

CITY OF WINTERS REGULAR PLANNING COMMISSION AGENDA

Tuesday, January 22, 2019 @ 6:30 PM
City of Winters Council Chambers
318 First Street
Winters, CA 95694-1923
Community Development Department
Contact Phone Number (530) 794-6714
Email: dave.dowswell@cityofwinters.org

Chairperson: Paul Myer
Vice Chair: Lisa Baker
Commissioners: Dave Adams, Patrick Riley, Gregory Contreras, Daniel Schrupp, Ramon Altamirano
City Manager: John W. Donlevy, Jr.
Management Analyst, Dago Fierros
Contract Planner, Dave Dowswell

I CALL TO ORDER

II ROLL CALL & PLEDGE OF ALLEGIANCE

III CITIZEN INPUT: Individuals or groups may address the Planning Commission on items which are not on the Agenda and which are within the jurisdiction of the Planning Commission. NOTICE TO SPEAKERS: Speaker cards are located on the first table by the main entrance; please complete a speaker's card and give it to the Planning Secretary at the beginning of the meeting. The Commission may impose time limits.

IV CONSENT ITEM

A. Minutes of the December 11, 2018 meeting of the Planning Commission.

V STAFF/COMMISSION REPORTS

VI DISCUSSION ITEMS:

A. Public Hearing and Consideration of an application by Silverio Arteaga to park a Buckhorn food truck on the property located at 3 Grant Avenue (The Winters Store).

B. Study Session – Discussion involving proposed vacation rental ordinance.

VII COMMISSION/STAFF COMMENTS

VIII ADJOURNMENT

POSTING OF AGENDA: PURSUANT TO GOVERNMENT CODE § 54954.2, THE COMMUNITY DEVELOPMENT MANAGEMENT ANALYST POSTED THE AGENDA FOR THIS MEETING ON JANUARY 17, 2019



DAVID DOWSWELL, COMMUNITY DEVELOPMENT DEPARTMENT CONTRACT PLANNER

APPEALS: ANY PERSON DISSATISFIED WITH THE DECISION OF THE PLANNING COMMISSION MAY APPEAL THIS DECISION BY FILING A WRITTEN NOTICE OF APPEAL WITH THE CITY CLERK, NO LATER THAN TEN (10) CALENDAR DAYS AFTER THE DAY ON WHICH THE DECISION IS MADE.

PURSUANT TO SECTION 65009 (B) (2), OF THE STATE GOVERNMENT CODE "IF YOU CHALLENGE ANY OF THE ABOVE PROJECTS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING(S) DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY PLANNING COMMISSION AT, OR PRIOR TO, THIS PUBLIC HEARING".

MINUTES: THE CITY DOES NOT TRANSCRIBE ITS PROCEEDINGS. ANYONE WHO DESIRES A VERBATIM RECORD OF THIS MEETING SHOULD ARRANGE FOR ATTENDANCE BY A COURT REPORTER OR FOR OTHER ACCEPTABLE MEANS OF RECORDATION. SUCH ARRANGEMENTS WILL BE AT THE SOLE EXPENSE OF THE INDIVIDUAL REQUESTING THE RECORDATION.

PUBLIC REVIEW OF AGENDA, AGENDA REPORTS, AND MATERIALS: PRIOR TO THE PLANNING COMMISSION MEETINGS, COPIES OF THE AGENDA, AGENDA REPORTS, AND OTHER MATERIAL ARE AVAILABLE DURING NORMAL WORKING HOURS FOR PUBLIC REVIEW AT THE COMMUNITY DEVELOPMENT DEPARTMENT. IN ADDITION, A LIMITED SUPPLY OF COPIES OF THE AGENDA WILL BE AVAILABLE FOR THE PUBLIC AT THE MEETING. COPIES OF AGENDA, REPORTS AND OTHER MATERIAL WILL BE PROVIDED UPON REQUEST SUBMITTED TO THE COMMUNITY DEVELOPMENT DEPARTMENT. A COPY FEE OF 25 CENTS PER PAGE WILL BE CHARGED.

ANY MEMBER OF THE PUBLIC MAY SUBMIT A WRITTEN REQUEST FOR A COPY OF PLANNING COMMISSION AGENDAS TO BE MAILED TO THEM. REQUESTS MUST BE ACCOMPANIED BY A CHECK IN THE AMOUNT OF \$25.00 FOR A SINGLE PACKET AND \$250.00 FOR A YEARLY SUBSCRIPTION.

OPPORTUNITY TO SPEAK, AGENDA ITEMS: THE PLANNING COMMISSION WILL PROVIDE AN OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE COMMISSION ON ITEMS OF BUSINESS ON THE AGENDA; HOWEVER, TIME LIMITS MAY BE IMPOSED AS PROVIDED FOR UNDER THE ADOPTED RULES OF CONDUCT OF PLANNING COMMISSION MEETINGS.

REVIEW OF TAPE RECORDING OF MEETING: PLANNING COMMISSION MEETINGS ARE AUDIO TAPE RECORDED. TAPE RECORDINGS ARE AVAILABLE FOR PUBLIC REVIEW AT THE COMMUNITY DEVELOPMENT DEPARTMENT FOR 30 DAYS AFTER THE MEETING.

THE COUNCIL CHAMBER IS WHEELCHAIR ACCESSIBLE

**MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD
DECEMBER 11, 2018**

***DISCLAIMER:** These minutes represent the interpretation of statements made and questions raised by participants in the meeting. They are not presented as verbatim transcriptions of the statements and questions, but as summaries of the point of the statement or question as understood by the note taker.*

Chairman Myer called the meeting to order at 6:30 p.m.

PRESENT: Commissioners, Adams, Altamirano, Schrupp, Vice Chair Baker, Chairman Myer

ABSENT: Commissioners Contreras, Riley

STAFF: City Manager John Donlevy, Contract Planner Dave Dowswell, Management Analyst Dagoberto Fierros

Management Analyst Dagoberto Fierros led the pledge of allegiance.

CITIZEN INPUT: None.

CONSENT ITEM:

- A. Minutes of the November 13, 2018 special Planning Commission meeting.

Vice Chair Baker moved to approve minutes, Altamirano seconded.

AYES: Commissioners Adams, Altamirano, Schrupp, Vice Chair Baker, Chairman Myer

NOES: None

ABSTAIN: None

ABSENT: Commissioners Contreras, Riley

STAFF/COMMISSION REPORTS:

Commissioners attended the Winters Tractor Parade, and various Camp Fire relief events.

DISCUSSION ITEM:

- A. Public Hearing and Consideration of Design Review approval of proposed 972 square foot two-story addition to an existing one story 1,374 square foot home located at 215 Grant Avenue.

Planner Dave Dowswell presented the proposed project.

PUBLIC COMMENTS: None.

COMMISSIONER/STAFF COMMENTS:

Minimal discussion ensued. The applicant, Will Meikle, answered a few questions from the commissioners.

Commissioner Schrupp moved, Adams seconded

AYES: Commissioners Adams, Altamirano, Schrupp, Vice Chair Baker, Chairman Myer

**MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD
DECEMBER 11, 2018**

NOES: None

ABSTAIN: None

ABSENT: Commissioners Contreras, Riley

DISCUSSION ITEM:

- B. Public Hearing and Consideration of Design Review approval of the park design for Three Oaks linear park located on Main Street within the Stone's Throw Subdivision.

Manager John Donlevy and Planner Dave Dowswell gave a description of the proposed project.

Andrea Strahlo of the HLA group gave a presentation of the proposed design for Three Oaks linear park.

PUBLIC COMMENTS: None.

COMMISSIONER/STAFF COMMENTS:

Commissioner Adams asked clarification on the three types of Oak Trees that will be planted at the park.

Commissioner Schrupp recommended the proposed dog parks include various amenities that are most beneficial to dogs.

Vice Chair Baker recommended the play structures and other prominent features have improved accessibility for those with limited mobility.

Greg Hauser of HLA group discussed the turf options and water monitoring systems that will be installed.

Manager John Donlevy stated the importance of a park with natural features.

Jeremy Goulart of Homes by Towne discussed with the phasing of the park.

Vice Chair Baker moved to approve staff recommendation with additional accessibility improvements, Schrupp seconded.

AYES: Commissioners Adams, Altamirano, Schrupp, Vice Chair Baker, Chairman Myer

NOES: None

ABSTAIN: None

ABSENT: Commissioners Contreras, Riley

Motion carried unanimously.

STAFF/COMMISSION REPORTS:

Manager Donlevy extended his invitation to a strategic planning meeting focused on Public Safety.

ADJOURNMENT: Chairman Myer adjourned the meeting at 7:13pm.

MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD
DECEMBER 11, 2018

ATTEST: _____

Dagoberto Fierros, Management Analyst

Paul Myer, Chairman



**PLANNING COMMISSION REPORT
STAFF REPORT**

TO: Chair and Planning Commissioners
DATE: January 22, 2019
FROM: David Dowswell, Contract Planner 
SUBJECT: Study Session – Discussion by the Winters Planning Commission for future regulations regarding vacation rentals in Winters

RECOMMENDATION: Staff recommends the Planning Commission:

- 1) Receive a staff report regarding analysis and options for regulation of vacation rentals in Winters; and
- 2) Receive public comment on the proposed ordinance; and
- 3) Provide staff direction regarding the amendments to the proposed ordinance regulating of vacation rentals in Winters.

BACKGROUND: In 2008, a new market was created that allows homeowners to rent out a room or their whole house to strangers/customers for the night or a short period of time. This new market allows people to use their home as a makeshift hotel. Airbnb is one of the most recognizable companies in this new market. This new market was small and inconsequential to cities and local governments for the first few years, but over the last five or so years, vacation rentals have become a large business, spanning the entire globe.

In recent years, the success of Airbnb and other similar companies has caught the attention of cities and local governments. There are three main components when it comes to dealing with vacation rentals – taxation, regulation and public relations. Cities, small and large, have been receiving complaints from citizens who that vacation rentals are just a destination for partying. These complaints range from noise violations, parking on neighborhood streets, littering and lack of neighborhood cohesion. The concerns

about regulating vacation rentals range from, tax collection, registration for business licenses, code violations and proper zoning.

Currently, the City of Winters does not have any regulations or ordinances when it comes to vacation rentals. These rental companies consist of Airbnb, Homeaway, HomeToGo and Vacation Rentals By Owners (VRBO). These Internet based companies allow people to rent out rooms in their house, rent out accessory dwelling units, which are also known as in-law units or rent out their entire house. Guests rent out rooms and units for a short time – essentially using the property like a hotel. Presently, Winters has about 14 Airbnb rentals available, two of which are full houses for rent; there are no rentals available for VRBO, HomeToGo or Homeaway at this time in the City of Winters.

Other cities in Yolo County have few if any regulations when it comes to vacation rentals. Woodland currently has no regulations specific to vacation rentals in their code, other than a Transient Occupancy Tax (TOT) ordinance; Davis has an ordinance in their municipal-code to collect TOT, but no other regulations have been created. Lastly, West Sacramento has no ordinances in their municipal-code regulating vacation rentals.

On July 24, 2018 the Planning Commission held a workshop where they discussed the vacation rentals and the possibility of regulating them. After the discussion staff was directed to do further research and prepare an ordinance.

Since the July 24 meeting the city attorney's office has reached an agreement with Airbnb on the voluntary collection by Airbnb of the City's Transient Occupancy Tax (TOT) and the County's Tourism Business Improvement District (TBID) assessment.

ANALYSIS: The City of Winters has no regulations regarding vacation rentals. In reviewing other city ordinances staff found the City of Napa has the most comprehensive ordinance regulating vacation rentals (Attachment A). In reviewing Napa's ordinance staff identified the following key elements the City should consider:

- Defining various terms associated with vacations rentals.
- Requiring a vacation rental permit which must meet specific requirements.
- Distinguishing between non-hosted and hosted facilities. Placing a limit on the number of non-hosted and hosted facilities.
- Requiring existing vacation rentals apply for a rental permit by a specific date.
- Establishing limits on how many days one can rent out a room or the entire house and maximum number of persons who can staff in the vacation rental.
- Deciding who can issue a vacation rental permit, staff or planning commission.
- Establishing a fee for a permit.

Definitions

There are a number of new definitions that need to be added to the Municipal Code which define what a vacation rental is and explain that it is different from a traditional hotel, motel, hostel, and bed and breakfast.

Vacation Rental Permit Must Meet Specific Requirements

The City of Napa requires vacation rentals to obtain a permit from the City subject to complying with the restrictions listed in Attachment A. In addition to applying for a permit each owner must sign a vacation/house rental permit (Attachment B). Each permit must be renewed annually. Staff believes the City of Napa requires annual review because of the number of vacation rentals and the long waiting list for new applications. Staff believes logistically requiring annual renewal of the permits would be burdensome due to the city's limited staff. The proposed ordinance will have language allowing for a rental permit to be subject to review if it becomes a problem. Vacation rentals would have to renew their business license annually.

Hosted and Non-hosted Vacation Rentals and Limiting Their Numbers

The City of Napa has considerably more vacation rentals than the City of Winters. Staff believes initially that both types of rentals (hosted and non-hosted) should be allowed. Requiring both types to get a vacation rental permit will help ensure there is accountability. Staff does not believe in the near term there will be an overwhelming number of vacation rental requests in the city. The ordinance can always be amended in the future if the city wants to establish limits on each type of vacation rental. During the application process applicants will need to indicate if the vacation rental will be hosted or non-hosted.

Requiring a Specific Date for Existing Vacation Rentals to Apply for a Permit

Again, staff does not believe there is a large number of existing vacation rentals located in the city. Once an ordinance is adopted owners of existing vacation rentals will be notified they must obtain a permit. Not requiring a specific date to apply for a permit will avoid the possibility of everyone applying for a permit all at once.

Establishing Limits on How Many Days a Room or the Entire House Can be Rented and Maximum Number of Persons that Can Stay in a Vacation Rental.

The City of Napa does not place a limit on how many days in a calendar year a vacation rental can be rented. The City of Sacramento allows a non-hosted facility to be rented a maximum of 90 days and a hosted facility to be rented a maximum of 6 months. Staff believes there should be a maximum number of days that non-hosted and hosted facilities can be rented in a calendar year.

The City of Napa limits to 10 persons the maximum number who can stay in a vacation rental. There is an existing vacation rental in the City called the "Farm Stay" that lists it has 9 bedrooms and can accommodate 16 plus persons. There is another house that has 7 beds. There are considerably more people who can be accommodated on this site for parties. The City should establish a maximum number of persons that can be

allowed on a site. If the applicant wishes to exceed this number they can request the planning commission consider the increase.

The City of Napa prohibits vacation rentals to be used for weddings, auctions, commercial functions or other similar event that is inconsistent with the use of the property for transient occupancy in a residential neighborhood. The commission should decide if they want the City's ordinance to contain such a prohibition. The City could prohibit non-hosted facilities from having weddings, auctions, commercial functions or other similar events. If the City allows hosted facilities to have weddings, auctions, commercial functions and other similar there could be a maximum number of attendees.

Deciding Who Can Issue a Rental Permit, Community Development Department (CDD) or Planning Commission.

Staff believes establishing a requirement to obtain a vacation rental permit with very specific restrictions will eliminate and/or greatly reduce the complaints. A public hearing is required each permit. Allowing CDD staff to approve or deny a permit would streamline the process. There are provisions in the City's Municipal Code where a decision of CDD staff can be appealed to the Planning Commission and ultimately to the City Council. The proposed ordinance will also allow the Community Development Director to refer an application to the planning commission if the vacation rental is adversely impacting a neighborhood.

Establishing a Fee for a Permit.

The City of Napa charges \$594 fee to process a vacation rental permit. The City of Napa also requires all vacation rentals to be inspected annually for which they have a separate fee. Staff will need to propose amending the City's fee schedule to allow collection of these fees.

Potential Issues Regarding Regulation Vacation Rentals

- 1) How to enforce new fee requirements and regulations?
 - a. Initially getting vacation rental owners to obtain a business license and vacation rental permit would be based on the honor system. Due to the voluntary collection agreement between the City and Airbnb owners of vacation rentals handled by Airbnb would likely comply.
 - b. One way to enforce getting other owners to comply with the new regulations would be to periodically check vacation rental websites and see if hosts who are advertising have been licensed by the city.

- 2) How to enforce noise violations, nuisance violations and parking violations?
 - a. The community development, building and police departments would be responsible for enforcing noise, nuisance, parking ordinances for vacation rental properties
 - i. Records must be kept on any violations issued to vacation rental properties

- ii. Code enforcement reports would be filed to ensure a record keeping system consistent with permitting and business licensing.
- 3) How to enforce local and state business code?
 - a. The City would require all vacation rental owners to comply with state, county and local codes. The community development and building departments would need to enforce said codes

Both Commissioner Riley and Chair Myer have had firsthand exposure to some of the problems that vacation rentals have caused (Attachment C).

ATTACHMENTS:

- A. City of Napa Vacation Rental Ordinance
- B. City of Napa Vacation Rental Application and House Rental Agreement
- C. Email from Commissioners Riley and Myers regarding problems with existing vacation rentals.

Napa Municipal Code							
Up	Previous	Next	Main		Search	Print	No Frames

[CITY OF NAPA MUNICIPAL CODE](#)

[Title 17 ZONING](#)

[Chapter 17.52 SITE AND USE REGULATIONS](#)

17.52.515 Vacation rental permits.

A. Scope, Purpose and Findings.

1. The purposes of this section (which may be referred to as the “Vacation Rental Ordinance”) are to:

a. Document the procedures and regulations that govern the application for, and the issuance and implementation of, permits for the operation of any vacation rental use within the city.

b. Establish that transient occupancy uses are not permitted or conditionally permitted in residential or nonresidential zoning districts, unless either: (i) the city has approved a hotel use in a nonresidential zoning district pursuant to Title 17, or (ii) the city has approved a use permit for a bed and breakfast inn pursuant to Section 17.52.060 of this chapter, or (iii) the city has approved a vacation rental permit pursuant to this section.

2. The City Council hereby finds that unregulated transient occupancy uses in residential and nonresidential districts present a threat to the public welfare relating to compatibility with residential uses and preservation of the character of the neighborhoods in which they are located, and to the availability of housing stock in compliance with the Housing Element of the General Plan.

3. The City Council hereby finds that the adoption of a comprehensive ordinance regulating the issuance of and operating conditions attached to vacation rental permits is necessary to protect the public health, safety and welfare. The purpose of this section is to provide a permit system and to impose operational requirements to minimize the potential adverse impacts of transient uses in residential neighborhoods and zoning districts on traffic, noise and density, to ensure the health, safety and welfare of renters and guests patronizing vacation rentals, and to impose limitations on the total number and types of permits issued in order to ensure the long term availability of housing stock in compliance with the Housing Element of the City of Napa General Plan.

4. The City Council hereby finds that the provisions of this section which impose restrictions on commercial speech, pursuant to the restrictions on advertisements set forth in subsection (E)(5) of this section, are necessary in order to advance the city’s legitimate interest in preventing rental activity that violates this code, and in regulating fraudulent, misleading, or deceptive advertising. These restrictions on advertising are necessary in order to prevent advertisers from engaging in unlawful rental activity and from misleading the general public to think that a particular property in the City of Napa is available for transient occupancy if, in fact, the advertised property is not authorized to be used for transient occupancy purposes in accordance with this section.

5. The City Council hereby finds that the city’s regulation of vacation rental uses in accordance with this section is a valid exercise of the city’s police power in furtherance of the legitimate governmental interests documented in this section.

B. Definitions. As used in this section:

“2009 permit” means each of the 41 vacation rental permits which were in effect prior to July 1, 2015, and which were issued pursuant to city Ordinance Nos. O2009-6 and O2010-16 (former versions of

ATTACHMENT A

vacation rental regulations). Each 2009 permit shall be deemed by the city to be “approved” and “issued” “pursuant to this section,” as those phrases are used in this section, including, but not limited to, subsections (A)(1)(b), (D)(1), (E), (F), and (H) of this section.

“Advertise” means any communication that induces or encourages any person to rent for transient occupancy purposes, or that provides information (to any person) that promotes the availability to rent for transient occupancy purposes, any building in the City of Napa.

“Applicant” means any person, firm, partnership, association, joint venture, corporation, or an entity, combination of entities or consortium who seeks or seek approval of a vacation rental permit under the authority of this section.

“Authorized agent” means the person specifically authorized by an owner to represent and act on behalf of the owner and to act as an operator, manager and contact person of a non-hosted accommodation, and to provide and receive any notices identified in this section on behalf of the owner, applicant, permittee, or authorized agent.

“Bedroom” is as defined by Section 17.06.030 of this code.

“Director” means the Director of the Community Development Department of the city, or a designee of the Community Development Director or City Manager.

“Enforcement officer” means the Director, Chief Building Official, Fire Marshall, City Code Enforcement Officer, City Department Manager (to the extent responsible for enforcing provisions of this code), or any other city employee designated by the Director or City Manager to enforce this section.

“Guest” means an invitee of a renter or other person visiting a renter of a vacation rental unit who does not rent the unit.

“Hosted accommodation” means a vacation rental business for which the owner resides at the vacation rental unit, and the owner sleeps at the vacation rental unit while it is being rented, and no more than two bedrooms are rented for transient occupancy pursuant to this section.

“Non-hosted accommodation” means a vacation rental business for which the authorized agent is not required to reside at the vacation rental unit which is rented for transient occupancy pursuant to this section.

“Owner” means the person holding fee title to the real property that is the subject of a vacation rental permit.

“Permittee” means the person to whom a vacation rental permit is issued pursuant to this section. To the extent that this section identifies requirements of a permit, or obligations of the permittee, the owner and any identified authorized agent shall be jointly and severally liable as a “responsible person” (see Section 1.16.010).

“Renter” means a person, not an owner, renting or occupying a vacation rental unit in accordance with the terms of this section.

“Reside,” as used in this section, means the “domicile” of a person, as defined by California Elections Code Section 349, which generally means the place in which the person’s habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At a given time, a person may have only one domicile.

“Transient occupancy” is as defined by Section 17.06.030 of this code.

“Vacation rental” means any transient occupancy use for which the city has issued a vacation rental permit pursuant to this section. The term “vacation rental” shall be used to include all vacation rental businesses operating pursuant to a 2009 permit, all hosted accommodation vacation rentals, and all non-hosted accommodation vacation rentals.

“Vacation rental unit” means the structure in which the vacation rental use is permitted to operate, pursuant to a permit issued in accordance with this section.

- C. The Director shall invite applications for vacation rental permits pursuant to this subsection C.
1. The Director shall issue a written notice inviting applications for vacation rental permits in accordance with this section. Each written notice pursuant to this subsection shall be published in accordance with California Government Code Sections 6060 and 6061, and the Director shall endeavor to use other reasonably available means of communications such as the city’s Internet website.
 2. Each written notice inviting applications shall identify the date and time which applications must be received by the Director, not less than 30 days after publication of the notice.
 3. Each written notice inviting applications shall refer to the permit requirements of this section. Each application for a vacation rental permit shall include the following information, signed by the owner (and the authorized agent for non-hosted accommodations), documented in a form acceptable to the Director:
 - a. Identify the owner of the real property on which the vacation rental is proposed (include the name, mailing address, email address, and telephone number).
 - b. Identify whether the application is for a hosted accommodation or a non-hosted accommodation.
 - i. If the vacation rental is proposed as a hosted accommodation, provide adequate documentation that establishes the owner will reside at the vacation rental unit.
 - ii. If the vacation rental is proposed as a non-hosted accommodation, identify the owner’s authorized agent (include the name, mailing address, email address, and telephone number). An authorized agent must be identified for each non-hosted accommodation; however, the authorized agent may be the owner, or a person other than the owner.
 - c. Identify the number of bedrooms and approximate square footage in the vacation rental unit, and the maximum number of overnight renters under the limitations imposed under subsection (E)(4)(b) of this section. For hosted accommodations, identify the location of each room to be rented as a vacation rental.
 - d. Document that all designated bedrooms meet all local building and safety code requirements.
 - e. Identify the number and location of designated on-site parking spaces, and the maximum number of vehicles allowed for overnight occupants.
 - f. Acknowledge that the owner (and authorized agent for non-hosted accommodations) have read all regulations pertaining to the operation of a vacation rental, including this section, the city’s business license requirements (Chapter 5.04 of this code), the city’s transient occupancy tax requirements (Chapter 3.20 of this code), and any additional administrative regulations promulgated by the Director to implement this section.
 - g. Provide a copy of the form rental agreement, rental rules and regulations and any associated materials as required by subsection (E)(4) of this section.
 - h. Provide any other information as the Director deems reasonably necessary to administer this section, as identified in the notice inviting applications.
 - i. Acknowledge and agree that claims, requests, objections and arguments not timely raised in the vacation rental permit application are and shall be deemed waived.

- j. Agree that any and all use of the property for vacation rental/transient occupancy purposes shall cease upon the expiration or revocation of the vacation rental permit pursuant to subsection (E)(1) of this section.
 - k. Agree to hold harmless, indemnify and defend the city against claims and litigation arising from the issuance of the vacation rental permit.
 - l. Certify the accuracy of the information submitted and agree to comply with all conditions of the permit.
- D. The Director shall evaluate permit applications, and process the applications for approval, conditional approval, or denial of vacation rental permits, pursuant to this subsection D:
1. The number of vacation rental permits issued pursuant to this section shall not exceed 41 non-hosted accommodations and 60 hosted accommodations.
 2. For all applications that were received by the Director prior to the date and time on which applications were required to be received (pursuant to subsection (C)(2) of this section), the Director shall randomly select each application, and sequentially number each application in the order selected (the first selected application will be assigned the lowest application number, and the last selected application will be assigned the highest application number). A separate application list and application evaluation and issuance process will be established for: (a) hosted accommodations, and (b) non-hosted accommodations.
 3. Beginning with the application with the lowest application number, and proceeding sequentially with each application thereafter (subject to the numerical limitation on the number of permits that may be issued, as set forth in paragraph 1 of this subsection), the Director shall select and evaluate each application to determine if the requirements of this section have been satisfied. The Director shall provide a written notice to the applicant identified on each selected application, and shall identify the date and time on which the following supplemental submittal must be received by the Director, not less than 30 days after the date of the notice. Each applicant shall provide the following supplemental submittal in a form acceptable to the Director:
 - a. Payment of the application and processing fee established by City Council resolution based on the city's estimated reasonable costs to process and review the application materials.
 - b. A public notice mailing label submittal (to notify neighboring property owners, pursuant to Section 17.68.070(A)(3)).
 - c. If the property that is the subject of the application is within 500 feet of a bed and breakfast inn (permitted in accordance with Section 17.52.060) or a vacation rental (approved or conditionally approved by the Director pursuant to this section), the applicant shall submit supplemental information that establishes that the applicant will adequately mitigate potential adverse impacts of a concentration of transient occupancies on the character and livability of adjacent residential properties.
 - d. Provide any other information as the Director deems reasonably necessary to establish that the applicant will comply with all requirements of this section, as identified in the notice.
 4. If the Director determines that an applicant has failed to satisfy the application requirements of subsection C or D of this section, the Director is authorized to provide written notice to the applicant of the determination of denial.
 5. If the Director determines supplemental evidence at a public hearing is warranted in order to determine whether an applicant adequately mitigated potential adverse impacts to the public health, safety, or welfare (e.g., due to concerns raised by neighbors, or to evaluate the impacts of a concentration of uses, under paragraph (3)(c) of this subsection D), the Director shall notice a

public hearing of the Planning Commission pursuant to Sections 17.68.070 through 17.68.100 of this code. The Planning Commission is authorized to deny, approve, or conditionally approve the permit in accordance with the criteria set forth in this section, particularly incorporating the requirements of paragraphs 6 through 8 of this subsection D.

6. If the Director determines that an applicant has satisfied the application requirements of subsections C and D of this section, and that the owner has borne the burden of proving that the owner will adequately mitigate potential adverse impacts on the public health, safety, and welfare, the Director shall provide written notice to the applicant that the vacation rental permit is conditionally approved, subject to compliance with the conditions identified by the Director in the notice. The notice shall identify the date and time on which the following supplemental submittal must be received by the Director, not less than 10 calendar days after the date of the notice.

a. The applicant shall pay the annual inspection fee established by City Council resolution based on the city's estimated reasonable costs to perform the annual inspections identified in this section.

b. The applicant shall comply, and provide documentation that the owner (and authorized agent for non-hosted accommodations) agree to comply, with all requirements of this section and the permit, particularly including the rules set forth in subsection (E)(4) of this section.

7. Upon the Director's receipt of the documentation of agreement from the applicant (pursuant to paragraph (6)(b) of this subsection D), the Director shall provide written notice to all property owners within 500 feet of the conditional approval of the vacation rental, to include:

a. A concise summary of the terms of the permit, including: (i) the maximum number of occupants permitted to stay in the vacation rental unit; (ii) the maximum number of vehicles which are allowed to be parked on the property; (iii) any special conditions or restrictions applied to the vacation rental permit; and (iv) how to obtain a complete copy of the permit and this section.

b. The name of the owner (for a hosted accommodation) and the authorized agent (for a non-hosted accommodation) of the vacation rental, and the telephone numbers at which the owner (for a hosted accommodation) and the authorized agent (for a non-hosted accommodation) may be reached at all times, 24 hours per day.

c. The City of Napa Code Enforcement telephone number which members of the public may report violations of the vacation rental permit (including this section and any conditions of approval).

d. The right of an interested person to file an appeal within 10 calendar days of the permit approval (pursuant to Chapter 17.70 of this code), or to identify concerns related to a permit extension pursuant to subsections H and I of this section.

8. Each vacation rental permit issued pursuant to this section shall be effective on the date determined pursuant to the provisions of Section 17.68.110 of this code. Each vacation rental permit issued pursuant to this section shall be subject to the appeal procedures set forth in Chapter 17.70 of this code.

E. Each vacation rental permit issued pursuant to this section shall be subject to all of the following requirements:

1. Each vacation rental permit issued under the authority of this section shall be valid for one year after the effective date, unless approved by the Director for a longer period under the terms of subsections H and I of this section. Upon expiration or lapse of any vacation rental permit, it shall

- be of no further force, validity or effect, and use of the property for transient occupancy purposes shall cease.
2. The owner shall comply with all requirements of the Business License Ordinance (Chapter 5.04 of this code) and the Transient Occupancy Tax Ordinance (Chapter 3.20 of this code) for the vacation rental use.
 3. The owner shall comply with each of the requirements of this paragraph 3. The owner shall permit the enforcement officer to conduct an annual inspection of the vacation rental premises to confirm compliance with this section, and particularly including this paragraph 3.
 - a. The property address shall be visible from the street and in contrasting colors for quick identification by emergency responders.
 - b. Smoke detectors shall be installed per the California Building Code.
 - c. No double keyed dead bolts may be installed on exit doors.
 - d. A portable fire extinguisher shall be provided.
 - e. Exit doors may not be obstructed and/or prohibited from fully opening.
 - f. Clearance from ignition sources such as luminaries, heaters and flame-producing devices shall be maintained in an approved manner.
 - g. Hot ashes or coals shall be disposed in a metal container with a tight-fitting lid and kept a minimum of 10 feet from the building.
 - h. BBQs and open fires must be in an approved appliance or enclosure.
 - i. No electrical wiring may be exposed or open in any outlet, switch or junction boxes.
 - j. The electrical breaker box shall be labeled for distribution to appliances and may not contain any open slots.
 - k. The garage firewall shall not have any penetrations in sheet rock.
 - l. An informational packet of emergency numbers shall be prepared for renters to direct them in the event of an emergency.
 4. Each vacation rental permit will be subject to the house rules set forth in this paragraph 4. The permittee shall provide the Director with a copy of the house rules prior to rental of the vacation rental unit, and shall promptly notify the Director in writing identifying any changes to the house rules. Prior to each rental of a vacation rental unit, a copy of the house rules, the rental agreement, and the vacation rental permit shall be posted in a prominent location inside the vacation rental unit, including, at a minimum, the following:
 - a. As part of the application for rental, the prospective renter shall sign an agreement acknowledging the house rules and promising to comply with them.
 - b. The permittee shall limit overnight occupancy of the vacation rental to the specific number of renters designated in the permit, with the number of renters not to exceed two persons per bedroom meeting building and fire code requirements, plus two additional persons per vacation rental unit. Each bedroom that is a part of the vacation rental use shall have an emergency escape or rescue exit and shall comply with all applicable provisions and requirements of Title 15 of this code. In no case may more than 10 persons be allowed to sleep at the vacation rental unit.
 - c. The permittee shall limit the number of vehicles of overnight renters to the maximum number of overnight renters designated in the permit, and shall require overnight renters to utilize designated on-site parking spaces to the maximum extent possible.

- d. The permittee shall provide access to the garage of the residence if that area has been included in the determination of the number of available onsite spaces per this code.
 - e. It is the intent of the city to enforce sections of the Streets and Highways Code related to the provision for emergency vehicle access. Accordingly, no limousine or bus parking, and no stopping without the driver's presence, shall be allowed in any manner that would interfere with emergency vehicle access. In the event of an emergency, the vehicle driver shall immediately move the vehicle from the emergency access area.
 - f. The permittee shall provide appropriate refuse and recycling service for the vacation rental business. Property shall be free of debris both onsite and in the street. Trash cans shall be maintained in a clean and sanitary manner in conformance with Chapter 5.60 of this code. Trash cans shall not be placed on the street prior to 24 hours before pick up day and shall be promptly removed from the street following service.
 - g. Quiet times shall be 9:00 p.m. to 7:00 a.m. Sunday through Thursday evenings and 10:00 p.m. to 7:00 a.m. Friday and Saturday evenings.
 - h. The permittee shall ensure that the renters and/or guests of the vacation rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any state law pertaining to noise or disorderly conduct; provided, however, that the city does not intend to authorize, and the city does not authorize, the permittee to act as a peace officer or place himself or herself in harm's way.
 - i. The permittee shall, upon notification that renters and/or guests of his or her vacation rental have violated any house rules (including any unreasonable noise or disturbances, disorderly conduct, or violations of this code or state law) promptly act to stop the violation and prevent a recurrence of the violation.
 - j. Pools and hot tubs shall be adequately screened from adjacent properties to minimize noise impacts and shall have the hours of operation clearly posted adjacent to the facility. Hours shall comply with paragraph (4)(g) of this subsection E.
 - k. Exterior lighting shall also be adequately shielded from adjacent properties to minimize light pollution impacts in accordance with Section 17.08.040(I) of this code.
 - l. It is prohibited to use the vacation rental unit for any wedding, auction, commercial function, or other similar event that is inconsistent with the use of the property for transient occupancy in a residential neighborhood.
 - m. Pets may be permitted by vacation rental business owner, however the pet must be attended to at all times and must have current vaccinations.
5. Each written advertisement (whether paper or electronic form) for a vacation rental use shall include the "City of Napa Certified Vacation Rental" permit number as part of the rental offering. No person shall advertise the use of a building in a residential or nonresidential zoning district of the city for a transient occupancy use unless: (a) the use is a hotel use in a nonresidential zoning district approved by the city pursuant to Title 17; or (b) the use has a use permit for a bed and breakfast inn pursuant to Section 17.52.060 of this chapter; or (c) the city has approved a vacation rental permit pursuant to this section.
6. For each vacation rental use:
- a. The owner (for a hosted accommodation) and the authorized agent (for a non-hosted accommodation) must be available by telephone at all times when the vacation rental is rented, 24 hours per day.

- b. The owner (for a hosted accommodation) and the authorized agent (for a non-hosted accommodation) must be on the premises of the vacation rental unit within one hour of being notified (by a renter, or by the Director or Enforcement Officer) that there is a need for the owner (for a hosted accommodation) or the authorized agent (for a non-hosted accommodation) to address an issue of permit compliance or the health, safety, or welfare of the public or the renter.
 - c. Only one rental agreement per vacation rental unit shall be in effect at any one time.
 - d. It is a violation of this section for any accessory dwelling unit (as defined by Section 17.52.015 of this code) to be used for transient occupancy purposes.
7. For each hosted accommodation:
- a. The owner must reside at the vacation rental unit, and the owner must sleep at the vacation rental unit while it is being rented.
 - b. The owner must reside and sleep in a bedroom that is not rented to any renter.
 - c. No more than two bedrooms may be rented for transient occupancy uses.
- F. Each vacation rental permit issued in accordance with this section shall be personal to the owner to whom the permit is issued (hereinafter "permitted owner"), and no person shall transfer, or attempt to transfer, the permit to any other person, unless the transfer is made in accordance with this subsection F. Any attempt to transfer a vacation rental permit, or use a transferred vacation rental permit, that is not transferred in accordance with this subsection shall be void, and shall constitute a violation of this code.
1. A hosted accommodation vacation rental permit shall not be transferred by any person.
 2. A non-hosted accommodation vacation rental permit may be transferred by the permitted owner to a purchaser of the real property on which the permitted vacation rental unit is located, subject to the conditions set forth in this paragraph 2. No purchaser shall operate a vacation rental use under the permitted owner's vacation rental permit until after the Director has approved the transfer of the permit in accordance with this subsection.
 - a. Prior to the expiration of the permit, the permitted owner shall submit to the Director a written notice of intent to transfer the permit to the purchaser.
 - b. Prior to the expiration of the permit, the purchaser shall submit to the Director all submittals and fee payments required pursuant to subsections (C)(3) and (D)(3) of this section.
 - c. The Director shall evaluate and process the purchaser's application for approval, conditional approval, or denial, in accordance with the criteria set forth in subsections (D)(4) through (8) of this section.
- G. On or before January 1, 2017, and at least once per calendar year thereafter, the Director shall establish and update, in writing, a waiting list of applicants for a vacation rental permit, and a list of available permits (one set for hosted accommodations, and one set for non-hosted accommodations).
1. Applicants included on the waiting list will include each application selected pursuant to subsection (D)(2) of this section for which: (a) a permit was not issued; and (b) the application was not denied pursuant to subsection (D)(4) of this section. The order of applicants on the initial waiting list shall be as set forth in subsection (D)(2).
 2. The list of available permits shall identify the number of permits that are unissued or no longer in effect (based on expiration, termination, or lapse).

3. To the extent there are one or more permits identified on the list of available permits, the Director is authorized to evaluate permit applications, and process the applications for approval, conditional approval, or denial, in accordance with subsection D of this section.
 4. If the Director determines that additional applications are warranted (based on a comparison of the number of applicants on the waiting list to the list of available permits), the Director shall issue a written notice inviting applications for vacation rental permits, which shall be published and processed in accordance with subsections C and D of this section. Any applicants selected by the Director in accordance with this paragraph 4 and subsection (D)(2) of this section shall be added to the waiting list beginning with a number higher than the highest number on the waiting list.
- H. Each vacation rental permit issued pursuant to this section shall be subject to an annual permit review. No later than one year after the effective date of the permit, and no earlier than 275 days after the effective date of the permit, the owner shall submit to the Director the annual inspection fee along with all of the information set forth in this subsection H, documented in a form acceptable to the Director. For the purpose of this subsection, "effective date" is as defined by subsections (D)(8) and I of this section; and the first "effective date" of each 2009 permit shall be April 1, 2016, unless otherwise specifically documented on the 2009 permit.
1. The owner shall pay the annual inspection fee established by City Council resolution based on the city's estimated reasonable costs to perform the annual inspections identified in this section. The owner shall document compliance with the requirements of subsection (E)(3) of this section.
 2. The owner shall document compliance with all requirements of the Business License Ordinance (Chapter 5.04 of this code).
 3. The owner shall document compliance with all requirements of the Transient Occupancy Tax Ordinance (Chapter 3.20, particularly Section 3.20.060, of this code). The owner shall also document each date on which the vacation rental was rented during the previous term of the permit. If the owner fails to document rentals of at least 10 days during the permit term, the Director may determine that the permit is inactive and ineligible for approval of an extended term.
 4. The owner shall identify any notice of violation or concern (including any compliance order or citation issued by the city, or any concern or complaint identified by a neighbor) issued for the vacation rental use during the permit term, and shall document how the violation or concern has been addressed. If the Director determines that any past violation or concern has not been adequately addressed, or that a history of past violations is detrimental to the public health, safety, or welfare, the Director may determine that the permit is ineligible for approval of an extended term.
 5. The owner shall document that written notice was provided to property owners within 500 feet of the vacation rental unit, with the information required by subsection (D)(7) of this section.
- I. Following an annual permit review (pursuant to subsection H of this section):
1. If the Director determines that the permittee is in compliance with all requirements of this section and the permit, the Director shall provide written notice to the permittee that the permit term is extended for one year, and the notice shall identify the newly established "effective date" of the permit.
 2. If the Director determines that the permittee has failed to comply with this section or the permit, the Director shall either: (a) notice a public hearing of the Planning Commission pursuant to the criteria of subsection (D)(5) of this section; or (b) provide written notice to the permittee that the term of the permit is expired.

3. Upon expiration of any vacation rental permit, it shall be of no further force, validity or effect, and use of the property for transient occupancy purposes shall cease.
- J. At any time during the term of a vacation rental permit, the Director is authorized to initiate proceedings to revoke or modify the permit (or pursue any other remedy set forth in Title 1 of this code), if the Director determines in his or her discretion that: (1) a vacation rental use is detrimental to the public health, safety, or welfare; (2) the permittee has provided materially false or misleading information in any submittal required under this section; or (3) the permittee is in violation of, or has failed to comply with, any requirements of this section or the permit. In the event that the Director determines that any of the conditions described above exists, the Director is authorized to issue a compliance order in accordance with the procedures set forth in Section 1.24.040 of this code. If the permittee fails to cure the violations identified in the order within the time frame specified in the compliance order (which cure may include the Director's approval of a modification to the terms or conditions of the permit), the Director or the enforcement officer may either:
1. Pursue any of the remedies set forth in Chapter 17.72 of this code; including, but not limited to, issuance of a stop order under Section 17.72.060, or notice a public hearing of the Planning Commission to consider a revocation or modification of the permit under Section 17.72.070.
 2. Pursue any of the remedies set forth in Chapter 1.16 of this code, including, but not limited to, issuance of an administrative citation in accordance with Chapter 1.24 and subsection K of this section.
- K. It is a violation of this code, subject to enforcement pursuant to Chapter 1.16 of this code, for any person to establish or operate a transient occupancy use in any residential or nonresidential zoning district unless: (1) the use is in compliance with a hotel use in a nonresidential zoning district approved by the city pursuant to Title 17; or (2) the use is in compliance with a vacation rental permit pursuant to this section; or (3) the use is in compliance with a use permit for a bed and breakfast inn pursuant to Section 17.52.060 of this code. In addition to the fines and enforcement costs set forth in Section 1.16.050 of this code, and notwithstanding the limitations of Section 1.24.060 of this code, the amount of the fine imposed for each violation of this section shall be:
1. \$500.00 for a first violation;
 2. \$750.00 for a second violation of the same code section within 12 months; and
 3. \$1,000.00 for each day of each additional violation of the same code section within 12 months.
- L. Any determination made by the city pursuant to this section shall be final unless appealed pursuant to the requirements of this subsection L.
1. Any determination by the Director or the Planning Commission to: approve, conditionally approve, or deny a permit application (pursuant to subsection D of this section), to transfer a permit to a purchaser (pursuant to subsection F of this section), to extend the term of a permit or to determine that a permit has expired following an annual review (pursuant to subsections H and I of this section), or to modify or revoke a permit (pursuant to subsection J of this section) may be appealed only in accordance with the requirements of Chapter 17.70 of this code.
 2. Any enforcement action taken by the Director or the Enforcement Officer pursuant to subsections (J)(2) or K of this section may be appealed only by requesting an administrative hearing in accordance with the requirements of Sections 1.24.070 through 1.24.090 of this code.
 3. Failure to timely appeal in the manner required by this subsection L shall constitute a waiver of the appeal and a failure to exhaust administrative remedies, and shall preclude any and all relief

and claims arising in connection with the determination by the city pursuant to this section.
(O2015-13, 11/3/15; O2017-007, 3/7/17)

View the [mobile version](#).



Community Development Department
1600 First St., P.O. Box 660
Napa, CA 94559-0660
Planning Division
707-257-9530

**HOSTED VACATION RENTAL PERMIT
(WAIT LIST)
APPLICATION & SUBMITTAL REQUIREMENTS**

VACATION RENTAL PROPERTY INFORMATION:

PLEASE TYPE OR PRINT

PROJECT ADDRESS _____ APN(S) _____

TOTAL NUMBER OF BEDROOMS _____ NUMBER OF BEDROOMS FOR RENT* _____

* Limited to 2 bedrooms per residence, providing an additional (separate) owner's bedroom per limitations imposed under Subsection 17.52.515(E) (7)

NUMBER OF PROPOSED OVERNIGHT RENTERS (Limited to 2 per rental bedroom) _____

PROPERTY OWNER INFORMATION:

NAME _____

EMAIL ADDRESS _____

PHONE _____ 24-HOUR PHONE _____

PLANNING DIVISION USE ONLY

GENERAL PLAN DESIGNATION _____ ZONING _____

CONDITIONS OF APPLICATION

1. All materials and representations submitted in conjunction with this form shall be considered a part of this application.
2. The property owner shall inform the Planning Division in writing of any changes.
3. **INDEMNIFICATION:** The property owner agrees to defend, indemnify and hold the City, its agents, officers, and employees harmless from any claim, action or proceeding to attack, set aside, void or annul an approval of the City concerning the project, as long as the City promptly notifies the applicant of any such claim, action or proceedings and the City cooperates fully in the defense.
4. **FEES.** The Property Owner(s) hereby agree(s) that he/they shall be jointly and severally liable for the payment of any and all processing fees imposed by the Napa Municipal Code Chapter 15.92 "Development Project Processing Fees", and Policy Resolution 16. The property owner(s) hereby represent(s) and warrant(s) that he/they understand that fees include but are not limited to: staff time billed at an hourly rate; production or reproduction of materials and exhibits; and postage. Failure to pay all accumulated fees by the time of public hearing will result in a continuance.
5. I hereby authorize employees of the City of Napa to enter upon the subject property, as necessary, to inspect the premises and process this application pursuant to Section 17.52.515(E)(3).
6. The applications with supporting documentation will be reviewed and accepted or denied by the Community Development Director or their designee based upon the strength and veracity of the evidence provided. Decisions may be appealed under the provisions

[REDACTED]

House Rental Agreement

CITY of NAPA Rules

Tenant hereby acknowledges it has read and agrees to comply with the following rules required by the City of Napa:

- A. Overnight occupancy of this vacation rental is limited to the maximum number of persons designated in the permit which is posted in the vacation rental. For this vacation rental the maximum number of occupants is eight (8). If this item is checked the number of occupants allowed for this rental is six (6), which is less than the maximum number of occupants allowed under the vacation rental permit.
- B. The number of vehicles of overnight renters is limited to four (4) total vehicles, as designated in the permit which is posted in the vacation rental, which shall in no event exceed the maximum number of overnight guests allowed under the permit. Overnight renters shall utilize designated on-site parking spaces to the maximum extent possible. Owner shall provide access to the garage of the residence if that area has been included in the determination of the number of available onsite spaces. If this item is checked the maximum number of vehicles for this rental shall be three (3), which is less than the maximum number of vehicles allowed under the vacation rental permit.
- C. Renters and/or guests of the vacation rental shall not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any state law pertaining to noise or disorderly conduct. The owner shall, upon notification that renters and/or guests of his or her vacation rental have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of this code or state law pertaining to noise, or disorderly conduct, promptly act to prevent a recurrence of such conduct by those renters or guests. Quiet times shall be 9pm-7am Sunday through Thursday evenings and 10pm-7am Friday and Saturday evenings.
- D. Use of the pool and hot tub are prohibited between the hours of 9pm-7am Sunday through Thursday evenings and 10pm-7am Friday and Saturday evenings. If this item is checked the property has a pool and/or hot tub which are subject to these rules.
- E. The property shall be free of debris both onsite and in the street. Trash cans shall be maintained in a clean and sanitary manner. Trash cans shall not be placed on the street prior to 24 hours before pick up day and shall be promptly removed from the street following service.
- F. Weddings, auctions, commercial functions or other similar events that are inconsistent with the use of the property for transient occupancy in a residential neighborhood are prohibited. The total number of persons (renters and guests) occupying a vacation rental property shall not exceed twice the number of authorized renters identified on the vacation rental permit, which is sixteen (16) for this property. If this item is checked, the maximum number of persons (renters and guests) for this rental shall not exceed ten (10), which is less than the maximum number allowed under the vacation rental permit.
- G. If pets are permitted by the vacation rental business owner, the pet must be attended to at all times and must have current vaccinations. If this item is checked no pets are permitted at this property.
- H. It is the intent of the City to enforce sections of the Streets and Highways Code related to the provision for emergency vehicle access. Accordingly, no limousine or bus parking, and no stopping without the driver's presence, shall be allowed in any manner that would interfere with emergency vehicle access. In the event of an emergency, the vehicle driver shall immediately move the vehicle from the emergency access area
- I. The following are the names and phone numbers of the parties who may be reached on a 24-hour basis:
 - a) Owner's name: [REDACTED]
 - b) Owner's phone number: [REDACTED]
 - c) Authorized Agent's name: [REDACTED]
 - d) Authorized Agent's phone number: [REDACTED]
- J. The City of Napa Code Enforcement telephone number which will normally be answered between the hours of Thursday through Sunday evenings between the hours of 8pm and midnight is: [REDACTED]

[REDACTED]

House Rules

1. **PAYMENT** – Full payment is required for booking and guarantee of rate quote.
2. **CANCELLATIONS** – Cancellations after confirmation are subject to forfeiture if owners are unable to rent property for that time. If the property is rented, a 10% rental fee will be withheld and the remaining fees collected will be returned. If the property is not re-rented the full payment minus the first two nights will be refunded. Early departure does not warrant any refund of rent.
3. **MONTHLY RESERVATION CANCELLATIONS** - Monthly renters must cancel sixty (60) days prior to check-in. Monthly renters who make a change that results in a shortened stay must be made at least thirty (30) days prior to check-in.
4. **CHECK-IN TIME** is after 4 P.M. (PST) and **CHECK-OUT** is 10 A.M. (PST).
5. **SMOKING** - This is a **NON-SMOKING** property. No smoking is permitted either inside the house or in the yard.
6. **PETS** - Pets are **NOT** permitted on the premises under any conditions.
7. **DAMAGE DEPOSIT**- We do not collect a damage deposit. However your credit card number will be retained as security until confirmation of the following:
 - a) No damage is done to the house or its contents.
 - b) One house key is left on the kitchen table and the lock box key is returned to the lockbox.
 - c) All charges accrued during the stay are paid prior to departure.
 - d) The renter is not evicted by the owner or local law enforcement.
 - e) House inventory is checked with all contents verified
8. **MAXIMUM OCCUPANCY**- The maximum number of guests is six (6) persons. Use of [REDACTED] for any other gathering in excess of intended permission is strictly prohibited. No more than four (4) visitors are allowed at any one time. This property is rented only to those over 25 years of age.
9. **MINIMUM STAY**: This property requires a two (2) night minimum stay. Longer **minimum stays** may be required during holiday periods. If a rental is taken for less than two days, the guest will be charged the two-night rate.
10. **INCLUSIVE FEES** - Rates include a one-time linen-towel setup.
11. **NO DAILY MAID SERVICE** - Linens and bath towels are included in the home, however daily maid service is not included in the rental rate.
12. **RATE CHANGES** - Rates subject to change without notice until confirmation of reservation payment.
13. **FALSIFIED RESERVATIONS** - Any reservation obtained under false pretense will be subject to forfeiture of advance payment, deposit and/or rental money, and the party will not be permitted to check-in.
14. **PARKING**. A total of one vehicle is allowed per each two renters with a maximum of three (3) vehicles. Parking on the street is allowed for one (1) vehicle.
15. **NOISE**. All neighbors within 500 feet of the [REDACTED] have our contact numbers along with the City of Napa Code Enforcement Officer who is designated exclusively for handling vacation rental complaints. Any noise complaints will be taken seriously. Please be mindful this is a residential neighborhood with people going to work and school.
16. **WRITTEN EXCEPTIONS** - Any exceptions to the above mentioned policies must be approved in writing in advance.

By signing below, I agree to all terms and conditions of this agreement.

Signature: _____ Date _____

Dave Dowswell

From: Pat Riley <1treemd@gmail.com>
Sent: Thursday, January 10, 2019 5:21 PM
To: Paul Myer
Cc: Dave Dowswell
Subject: EXTERNAL MAIL: Re: Problems with vacation rentals

Follow Up Flag: Follow up
Flag Status: Flagged

In my situation there have been parties with extremely loud music for hours . This has gone beyond 10 pm many times. I called the police at least twice, maybe 3 times and could have called more often. I always go to the location and knock on the door prior to calling the police and get friendly receptions, Sometimes the noise subsides for a while, but is turned up again shortly. Parking is also an issue when these parties/rentals grow to 40 or more people. Railroad Ave is parked out for the block North of the house and cars have ended up on Carrion Circle for the first block off Railroad on several occasions. The location on Railroad is not only a huge air B&B but is a party rental location for weddings, etc. The location is zoned R2 and should be subject to those rules. I believe the owner hosts parties at which she serves food that she has prepared. If this is true, does she have a health dept permit ? Shawnies place can sleep over 30 people per night. That's not a B&B, that's a hotel. It has been quiet for a while, but it is winter. I expect more of the same this spring. I am surprised that there have not been more complaints. My neighbor is bothered, but she is a recent widow and doesn't want to complain. Either others are very tolerant, or they are afraid to make waves, so I will do it for them.

Pat

On Thu, Jan 10, 2019 at 1:36 PM Paul Myer <myerco@icloud.com> wrote:
Dave,

The problems are primarily loud, rowdy parties until early hours of the morning. Sometimes the renters respond to a request to quiet down and sometimes they don't. My neighbor who lives right next door to the rental home told me he has called the police about the noise 3 times in the past year and could have called many more times. It is the equivalent of an unsupervised frat party going on many weekends. It is more of a problem in the good weather when people are outside. Since the people are only there a night or two they tend not to care about the impact their behavior has on the neighborhood. We need to create a situation where the city has leverage over the property owner to control his guest's behavior.

Earlier this year a group rented the home for a wedding to be held at Park Winters. They had a private shuttle bus to bring people to the wedding and back to the home. The bus arrived back at the home at 1am filled to capacity with rowdy party folks ready to continue the loud party at the rental home. I believe this was one of the times my neighbor called the police. I think that it is important that we not create a situation where in effect the Winters Police Department is managing short term rentals in town.

I recently read where Lake County passed (or proposed?) a short term rental rule that required the name and number of a local individual responsible for what happens at the home to be posted at the front door of the home. This means an out of area owner must hire a manager to oversee the property. You might want to look up what they have done.

ATTACHMENT C

There have also been times when a very large crowd of people (maybe a dozen or more) stayed at a 4 bedroom home. This creates a parking problem for the neighborhood.

My neighbors continue to ask when something will be done about this situation. I hope we have something for the planning commission to look at soon.

Thanks,

Paul Myer
The Myer Company
Cell 530-304-6202
myerco@mac.com

On Jan 10, 2019, at 1:19 PM, Dave Dowswell <dave.dowswell@cityofwinters.org> wrote:

Hi,

Can you remind me again what kind of problems you have had with the vacation rentals near you?

Dave

David Dowswell, AICP
Community Development
Consultant to the City of Winters
318 First Street
Winters, CA 95694
(530) 794-6714

Employed Under Contract By Regional
Government Services

<image003.jpg>



**PLANNING COMMISSION
STAFF REPORT**

TO: Chair and Planning Commissioners
DATE: January 22, 2019
FROM: David Dowswell – Contract Planner 
SUBJECT: Public Hearing and Consideration of a Conditional Use Permit (CUP 2018-01) to allow a food truck to be located on the property at 3 Grant Avenue.

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

- 1) Receive the staff report; and
- 2) Conduct the Public Hearing to solicit public comment; and
- 3) Approve Conditional Use Permit (2018-01) application by Silverio Arteaga to locate a food truck on the property at 3 Grant Avenue (APN 003-282-025), subject to the attached findings and conditions.

GENERAL PLAN DESIGNATION AND ZONING: The General Plan designation is DA (Downtown). The project site is zoned D-A (Downtown).

SURROUNDING LAND USES, ZONING AND SETTING: The surrounding land uses and zoning are as follows:

North: Apartment building and Library – Zoned D-A (Downtown) and PQP (Public Quasi Public)
East: M&M Trucking – Zoned D-B (Downtown)
South: Pisani’s Service Station – Zoned D-A (Downtown)
West: Kountry Kitchen - Zoned D-A (Downtown)

The site is developed with a small market.

BACKGROUND: On May 23, 2018 the Planning Commission considered the application to allow a food truck to locate on the property at 3 Grant Avenue based on the City's existing regulations for street vendors. The Commission felt based on these regulations a stationary food truck was not a permitted use. Rather than deny the application the Commission voted to toll (put in abeyance) the application until staff had an opportunity to amend the City's street vendor regulations to allow food trucks.

On October 23, 2018 the Planning Commission reviewed a proposed food vendors ordinance amending the City's Municipal Code to allow food trucks on certain properties with a conditional use permit. On December 4, 2018 the City Council adopted the proposed ordinance amending the Municipal Code. The ordinance took effect on January 17, 2019 (Attachment A).

PROJECT DESCRIPTION: The applicant, Silverio Arteaga, is requesting a conditional or use permit to allow him to park a food truck (Buckhorn) and sell food on the property located at 3 Grant Avenue (Winters General Store). The food truck was going to be located near the corner of Railroad and Grant Avenues, adjacent to the old gas pumps. As a result of adopting the Food Vendors ordinance (Section 5.36.060(C)14), which prohibits locating a food truck where it could cause a sight distance problem, the applicant is proposing to locate the truck in a parking space on the east side of the store/building (Attachment B). Food will be sold from the truck 3 to 5 days a week from 11 am to 5 pm. There will be two (2) employees. Employees will have access to the restroom inside the Winters General Store. The food truck will be very similar to the El Verduzco food truck that parks in front of Mariani's on the south side of East Grant Avenue, east of Railroad Avenue.

ANALYSIS: According to Chapter 5.36 Food Vendors ordinance the applicant must comply with the regulations listed in Section 5.36.060C (Attachment A). The applicant has indicated he does not intend to provide tables or chairs for customers to use. He has also indicated he does not plan on having any separate signage that is not attached to the vehicle. Should the applicant decide later to provide tables and chairs or provide any freestanding signs he will need get approval from the Community Development Department. Lastly, there must be a trash can (Section 5.36.060(C)5) within 25 feet of the food truck where customers can dispose of trash. Any minor changes to the hours of operation will also need approval from the Community Development Department. Significant changes to the hours of operation, like adding days the truck will be selling food, will require Planning Commission approval.

PROJECT NOTIFICATION: Two methods of public notice were used in compliance with State law and the Winters Municipal Code: a legal notice was published in the Winters Express on Thursday, January 10, 2019 and notices were mailed to all property owners who own real property within three hundred feet of the project boundaries at least ten days prior to the public hearing. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since Thursday, January 17, 2019.

ENVIRONMENTAL ASSESSMENT: The proposed use is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15304(e) (Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.

RECOMMENDED FINDINGS FOR APPROVING CONDITIONAL USE PERMIT 2018-01 ALLOWING A FOOD TRUCK TO LOCATE ON THE PROPERTY AT 3 GRANT AVENUE. APN 003-282-025

Conditional Use Permit Findings:

1. The project qualifies for a Categorical Exemption provided in Section 15304(e) of the CEQA Guidelines, Minor Alterations to Land.
2. The exemption finding reflects the independent judgement and analysis of the City of Winters.
3. The project is consistent with the General Plan and zoning regulations.
4. The Planning Commission has considered comments received on the project during the public review process.

RECOMMENDATION: Staff recommends the Commission take the following action:

I MOVE THAT THE CITY OF WINTERS PLANNING COMMISSION APPROVE CONDITIONAL 2018-01 ALLOWING A FOOD TRUCK TO LOCATE ON THE PROPERTY AT 3 GRANT AVENUE BASED ON THE IDENTIFIED FINDINGS OF FACT AND BY TAKING THE FOLLOWING ACTIONS:

1. Confirmation of the exemption from the provisions of CEQA.
2. Approve Conditional Use Permit 2018-01 subject to the Conditions of Approval attached hereto as Attachment C.

ATTACHMENTS:

- A. Chapter 5.36 Food Vendors Ordinance Winters Municipal Code
- B. Aerial view of site and photos of truck and proposed locations
- C. Conditions of Approval

ORDINANCE NO. 2018 – 06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
AMENDING CHAPTER 5.36 (STREET VENDORS) AND CHAPTER 17.04 (INTRODUCTORY
PROVISIONS AND DEFINITIONS), CHAPTER 17.52.020 (LAND USE/ZONE MATRIX AND
TABLE 17.58.2 (PERMITTED USES, FORM-BASED CODE FOR DOWNTOWN) OF THE
WINTERS MUNICIPAL CODE

The City Council of the City of Winters, State of California, does hereby ordain as follows:

1. Purpose. The purpose of this ordinance is to amend various sections of the text in the Winters Municipal Code (the "Municipal Code") necessary to regulate Stationary, Mobile and Sidewalk Food Vendors.

2. Authority. The City of Winters has authority to adopt this ordinance pursuant to the general police power granted to cities by Article 11, Section 7 of the California Constitution.

3. Amendments to Title 17. The City hereby makes the following amendments to Title 17 of the Municipal Code:

a. Chapter 5.36 of the Municipal Code is hereby amended to read as follows:

**Chapter 5.36
FOOD VENDORS**

Sections:

5.36.010	Purpose.
5.36.020	Definitions.
5.36.030	Permit.
5.36.040	Application for permit.
5.36.050	Revocation of permit.
5.36.060	Food vending vehicles.
5.36.070	Sidewalk vendors
5.36.080	Violation—Nuisance.
5.36.090	Insurance.
5.36.100	Fees.
5.36.110	Renewals.
5.36.120	Enforcement.
5.36.130	No preemption.
5.36.140	Violation—Penalty.
5.36.150	Nuisance—Injunction.
5.36.160	Temporary Permits

5.36.010 Purpose.

The city recognizes the right of its citizenry to be relatively free from noise and obstruction when traversing the city streets. The city also recognizes the right of its citizenry to purchase reliable products from responsible vendors without a fixed place of businesses. The city by this regulatory chapter seeks to balance those competing interests. The city finds that the cost of this regulation should be borne by those individuals, companies and groups which seek to benefit financially from street vending or mobile food vending, since it should be their burden to insure to the Winters citizens that their sales of goods shall be done in a manner least obstructive to their right to travel.

5.36.020 Definitions.

As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

“City” means city of Winters.

“Food vending vehicle” includes any motor vehicle from which food or beverages are sold directly to a customer; does not include vehicles that involve the delivery of food or beverages ordered by home delivery customers.

“Public street or sidewalk” includes all areas legally open to public use as public streets, sidewalks, roadways, highways, parkways, alleys, and any other public way.

“Mobile food vendor” means any person, including an agent or employee of another, who sells or offers to sell food or beverages from a motor vehicle on any public street.

“Roaming sidewalk vendor” means a sidewalk vendor who moves from place to place and stops only for a brief time to complete a transaction.

“Sidewalk vendor” means a person who sells food, beverages or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one’s person, in a public park, upon a public sidewalk or other pedestrian path.

“Stationary food vendor” means any person, including an agent or employee of another, who sells or offers to sell food or beverages from a motor vehicle located on private property for more than four (4) hours in a single day.

“Stationary sidewalk vendor” means any person who sells food, beverages or merchandise from a fixed location from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one’s person, upon public sidewalk or other pedestrian path.

“Vendor” means any person who operates a food vending vehicle, stand or cart.

5.36.030 Permit.

It is unlawful for any person to sell or attempt to sell any commodity by means of vending such commodity upon any street or on private property in the city without first securing a permit and paying the fee therefor.

5.36.040 Application for permit.

Application for a permit shall be made upon a form provided by the city. The applicant shall truthfully state in full the information requested on the application:

- A. Name and address of present place of residence and length of residence at such address; also business address if other than present address;
- B. Address of place of residence during the past three (3) years if other than present address;
- C. Age of applicant;
- D. Physical description of applicant;
- E. Name and address of the person, firm or corporation or association whom the applicant is employed by or represents, and the length of time of such employment or representation;
- F. Name and address of employer during the past three (3) years if other than the present employer;
- G. Description sufficient for identification of the type of commodity or commodities to be vended;
- H. Period of time for which the permit is applied;
- I. The date, or approximate date, of the last previous application for permit under this chapter, if any;
- J. If a permit is issued to the applicant under this chapter has ever been revoked;
- K. Names of the three (3) most recent communities where the applicant has engaged in street vending;
- L. Proposed method of operation;
- M. Signature of applicant;
- N. Social Security Number of applicant.

All statements made by the applicant upon the application or in connection therewith shall be under oath.

The applicant shall submit to fingerprinting by the police department of the city in connection with the application for the permit.

The city clerk shall cause to be kept in his or her office an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all permits issued under the provisions of this chapter, and of the denial of applications.

Applications for permits shall be numbered in consecutive order as filed, and every permit issued, and any renewal thereof, shall be identified with the duplicate number of the application upon which it was issued.

No permit shall be issued to any person who has been convicted of a violation of any of the provisions of this chapter; nor to any person whose permit issued hereunder has previously been revoked as herein provided.

5.36.050 Revocation of permit.

Any permit issued hereunder shall be revoked by the chief of police if the holder of the permit is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a permit under the terms of this chapter. Immediately upon such revocation, written notice thereof shall be given by the chief of police to the holder of the permit in person or by certified United States Mail addressed to his or her residence address set forth in the application.

Immediately upon the giving of such notice the permit shall become null and void.

The permit shall state the expiration date thereof.

5.36.060 Food vending vehicles.

The following rules and regulations shall be complied with by each person operating a food vending vehicle.

A. Food Vendors

It shall be unlawful for any food vendor to:

1. Sell or attempt to by means of any outcry, sound, speaker or amplifier, or any instrument which violates the City of Winters noise ordinance contained in Chapter [8.20](#).
2. A use permit shall not be required for fundraising activities/special sales/events which are sponsored by the school district or approved by the City.

B. Mobile Food Vendors

It shall be unlawful for any mobile food vendor to:

1. Exceed a speed of twelve (12) miles an hour when driving through neighborhoods seeking sales or when attempting to make a sale;

2. Make more than two (2) stops in any one (1) block to make any sale;
3. Stop anywhere within twenty-five (25) feet of an intersection when making a sale or attempting to make a sale;
4. Double park, or park in any manner contrary to any ordinance relating to parking when making a sale or attempting to make a sale;
5. Make a U-turn on any block;
6. Drive a vehicle backwards when making a sale or attempting to make a sale;
7. Sell to any person who is standing in the street;
8. Permit any person to hang on the vehicle or permit any person to ride in or on the vehicle except a bona fide assistant or assistants;
9. Remain standing or stopped at any place for a period of time exceeding ten (10) minutes;
10. Conduct business within twenty (20) feet of any disabled parking space or access ramp;
11. Sell or attempt to sell along any particular route more than two (2) times during a twenty-four (24) hour period.

C. Stationary Food Vendor

Stationary food vendors shall comply with the following:

1. A use permit shall be obtained from the planning commission to allow a stationary food vendor except as allowed by subsection C2 below. The permit shall be processed in accordance with and subject to the use permit requirements contained in Chapter 17.20.
2. A special permit shall be obtained from the City to allow a stationary food vendor to participate in an event approved by the City.
3. Locate on privately owned land not within enclosed buildings on permanent foundations or in a public right-of-way.
4. Stationary food vending vehicles shall be designed so they add aesthetic value to the vicinity. Design elements should include the use of umbrellas, overhangs, or other attractive shading devices, and temporary landscaping.
5. Hours of operation may be limited as determined by the planning commission. Minor modifications to the hours of operation may be approved by the zoning administrator.
6. Provide a trash container immediately adjacent to the food vending vehicle. Trash container must be removed from the site during non-vending hours. Additionally, vendors must maintain the cleanliness of their site within twenty-five (25) feet surrounding their site.

7. Be limited to one (1) freestanding, non-illuminated sign, not exceeding four (4) feet in any dimension, to be placed within ten (10) feet of the stationary food vendor. These regulations do not include any graphics or signs painted directly onto the vehicle. No sign shall impede vehicle traffic, pedestrian right of way, or pedestrian personal vehicle traffic (bike lanes). No stationary food vendor signs shall be located within the Caltrans right-of-way.
8. Have a certificate of compliance from the county health department, as appropriate. Additionally, vendors must complete the Reciprocity Checklist of Yolo County.
9. Stationary food vending vehicles are permitted in the vicinity of Grant Avenue and Railroad Avenue along three (3) corridors from the intersection. Grant Avenue east to Dutton Street on the north side of the street and to East Street on the south side of Grant; both sides of Railroad Avenue south to Baker Street; west on Grant Avenue three-hundred (300) feet.
10. Stationary food vendors shall be prohibited from having chairs and tables for customer use unless approved by the planning commission. Any chairs and tables must be stored off site unless previously stated approval of the property owner is declared during the application process.
11. Stationary food vendors must comply with American Disabilities Act and other accessibility access standards.
12. Stationary food vendor permits may be revoked upon there being just cause.
13. Stationary food vendors operating in parking lots must minimize the amount of parking spaces they are utilizing and cannot impede traffic flow entering, leaving, or within the parking lot.
14. Stationary food vendors operating adjacent to, or within close proximity to a traffic intersection cannot visually impair drivers utilizing said intersection.

5.36.070 Sidewalk vendors.

The following provisions shall regulate sidewalk vending stands and carts or other operations deemed similar by the zoning administrator, which operate on publicly owned land or parks not within enclosed buildings. Nothing in this section shall be construed to affect the applicability of Part 7 (commencing with Section 113700) of Division 104 of the Health and Safety Code to a sidewalk vendor who sells food.

1. A business license shall be obtained from the City to allow a sidewalk vendor. The permit shall be processed in accordance with the requirements contained in Chapter [5.04](#).
2. Stationary sidewalk vendors shall be prohibited from selling in residentially zoned neighborhoods.

3. Roaming sidewalk vendors are permitted to sell in residentially zoned neighborhoods; hours of operation shall be between 9:00 am and 5:00 p.m. Hours of operation in nonresidential areas shall be consistent with the hours of other businesses operating in the nonresidential area as determined by the zoning administrator.
4. All sidewalk vending stands, carts, signs, refuse containers and other material set up or provided by the vendor must be removed from the vending site during non-vending hours.
5. Sidewalk vending stands and carts shall not exceed eight (8) feet in height, eight (8) feet in length and four (4) feet in width; not impede access to the entrance of any adjacent building or driveway; not impede pedestrian right of way, or pedestrian personal vehicle traffic (bike lanes); not be located on sidewalks where there is not on-street parking immediately adjacent; and must comply with American Disabilities Act and other accessibility access standards.
6. Sidewalk vending stands and carts shall not be located within twenty (20) feet of a fire hydrant, fire escape, bus stop, loading zone, disabled parking space, access ramp, fire station or police department driveway.
7. Sidewalk vendors shall supply a way to dispose of trash if an existing trash container does not exist within twenty-five (25) feet of the stand or cart. Additionally, sidewalk vendors must maintain the cleanliness of their site and within twenty-five (25) feet surrounding their site.
8. Sidewalk vending stands and carts shall be designed so they add aesthetic value to the vicinity. Design elements should include the use of umbrellas, awnings, or other attractive shading devices.
9. Sidewalk vending stands and carts shall be prohibited from having a signs except those that are limited to one (1) freestanding, non-illuminated sign not exceeding four (4) feet in any dimension, to be attached to or placed within ten (10) feet of the stand or cart. These regulations do not include any graphics or signs painted directly onto the vending stand or cart. No sign shall impede vehicle traffic, pedestrian right-of-way, or pedestrian personal vehicle traffic (bike lanes). No sidewalk vendor signs shall be located within the Caltrans right-of-way.
10. Sidewalk vendors shall obtain a certificate of compliance from the county health department, as appropriate. Additionally, vendors must complete the Reciprocity Checklist of Yolo County.
11. Sidewalk vendors locating near an intersection shall not create a sight distance problem.
12. Sidewalk vendors wanting to vend within a city park may vend only during those hours the park is open. Sidewalk vendors may not vend within a city park during a city-approved event when there is an exclusive agreement with one (1) or more concessionaires.

13. Sidewalk vendors shall be prohibited from having tables and chairs for customer use unless the vendor is located in a given area that has adequate sidewalk width or is specifically designed for such purpose such as a plaza, park or other public open space area with adequate restroom facilities.

14. Sidewalk vendor permits may be revoked upon there being just cause.

15. Sidewalk vendor permit shall expire in one (1) year and may be extended upon zoning administrator approval.

5.36.080 Violation—Nuisance.

It is declared to be unlawful and shall constitute a nuisance for any person to violate the terms of this chapter.

5.36.090 Insurance.

No permit shall be issued to an applicant unless the applicant furnishes proof to the city of a public liability bond or insurance policy in an amount not less than three hundred thousand dollars (\$300,000.00) for property damage and bodily injury liability, including injury resulting in death, caused by the applicant.

5.36.100 Fees.

The city shall by resolution establish fees for the issuance of permits sufficient to offset the city's cost of regulation of street vendors. These fees shall be supplemental to any business license fees charged to street vendors. Both fees shall be payable upon application. The fees charged under this chapter shall be nonrefundable. Permits shall be valid for one (1) year from the date of issuance, unless sooner revoked as provided herein.

5.36.110 Renewals.

Renewals shall be done on an annual basis. Application for renewals of permits shall be received no later than thirty (30) days prior to the expiration of the applicant's permit, or shall be processed as new applications. The city may review applications for renewal to determine that:

- A. The applicant is in full compliance with the provisions of this chapter;
 - B. The applicant has a currently effective insurance policy in the minimum amount provided in this chapter, or as amended by subsequent resolution of the Winters city council.
- If the city finds that the applicant meets the above requirements, the city shall issue a new permit.

5.36.120 Enforcement.

Enforcement shall be implemented by the city manager or through a city staff person designated by him or her. In addition, any Winters police officer is authorized to enforce the provisions of

this chapter. Such person shall have authority to issue citations based upon reasonable cause in a manner most suitable to the particular incident.

5.36.130 No preemption.

This chapter shall not be interpreted to permit soliciting, or the procedures thereof or redress therefrom, where restricted by state law.

5.36.140 Violation—Penalty.

Any person, firm, corporation, or organization which violates any provision of this chapter shall, upon conviction thereof be subject to the maximum allowable fine pursuant to the requirements set forth in state law.

Upon conviction thereof, punishment shall be a fine subject to the maximum allowable pursuant to the requirements set forth in state law, or imprisonment for a term not exceeding six (6) months, or by both a fine and imprisonment.

5.36.150 Nuisance—Injunction.

Any violation of this chapter is declared to be a nuisance. In addition to any other relief provided by this chapter, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

5.36.160 Temporary Permits

Temporary permits provided to vendors are strictly regulated and shall provide guidelines in which vendors must abide by. These permits will be range in costs and shall be adjusted based on the length of time in which the food vendor is serving within the city limits and shall go into effect upon approval from the City and shall expire upon the designated time noted on the approved permit.

b. Subdivision (B) of Section 17.04 of the Municipal Code is hereby amended to read as follows:

Chapter 17.04

INTRODUCTORY PROVISIONS AND DEFINITIONS

B. Definitions.

“Stable” means a detached accessory building for the shelter of horses or similar hoofed animals.

“Stationary food vendor” means any person, including an agent or employee of another, who sells or offers to sell food or beverages from a motor vehicle located on private property for more than four (4) hours in a single day.

“Street line (right-of-way)” means the boundary between an existing or proposed street right-of-way and abutting property.

17.52.020 Land Use/Zone Matrix.

LAND USE/ZONE MATRIX

KEY:

C= Conditional Use

P= Permitted Use

T= Temporary Use

Zoning Designations:

- | | | |
|--|----------------------------------|--------------------------|
| (A-1) General Agricultural Industrial Park | (R-4) High Density Residential | (B/P) Business |
| (R-R) Rural Residential | (C-1) Neighborhood Commercial | (M-1) Light Industrial |
| (R-1) Single-Family Residential Industrial | (C-2) Central Business District | (M-2) Heavy |
| (R-2) One-and Two-Family Public/Quasi-Public | (C-H) Highway Service Commercial | (PQP) Residential |
| (R-3) Multifamily Residential | (O-F) Office | (PD) Planned Development |

AGRICULTURAL USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Agricultural Operation	P	C															P
Animal Production	P																C
Businesses and Uses Prohibited by State or Federal Law																	
COMMERCIAL AND OFFICE USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*

Adult Entertainment												C	C						
Automobile Repair, Major								C	C			C	C	P					
Automobile Repair, Minor								P	P	P		P							
Bar, Cocktail Lounge								C	C										
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*		
Bed and Breakfast Inn			C	C	C	C		C											
Business Service								P	P		P	P							
Businesses and Uses Prohibited by State or Federal Law																			
Financial Institutions								P	P		P	P							
Equipment Sales, Rental, Repair								P	P			P							
Funeral Parlor									P			C							
Hotel, Motel									C	C									
Nurseries	P							P	P			C	C						
Office, Business and Medical								P	P		P	P							
Outdoor Sales								C	C			C							
Personal Retail Services								P	P										
Personal Storage									C			C	C			C	C		
Recreation, Indoor or Outdoor								C	C			C	C						
Recreational Vehicle Park										C		C							
Restaurant								P	P	P		C							
Restaurant, Drive-Through								C	C	P									

Retail Sales, General								P	P	C		C							
Roadside Stand	P	C						C	C										
Service Station								P	P	P		P							
Stationary Food Vendor								C	C	C									
Veterinary Hospital, Kennel	C							C	P										
INDUSTRIAL USES																			
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*		
Businesses and Uses Prohibited by State or Federal Law																			
Finished Goods Assembly											P	P	P						
Heavy Equipment Terminal											C	C	P						
Laboratory, Research, Equipment										C		C	C						
Manufacturing, Heavy General													C						
Manufacturing, Light General												C	P						
Mineral Extraction	C												C	C		C			
Recycling Center Collection							P	P			P	P	P						
Recycling and Salvage Yards													C						
Warehouse, Wholesale, Freight Terminal												C	P						

PUBLIC & QUASI-PUBLIC USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Assembly Hall/Community Services	C	C					C	C		C	C			C	C		
Businesses and Uses Prohibited by State or Federal Law																	
Cemetery	C													C		C	
Communication Equipment Facility	C	C			C	C	C	C	C	C	C	P	P	C	C	C	
Convalescence and Care Services		C	C	C	C	C	C							C			
Cultural Facility						C	C							C	C		
Day Care, General		C	C	C	C	C				C	C			C			
Emergency Shelter					P	P		P						P			
Government Offices										C	C			C	C		
Hospital										C	C			C			
Public Parks	C	C	C	C			C	C	C					C	C	C	
Religious Institutions			C	C			C	C		C	C			C			
Safety Services							C	C		C	C			C			
Utility Services, Major	C	C											C	C	C	C	
Utility Services, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Vocational Training Facility														C			
RESIDENTIAL USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2**	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*

Accessory Dwelling Units		P	P	P															
Businesses and Uses Prohibited by State or Federal Law																			
Day Care, Limited		P	P	P	P	P													
Dwelling, Multiple-Family					P	P	C	C ³		C									
Dwelling, Single-Family	P	P ⁴	P ⁴	P ⁴	C	C ⁴		C ^{2,3}											C
Dwelling, Two-Family or Duplex			P ¹	P	C	C													
Farmworker Housing Unit	P		P	P	P	P		P ⁵											
Farmworker Housing Complex	P				P	P		P ⁵											
Mobile Home Park		C	C	C	C	C													
Single Room Occupancy					P	P		C											
Residential Care Facility		C	C	C	C														C
TEMPORARY USES																			
		A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*	
Arts and Crafts Show	T							T	T	T	T	T	T	T	T	T	T	T	T
Businesses and Uses Prohibited by State or Federal Law																			
Carnivals/Fairs/Fund Raisers	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Construction Trailers	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Religious Assembly	T														T	T	T	T	
Seasonal Sales	T	T						T	T	T		T	T		T	T	T	T	

Footnotes:

1. Affordable or market rate duplexes are allowed on all corner lots in the R-1 and R-2 zones citywide.
 2. Only if an existing historical structure is planned for relocation to a C-2 zone that adjoins a residential district.
 3. A single residential unit is allowed at a business located in the central business district zone (C-2) upon planning commission approval of a conditional use permit (CUP), while multifamily residential is allowed above a business in the C-2 zone upon planning commission approval of a CUP. A residential unit proposed for a first floor area must be occupied by the property owner or licensed business proprietor, at least four hundred (400) square feet in size, and located at the rear of the business. No more than twenty (20) percent of the existing first floor area can be converted into residential uses and the existing first floor area must be at least two thousand (2,000) square feet in size.
 4. Manufactured homes and factory-built homes located on a permanent foundation are allowed in the specified zones by right or upon planning commission approval of a conditional use permit (CUP).
 5. For single farmworkers, single room occupancy housing is permitted.
- * All PD uses per PD permit, and as consistent with the general plan.

Also see: Chapter [17.36](#) (Design Review). Design review may be required, including for land uses which are otherwise permitted by this title, depending upon the type and location of the development project proposed.

** A commercial use operating from a residential structure originally constructed as a residential structure can be converted from a commercial use to a residential use.

17.58.050 Allowed use regulations.

This section lists allowed uses by zoning district within the downtown form-based code area. The zoning districts are shown on the regulating plan (Figure 17.58-1). This list is not meant to be comprehensive and does not regulate building character or design, but instead delineates the types of uses allowed within a building. These allowed use regulations are unique to this chapter and are intended to implement the vision of the 2006 Winters downtown master plan.

A. Principally Permitted Uses. The following table identifies the permitted uses within the downtown. These allowed use regulations are listed by street type, then by zoning district (D-A or D-B), as applicable. The uses listed are defined in subsection B of this section (Definitions of Permitted Uses). The symbols in the table are defined as:

P—Permitted Use

C—Conditionally Permitted Use

N—Not Permitted

c. Subdivision (A) of Section 17.58.050 of the Municipal Code is hereby amended to read as follows:

Table 17.58-2: Permitted Uses

Uses	Main Street		Railroad Avenue		Secondary Streets		Grant Avenue	
	D-A	D-B	D-A	D-B	D-A	D-B	D-A	D-B
Attached Single-Family Residential	N	N	N	N	N	P	N	N
Banks and Financial Institutions	P	P	P	P	P	C	P	P
Bars, Pubs and Cocktail Lounges	C	C	C	C	N	N	C	C
Bed and Breakfast Inns	P ¹	P ¹	P ¹	P	P	P	P ¹	P
Businesses and Uses Prohibited by State or Federal Law	N	N	N	N	N	N	N	N
Child Day Care	N	N	N	N	C	C	N	C
Commercial Recreation and Entertainment	C	C	C	C	N	N	C	C
Detached Single-Family Residential	N	C	N	N	C	P	N	N
Farmworker Housing Unit	C ^{1,3}	P	C ^{1,3}	C ^{1,3}				
Farmworker Housing Complex						P ³		
Government/Institutional	P	P	P	P	P	C	P	P
Hotels or Motels	P ¹	P ¹	P ¹	P ¹	P	P	P ¹	P
Live/Work Units	C	P	P	P	P	C	N	C
Mixed-Uses	P	P	P	P	P	C	C	P
Multifamily Residential	C ¹	P ¹	P ¹	P ¹	P ¹	P	N	P ¹
Neighborhood Commercial	P	P	P	P	P	C	C	N
Offices	P	P	P	P	P	C	P	P
Personal Services	P	P	P	P	P	C	C	P

Religious Institutions	C	C	C	C	N	N	C	C
Retail Commercial	P	P	P	P	P	N	P	P
Service Stations	N	C	C	C	N	N	C	C
Single Room Occupancy	C ¹							
Sit-Down Restaurants ²	P	P	P	P	C	C	P	P
Specialized Agriculture and Processing	C	C	C	C	C	C	C	C
Stationary Food Vendor	C	C	C	C	C	C	C	C

Notes:

¹ Only on the second floor or above.

² Drive-thrus are not allowed within the downtown form-based code area (see Section 17.58.070(A)(2)(d)).

³ For single farmworkers, single room occupancy housing is permitted.

INTRODUCED at a regular meeting of the Winters City Council on the 4th day of December, 2018 and **PASSED, APPROVED AND ADOPTED** at a regular meeting of the Winters City Council, County of Yolo, State of California, on the 18th day of December, 2018, by the following vote:

AYES: Council Members Anderson, Biasi, Loren, Neu, Mayor Cowan
 NOES: None
 ABSENT: None
 ABSTAIN: None

 Bill Biasi, Mayor

ATTEST:

 Tracy S. Jensen, City Clerk

APPROVED AS TO FORM:

 Ethan Walsh, City Attorney



E Grant Ave

Railroad Ave

INTERSTATE
GASOLINE

Pisani's

Kountry Kitchen

FOOD TRUCK
LOCATION

Google

Imagery ©2018 Google, Map data ©2018 Google

ATTACHMENT B





**CONDITIONAL USE PERMIT 2018-01
APPROVED BY PLANNING COMMISSION
JANUARY 22, 2019**

**CONDITIONS OF APPROVAL FOR A FOOD TRUCK TO LOCATE ON PROPERTY
AT 3 GRANT AVENUE, WINTERS, CA 95694. APN 003-282-025**

1. This Conditional Use Permit (CUP 2018-01) is based upon and limited to compliance with the project description, site plans, elevations and conditions of approval set forth below. Any deviations from the project description or conditions of approval must be reviewed and approved by the community development director for conformity with this approval. Deviations may require modification to the permit and/or environmental review. Deviations without the above described approval will constitute a violation of permit approval.
2. The permittee shall defend (with attorneys approved by the City), indemnify and hold harmless the City of Winters, its agents, officers, and employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul an approval of the City, its advisory agencies, appeals boards, or legislative body concerning this approval Conditional Use Permit (CUP 2018-01). This City will promptly notify the permittee of any such claim, action or proceeding against the City and will cooperate fully in the defense.
3. The applicant's acceptance of this permit and/or commencement of operations under this permit shall be deemed to be acceptance by the permittee of all conditions of this permit.
4. Within 12 months after the effective date of this permit, the use shall commence. If the use has not commenced the community development director may approve a one-time extension of time for no more than one year. Request for an extension must be received in writing prior to February 1, 2020.
5. The food truck shall be located in one of the parking spaces on the east side of the General Store.
6. The applicant has indicated he does not intend to provide tables or chairs for customers to use or have any separate signage that is not attached to the vehicle. Should the applicant decide in the future he wants later to provide tables and chairs or provide any freestanding signs he will need get approval from the Community Development Department.
7. Lastly, there must be a trash can located within 25 feet of the food truck where customers can dispose of trash. If no trash can is located on the site within 25 feet the applicant shall provide a means for customers to dispose of any trash. All visible signs of the food truck operation shall be removed from the site when the food truck is not on the site conducting business.

8. Food may be sold from the truck 3 to 5 days a week from 11 am to 5 pm. There would be two (2) employees. Employees would have access to the restroom inside the Winters General Store. Minor changes to the hours of operation will need approval from the Community Development Department. Significant changes to the days and/or hours of operation, like adding more days the truck will be selling food, will require Planning Commission approval.
9. Failure to comply with the above conditions may result in the immediate revocation of the conditional use permit.