



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

Phone: (760) 878-0263
FAX: (760) 872-2712
E-Mail: inyoplanning
@inyocounty.us

AGENDA ITEM NO.: 10 (Action Item – Public Hearing)
PLANNING COMMISSION MEETING DATE: January 23, 2018
SUBJECT: Zone Reclassification (ZR) 2018-08/Jellison

EXECUTIVE SUMMARY

The applicant, Robert Jellison, is proposing to change the Zoning Designation on a property, located at 2476 and 2478 Dixon Lane Bishop Ca, 93514 with Assessor Parcel Number (APN) 010-081-40 and zoned Multiple Residential with a 14,000 square foot minimum and has the General Plan designation of Residential Medium (RM). The applicant is requesting the Zoning Designation of Single Residence or Mobilehome Combined, with a 7,200 square foot minimum (RMH-7200). The existing General Plan designation is consistent with the proposed Zoning designation and will not change. The proposed zoning is consistent with the current use on the parcel (a single family residence and an accessory dwelling unit). The applicant has applied for a Hosted Short-Term rental at this property, which is allowed in the RMH zoning, but not in the R2 zoning.

PROJECT INFORMATION

Supervisory District: 1

Project Applicant: Robert Jellison

Property Owner: Robert Jellison and Irene S Yamashita

Site Address: 2476 Dixon Lane and 2478 Dixon Lane

Community: Bishop, California

A.P.N.: 010-081-40

General Plan: Residential Medium (RM)

Zoning: Multiple Residential with a 14,000 square foot minimum

Size of Parcel: Approximately 0.35-acres

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Residential	Residential Medium- Density (RM)	Multiple Residential – 14,000 square foot minimum –
North	Agriculture	Natural Resource (NR)	Open Space -40 Acre Minimum
East	Residential	Residential Medium- Density (RM)	Single Residence or Mobilehome Combined – 7,200 square foot minimum (RMH-7,200)
South	Residential	Residential Medium- Density (RM)	Single Residence or Mobilehome Combined – 7,200 square foot minimum (RMH-7,200))
West	Residential	Residential Medium- Density (RM)	Single Residence or Mobilehome Combined – 7,200 square foot minimum (RMH-7,200)

Staff Recommended Action: **Make certain Findings with respect to and recommend the Board of Supervisors approve ZR 2018-08 Jellison, subject to the Conditions of Approval as recommended in this staff report and certify it is exempt from CEQA.**

Alternatives:

- 1.) Deny the ZR.
- 2.) Approve the ZR with additional or modified 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, Assistant Planner

STAFF ANALYSIS

Background and Overview

The applicant has applied for a ZR, to change the zoning of the property from R2-14,000 to RMH-7,200 with the intent of operating a Hosted Short-Term Rental on the property. Hosted Short-Term Rentals are not allowed in the R2 zone but permitted in the RMH zone.

The property has an existing, 1,380-square-foot single family residence and a 900-square-foot accessory dwelling unit (Attachment A - Vicinity Map). While the property is zoned for multiple residential use, only the single residence exists on the property. The applicant has already applied for a Hosted Short-Term Rental. That application has been reviewed and no issues have arisen that would result in the denial of the request, except for the property being zoned R2.

It appears that the Planning Department created a situation that resulted in this parcel being spot zoned (Attachment B map of the existing zoning)(Attachment C map of proposed zoning). This was due to the prior accessory dwelling unit requirements that did not allow for accessory dwelling units in the RMH zone. In the early 1990s the Planning Department actively looked for parcels with more than one unit in the single family home zones and encouraged the owners to rezone to multiple residence zones. Later, changes in California law made it illegal for local jurisdictions to have regulations that did not allow for accessory dwelling units on their single family zoning designations. Changing this property's zoning back to RMH causes a more consistent zoning pattern in the area, eliminating the "spot zone" of R2 that extends into RMH zone and makes the zoning more consistent with the current use.

The location of the existing residence and accessory dwelling unit on the lot, make the potential development of a second single family residence difficult at best (Attachment D, existing structures). This current configuration of buildings effectively prohibits the full potential of the R2 zoning; therefore, this zone reclassification does not result in losses to single family home development opportunity.

General Plan Consistency

The project is consistent with the General Plan designation of RM (Policy LU-2.2) since the project parcel and the surrounding area have this designation. RM also corresponds to the RMH 7,200 zoning that is being requested by the applicant. The density of the RM General Plan Designation (4.6-7.5-units/acre) is consistent with existing and allowed development under the RMH zoning.

Zoning Ordinance Consistency

Changing the subject parcel zoning from R2 to RMH, allows the parcel to be consistent with the surrounding area. There is one other multiple residential zoned parcel (R3) in the general area located at the end of the block. This parcel is also spot zoned; however, the current use corresponds to the R3 zone. This proposed zone change brings the parcel into consistency with its neighboring parcels. Since the property has only been developed with a single-family residence and an accessory dwelling unit (1,200-square-feet or less), the R2 zone is inconsistent with the existing development of the property, as well. Moreover, because of the current residential development and its placement on the lot, the full development potential of the lot under the R2 zoning is unlikely, and this zone reclassification will not cause losses to development potential.

Utilities and Public Services

Utility and public services are provided to the existing single-family residence, and existing accessory dwelling unit. With no potential for further development, no need to increase or change service provision is anticipated.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposal is covered by the General Rule 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with

certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed zoning change reduces potential future development, and the parcel is currently fully developed by the existing residential use, and therefore the project is exempt.

NOTIFICATIONS

ZR 2018-10/Jellison was noticed in the Inyo Register and sent to the property owners of properties within 300-feet of the project, ten days prior to the Planning Commission Hearing. No comments have been received to date.

RECOMMENDATION

Planning Department staff recommends the approval of Zone Reclassification No. 2018-10/Jellison, with the following Findings and Condition of Approval:

FINDINGS

1. The proposed Zone Reclassification is exempt under CEQA Guidelines 15061(b)(3), General Rule.
[Evidence: The proposal is covered by the General Rule 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed zoning change reduces potential future development, and the parcel is currently fully developed by the existing residential use, and therefore the project is exempt.]
2. The proposed Zone Reclassification is consistent with the Inyo County General Plan Land Use designation of Residential Medium Density (RMH).
[Evidence: The project is consistent with the General Plan designation of RM. The surrounding areas zoned RMH have the RM General Plan Designation and the density of the RM General Plan Designation is consistent with existing and allowed development under the RMH zoning.]
3. The proposed Zone Reclassification is consistent with Title 18 (Zoning Ordinance) of the Inyo County Code.
[Evidence: Changing of the zoning from R2 to RMH brings the project parcel's zoning into consistency with adjacent zoning and current development on the parcel. Since the property has only been developed to have a single family residence, the change in zoning is not inconsistent with the existing development of the property.]
4. The proposed Zone Reclassification is not likely to cause substantial impacts to public health, safety or welfare.
[Evidence: The property is currently developed as a single family residence. The R2 zoning would allow for a second residence to be developed on the property as well as an accessory dwelling unit. These potential expansions of use are currently allowed for and anticipated by the General Plan and Zoning Code. The

proposed zoning minimally restricts any potential future development to a State allowed accessory dwelling unit. Therefore potential future impacts, which have already been anticipated and allowed for, are reduced.]

CONDITIONS OF APPROVAL

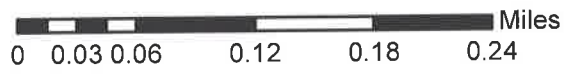
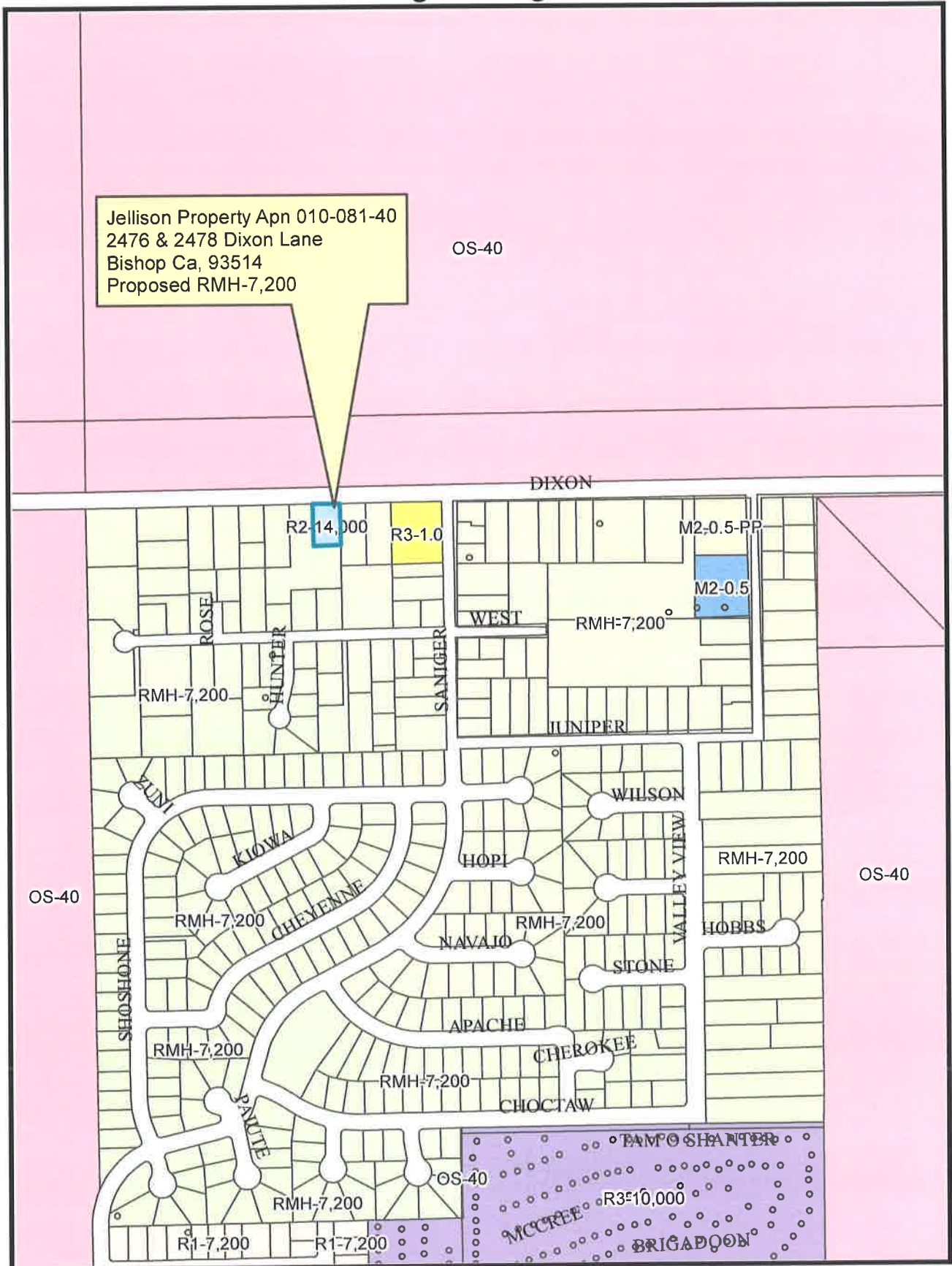
1. The applicant, landowner, and/or operator shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Zone Reclassification No. 2018-10/Jellison. The County reserves the right to prepare its own defense.

Attachments

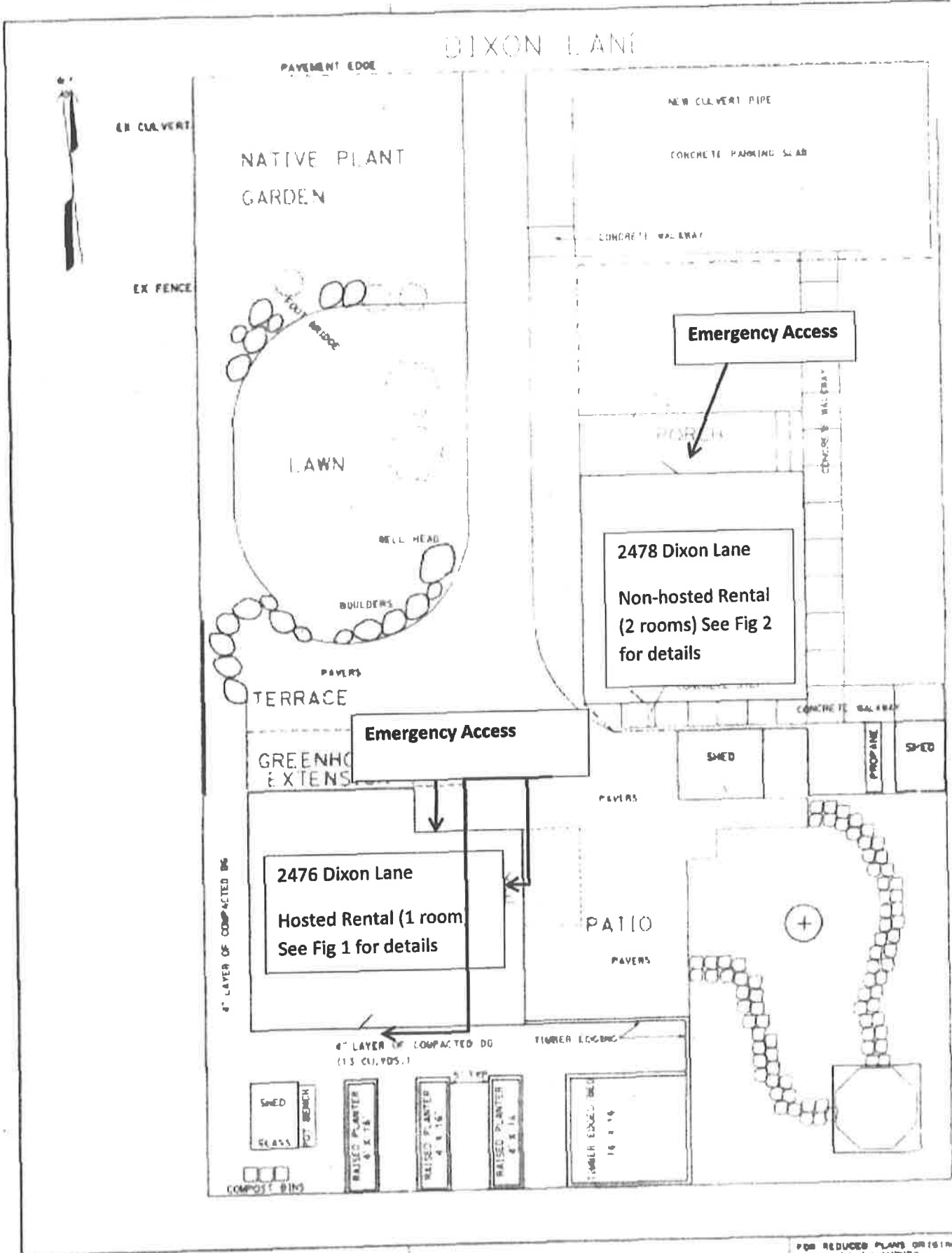
- A. Vicinity Map
- B. Existing Zoning
- C. Proposed Zoning
- D. Site Plan
- E. Existing Structures
- F. Aerial overhead

Zone Reclassification 2018-010/Jellison

Existing Zoning



Attachment D



FOR REDUCED PLANS ORIGINAL 11" SCALE IS 1/4" INCHES

Attachment E



APN 010-081-40

ZR2018-10Jellison

Attachment F

Legend

 2478 Dixon Ln



2478 Dixon Ln

Google Earth™

© 2018 Google

70 ft

