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**AGENDA ITEM NO.:** 14 (Action Item – Public Hearing)

**PLANNING COMMISSION  
MEETING DATE:** January 22, 2020

**SUBJECT:** Non-Hosted Short-Term Rental Permit  
No. 2019-10/Carleton & Nioche

#### **EXECUTIVE SUMMARY**

The applicant has applied for a Non-hosted Short Term Vacation Rental permit, located at 420 Watterson Rd, in Bishop. This permit is required for the applicant to begin renting residential space for periods of 30-days or less, and to achieve compliance with Inyo County Code Chapter 18.73.

#### **PROJECT INFORMATION**

**Supervisory District:** 3  
**Project Applicant:** Fred Carleton & Valerie Sabrina Nioche  
**Site Address:** 420 Watterson Rd. A, Bishop, CA 93514  
**Community:** Bishop, CA  
**A.P.N.:** 011-170-09  
**General Plan:** Residential Medium (RM)  
**Zoning:** Residential OR Mobile Home Combined (RMH)  
**Size of Parcel:** 1 acre

#### **SURROUNDING LAND USE:**

<b>Location:</b>	<b>Use:</b>	<b>Gen. Plan Designation</b>	<b>Zoning</b>
Site	Residential	Residential Medium (RM)	Residential/mobile home (RMH)
North	undeveloped	Agriculture (A)	Open Space (OS-40)
East	undeveloped	Agriculture (A)	Open Space (OS-40)
West	undeveloped	Agriculture (A)	Open Space (OS-40)
South	Residential	Residential Medium (RM)	Residential/mobile home (RMH)

**Staff Recommended Action:** 1.) Approve the Non-Hosted Short-Term Vacation Rental Permit 2019-10/Carleton & Nioche

**Alternatives:**

- 1.) Deny the Non-Hosted Short-Term Vacation Rental Permit
- 2.) Approve the Non-Hosted Short-Term Vacation Rental Permit with additional conditions of approval
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

**Project Planner:** Steve Karamitros

## **STAFF ANALYSIS**

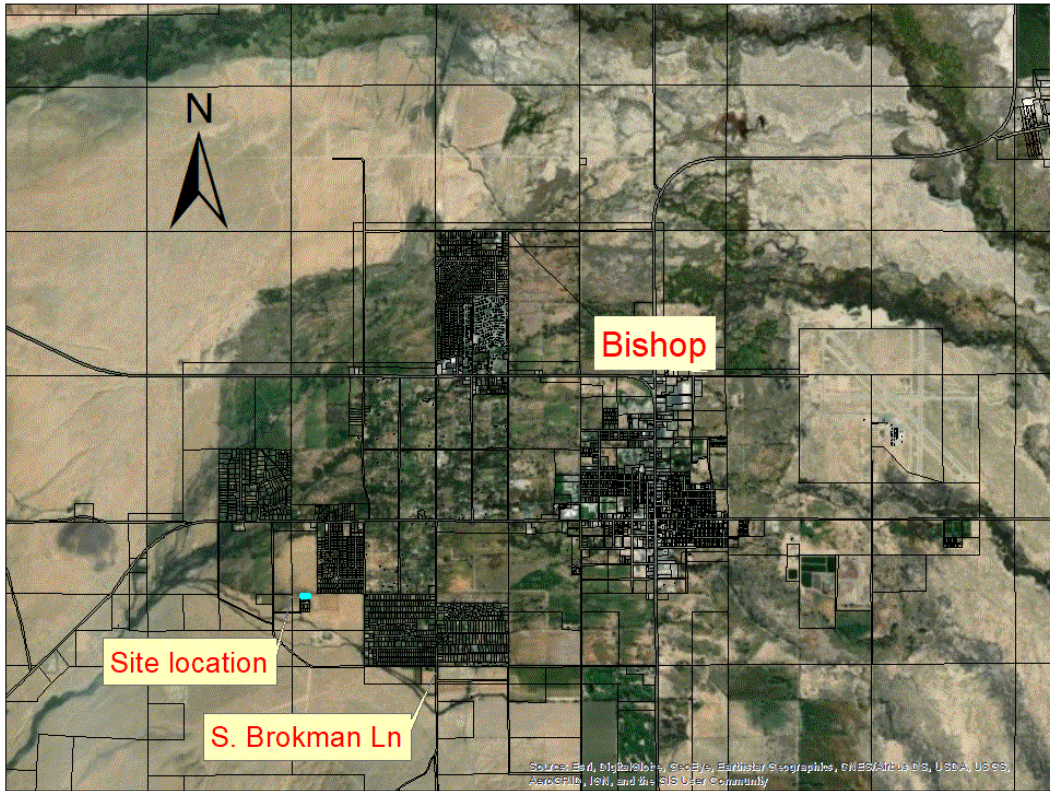
### Background and Overview

The applicant has applied for and received a Hosted Short-Term Vacation Rental Permit from the Inyo Planning Department, for the residence located at 420 Watterson Rd. in Bishop. There is a primary residence and a 1,250 ft<sup>2</sup> accessory dwelling on the property, which the applicant would like to rent as a non-hosted vacation rental. The dwelling to be rented has 2 bedrooms and 2 bathrooms. The accessory dwelling was built in compliance with the standards set by the Inyo County Building and Safety Department and the Inyo County Environmental Health Department.

The proposed application for a Non-Hosted Short-Term Vacation Rental Permit aligns with Inyo County Code Section 18.73-*Short-Term Rental of Residential Property*, which allows for the rental of dwelling units where the owner of the dwelling unit does not concurrently occupy the dwelling unit with the transient lodger. The application for this non-hosted rental has met the requirements of the Inyo County Planning Department and, per County Code Section 18.73.060, now requires that the Inyo County Planning Commission give final approval in order to issue the Non-Hosted Short-Term Vacation Rental Permit.

The residence is surrounded by vacant LADWP-owned land to the west, north, and east. The property is within a subdivision zoned Residential/Mobile Home Combined (RMH)- 7,200 ft<sup>2</sup> minimum with a general plan designations of Residential Medium density (RM). The residence is located in the unincorporated area of Bishop.

## Vicinity Map



## Site Location



### General Plan Consistency

The goal of this review is to allow the applicant to rent residential space in compliance with the County's zoning ordinance. The project is consistent with Short-Term Rental Ordinance, which was added as Chapter 18.73 of the Inyo County Code, following approval by the Inyo County Board of Supervisors on February 20, 2018. This use will not conflict with the General Plan designation of Residential Medium density (RM) as it does not change the size or density of the residential development currently on the site and in the General Plan.

### Zoning Ordinance Consistency

The applicant's residence is zoned Residential OR Mobile Home Combined (RMH), which is defined as an eligible zoning area for short term rentals. The current use will not change and therefore remains consistent with the current zoning ordinance.

## **ENVIRONMENTAL REVIEW**

As per Section Two of the approved County Ordinance (Chapter 18.73), the Non-Hosted Short-Term Rental Permit 2019-10/Carleton & Nioche was reviewed for compliance with the California Environmental Quality Act (CEQA), and the County's environmental procedures, and was found to be exempt pursuant to Section 15301 Class 1 (Existing Facilities) of the CEQA guidelines, as it constitutes an extension of residential use, with "negligible or no expansion of use" beyond that existing at the time of the lead agency's determination.

## **RECOMMENDATION**

Find the proposed project exempt from the requirements of the California Environmental Quality Act; make the findings specified below; and, approve Non-Hosted Short-Term Vacation Rental Permit 2019-10/Carleton & Nioche, subject to the Conditions of Approval:

### Recommended Findings for NH-STR 2019-10/Carleton & Nioche:

1. The proposed Non-Hosted Short-Term Vacation Rental Permit is exempted from further CEQA review, and the provisions of the California Environmental Quality Act have been satisfied.  
*[Evidence: Pursuant to Section 15301 of the CEQA guidelines, the proposed permit application constitutes an extension of residential use, with negligible expansion of use, and can be seen with certainty that there will be no significant effect on the environment.]*
2. The proposed Non-Hosted Short-Term Vacation Rental Permit is consistent with the Inyo County General Plan Land Use Designation of Rural Residential High (RRH).  
*[Evidence: The proposed project is consistent with the goals and policies of the General Plan's Land Use designation of Residential Medium, which has a Residential Density of 4.6 – 7.5 dwelling units per acre. The applicant's proposal is to have one primary and one accessory dwelling unit on a roughly 1 acre parcel, which is consistent with Inyo County's General Plan designation for this property.]*

3. The proposed Non-Hosted Short-Term Vacation Rental Permit is consistent with the Inyo County Zoning Ordinance.  
*[Evidence: The approved ordinance of Short-Term Rentals (Transient Occupancy – a rental for 30-Days or less), as adopted by the Board of Supervisors on February 20, 2018, allows for the short-term rental of residential dwellings in the Zoning Districts of: One Family Residential (R1), Single Residence and Mobile Home Combined (RMH), Rural Residential (RR), Rural Residential Starlite Estates (RR- Starlite), and the Open Space Zone (OS). The applicant’s property is zoned RMH and is therefore consistent with Inyo County’s zoning ordinance.]*
4. The proposed Non-Hosted Short-Term Vacation Rental Permit is necessary or desirable.  
*[Evidence: With the proliferation of Short-Term Vacation Rentals through on-line hosts, such as Air B&B, etc., the Board of Supervisors found it necessary and desirable to create an ordinance that regulated transient occupancy. In 2006 the Board of Supervisors approved with findings by Inyo County staff related to transient occupancy and issued a finding that stated “one family residential zone districts do not allow for short-term, transient accommodation uses as a primary permitted use, a conditional use or an accessory use; therefore, short-term transient accommodation uses in a one family residence zones is in violation of the - One Family Zone District as set forth in the Inyo County Code Section 18.30.” This decision guided the Planning Department’s efforts in designing an ordinance for short-term vacation rentals in residentially zoned areas. The proposed non-hosted vacation rental permit application is consistent with the requirements stipulated in the short-term rental ordinance, as adopted by the Board of Supervisors in February 2018. ]*
5. The proposed Non-Hosted Short-Term Vacation Rental Permit is properly related to other uses and transportation and service facilities in the vicinity.  
*[Evidence: The proposed Non-Hosted Short-Term Vacation Rental Permit is properly related to transportation and service facilities and will not adversely affect these facilities. All completed applications for Hosted/Non-Hosted Short-Term Rental Permits require site plans that demonstrate the availability of on-site parking at the applicant’s residence.]*
6. The proposed Non-Hosted Short-Term Vacation Rental Permit would not under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.  
*[The proposed Non-Hosted Short-Term Vacation Rental Permit does not adversely affect public health or safety of persons living in the vicinity. The Inyo County Public Health Department evaluated the application for sewer, septic, and water issues and found no problems with the application. The rental unit, a 1,250 ft<sup>2</sup> accessory dwelling, was evaluated by the County’s Building and Safety Department and no problems were identified.]*
7. Operating requirements necessitate the proposed Non-Hosted Short-Term Vacation Rental Permit for the site.

*[Evidence: Use of the applicant's property for non-hosted short-term rental requires the Non-Hosted Short-Term Vacation Rental Permit, as per Chapter 18.73 of the Inyo County Code.]*

### **CONDITIONS OF APPROVAL**

1. The applicant, landowner, and/or operator shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Non-Hosted Short-Term Vacation Rental Permit No. 2019-10/Carleton & Nioche. The County reserves the right to prepare its own defense.
2. The applicant shall conform to all applicable provisions of Inyo County Code. If the use provided by this Non-Hosted Short-Term Vacation Rental Permit is not established within one year of the approval date it will be become void.

### **SUMMARY**

Staff recommends that the Planning Commission make certain findings with respect to and approve Non-Hosted Short-Term Vacation Rental Permit No. 2019-10/Carleton & Nioche and find it exempt from CEQA.

### **EXHIBITS**

- A. Vicinity Map