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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. 2019-11/Kokx

EXECUTIVE SUMMARY

The applicant has applied for a Non-hosted Short-term Rental permit, located at 665 E. Inyo Street, in Lone 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: Russell & Amy Kokx
Site Address: 665 E Inyo Street
Community: Lone Pine, CA
A.P.N.: 005-163-16
General Plan: Residential Medium Density (RM)
Zoning: Single Residence or Mobile home Combined 5,800 sq. ft.
 Minimum (RMH-5,800)

Size of Parcel: .11 acres

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 | Vacant | Agricultural (A) | Single Residence or Mobile home Combined 5,800 sq. ft. minimum(RMH-5,800) Rural Residential, 10-acre minimum, Mobilehome Overlay (RR-1.0-MH) |
| West | Residential | Residential Medium Density (RM) | Single Residence or Mobile home Combined 5,800 sq. ft. minimum(RMH-5,800) |
| South | Residence with grazing land | Tribal Land (TL) | Indian Reservation |

Staff Recommended Action: 1.) Approve the Non-hosted Short-term Rental Permit No. 2019-11/Kokx

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.

Assistant Planner: Ryan Standridge

STAFF ANALYSIS

Background and Overview

The applicant has applied for and received a Hosted Short-term Rental Permit from the Inyo Planning Department, for the residence located at 171 S. Mt. Whitney Drive in Lone Pine, as required by section 18.73.03(d) of the Inyo County Code. The applicant is requesting the 665 E. Inyo Street residence be rented 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 residential dwelling unit 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 Rental Permit.

The residence is located in the Lone Pine Community, surrounded by developed residential parcels to the north and west. The parcel east is vacant agricultural land and tribal land located south of the proposed rental.

General Plan Consistency

The goal of this review 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 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 complies with 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 2019-11/Kokx 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 No. 2019-11/Kokx, subject to the Conditions of Approval:

Recommended Findings for NH-STR No. 2019-11/Kokx:

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, 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."]
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 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). 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 regulates transient occupancy. 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 rental location.]

6. The proposed Non-hosted Short-term 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 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 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. 2019-11/ Kokx. 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.

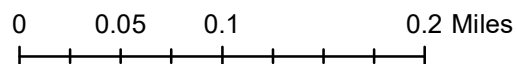
SUMMARY

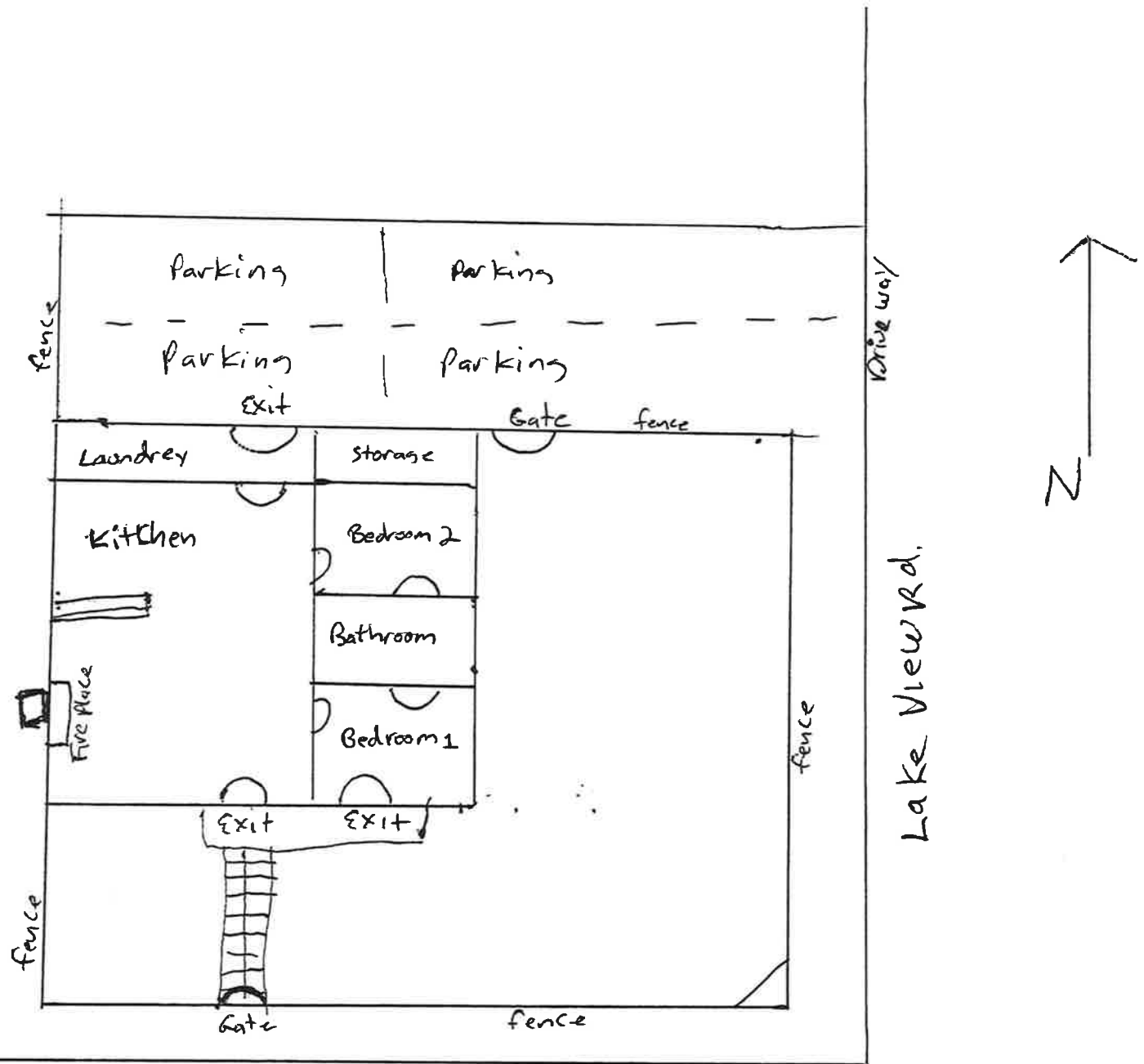
Staff recommends that the Planning Commission make certain findings with respect to and approve Non-hosted Short-term Rental Permit No. No. 2019-11/Kokx and find it exempt from CEQA.

EXHIBITS

- A. Vicinity Map
- B. Site Plan
- C. Photos
- D. Rules

Kokx Non-Hosted 2019-11 Exhibit A





665 E Inyo









665 E. Inyo St. Vacation Property Rules

VACATION RENTAL HOUSE RULES

Complying with these House Rules is a requirement of the vacation rental agreement. Failure to adhere to the below House Rules may result in penalties such as deductions from the security deposit.

GENERAL REQUIREMENTS

- a) All Guests (and Visitors) must comply with all House Rules and any other instructions from the Property Manager during their stay.
- b) Guests must notify the Owner and Property Manager of any disputes or complaints from neighbors as soon as reasonably practicable.
- c) Only two (2) renters are allowed per guest room. This number does not include children three (3) years or younger.
- d) Check in time is 3:00 PM.
- e) Check out time is 11:00 AM. REACH Air Medical Services, LLC

EMERGENCY CONTACTS

- a) Owners Russell & Justine Kokx 661-809-4427; 760-876-0074
- b) Emergency Contact Jeanie Smith 559-240-1325.

NOISE AND THE NEIGHBORHOOD

- a) Outdoor amplified sound is prohibited.
- b) This Vacation Rental is suitable for children. Guests and Visitors are fully responsible for the safety and security of their children at all times, as well as any disturbance caused to the other residents in the Neighborhood.
- c) Quiet hours shall be from 9:00 PM to 7:00 AM.
- d) Excessive noise is always prohibited and may result in termination of the vacation rental agreement, eviction, loss of rental paid and extra charges, which may be deducted from the Security Deposit.

VISITORS

- a) Guests are allowed a maximum of four (4) daytime Visitors during their stay.
- b) Guests are responsible for ensuring maximum visitor numbers are not exceeded; and that, Visitors are complicit with these House Rules.
- c) Any additional overnight Visitors must be approved in advance during the booking process and are subject to an additional fee as noted in the price.
- d) Occupancy is limited at two (2) Guests per bedroom, for a maximum of 2 Guests (not including children ages 5 and under).

PARKING

- a) Guests and any Visitors must comply with parking regulations and other requirements as set forth below and show consideration to neighbors and other vehicles.
- b) No street parking permitted.
- c) Parking is limited to the alley access parking on the west side of the property.

- d) A maximum of 1 (one) vehicle per guest room shall be allowed.

FUNCTIONS

- a) Parties and large gatherings are strictly prohibited at the Vacation Rental.
- b) Any small gatherings must comply with other rules set regarding Noise, the Neighborhood and Visitor numbers.

SECURITY

- a) Any time Guests leave the Vacation Rental, it is their responsibility to ensure all windows and doors are closed/locked to maintain security and prevent rain and water damage.
- b) Guests must switch off all lights, swamp coolers, fans, electronics when not in use to promote energy savings.
- c) Guests must ensure the swamp cooler and ceiling fans are turned off prior to vacating the Rental property.
- d) During the winter months, Guests must ensure the heater is set to 50 degrees before vacating the Rental property.
- e) Guests must ensure the Doggie Door is securely closed before vacating the vacation Rental Property.
- f) Guests must close the lock the gate when vacating the Rental Property.

GARBAGE AND RECYCLING

- a) Guests and their Visitors are to dispose of garbage and recycling in accordance with the usual practice at the Vacation Rental (as set forth below) in the allocated trash cans, and excess rubbish must not be left in public or common areas.
- b) Garbage and Recycling arrangements at the Vacation Rental are as follows:
 - Trash and recycle receptacles are in the kitchen and bathrooms.
 - All trash and recyclables must be contained within trash liners.
 - All full trash bags must be placed in the appropriate receptacles located in the back-yard area and tied shut.
 - All trash receptacles within the house must be emptied prior to departing the Rental Property.

SMOKING

- a) Smoking and/or Vaping is not permitted inside the Vacation Rental.
- b) Smoking and/or Vaping is not permitted within the 25 feet of the Vacation Rental.
- c) Cigarette butts must be disposed of properly in the outdoor trash receptable and not thrown on property grounds. Failure to do so will result in a deduction from the security deposit.

PETS

- a) Pets are permitted at the Vacation Rental.
- b) Pet security deposit is required. Damage to the Rental Property and/or furnishing will result in will result in a deduction from the security deposit.
- c) Pets shall be secured on the property at all times. Continual barking or other nuisances created by unattended pets are prohibited.

- d) Guests and their Visitors are responsible for picking up and disposing of animal waste.
- e) Guests and Visitors are responsible for the safety and security of their pets at all times, as well as any disturbance caused to other residences in the neighborhood.
- f) This Vacation Rental is in a rural area, thus coyotes, hawks, lizards, snakes, owls, etc. may roam the property.
- g) Guests and Visitors shall not harm or harass wildlife that arrive on or live on the property.

BARBEQUE

- a) Propane and Charcoal barbeques are provided on the premises.
- b) Guests must turn off the propane when the barbeque is not in use.
- c) Guests must ensure the barbeque lids are closed and the covers are replaced when not in use.
- d) Guests are responsible for cleaning the grill after each use.

FIREPLACE AND OUTDOOR FIRES

- a) Fires are permitted in the indoor fireplace only. Outdoor fires are NOT permitted.
- b) The fireplace screen must remain closed during use and non-use.
- c) All fires must be extinguished prior to going to sleep or vacating the Rental Property.

DAMAGES AND BREAKAGES

- a) All damages and breakages must be reported to the Owner and/or Property Manager as soon as reasonably practicable. Failure to report them will likely result in a deduction from the security deposit.
- b) To avoid damages and breakages, no furniture is to be moved from one room to another without prior agreement.

CHECK-OUT ARRANGEMENTS

- a) Check out time is 11:00 AM.
- b) All doors and windows must be locked when leaving the premises.
- c) Key must be returned to the gate lock box.
- d) Entry gate must be locked when leaving the property.

COMPLIANCE

- a) Breach of any of these House Rules is a breach of the Terms and Conditions of occupancy as per the Rental Agreement.
- b) The Owner and Manager reserve the right to terminate permission to occupy and to evict from the Vacation Rental, any Guests or Visitors who refuse to follow these House Rules or who cause a Nuisance to neighbors or other residents of the community.