building permit. Project Conditions of Approval and vicinity map are attached.

USE PERMIT APPLICATION FINDINGS: As described, the proposed short term rental set forth for the Low Density Residential (R-1) Zoning Ordinance requires the issuance of a use permit by the Lakeport Planning Commission. Section 17.24.040 of the Zoning Ordinance requires the following findings be made for said approval:

Finding 1: That the proposed location and use is consistent with the objectives of this ordinance and the purposes of the district in which the site is located. The short-term rental as outlined in the proposed application is consistent with the standards set forth for the R-1, Low Density Residential zoning district. The site and circulation associated with the proposed project on this property is adequate for the use. The use is consistent with other uses in the immediate area, would not reflect a significant increase in use in the area, and would not have a significant impact on the immediate residential or recreational areas.

Finding 2: That the proposed location of the use and proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the health, safety, or welfare of persons residing or in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city. The project with proposed conditions implemented is consistent with the objectives and policies of the Lakeport General Plan. Objective ED-10 of the General Plan encourages uses that promote and enhance Lakeport as a year round visitor/recreation destination area. Furthermore, this use will take place in a location limits the impact to neighbors in close proximity, the property owner will be on-site during use and adequate on-site parking is available. As proposed this project will not have a significant impact on the neighboring commercial and residential properties in the immediate area.

Finding 3: That the proposed use will comply with the provisions of this title. The use, with the conditions of approval are in compliance with the R-2 zoning district (LMC Chapter 17.05) and Use Permit standards (LMC Chapter 17.24), including all special provisions pertaining to 'Short term rental of residences to transient guests (vacation home) as outlined in Section 17.24.100.E.

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS:

Finding 4: The project is statutorily exempt of the California Environmental Quality Act. The proposed project has been determined to be categorically exempt from the provisions of the California Environmental Quality Act according to Sections 15301(a) and 15268 of the 2020 CEQA guidelines. Those section allows development of:

Small interior improvements to existing facilities and The Statutory Exemption of ministerial projects associated with the implementation of the ordinance associated with permits from a public agency.

CONCLUSION, RECOMMENDATION, AND CONDITIONS: Based on the information provided by the applicant and the comments received from City staff, a finding is made that the short term rental located on the residential property located at 1419 Camden Avenue is in general conformance with the Lakeport Municipal Code Section 17.240.40 (Use Permit criteria and standards). The proposed use will not significantly impact the building and will not impact the functionality of the existing residential use. The proposed project has been determined to be exempt from the provisions of the California Environmental Quality Act according to Sections 15268 (b) and 15301(a) of the 2020 CEQA guidelines.

Staff recommends that the Planning Commission approve the Use Permit application subject to the conditions of approval set forth in the staff report (Attachment B).

SAMPLE MOTIONS

Categorical exemption Approval

I move that the Planning Commission find that 2021-09 as applied for by Euni Maria Sloan is categorically exempt as an infill development project pursuant to Section Sections 15268 (b) and 15301(a) of the CEQA Guidelines.

Use Permit Approval

I move that the Planning Commission find that the Use permit applied for by Euni Maria Sloan, on property located at 1419 Camden Avenue does meet the requirements of Section 17.24.040 of the Lakeport Zoning Ordinance; consistent with the objectives and policies of the Lakeport General Plan; and subject to the project conditions of approval (Attachment B), and with the findings listed in the May 12, 2021 staff report.

The Planning Commission's approval of the applications shall be subject to the conditions of approval specified in the staff report and/or as amended by the Planning Commission at the public hearing.

Attachment A: Vicinity Map
Attachment B: Project Conditions Agreement
Attachment C: Application; Site Plan and Narrative,

**Attachment A:
Vicinity Map**



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

Sloan, Short-term Rental (2021-09)--Vicinity Map

Attachment B:
Project Conditions Agreement



CITY OF LAKEPORT
Community Development Department
225 Park Street
Lakeport, Ca 95453

PROJECT CONDITIONS AGREEMENT

Land Use Application File No. 2021-09

*This Agreement is entered into by **Euni Maria Sloan**
1419 Camden Avenue (Hereinafter Applicant/Owner).*

RECITALS

WHEREAS, Applicant/Owner applied to the City of Lakeport for a Use Permit approval for a short-term rental; and

WHEREAS, the City of Lakeport Planning Commission on May 12, 2021 has reviewed and approved the project for conformance with the Use Permit criteria and standards set forth in Section 17.24.110; and

WHEREAS, the proposed project is hereby approved subject to the following conditions:

1. The applicant/owner shall sign a standard City of Lakeport Project Conditions Agreement which lists the conditions of approval and shall agree to said conditions. A copy of the signed agreement shall be returned to the Community Development Department.
2. The applicant/owners shall comply with the provisions of Municipal Code Chapter 3.20 regarding the collection and payment of the Transient Occupancy Tax (TOT). Proof of TOT program registration with the City of Lakeport Finance Department shall be provided to the Community Development Department prior to the commencement of operations.
3. The applicant/owners shall comply with all applicable provisions of Municipal Code Chapter 5.04 regarding the issuance of a Business License. A copy of the issued business license shall be provided to the Community Development Department prior to the commencement of operations.
4. The applicant/owner/operator shall post a notice within portion of the home being utilized as a short-term rental and provide a handout to guests at the time of check-in which shall substantially conform with the following:

The owners of this home and the city of Lakeport welcome you to our town. We sincerely hope that you and your family enjoy your stay and return again soon.

This home has been approved by the City for use as a vacation home rental. Because it is located in a residential area, we ask that you and your family maintain a quiet and peaceful atmosphere. There are adjacent neighbors who live here full time and would appreciate your consideration. Your cooperation is appreciated.

Any deviation from the above language shall be approved in advance by the Community Development Director.

- 5. The applicant/owners shall work with the Building Official for the City of Lakeport to review the change in occupancy status from a single-family use to a transient guest use. Battery-powered smoke and carbon monoxide detectors shall be provided in the house as required by the California Building Code before the property is occupied by transient guests. The dwelling shall be inspected by Community Development Department staff before the short-term vacation rental activities are initiated.
- 6. The use permit shall be reviewed by the Planning Commission as necessary to determine compliance with conditions of approval or if legitimate and verified complaints are submitted to the City.

NOW, THEREFORE, IT IS AGREED:

- 1. That the applicant/owner has read and agrees to each and every item and condition herein.
- 2. That the development and use of the real property described herein shall conform to the conditions listed above and all City of Lakeport Ordinances and Resolutions where applicable.
- 3. That said conditions shall be binding on all owners or persons having or acquiring any right, title, or interest in said real property, or any part thereof, subject to this agreement.

Dated: _____

APPLICANT/OWNER

SIGNATURE- Euni Maria Sloan

PLEASE PRINT NAME

cc: Project File

**Attachment C:
Application; Site Plan and Floor Plan**



City of Lakeport

225 Park St – Lakeport CA 95453
 Phone: (707) 263-5613 EXT. 205 FAX: (707) 263-9314
 www.cityoflakeport.com

**LAND USE APPLICATION
 WITH ENVIRONMENTAL REVIEW**

APPLICANT'S INFORMATION		LAND OWNER'S INFORMATION	
Name	<u>Euni Maria Sloan</u>	Name	<u>Sheldon King Sloan</u>
Company Name	_____	Company Name	_____
Mailing Address	<u>1419 Camden Ave</u>	Mailing Address	<u>1419 Camden Ave</u>
City, State, Zip	<u>Lakeport CA 95453</u>	City, State, Zip	<u>Lakeport, CA 95453</u>
Phone	<u>707900 1225</u>	Phone	_____
Fax	_____	Fax	_____
Email	<u>slceuni@gmail.com</u>	Email	<u>SKS1758@yahoo.com</u>

AGENT, ENGINEER, OR ARCHITECT'S INFORMATION (if any)

Name _____ Company Name _____

Mailing Address _____ Phone _____ Fax _____

City, State, Zip _____ Email _____

PROJECT INFORMATION

Project location:	<u>1419 CAMDEN AVE</u>	Assessor Parcel No.(s):	_____
Current land use:	_____	Size of existing parcel:	_____
Current Zoning:	<u>R-1</u>	Current General Plan Designation:	_____
Subdivision tract name:	_____	Lot and block numbers:	_____
Description of proposed project:			

ATTACH SUPPLEMENTAL INFORMATION AS REQUIRED

Euni Maria Sloan 03/29/2021 SKS 03/29/2021

SIGNATURE OF APPLICANT DATE SIGNATURE OF LAND OWNER DATE

LAND USE APPLICATIONS REQUIRED FOR PROPOSED PROJECT:

<input type="checkbox"/>	668.07	Abandonment of Right-of-Way	<input type="checkbox"/>	889.43	Lot Line Adjustment
<input type="checkbox"/>	1,977.50*	Annexation	<input type="checkbox"/>	118.80	Minor Exception
<input type="checkbox"/>	148.17	Archeological Review	<input type="checkbox"/>	466.40*	Formal Concept Plan Review
<input type="checkbox"/>	2,809.72*	Architectural & Design Review	<input type="checkbox"/>	88.87 & up**	Reapportionment – Sewer Assessment
<input type="checkbox"/>	711.80	Arch. & Design Review (Minor)	<input type="checkbox"/>	237.15	Shoreline Development
<input type="checkbox"/>	89.49	Arch. & Design Review (Small Project)	<input type="checkbox"/>	1,860.53*	Tentative Parcel Map
<input type="checkbox"/>	296.32	Approved Plan Revision	<input type="checkbox"/>	2,685.52*	Tentative Subdivision Map
<input checked="" type="checkbox"/>	133.48	Categorical Exemption	<input type="checkbox"/>	652.29	Use Permit, Major
<input type="checkbox"/>	266.97	Certificate of Compliance	<input checked="" type="checkbox"/>	172.02	Use Permit, Minor
<input type="checkbox"/>	1,245.40	Development Agreement	<input type="checkbox"/>	682.11	Variance
<input checked="" type="checkbox"/>	844.94	Environmental Review	<input type="checkbox"/>	222.25	Voluntary Merger
<input type="checkbox"/>	244.61	Fence Request	<input type="checkbox"/>	1,038.06	Zone Change
<input type="checkbox"/>	326.14	Free-Standing Sign	<input type="checkbox"/>	177.09*	Zoning Permit
<input type="checkbox"/>	771.09	General Plan Amendment	<input type="checkbox"/>	_____	Other

*Planning and Engineering Fees ** Engineering Fee

Total Fees Collected: \$ _____ Receipt # _____ Initials _____ Date _____

AIRBNB

Euni Maria Sloan

1419 Camden Ave

Lakeport – California

We live in a home that we have four bedrooms and I need to do something that could keep me busy, and I do not feel I am not working, so I decided to start an Airbnb of one bedroom that downstairs and it is separated from our private bedroom. Our bedroom is located upstairs where there are three bedrooms, one for us and another to our son and other one if we have friends or relatives that want to spend time with us. I decide to have an Airbnb because with it we can manage the dates that I want to have guest and how often I want to. The Airbnb app can do it and there are requirements and rules that the guest need to follow. However, the app can provide reviews and it make it safe for us to have a guest that we do not know who they are. Most of our guest stay one day, some four days or more but not more than twenty days. In our home we have pets (rescue cat and a dog), and they are friendly. Guests can use our kitchen and our backyard if they want to because we have an area with chairs and a beautiful garden. I do not provide breakfast or meals, if they want to, they can make it for them. Our place is organized for two people. And they have a private bathroom. We have a TV in our living room and our guest can enjoy if they want to. Laundry is available if they need to use. I provide a Wi-Fi. Usually we have around twelve and fourteen guests a month.

House Rules:

No smoking.

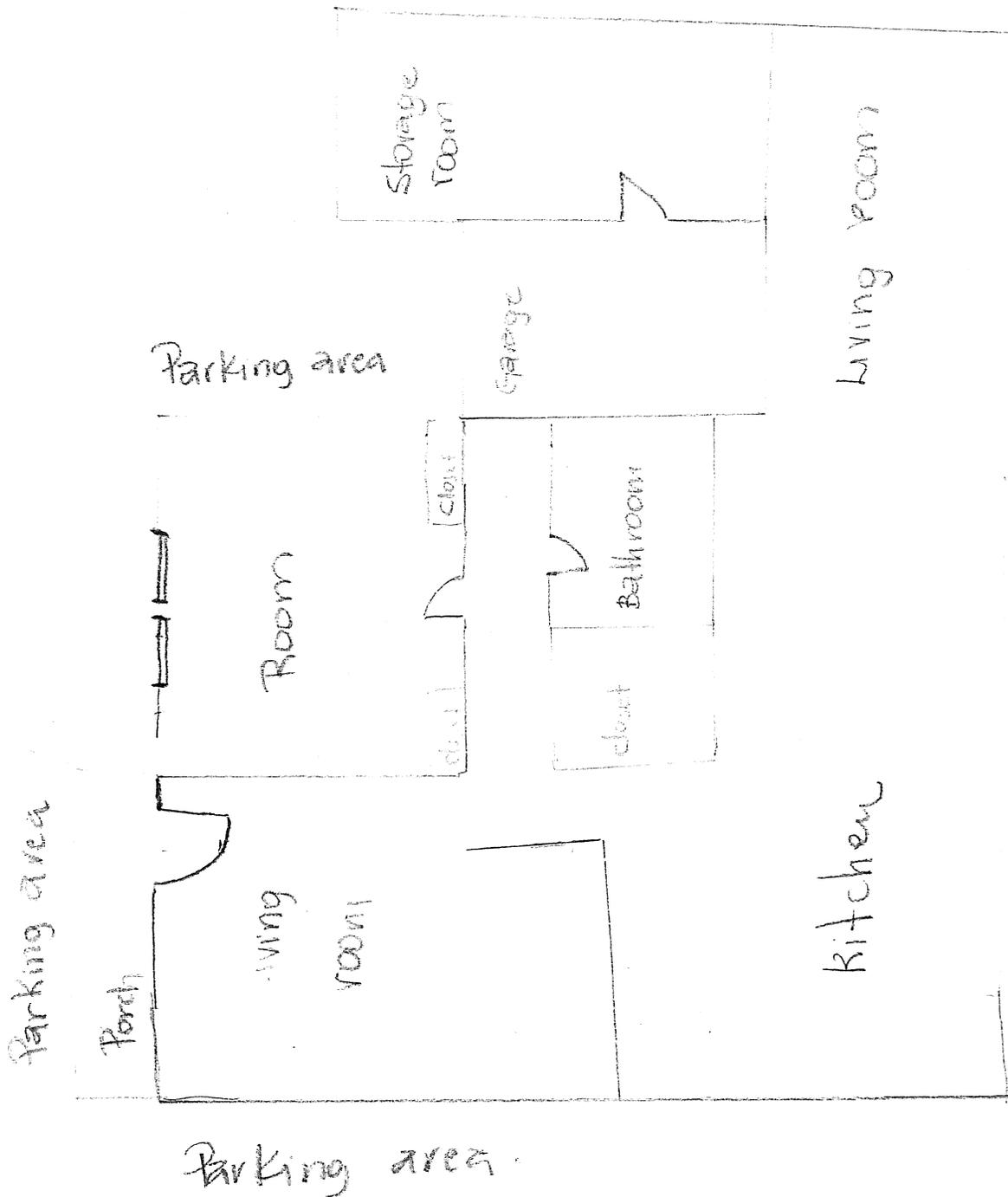
Check-in 3 pm and check out 12 pm

After 10 pm is prohibit noisy inside and outside of the house.

Parking car is front of our home, driveway or on the corner at Fenway Ave.

Floor Plan

Camden Ave



Fenway Ave

34118

34444

34500

34006

34002

Camden Ave

34449

34115

34443

34007

34003

Wrigley St

Westside Park Rd

Westside Park Rd



CITY OF LAKEPORT PLANNING COMMISSION

MEMORANDUM

RE: Discussion on Amending Chapter 5.04, 5.24 and 10.12 of the Municipal Code to address Sidewalk Vending

MEETING DATE: 5/12/2021

SUBMITTED BY: Jennifer M. Byers, Community Development Director

PURPOSE OF REPORT: Information only Discussion Commission Action

WHAT IS BEING ASKED OF THE PLANNING COMMISSION:

Discuss and review possible amendments to the Lakeport Municipal Code Chapter 5.04 Business Licenses, Chapter 5.24 Solicitation, and Chapter 10.12 Stopping, Standing and Parking concerning the regulation of Sidewalk Vending. Amendments under consideration reflect state regulations associated with the passage of Senate Bill 946.

BACKGROUND/DISCUSSION: On September 17, 2018, Governor Brown signed Senate Bill 946 to decriminalize sidewalk vending, prohibit local bans, and provide a guideline regarding permissible regulations. SB 946 allows cities to adopt reasonable regulations, within defined limits, on sidewalk vending. A "sidewalk vendor" is someone who sells food, beverages, or merchandise from non-motorized conveyances or from his or her person in the public right-of-way or other pedestrian path. A non-motorized conveyance includes a pushcart, stand, display, pedal-driven cart, wagon, showcase, and rack. A sidewalk vendor may be stationary, operating from a fixed location, or roaming.

SB 946 lists a number of impermissible regulations. First, the City is prevented from requiring a sidewalk vendor to operate within specific parts of the public right-of-way. However, the City may prohibit sidewalk vendors near certified farmers' markets, swap meets, or areas subject to a temporary special permit. Second, the City may not prohibit a sidewalk vendor from selling food or merchandise in a City park, except where the City has contracted with a concessionaire for the exclusive sale of food or merchandise. Third, the City may not require a sidewalk vendor to obtain the consent or approval of any non-governmental entity or person before selling food or merchandise. Fourth, the City may not restrict sidewalk vending to a designated neighborhood or other area, although the City may prohibit a stationary sidewalk vendor from operating in an exclusively residential zone. Lastly, the City may not restrict the number of sidewalk vendors permitted in the City.

Notwithstanding these five (5) prohibitions, the City may impose additional regulations if they directly relate to objective health, safety or welfare concerns. The City may also regulate the time, place, and manner of sidewalk vending, including, but not limited to, any of the following:

- Restricting the hours of operation;

- Requiring maintenance of sanitary conditions;
- Complying with disability access standards;
- Obtaining a use permit and/or business license;
- Possessing a valid California seller's permit for sales tax compliance;
- Requiring additional licenses from other state or local agencies as required by law;
- Requiring compliance with other generally applicable laws; and
- Providing information on vendor operations.

Staff has recently been processing a number of Applications for Use of Public Areas. For instance, the Lakeport Main Street Association (LMSA) has submitted an application for the Memorial Day Parade with the additional request to allow vendors. As the code is currently written and in light of SB 946, unauthorized sidewalk vendors would be able to sell their wares without approval from LMSA or the City. Some examples may be to prohibit sidewalk vending within a certain feet of a permitted certified farmers' market or any area subject to a temporary use permit (Use of Public Areas) for the duration of the permit; to prohibit sidewalk vending in a city park where the City has contracted with a concessionaire for the exclusive sale of food or merchandise; limit hours of operation and/or require vendors to possess and display a city business license, a California seller's permit and if applicable a valid Mobile Food Permit issued by the Lake County Department of Health and Human Services.

SUGGESTED MOTION:

Move to initiate through a minute order of the Planning Commission the preparation of amendments to Chapters 5.04, 5.24 and 10.12 of the Municipal Code to include standards and permitting procedures for Sidewalk Vending.

ATTACHMENT: Senate Bill 946 Chaptered

PLANNING PROJECTS PENDING

as of
May 6, 2021

No.	Staff Assigned	File No./Name	Date Received	Progress	Next Action	PC / Staff Level
1.	Dan	GPA & Zoning Inconsistencies	6/2/2016	Staff currently preparing required exhibit maps and ordinance language for recommended General Plan and Zone changes.	C.C. review (May / June)	P.C. Approved 8/15/2018
2.	Dan	City of Lakeport Safety Element Update		Update General Plan Safety Element to include Local Hazard Mitigation Plan.		City Council Action
3.	Dan	New Vista Development – Lakeport Hub AR 19-08, S 19-01, UP 19-04, ZP 19-05, and ER 19-03	10/7/2019	Application for a Combined Development Permit for the property at 1842 Todd Road in Lakeport California. The project would include the following: A Tentative Subdivision Map to subdivide a 14.89-acre parcel into eight (8) separate commercial properties. An Architectural and Design Review for the construction of ten (10) structures that include one (1) service station with bays, four (4) restaurants with drive thru facilities, two (2) restaurants, one (1) three story 70-unit hotel and three (3) commercial retail buildings. The total square footage of all the structures on the property would be approximately 94,850 square feet.	P.C. Review	P.C. Review
4.	Dan	Lake County Tribal Health – VM 19-01 & CE 19-19 Bevins Ct.	12/19/2019	Application for a Voluntary Merger of five contiguous parcels.		Staff Approved Pending Recordation
5.	Jenni	Microenterprise Home Kitchen – AB626 Application# 2020-25		Consideration of the recent Lake County ordinance permitting Microenterprise Home Kitchens in accordance with AB 626.		

6.	Dan	Euni Maria Sloan – 1419 Camden Ave. Use Permit & Categorical Exemption Application# 2021-09	3/29/2021	Use Permit and Categorical Exemption to allow for a Short-term Rental.	Request for reviews sent.	P.C. Review
7.	Dan	Country Air Properties – 460 S Main St. Zoning Permit & Categorical Exemption for Outdoor Event Application# 2021-11	4/26/2021	Zoning Permit and Categorical Exemption for an Outdoor Event with food and alcohol sales.	P.C. Review	P.C. Review
8.	Jenni	Lois Langais – 1270 Martin St. Use Permit & Categorical Exemption Application# 2021-12	5/3/2021	Use Permit and Categorical Exemption to allow for a Short-term Rental.	P.C. Review	P.C. Review