



A G E N D A

CITY OF LAKEPORT PLANNING COMMISSION

Wednesday, August 4, 2021

In accordance with updated guidelines from the State of California and revised Cal OSHA Emergency Temporary Standards, persons that are NOT fully vaccinated for COVID-19 are required to wear a face covering at this meeting. Additionally, due to the rising cases of COVID in Lake County, the Board of Supervisor's ***strongly*** encourages all individuals to wear a face covering indoors.

Pursuant to Section 3 of Executive Order N-08-21, issued by Governor Newsom on June 11, 2021, the regular meeting of the City Council for July 20, 2021 will be conducted both in person, and telephonically through Zoom. If you cannot attend in person, and would like to speak on an agenda item, you can access the Zoom 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:

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

US: [+16699009128](tel:+16699009128), [98661665155#](tel:+198661665155) or [+13462487799](tel:+13462487799), [98661665155#](tel:+198661665155)

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

SPECIAL MEETING: Wednesday, August 4 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 June 9, 2021.
- VI. **REGULAR CALENDAR:**

A. City of Lakeport – Objective Design Standards Study Session Presentation and discussion by Mintier Harnish.

B. Barbara Morris Application #2021-17 - 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 55 Fourth Street, (APN 025-383-03).

**C. Jessica Asbury Application
#2021-16 – Minor Use Permit,
Architectural and Design
Review and Categorical
Exemption**

An application for a Minor Use Permit to allow for a Residential Use in conjunction with a commercial business and an Architectural and Design Review and Categorical Exemption for a new fence. Located at 75 Fourth Street, (APN: 025-383-03

VII. Correspondence

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

IV. SCHEDULE NEXT MEETING:

Discuss and set the next meeting date (September 8, 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 SPECIAL MEETING – JUNE 9, 2021 MINUTES

CALL TO ORDER / ROLL CALL: Acting Chair Warrenburg called the meeting to order at 5:25 p.m. with Commissioners Maxman, Combs and Barnett present. Also, present was Community Development Director, Jenni Byers, and Administrative Specialist, Linda Sobieraj. Chair Mitchell was absent.

ACCEPTANCE OF AGENDA:

Commissioner Maxman 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, Combs and Acting Chair Warrenburg. (4-0)

NOES: None

ABSENT: Chair Mitchell

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 Combs. (Minutes from the Regular Planning Commission meeting of May 12, 2021.)

The vote was called and was as follows:

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

NOES: None

ABSENT: None

Chair Mitchell joined the meeting at 5:35 p.m.

REGULAR AGENDA:

Lois Langlais – Use Permit and Categorical Exemption for Short-term Rental Application # 2021-12

Director Byers briefed the Commission on an application for a Use Permit and a Categorical Exemption to allow a short-term rental within an existing single-family dwelling located at 1270 Martin Street, APN 025-102-11.

Director Byers advised the Commission of a comment staff received from a neighbor of the applicant. He stated that portion of Martin Street was a private shared driveway between 6 properties and he was concerned that the increased traffic would negatively impact the condition of the shared driveway. Director Byers stated the private driveway was a civil issue.

Public hearing opened at 5:44 p.m. and closed with no public input 5:45 p.m.

Categorical Exemption Approval

Chair Mitchell moved that the Planning Commission find that 2021-12 as applied for by Lois Langlais is categorically exempt as an infill development project pursuant to Section Sections 15268 (b) and 15301(a) of the CEQA Guidelines. Seconded by Commissioner Combs and carried by voice vote.

The vote was called and was as follows:

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

NOES: None
ABSENT: None

Use Permit Approval

Chair Mitchell moved that the Planning Commission find that the Use Permit applied for by Lois Langlais, on property located at 1270 Martin Street 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 June 9, 2021 staff report. Seconded by Commissioner Maxman.

The vote was called and was as follows:

AYES: Commissioners Maxman, Barnett, Combs, Warrenburg and Chair Mitchell. (5-0)
NOES: None
ABSENT: None

CORRESPONDENCE:

The Commission discussed the current project pending list.

COMMENTS FROM STAFF AND COMMISSIONERS:

Director Byers advised the Commission that the City was eligible for CDBG Disaster Recovery Funds for housing. She advised there were a couple of housing projects staff would like to propose using these funds for and RFPs will be going out in August.

Director Byers also advised the first Inside Out event would take place on June 10, 2021. The event would close down a portion of Main Street and bring businesses outside and would happen the third Thursday of every month.

DISCUSS AND SET THE NEXT MEETING DATE:

It was agreed by consensus that the next meeting be held on Wednesday, July 14, 2021. Meeting was adjourned and closed at 5:56 p.m.

Jennifer M. Byers, Community Development Director



CITY OF LAKEPORT COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

DATE: August 4, 2021

FILE NO: 2021-17, Use Permit and Categorical Exemption

OWNER/APPLICANT: Barbara Morris
50 Third Street
Lakeport, CA. 95453

LOCATION: 55 Fourth Street (025-383-04)

GENERAL PLAN: Commercial

ZONING: CB - Central Business

STAFF CONTACT: Jennifer M. Byers, Community Development Director

REQUESTED ACTION: The Planning Commission is being asked to review and approve an application for 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 55 Fourth Street, APN: 025-383-04.

GENERAL PLAN AND ZONING DISTRICT: The subject property is designated Commercial according to the City of Lakeport General Plan Land Use Map and is within the CB, Central Business zoning district according to the City Zoning Map. Short-term rental to transient guests may be permitted in any residential structure, regardless of zone district subject to the issuance of a use permit per Section 17.12.05.R of the zoning ordinance.

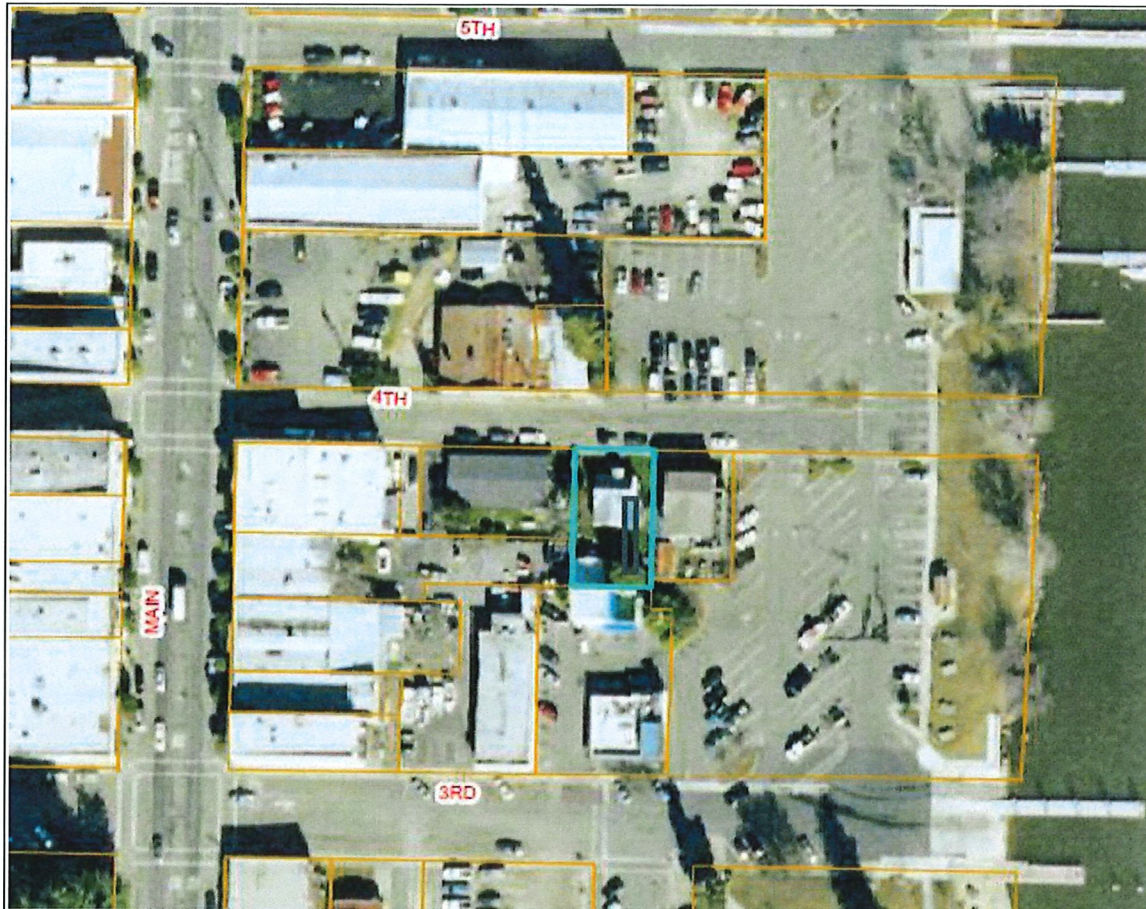
As proposed, the allowance for the short-term rental of a residence to transient guests at this site is consistent with the objective ED 10 of the General Plan which seeks "To promote and enhance Lakeport as a year round visitor/recreation destination area" and likewise Policy ED 10.2 of the Economic 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 17.12.050 R, Central Business and 17.24.110 E 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 Fourth Street. The

short-term rental is to be offered through AirBnb, offering a private residential unit that has two bedrooms, one bathroom, a kitchen and a family room. The unit would accommodate up to 4 people. The property has onsite parking via a private driveway off Fourth Street.

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.



Project Location

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, Police and Fire District for their review.

- Building Official: Must have smoke / CO detectors and low flow plumbing fixtures, based off current building code.
- City Engineer: The City Engineer had no concerns.
- Public Works: No issues.
- Public Works Utilities: No concerns.
- Finance Department: Upon approval of Use Permit, register with HDL for TOT/TID reporting.

- City Police: No Police concerns.
- Fire District: Fire safety inspection needed prior to occupancy.

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 Central Business (CB) 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 CB, Central Business zoning district. The site and circulation associated with the proposed project on this property is adequate for the use. The use is generally 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 that would limit the impact to neighbors in close proximity. 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 CB zoning district (LMC Chapter 17.12) 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 2021 CEQA guidelines. Those sections allow for 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 at the property located at 55 Fourth Street, 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 2021 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 2021-17 as applied for by Barbara Morris is categorically exempt as an infill development project pursuant to 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 Barbara Morris, on property located at 55 Fourth Street 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 August 4, 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



Project Locator - 55 Fourth Street
2021-17 Short-term Rental Permit

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. 2021-17

*This Agreement is entered into by **Barbara Morris**
55 Fourth Street (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 August 4, 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 prior to the commencement of operations.
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 of Lakeport 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- Barbara Morris

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 OR WITHOUT CATEGORICAL EXEMPTION

APPLICANT'S INFORMATION	LAND OWNER'S INFORMATION
Name <u>BARBARA MORRIS</u>	Name <u>Same</u>
Company Name _____	Company Name _____
Mailing Address <u>50 3RD ST</u>	Mailing Address _____
City, State, Zip <u>LAKEPORT CA 95453</u>	City, State, Zip _____
Phone <u>(707) 489-5010</u> Fax _____	Phone _____ Fax _____
Email <u>bmor52@sbglobal.net</u>	Email _____

AGENT, ENGINEER, OR ARCHITECT'S INFORMATION (if any)	
Name _____	Company Name _____
Mailing Address _____	Phone _____ Fax _____
City, State, Zip _____	Email _____

PROJECT INFORMATION	
Project location: <u>55 Fourth St</u>	Assessor Parcel No.(s): <u>025-383-04</u>
Current land use: <u>Residence AIR BNB</u>	Size of existing parcel: <u>86' x 50'</u>
Current Zoning: <u>CB - Central Business</u>	Current General Plan Designation: <u>CB</u>
Subdivision tract name: _____	Lot and block numbers: _____
Description of proposed project: <u>Register residence for air bnb use</u>	
<u>No physical changes</u>	

ATTACH SUPPLEMENTAL INFORMATION AS REQUIRED

SIGNATURE OF APPLICANT	DATE	SIGNATURE OF LAND OWNER	DATE
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LAND USE APPLICATIONS REQUIRED FOR PROPOSED PROJECT:

<input type="checkbox"/>	\$695.63	Abandonment of Right-of-Way
<input type="checkbox"/>	1,999.25*	Annexation
<input type="checkbox"/>	149.80	Archeological Review
<input type="checkbox"/>	2840.62*	Architectural & Design Review
<input type="checkbox"/>	719.63	Arch. & Design Review (Minor)
<input type="checkbox"/>	90.09	Arch. & Design Review (Small Project)
<input type="checkbox"/>	299.58	Approved Plan Revision
<input checked="" type="checkbox"/>	134.95	Categorical Exemption
<input type="checkbox"/>	269.91	Certificate of Compliance
<input type="checkbox"/>	1259.10	Development Agreement
<input type="checkbox"/>	854.24	Environmental Review
<input type="checkbox"/>	247.30	Fence Request
<input type="checkbox"/>	329.73	Free-Standing Sign
<input type="checkbox"/>	779.57	General Plan Amendment

<input type="checkbox"/>	\$ 899.22	Lot Line Adjustment
<input type="checkbox"/>	120.11	Minor Exception
<input type="checkbox"/>	471.52*	Formal Concept Plan Review
<input type="checkbox"/>	88.87 & up**	Reapportionment – Sewer Assessment
<input type="checkbox"/>	239.76	Shoreline Development
<input type="checkbox"/>	1880.99*	Tentative Parcel Map
<input type="checkbox"/>	2,715.06*	Tentative Subdivision Map
<input type="checkbox"/>	659.46	Use Permit, Major
<input checked="" type="checkbox"/>	173.91	Use Permit, Minor
<input type="checkbox"/>	689.61	Variance
<input type="checkbox"/>	224.69	Voluntary Merger
<input type="checkbox"/>	1049.47	Zone Change
<input type="checkbox"/>	183.06*	Zoning Permit
<input type="checkbox"/>		Other

*Planning and Engineering Fees ** Engineering Fee

Total Fees Collected: \$ 308.86 Receipt # 159649 Initials LS Date 6/15/2021
✓028136

Revised 7/1/2020

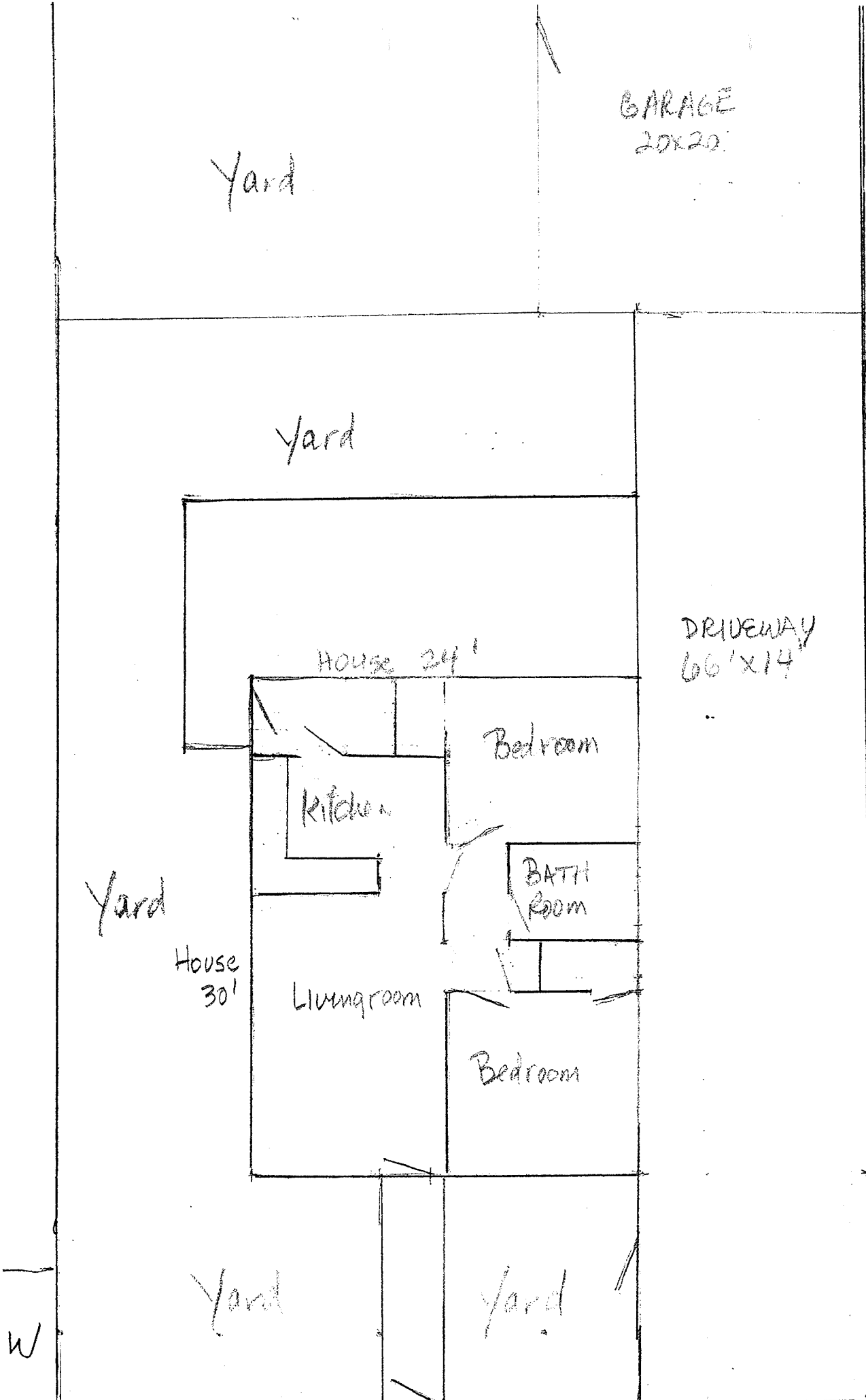
Linda Sobieraj

From: Barbara Morris <bmor52@sbcglobal.net>
Sent: Thursday, June 17, 2021 8:57 AM
To: Linda Sobieraj
Subject: Use permit


I would like to convert my house located at 55 4th St. to a short term rental. It has been used as a long term rental for traveling doctors and nurses with much success throughout the pandemic. I would now like to use it for short term guests visiting Lakeport. There will be no physical changes to the house or the property. Thank you for your consideration.

Barbara Morris, owner/ operator

Sent from my iPad



GARAGE
20'x20'

 = 2 sf

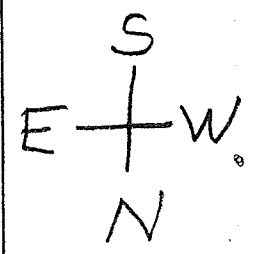
LOT 86'x50'

House
24'x30'

GARAGE
20'x20'

DRIVEWAY
66'x14'

DRIVEWAY
66'x14'



4TH ST
↓

Google Maps



Map data ©2021 , Map data ©2021 20 ft



CITY OF LAKEPORT COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

DATE: August 4, 2021

FILE NO: 2021-16 Use Permit; Architectural and Design Review;
and Environmental Review

**OWNER/
APPLICANT:** Jessica Asbury
PO Box 2409
Willits, CA 95470

LOCATION: 75 Fourth Street (APN 025-383-03)

GENERAL PLAN: Central Business District

ZONING: CB, Central Business

STAFF CONTACT: Jennifer M. Byers, Community Development Director

REQUESTED ACTION: The Planning Commission is being asked to review and approve an application for a Use Permit to allow a residential use in conjunction with a commercial business and an Architectural and Design Review for a six (6) foot wood fence along the westerly boundary of the property located at 75 Fourth Street in Downtown Lakeport.

GENERAL PLAN AND ZONING DISTRICT: The subject property is designated Central Business District according to the City of Lakeport General Plan Land Use Map and is within the CB, Central Business zoning district according to the City Zoning Map. Approval of the Use Permit would be consistent with the intent of the General Plan and Zoning Ordinance Section 17.24.110 in respect to mixed use development; as well as Section 17.27.020 of the Architectural and Design Review would be consistent in respect to community design.

As proposed, the allowance for the residential use in conjunction with a commercial use is consistent with the General Plan where the Central Business seeks to encourage mixed-use. "Mixing land uses (commercial, residential, recreational, educational, and others) in neighborhoods or places that are accessible by bike and foot an create vibrant and diverse communities" (Page V-8).

Section 17.12.050(L) of the Zoning Ordinance allows within the CB district a residential use in conjunction with a commercial use subject to the issuance of a use permit with further guidance in Section 17.24.110(A) that provides seven criteria for development standards and guidelines.

Section 17.27.020 of the Municipal Code indicates that Architectural and Design Review is required for the proposed exterior remodel of commercial buildings that result in altered appearances, additions, extensions, or enlargements. It further indicates that no building permit or other entitlement for remodel shall be issued until the site plan; the architectural elevations and related plans have been reviewed and approved by either the Planning Commission or Community Development Director as provided for in the Zoning Ordinance.

Because the current occupancy of the building is for commercial purposes and based on the scale and scope of the project, staff determined that in addition to the Use Permit, the proposed fence would require approval by the Planning Commission for Architectural and Design Review (17.27.030.D).

PROJECT DESCRIPTION: The proposed project consists of converting a professional office to a mixed-use structure that provides retail and a residential use located at 75 Fourth Street. The building was originally constructed in 1930. The city has records of business licenses dating back to 1995 for a psychologist and then other medical office tenants such as an acupuncturist and a therapist. The structure retained a quasi-residential/office appearance which is typical within the downtown area.

The City received a request from Ms. Asbury that the building be used as a residence for her family. Section 17.12.050(L) allows, with the issuance of a use permit, a residential use in conjunction with a commercial use. Ms. Asbury is the owner of Avello Diamonds Boutique which is a retail business for specialty jewelry that she creates and sells using Lake County diamonds. The store is currently open by appointment only. Even though the building was utilized as professional offices for the past fifteen years, it retained residential characteristics such as a full kitchen, a restroom which includes a combination bathtub/shower, backyard private space, and closets in the bedrooms. Ms. Asbury proposes that the main entrance on Fourth Street be the entrance to her retail shop. The entrance on the east side of the structure would serve as a private access for the residence.

Ms. Asbury is proposing a new wood fence to extend west of the current configuration to provide additional private outdoor space. The fence line would be set back from the Fourth Street boundary to allow for private parking for customers of the business.

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

- Building Official: No building permit required. The residence must have in working condition smoke/CO detectors and low flow plumbing fixtures, based off current building code.
- City Engineer: No exception taken.
- Public Works Roads: Public Works has no issues or comments.
- Public Works Utilities: No Comments.
- City Police: Police Department has no issues with this project.
- Fire District: No comments or issues at this time.

The conditions of approval would address any of the concerns raised. Project Conditions of Approval and vicinity map are attached.

USE PERMIT APPLICATION FINDINGS: As described, the attached plans depict the design change for dedicated retail space within the structure and replacing the perimeter fence. The design changes compliment the overall design of the existing building.

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 purpose of the Central Business district is to support a variety of uses. The General Plan specifically identifies mixed-use as a desired component to that variety, "Mixing land uses (commercial, residential, recreational, educational, and others) in neighborhoods or places that are accessible by bike and foot an create vibrant and diverse communities" (Page V-8). The project would support these goals.

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 working 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 proposed mixed-use represents an enhancement to an existing property, reflecting a harmonious design within the immediate area, and compliments the overall design of the downtown area. The modified project is in compliance with the General Plan.

Finding 3: That the proposed use will comply with the provisions of this title. The project would be required to comply with the standards and criteria established in Section 17.24.110(A) Development Standards and Guidelines for Mixed-use of the Zoning Ordinance. Section 17.24.110(A) identifies seven specific requirements such as location of entranceways, private open space, parking and compliance with the California Building Code. The project is a mixed-use with residential in conjunction to a retail business and meets the criteria of the defined requirements. The main entrance to the retail space is a set of glass doors with an archway located directly on Fourth Street, while the residential entry is located off of the street, tucked away on the east side of the building. There is ample private open space existing behind the building and with the approval of the A&D will expand that space as well as provide an additional parking space. There are conditions in place that would ensure compliance with the building code.

ARCHITECTURAL AND DESIGN REVIEW APPLICATION FINDINGS: As described, the attached plans depict the design change for replacing and adding to the perimeter fence. The design changes compliment and is an improvement to the existing chain link fence.

Finding 1: The proposed project is consistent with the purpose of the Lakeport Zoning Ordinance. The property is zoned CB, Business District which allows mixed-uses, with a design consistent with the performance standards as set forth in the Architectural and Design Review standards.

Finding 2: The project is in substantial compliance with the design criteria. The proposed design changes to the existing site represents an enhancement to an existing property, reflecting a harmonious design within the immediate area, and compliments the overall

eclectic design of the downtown area. The modified project is in compliance with the criteria and standards for 17.27.110 Architectural and Design Review.

Finding 3: The project is consistent with the Lakeport General Plan. The project as proposed is consistent with the objectives and policies of the Lakeport General Plan. Objective CD-2 of the General Plan encourages commercial development designs which foster economic growth, reduce land consumption, and compliment adjacent land uses. Furthermore, the enhancement of this building promotes commercial success in the downtown area consistent with objective ED 2 of the General Plan. The proposed replacement and expansion at its proposed location reflects that objective by fostering economic growth, while complimenting adjacent land uses.

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS:

Finding 4: The project is categorically 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 Section 15301(a) of the CEQA guidelines. This section allows interior and exterior alterations to existing facilities that do not increase the size of structure.

CONCLUSION, RECOMMENDATION, AND CONDITIONS: Based on the information provided by the applicant and the comments received from City staff, a finding was made that the residential use in conjunction with a commercial use, and fence 75 Fourth Street is in general conformance with the Lakeport Municipal Code Sections 17.24.110 A (Standards for mixed use) and 17.27.110 (Architectural and Design Review criteria and standards). The proposed improvements will not significantly impact the appearance of the site. The use and fence is consistent with the requirements of the Zoning Ordinance. The proposed project has been determined to be exempt from the provisions of the California Environmental Quality Act according to Section 15301(a) of the CEQA guidelines. This section exempts small projects at existing facilities.

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

SAMPLE MOTION

Categorical exemption Approval

I move that the Planning Commission find that Application 2021-16 as applied for by Jessica Asbury is categorically exempt pursuant to Section 15301(a) of the CEQA Guidelines.

Use Permit and Architectural and Design Review Approval

I move that the Planning Commission find that the Use Permit and Architectural and Design Review applied for by Jessica Asbury, on property located at 75 Fourth Street does meet the requirements of Sections 17.24.110 (A); and 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 August 4, 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 & Elevation

Attachment A: Vicinity Map



Project Locator - 75 Fourth Street
2021-16 Use Permit and
Architectural and Design Review

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. APP 2021-16

*This Agreement is entered into by **Jessica Asbury**
(hereinafter Applicant/Owner).*

RECITALS

WHEREAS, Applicant/Owner applied to the City of Lakeport for a Use Permit to approve a mixed-use of residential in conjunction with a commercial use to be located at 75 Fourth Street in downtown Lakeport; and

WHEREAS, Applicant/Owner applied for an Architectural and Design Review approval for a six-foot wood perimeter fencing of an existing commercial building; and

WHEREAS, the City of Lakeport has reviewed and approved the project for conformance with the Architectural and Design Review criteria and standards set forth in Section 17.27.110 of the Lakeport Municipal Code; 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 project shall be developed in accordance with the plans and specifications received by the City on May 18, 2021 and approved by the Planning Commission on August 4, 2021. Minor alterations may be approved in writing by the City of Lakeport Community Development Director or designee.
3. The applicant/owners shall work with the Building Official for the City of Lakeport to review the change in occupancy status from a professional office building to single-family use. Battery-powered smoke and carbon monoxide detectors, as well as low-flow plumbing fixtures, shall be provided in the portion of the building to be utilized as a residence, as required by

the California Building Code. The dwelling shall be inspected by Community Development Department staff before the residential use is initiated.

4. The applicant/owner shall maintain the landscaped area and parking areas in good condition for the life of the project. All storage of outdoor equipment, including trash receptacles associated with the use on this site shall be neat and orderly, in a clean and litter-free condition. No driveways or parking areas shall be used for display purposes.
5. Fencing shall be installed in accordance with approved site plan. The applicant/owner shall maintain the fence in good condition for the period of use with this project. Damaged or dilapidated portions of the structure or related improvements shall be repaired or replaced as necessary.
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- Jessica Asbury

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 OR WITHOUT CATEGORICAL EXEMPTION

APPLICANT'S INFORMATION		LAND OWNER'S INFORMATION	
Name	Jessica Shary	Name	Jessica Shary
Company Name		Company Name	
Mailing Address	PO Box 2409	Mailing Address	PO Box 2409
City, State, Zip	Willits, CA 95490	City, State, Zip	Willits, CA 95490
Phone	707-900-8861	Phone	707-900-8861
Fax		Fax	
Email	essica.j.shary@gmail.com	Email	essica.j.shary@gmail.com

AGENT, ENGINEER, OR ARCHITECT'S INFORMATION (if any)	
Name	
Company Name	
Mailing Address	
Phone	
Fax	
City, State, Zip	
Email	

PROJECT INFORMATION	
Project location:	75 Fourth St
Assessor Parcel No.(s):	025-383-03
Current land use:	
Size of existing parcel:	
Current Zoning:	CB
Current General Plan Designation:	
Subdivision tract name:	
Lot and block numbers:	
Description of proposed project:	

ATTACH SUPPLEMENTAL INFORMATION AS REQUIRED

	5-9-2021		5-9-2021
SIGNATURE OF APPLICANT	DATE	SIGNATURE OF LAND OWNER	DATE

LAND USE APPLICATIONS REQUIRED FOR PROPOSED PROJECT:

<input type="checkbox"/>	\$695.63	Abandonment of Right-of-Way
<input type="checkbox"/>	1,999.25*	Annexation
<input type="checkbox"/>	149.80	Archeological Review
<input type="checkbox"/>	2840.62*	Architectural & Design Review
<input type="checkbox"/>	719.63	Arch. & Design Review (Minor)
<input checked="" type="checkbox"/>	90.09	Arch. & Design Review (Small Project)
<input type="checkbox"/>	299.58	Approved Plan Revision
<input checked="" type="checkbox"/>	134.95	Categorical Exemption
<input type="checkbox"/>	269.91	Certificate of Compliance
<input type="checkbox"/>	1259.10	Development Agreement
<input type="checkbox"/>	854.24	Environmental Review
<input type="checkbox"/>	247.30	Fence Request
<input type="checkbox"/>	329.73	Free-Standing Sign
<input type="checkbox"/>	779.57	General Plan Amendment

<input type="checkbox"/>	\$ 899.22	Lot Line Adjustment
<input type="checkbox"/>	120.11	Minor Exception
<input type="checkbox"/>	471.52*	Formal Concept Plan Review
<input type="checkbox"/>	88.87 & up**	Reapportionment - Sewer Assessment
<input type="checkbox"/>	239.76	Shoreline Development
<input type="checkbox"/>	1880.99*	Tentative Parcel Map
<input type="checkbox"/>	2,715.06*	Tentative Subdivision Map
<input type="checkbox"/>	659.46	Use Permit, Major
<input checked="" type="checkbox"/>	173.91	Use Permit, Minor
<input type="checkbox"/>	689.61	Variance
<input type="checkbox"/>	224.69	Voluntary Merger
<input type="checkbox"/>	1049.47	Zone Change
<input type="checkbox"/>	183.06*	Zoning Permit
<input type="checkbox"/>		Other

*Planning and Engineering Fees ** Engineering Fee

Total Fees Collected: \$398.95 Receipt # 159889 Initials L8 Date 5/18/2021

Revised 7/1/2020

Jessica Asbury

75 4th Street

Lakeport, CA

95453

May 17th 2021

City of Lakeport

225 Park Street

Lakeport, CA

95453

FOR YOUR CONSIDERATION

My family consist of my husband and I was well as 2 young daughters. Living in a beautiful home next to a wonderful park and close to our schools as well as the lake had always been a dream now a reality.

Being so close to public recreation areas has its difficulties of privacy. Also we have had transients as well as shopping carts and broken bottles in our yard because it is so open.

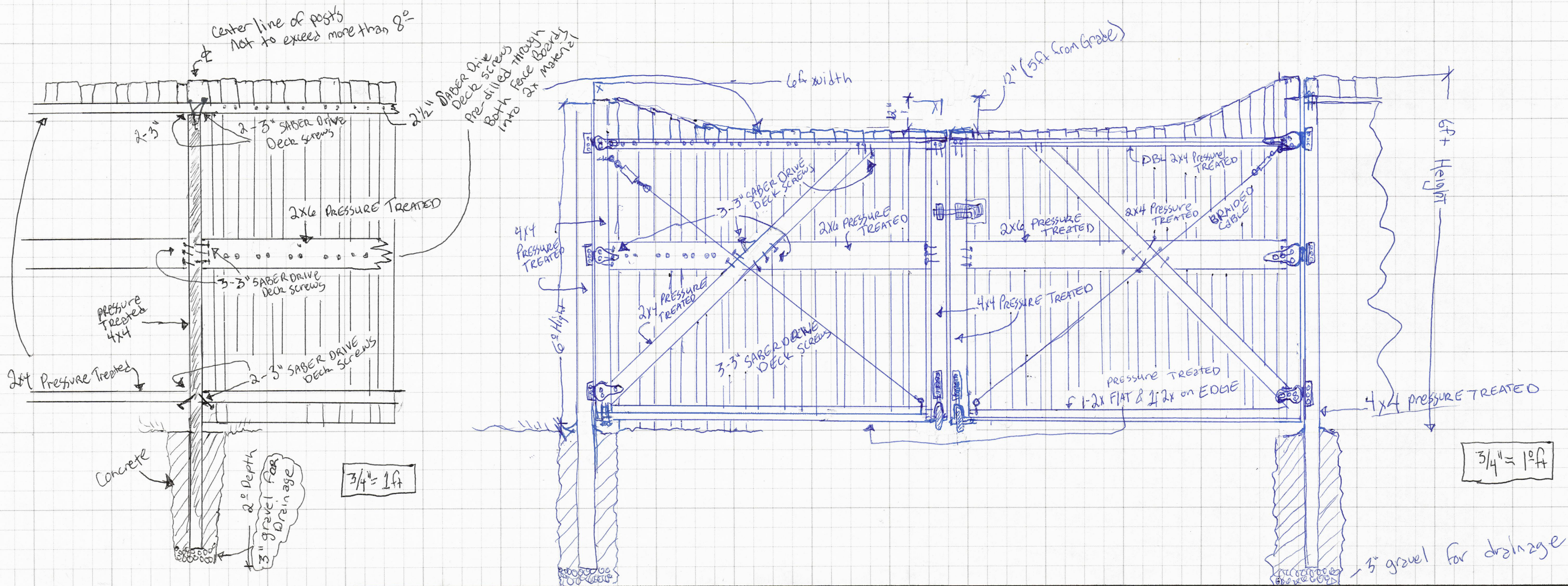
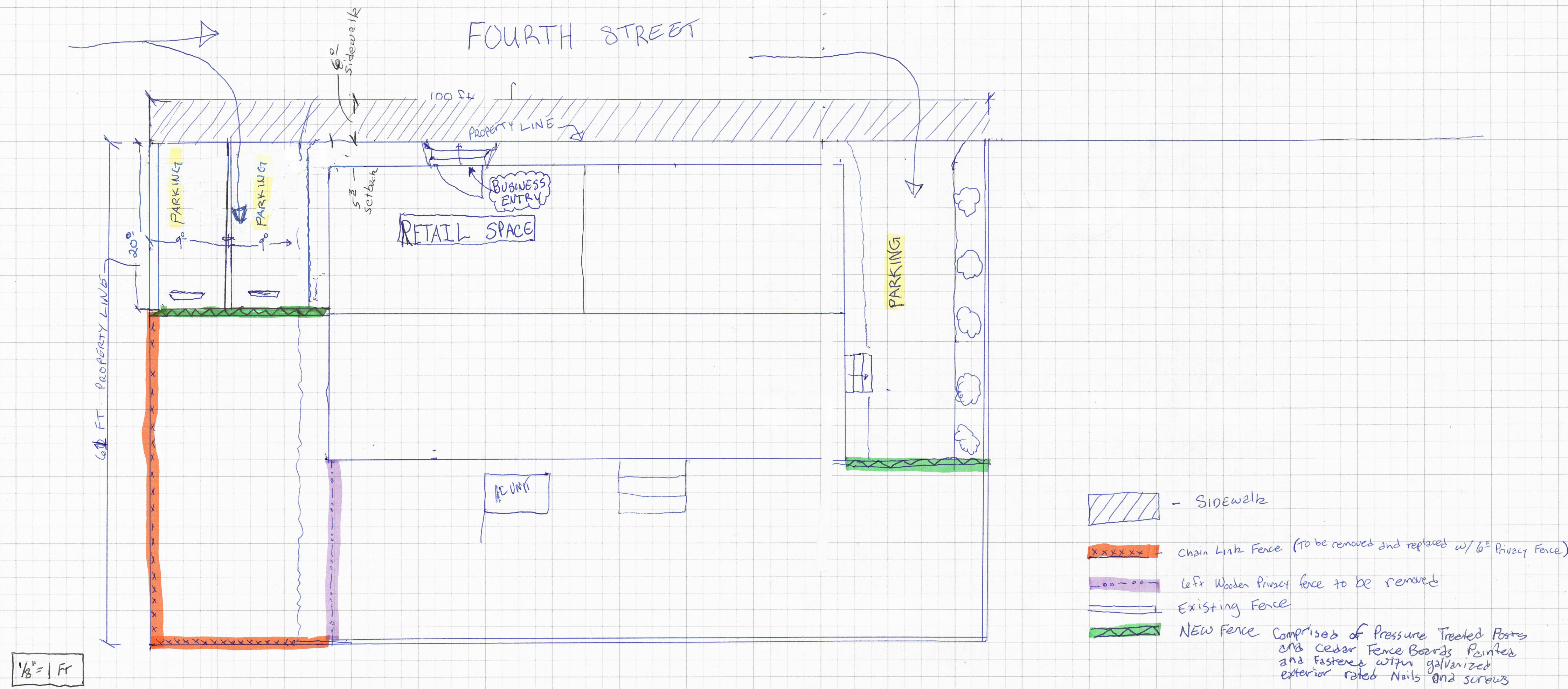
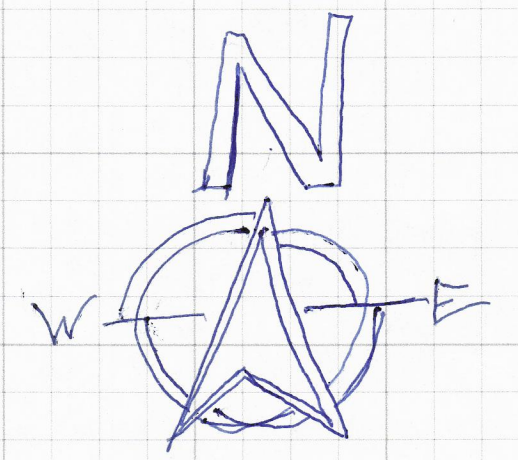
We hope to build a 6foot privacy fence surrounding our yard with a 5 foot gate on the side for vehicle security. So, with your acceptance my family and I could feel safer and obtain some privacy.

Thank you for your consideration

Yours sincerely,

Jessica Asbury





- All Fasteners, Hardware and Screws shall be galvanized exterior rated.
- All Ground contact to be made shall be pressure treated DF #2 or better

Address: 75 Fourth St.
LAKEPORT, CA 95453
Parcel Number: 035-383-03
LOT SIZE: 0.133 Acres
Legal Description: City
Base Zoning Dist: City
Jurisdiction: LAKEPORT
Supervisor Dist: 4
Building Footprint: 1500 sq ft
ZONE: Central Business

PLANNING PROJECTS PENDING

as of
July 30, 2021

No.	Staff Assigned	File No./Name	Date Received	Progress	Next Action	PC / Staff Level
1.	Jenni	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.	Jenni	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
3.	Jenni	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
4.	Jenni	Microenterprise Home Kitchen – AB626 Application# 2020-25		Consideration of the recent Lake County ordinance permitting Microenterprise Home Kitchens in accordance with AB 626.		
5.	Jenni	Jessica Asbury – Application # 2021-16 – 75 Fourth Street		Use Permit to allow for a residential use in conjunction with a commercial business and an Architectural and Design Review for a new fence.	P.C. Review	P.C. Review 8/4/2021

6.	Jenni	Barbara Morris – Application # 2021-17 - 55 Fourth Street		Use Permit and Categorical Exemption to allow for a Short-term Rental.	P.C. Review	P.C. Review 8/4/2021
7	Jenni	Peter Caravella – Application # 2021-21 – 1220 & 1240 Central Park Ave.	6/23/2021	Voluntary merger of two contiguous parcels.	Staff Review	Staff Review