



Planning Department
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AGENDA ITEM NO.: 5 (Action Item – Public Hearing)

**PLANNING COMMISSION
 MEETING DATE:** August 28, 2019

SUBJECT: Non-Hosted Short-Term Rental Permit
 No. 2019-07/Lozito

EXECUTIVE SUMMARY

The applicant has applied for a Non-hosted Short Term Rental permit, located at 150 Manzanita Road, in Aspendell. 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: George & Kerry Lozito
Site Address: 150 Manzanita Road
Community: Aspendell, CA
A.P.N.: 014-320-22
General Plan: Residential Low Density (RL)
Zoning: One Family Residences 10,000 sq. ft. minimum with a Snow Avalanche Hazard Overlay- (R1-10,000-SAHO)
Size of Parcel: .24 acres

SURROUNDING LAND USE:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Developed	Residential Low Density (RL)	One Family Residences 10,000 Sq. Ft. minimum (R1-10,000 SAHO)
North	Undeveloped	Open Space and Recreation (OSR)	Open Space-40 acre minimum (OS-40 SAHO)
East	Developed	Residential Low Density (RL)	One Family Residences 10,000 Sq. Ft. minimum (R1-10,000 SAHO)

West	Developed	Residential Low Density (RL)	One Family Residences 10,000 Sq. Ft. minimum (R1-10,000 SAHO)
South	Developed	Residential Low Density (RL)	One Family Residences 10,000 Sq. Ft. minimum (R1-10,000 SAHO)

Staff Recommended Action: 1.) Approve the Non-Hosted Short-Term Rental Permit No. 2019-07/Lozito

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 403 Mt. Tom Road in Bishop as required by section 18.73.03d of the Inyo County Code. The applicant is requesting the 150 Manzanita 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 in a location surrounded by residential uses in the R1 zone, as well as vacant land owned by U.S. Forest Service to the north. The residence is located in the Bishop community known as the Aspendell.

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 Low Density (RL) 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 Residential-One Family Residences (R1), 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

As per Section Two of the approved County Ordinance (Chapter 18.73), the Hosted/Non-Hosted Short-Term Rental Permit No. 2019-07/Lozito was reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the County's environmental procedures, and was found to be exempt pursuant to Section 15061(b)(3) (general rule) of the CEQA guidelines, as it constitutes an extension of residential use, with no new development, and can be seen with certainty that there will be no significant effect on the environment.

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. 2019-07/Lozito, subject to the Conditions of Approval:

Recommended Findings for NH-STR No. 2019-07/Lozito:

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 15061(b)(3) (general rule) of the CEQA guidelines, the proposed permit application constitutes an extension of residential use with no new development or change in density and can be seen with certainty that there will be no significant effect on the environment.]
2. The proposed Non-Hosted Short-Term Rental Permit is consistent with the Inyo County General Plan Land Use Designation of Residential Low Density (RL).
[Evidence: The proposed project is consistent with the goals and policies of the General Plan's Land Use designation of Residential Low Density, which allows for 2 to 4.5 dwellings unit per 1 acre. The applicant's proposal to rent the primary dwelling unit that is on a .25 acre parcel, 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 One Family Residences and the applicant is applying for a conditional use permit, and is therefore consistent with Inyo County’s zoning ordinance.]
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 Public Health Department evaluated the application for sewer, septic, and water issues and found no problems however the County Public Works Department identified parking was located on a sewer easement. The proposed project has been conditioned to move the parking off the easement and no other obstructions to the easement will be allowed. The County’s Building and Safety Department was also consulted and no problems were identified by them.]
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 install a barrier to prevent tenants parking on sewer easement.

2. Tenants will not leave trash or food outside. Trash and recyclables will be stored in Laundry room unless Property Owner builds shed or garage that can properly secure bins from wildlife. Owner or designee will remove trash from site upon guest departure.
3. 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. No. 2019-07/Lozito. The County reserves the right to prepare its own defense.
4. The applicant shall conform to all applicable provisions of Inyo County Code. 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.

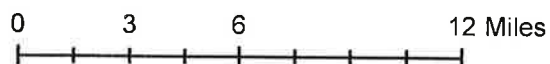
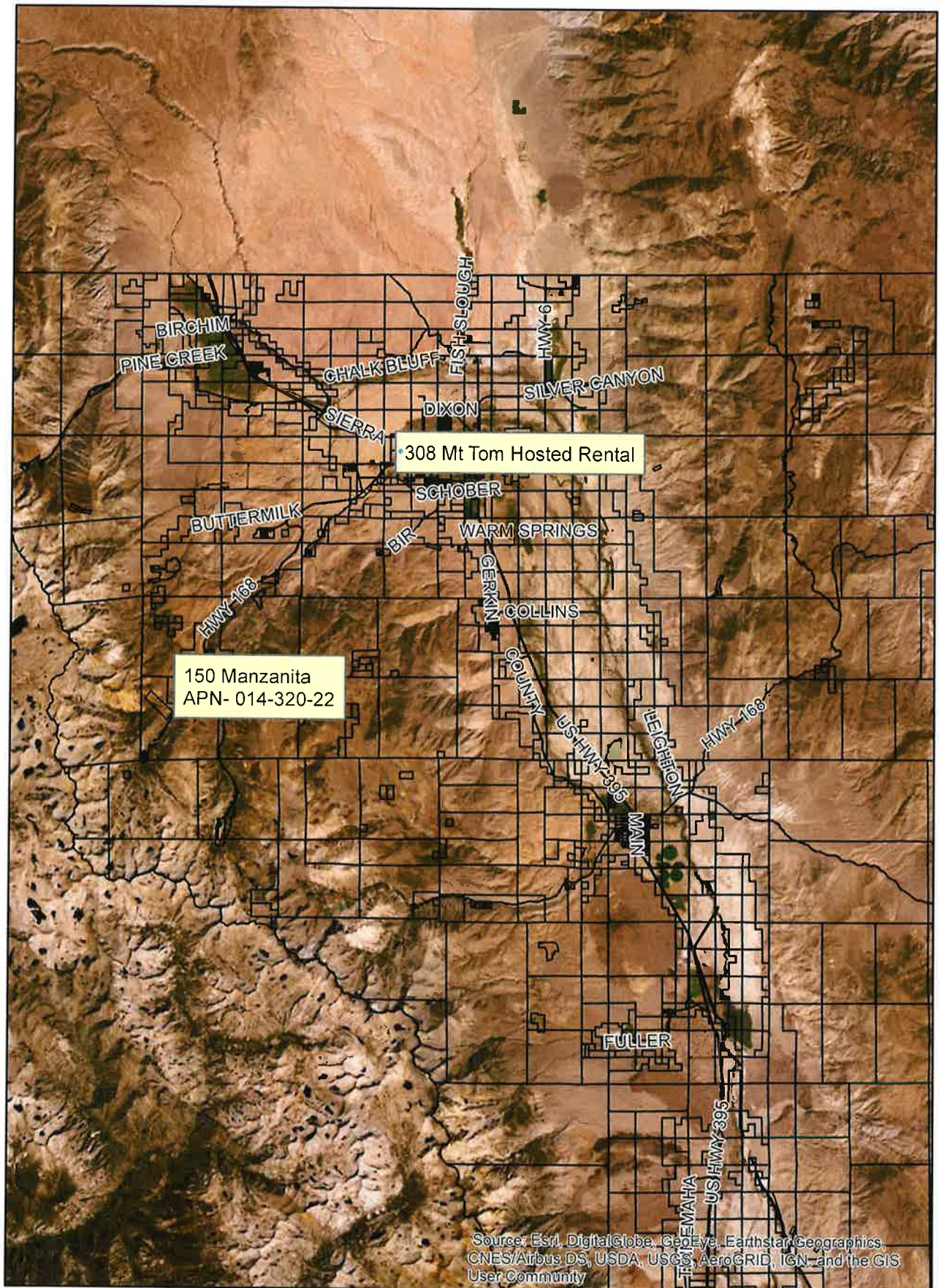
SUMMARY

Staff recommends that the Planning Commission make certain findings with respect to and approve Non-Hosted Short-Term Rental Permit No. No. 2019-07/Lozito and find it exempt from CEQA.

EXHIBITS

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

LOZITO Non-Hosted 2019-07 Exhibit A (1)



LOZITIO Non-Hosted 2019-07 Exhibit A (2)

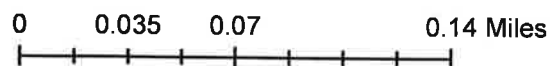


Exhibit B

Site Plan

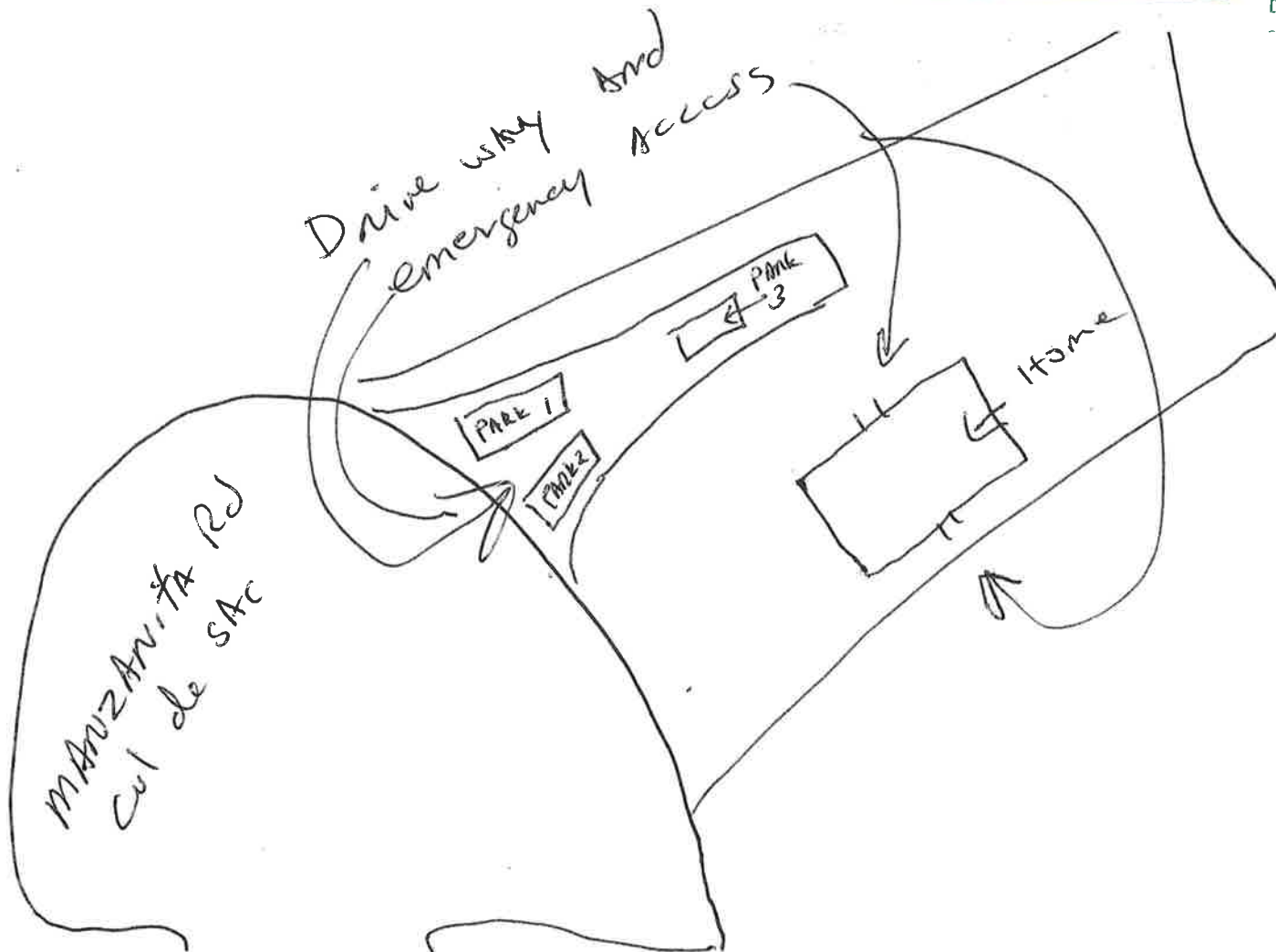
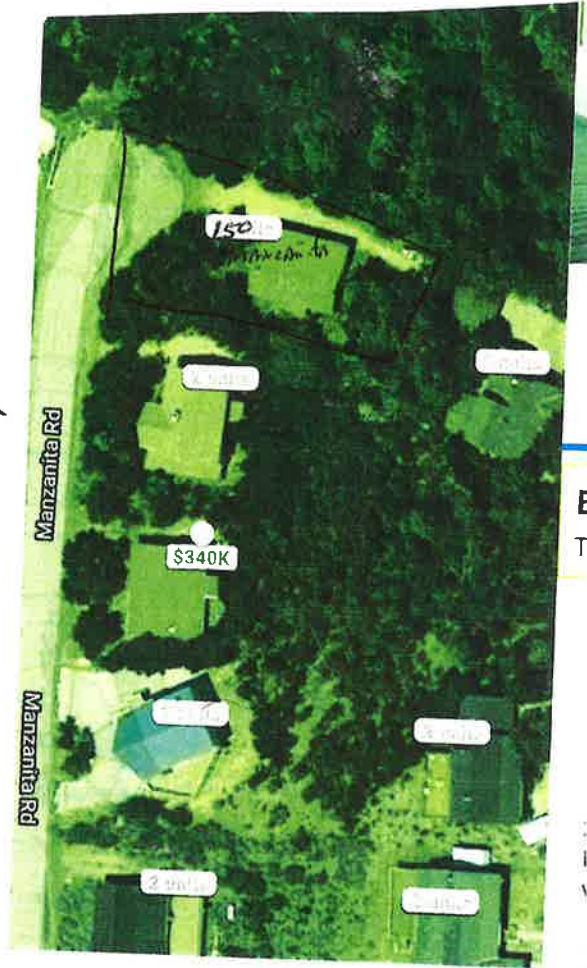


Exhibit D

ASPENDELL RENTAL RULES

4 PEOPLE MAX OCCUPANCY

NO PETS

NO OUTSIDE FIRES

NO ~~GA~~BAGE OR FOOD ALLOWED LEFT OUTSIDE

NO NOISE AUDIBLE BEYOND WALLS BETWEEN 9 PM AND 8 AM

2 VEHICLES MAX

NO CAMPING

MANAGER CONTACT GEORGE 760 937 6405 OR BRUCE 760 920 1295

ROOMS FOR USE ARE BEDROOMS (2) KITCHEN, BATH, LAUNDRY AND LIVING ROOM

NO OUTSIDE AMPLIFIED SOUND

TRASH AND RECYCLING BINS ARE IN LANDURY ROOM

TRANSIENT OCCUPANCY TAX NO. _____(PENDING)

BE NICE!

Exhibit C

Lozito Home Hosted 308 Mt. Tom

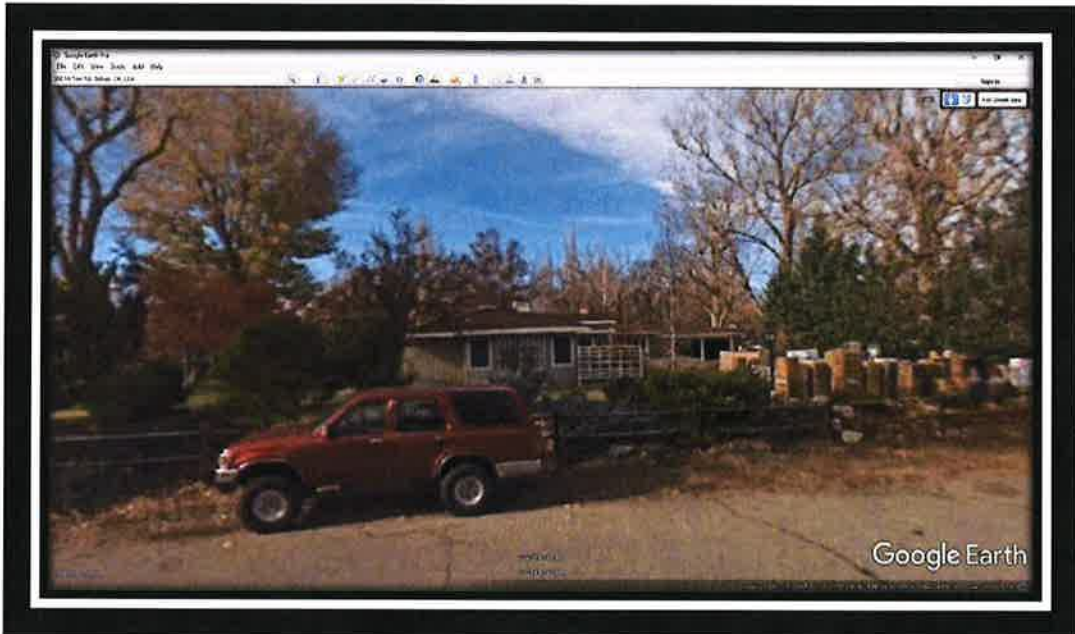


Exhibit C

Lozito Non-Hosted 150 Manzanita



Exhibit C



Ryan Smith-Standridge

From: Bob Steele <bobsteelephoto@gmail.com>
Sent: Thursday, August 8, 2019 11:02 AM
To: Ryan Smith-Standridge
Subject: RE: Request for Information on Lozito Short-term Rental in Aspendell

Ryan,

Thank you for the information. What I can tell from the statistics on numbers of permits applied for, and denied, that the meeting is nothing more than a vent session for those of us who don't want this to happen in our neighborhood. The commission will rubber stamp any lawfully applied for permit. I guess I don't see a point to having a public meeting as part of the approval process. I can tell you that there is overwhelming desire not to have short-term rental in my neighborhood, but I guess that won't matter.

Bob

From: Ryan Smith-Standridge <rstandridge@inyocounty.us>
Sent: Thursday, August 08, 2019 8:57 AM
To: bobsteelephoto@gmail.com
Subject: Request for Information on Lozito Short-term Rental in Aspendell

Bob,

Good Morning thank you for your inquiry. The short-term Ordinance does require a hosted rental before applying for a non-hosted. The Lozito's met this requirement when they applied for a hosted at 403 Mount Tom. The applicants provided all the requirements and the Planning Director Approved Permit H-STR-2019-10 June 28, 2019. The Cost of a Non-Hosted is \$1250, and the Hosted is \$350 and these are a deposit only. If the costs for processing the application exceeds the amount of the deposit, the applicant will be responsible for payment of additional monies to cover the cost of processing. Currently only one permit has been denied due to large amount of complaints of operating without benefit of a permit. The public hearing is open to everyone, and offers the opportunity to express one's opinion about the project and The Planning Commission take that into consideration before voting.

Thank You,

Ryan Smith-Standridge
Assistant Planner
(760)878-0263



Paula Riesen

From: shebac199@aol.com
Sent: Friday, August 9, 2019 6:19 AM
To: InyoPlanning
Subject: short term rental

My husband and I live at 199 Alpine Drive in Aspendell and we are opposed to the short term rental at 150 Manzanita. We have had this problem before and had opposed it at that time.

Sincerely,

Hubert and Antoinette Cornett
199 Alpine Drive
Aspendell

Paula Riesen

From: Shirley Fischer <trappedmom@hotmail.com>
Sent: Thursday, August 8, 2019 10:39 PM
To: InyoPlanning
Subject: "Non-Hosted Short-Term Rental Permit No. 2019-07/LOZITO " . . . located at 150 Manzanita Road, in Aspendell

I am concerned with the prospect of short term rentals as a whole in Aspendell, Ca. This community does not have trash pickup available unless it has been privately arranged. Any trash left out is not only unsightly, but a fire hazard and will attract unwelcome wildlife. I would hope that there are enforcements in place to require owners to provide the proper waste disposal instructions and appropriate garbage disposal.
Shirley Fischer Aspendell Owner

Ryan Smith-Standridge

From: Shirley Fischer <trappedmom@hotmail.com>
Sent: Friday, August 9, 2019 8:11 PM
To: Ryan Smith-Standridge
Cc: Cathreen Richards
Subject: Re: "Non-Hosted Short-Term Rental Permit No. 2019-07/LOZITO "... located at 150 Manzanita Road, in Aspendel

Ryan

How kind of you to respond to my concerns.

I did read the Inyo County Short Term Rental Ordinance. I hope that as more owners decide to apply for permits that they will be as diligent as the Lozito's seem to be. Fire and safety are foremost on my mind in a remote area as Aspendell . Thank you again.

Sent from my iPad

> On Aug 9, 2019, at 4:21 PM, Ryan Smith-Standridge <rstandridge@inyocounty.us> wrote:

>

> Shirley,

> Thank you for your response. The Inyo County Short-term Rental ordinance requires Trash and recycling to be provided by the host/manager. It is required to be listed in the rules and the Lozito's have exceeded the requirement by including no trash or food is to be left outside. Curbside collection is not required by the ordinance. The Lozito's live 16 minutes from the site and this home will be utilized by them the majority of the time to get out of the summer heat or to ski in the winter . The Lozito's will be removing the trash upon the tenants leaving. I have attached a set of the rules that might answer any additional questions you may have.

>

>

> -----Original Message-----

> From: InyoPlanning

> Sent: Friday, August 9, 2019 8:18 AM

> To: Ryan Smith-Standridge; Cathreen Richards

> Subject: FW: "Non-Hosted Short-Term Rental Permit No. 2019-07/LOZITO

> "... located at 150 Manzanita Road, in Aspendel

>

> Hi Ryry

>

> -----Original Message-----

> From: Shirley Fischer [<mailto:trappedmom@hotmail.com>]

> Sent: Thursday, August 8, 2019 10:39 PM

> To: InyoPlanning

> Subject: "Non-Hosted Short-Term Rental Permit No. 2019-07/LOZITO ".

> . located at 150 Manzanita Road, in Aspendel

>

> I am concerned with the prospect of short term rentals as a whole in Aspendell, Ca. This community does not have trash pickup available unless it has been privately arranged. Any trash left out is not only unsightly, but a fire hazard and will attract unwelcome wildlife. I would hope that there are enforcements in place to require owners to provide the proper waste disposal instructions and appropriate garbage disposal.

> Shirley Fischer Aspendell Owner

> <0700_001.pdf>

Ryan Smith-Standridge

From: Ryan Smith-Standridge
Sent: Monday, August 12, 2019 9:03 AM
To: 'jd4ever@dslextreme.com'
Subject: RE: NO! On Short Term Rentals In Aspendell
Attachments: 0705_001.pdf

I apologize I forgot to attach the ordinance.

-----Original Message-----

From: Ryan Smith-Standridge
Sent: Monday, August 12, 2019 8:56 AM
To: 'jd4ever@dslextreme.com'
Subject: RE: NO! On Short Term Rentals In Aspendell

Christine,

Thank you for your response. The Inyo County Short-term Rental ordinance addresses many of your concerns required to be listed in the rules. The Lozities live 16 minutes from the site and this home will be utilized by them the majority of the time to get out of the summer heat or to ski in the winter. . I have attached a set of the rules, and the ordinance that might answer any additional questions you may have.

-----Original Message-----

From: InyoPlanning
Sent: Monday, August 12, 2019 8:39 AM
To: Ryan Smith-Standridge
Subject: FW: NO! On Short Term Rentals In Aspendell

From: Christine Arendas [jd4ever@dslextreme.com]
Sent: Sunday, August 11, 2019 10:20 AM
To: InyoPlanning; Lenore Stein
Subject: NO! On Short Term Rentals In Aspendell

To Whom It May Concern,

I am a property owner in Aspendell and member of The Aspendell Property Owners Association.

We property owners are overwhelmingly against short term property rentals in our peaceful, crime free and trash free community. A major reason why I bought property in Aspendell was because of the tranquillity which we could not achieve in a town like Mammoth as an example where there are many rentals and much noise. I know my neighbors. Short term rentals with people we do not know or trust leaves our properties open to trespassing and possible break-in since there are no fences or locked gates in our community, especially during winter months. A break-in or damage could occur and no one would be aware since Manzanita is primarily an empty street, most owners do not visit during the harsh winter months (many owners are elderly). Our cabin has already been a victim of a "Hole" from a BB gun fired through our upstairs window while we were not present.

Fire safety is also an issue in our community. Drunken party goers are not exactly responsible nor do they care or give a thought to fire prevention. I can just imagine firecrackers on the 4th of July. Major fire danger!!



Bill Wagner
3020 E Cardinal St
Anaheim, CA 92806
bwagner8888@att.net
Tel. (714) 579-7787

August 7, 2019

Planning Department
168 North Edwards Street
Post Office Drawer L
Independence, CA 93526

Dear Manager:

I refer to your letter regarding Non-Hosted Short-Term Rental Permit No. 2019-07/LOZITO. This is regarding rentals in Aspendell for 30 days or less.

As owner of the cabin at 210 Alpine Drive in Aspendell, we request that you do NOT allow such short term (less than 30 days) rentals.

Should you want to contact me on this issue I can be reached at the above Anaheim contact information.

Thank you for sending your letter on this issue.

Sincerely,


William A. Wagner