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

PLANNING COMMISSION
MEETING DATE: January 22, 2020

SUBJECT: Non-hosted Short-term Rental Permit
No. 2019-05/Schwartz

EXECUTIVE SUMMARY

The applicant has applied for a Non-hosted Short-term Rental permit, located at 255 Sara Lane, in Big Pine. 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: 1
Project Applicant: Howard & Karen Schwartz
Site Address: 255 Sara Lane
Community: Big Pine, CA
A.P.N.: 004-070-57
General Plan: Residential Medium Density (RM)
Zoning: Single Residence or Mobile home Combined 5,800 sq. ft.
Minimum (RMH-5,800)
Size of Parcel: Approximately 0.19-Acre

SURROUNDING LAND USE:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Residential	Residential Medium Density (RM)	Single Residence or Mobile home Combined 5,800 sq. ft. minimum(RMH-5,800)
North	Residential	Residential Medium Density (RM))	Single Residence or Mobile home Combined 5,800 sq. ft. minimum(RMH-5,800)
East	Residential /Church	Residential Medium Density (RM))	Single Residence or Mobile home Combined 5,800 sq.

			ft. minimum(RMH-5,800)
South	Residential	Residential Medium Density (RM)	Single Residence or Mobile home Combined 5,800 sq. ft. minimum(RMH-5,800)
West	Residential	Residential Medium Density (RM))	Single Residence or Mobile home Combined 5,800 sq. ft. minimum(RMH-5,800)

Staff Recommended Action: 1.) Approve the Non-hosted Short-term Rental Permit 2019-05/Schwartz

Alternatives:

- 1.) Deny the Non-hosted Short-term Rental Permit
- 2.) Approve the Non-hosted Short-term 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: Ryan Standridge

STAFF ANALYSIS

Background and Overview

The applicant has applied for and received a Hosted Short-term Rental Permit from the Inyo County Planning Department, for a residence located 255 Sara Lane in Big Pine. There is a primary residence which the applicant would like to rent as a non-hosted rental. This structure 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 Rental Permit aligns with Inyo County Code Section 18.73-*Short-Term Rental of Residential Property*, which allows for the rental of a dwelling unit where the owner of the dwelling unit does not concurrently occupy the dwelling unit with the transient lodger, but a manager is available during the duration of the short-term rental. The application for this non-hosted rental has met the requirements of the Inyo County Planning Department and Code Section 18.73.060, and now requires that the Inyo County Planning Commission give approval in order to issue the Non-hosted Short-term Rental Permit.

The residence is in a location surrounded by developed, residential parcels to the north, south, east, and west of the parcel and is located in the Big Pine community.

General Plan Consistency

The goal of this project is to allow the applicant to rent residential space for 30-days or less in compliance with the County’s zoning ordinance. The project is consistent with the County’s 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 provided for in the General Plan.

Zoning Ordinance Consistency

The applicant's residence is zoned Single Residence or Mobile home Combined with a 5,800 ft² minimum (RMH-5,800), which is defined as an eligible zoning area for short-term rentals. The proposed use will not change the density or the residential use of property and therefore remains consistent with the current zoning ordinance.

ENVIRONMENTAL REVIEW

The Non-hosted Short-term Rental Permit 2019-05/Schwartz was reviewed for compliance with the California Environmental Quality Act (CEQA) and was found to be exempt from further analysis, pursuant to Section 15301 (Class 1) of the CEQA guidelines, as it constitutes the "permitting...of a private structure...involving no expansion of use beyond that existing at the time of the lead agency's determination."

RECOMMENDATION

Find the proposed project is exempt from the requirements of the California Environmental Quality Act; make the findings specified below; and, approve Non-Hosted Short-Term Rental Permit 2019-05/Schwartz, subject to the Conditions of Approval:

Recommended Findings for NH-STR 2019-05/Schwartz:

1. The proposed Non-hosted Short-term 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 (class 1) of the CEQA guidelines, the proposed permit application constitutes the "permitting...of a private structure...involving no expansion of use beyond that existing at the time of the lead agency's determination.]
2. The proposed Non-hosted Short-term Rental Permit is consistent with the Inyo County General Plan Land Use Designation of Residential Medium Density (RM).
[Evidence: The proposed project is consistent with the goals and policies of the General Plan's Land Use designation of Residential Medium Density, which allows single family dwellings within urban type areas. The applicant's proposal to rent the primary dwelling unit is consistent with Inyo County's General Plan designation for Residential Medium Density, designation of Residential Medium Density, which allows for 4.6 to 7.5 dwelling units per acre. The applicant's proposal is to rent the primary dwelling unit that is on a parcel slightly smaller than a quarter of an acre, is consistent with Inyo County's General Plan designation for this property.]
3. The proposed Non-Hosted Short-Term 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) with a conditional use permit. The applicant's property is zoned Single Residence or Mobile home combined and is therefore consistent with Inyo County's zoning ordinance upon receiving the conditional use permit.]

4. The proposed Non-hosted Short-term Rental Permit is necessary or desirable.
[Evidence: With the proliferation of Short-Term 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 residential zoning districts. The proposed non-hosted 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 Rental Permit is properly related to other uses and transportation and service facilities in the vicinity.
[Evidence: The proposed Non-hosted Short-term 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 proposed short-term rental location.]
6. The proposed Non-hosted Short-term Rental Permit would not under 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 Rental Permit does not adversely affect public health or safety of persons living in the vicinity. The Inyo County Environmental Health Department evaluated the application for sewer, septic, and water issues and found no problems with the application. The rental unit was also evaluated by the County's Building and Safety Department and no problems were identified.]
7. Operating requirements necessitate the proposed Non-Hosted Short-Term Rental Permit for the site.
[Evidence: Use of the applicant's property for a non-hosted short-term rental requires the Non-hosted Short-term 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 Rental Permit No. 2019-05/Schwartz. The County reserves the right to prepare its own defense.

2. The applicant shall conform to all applicable provisions of Inyo County Code, failure to do so could cause the revocation of the permit. If the use provided by this Non-Hosted Short-Term Rental Permit is not established within one year of the approval date it will be become void.

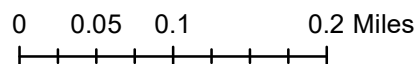
RECOMMENDATION

Staff recommends that the Planning Commission make certain findings as provided for in the staff report with respect to and approve Non-hosted Short-term Rental Permit No. 2019-05/Schwartz with the conditions listed in the staff report and certify it is exempt from CEQA.

EXHIBITS

- A. Vicinity Map
- B. Site plan
- C. Rules
- D. Pictures

NHSTR-2019-05/SCHWARTZ ATTACHMENT A





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Rules:

- Only two renters are allowed per guest room (6 renters total). This does not include children three years and under.
- Maximum of 3 cars allowed. 3 off-street parking spaces are in the driveway. Parking on the street is not allowed.
- No pets allowed. Any sign of pets in the house will result in the loss of deposit.
- Quiet hours are from 9pm - 7am (county ordinance).
- No parties or large gatherings allowed.
- Outdoor amplified sound is prohibited.
- Outdoor fire areas are only permitted in compliance with applicable state and local laws and shall not be utilized by short-term renters during quiet hours.
- No Smoking - this is a non-smoking residence and any evidence of smoking will result in a loss of deposit.
- A trash bin and a recycling bin are located in the yard, behind the north gate. They should remain stored out of public view.
- Subletting - Guest is not authorized to let or sublet all or any part of the premises nor assign the lease or any interest in it without the prior consent of the owner.
- Internet Use - You agree that you will not:
 - a. Give out wireless internet password outside of your rental party.
 - b. Reset, erase, or modify the router password.

- c. Transmit any material that is unlawful.
- d. Transmit any material that infringes copyright or other proprietary rights of any party.
- e. Use the internet for excessively high volume data transfers.

No warranty is provided for Internet use. Internet use and related equipment are provided "as is" without warranty or guarantee of any kind. In no event shall the Owner be liable for its use. By electing to use the Internet you assume all risks and hold harmless in the event of any damages you may suffer due to security breaches.

Check In & Out

- Check in is at 3pm and checkout at 11am. Early check in and check out may be possible with prior arrangements.
- Checkout Procedure:
 - Remove all sheets from beds and leave on top of the bed.
 - Leave towels on the floor of the bathroom.
 - Remove all food from refrigerator.
 - Clean all used dishes, pots, and pans.
 - Wipe down kitchen counters.
 - Take trash and recycling out and put in the provided bins located in the yard, behind the north gate.
 - Lock all doors and return keys to the lock box.







