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AGENDA ITEM NO.: 6(Action Item – Public Hearing)

**PLANNING COMMISSION
 MEETING DATE:** April 24, 2019

SUBJECT: Non-Hosted Short-Term Rental Permit
 No. 2018-15/Davidson

EXECUTIVE SUMMARY

The applicant has applied for a Non-hosted Short-Term Vacation Rental permit, located at 260 S. Mount Whitney Drive 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: 5
Project Applicant: Jeffrey Davidson & Tamara Davidson
Site Address: 260 S. Mount Whitney Drive
Community: Lone Pine, CA
A.P.N.: 005-153-13
General Plan: Residential Medium Density (RM)
Zoning: RMH Single Residence or Mobilehome 5,800 (RMH-5,800)
Size of Parcel: Approximately 0.17-Acres

SURROUNDING LAND USE:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Residential	Residential Medium- Density (RM)	Single Residence or Mobilehome Combined – 5,800 square foot minimum (RMH-5,800)
North	Residential	Residential Medium- Density (RM)	Single Residence or Mobilehome Combined – 5,800 square foot minimum (RMH-5,800)
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: 1.) Approve the Non-Hosted Short-Term Vacation Rental Permit 2018-15/Davidson

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: Ryan Standridge

STAFF ANALYSIS

Background and Overview

The applicant has applied for and received a Hosted Short-Term Vacation Rental Permit from the Inyo County Planning Department, for the residence located at 260 S. Mount Whitney in Lone Pine. There is a primary residence with an Accessory Dwelling unit which the applicant would like to rent as a non-hosted short term 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 Vacation Rental Permit aligns with Inyo County Code Section 18.73-*Short-Term Rental of Residential Property*, which allows for the rental of 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, and 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 in a location surrounded by developed residential parcels to the north, south east and west. The residence is in the Lone Pine community.

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 is compatible with the General Plan.

Zoning Ordinance Consistency

The applicant's residence is zoned RMH Single Residence or Mobilehome (RMH-5,800), which is defined as an eligible zoning area for short term rentals with a conditional use permit. The current use will not change and therefore once the conditional use permit is obtained it will be 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 2018-15/Davidson 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 Vacation Rental Permit 2018-15/Davidson, subject to the Conditions of Approval:

Recommended Findings for NH-STR 2018-15/Davidson:

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 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 Vacation 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 have one primary and one accessory dwelling unit on the parcel, and is consistent with Inyo County's General Plan designation for this property and in accordance with Government Code Section 65852.2.(a)(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot.]

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) with a conditional use permit. The applicant's property is zoned Single Residence and 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 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. 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, 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 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. 2018-15/Davidson. The County reserves the right to prepare its own defense.

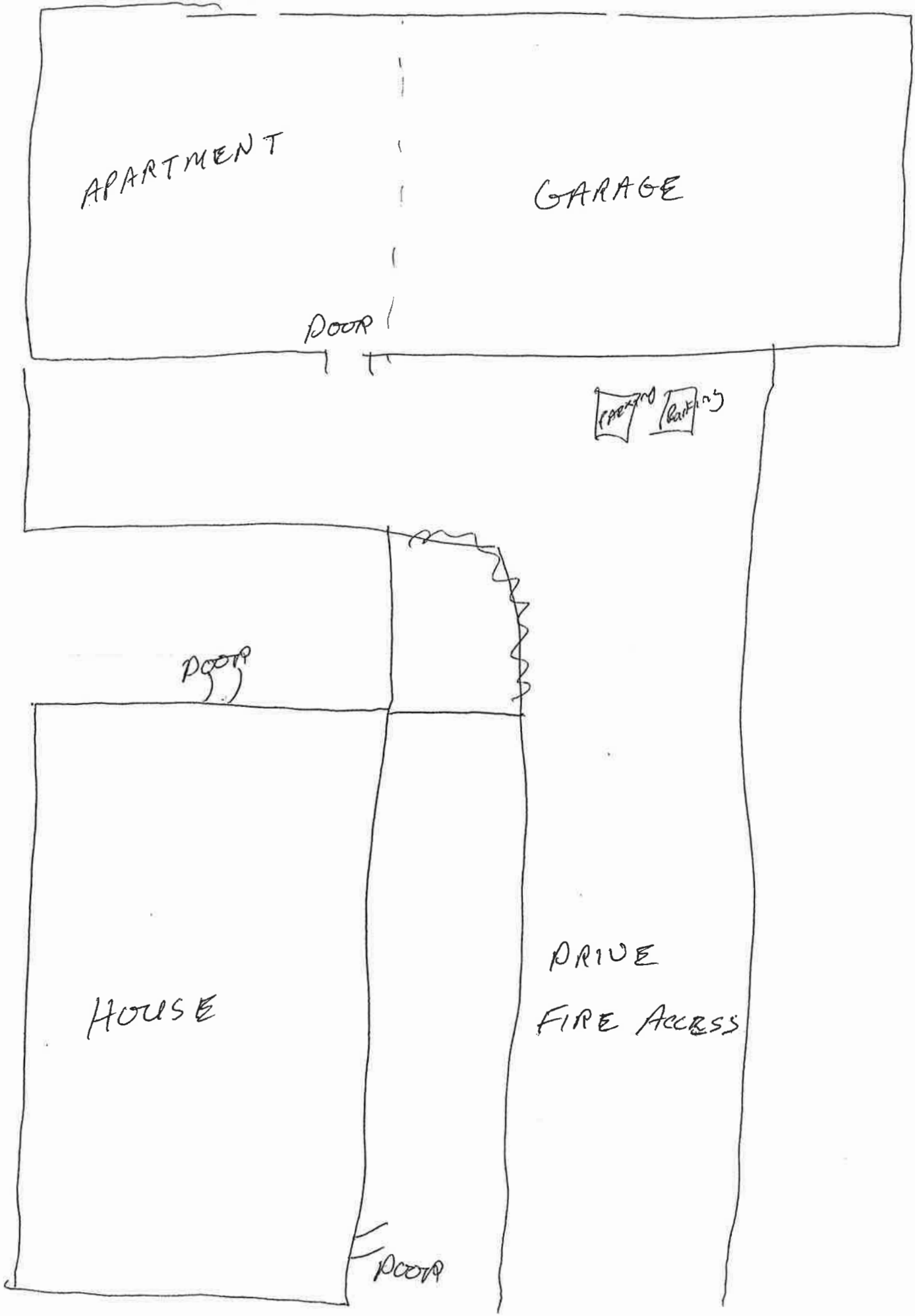
2. The applicant shall conform to all applicable provisions of Inyo County Code, failure to do so could cause the revocation of the permit. If the use provided by this Non-Hosted Short-Term Vacation Rental Permit is not established within one year of the approval date it will become void.

SUMMARY

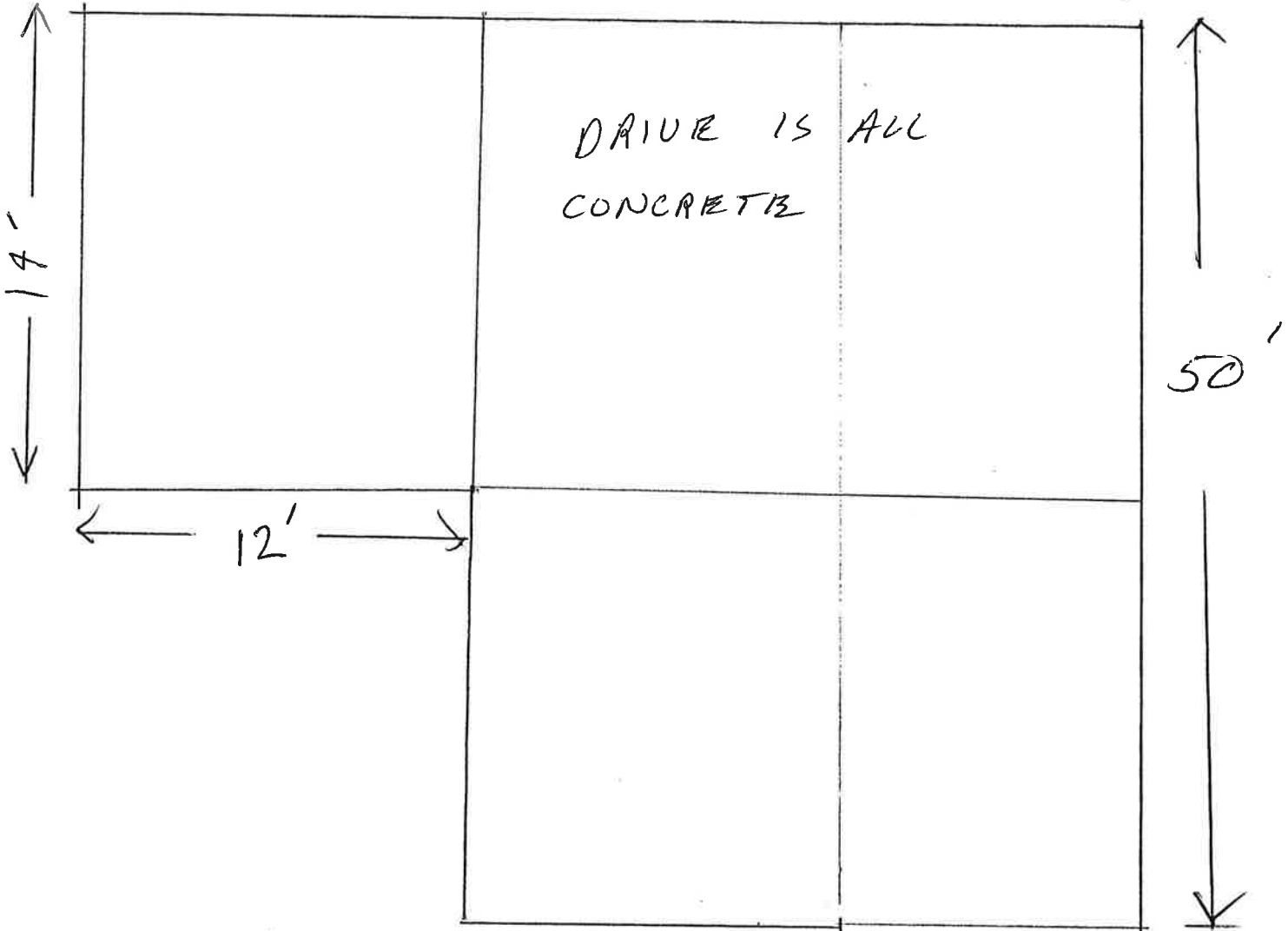
Staff recommends that the Planning Commission make certain findings with respect to and approve Non-Hosted Short-Term Vacation Rental Permit No. 2018-15/Davidson and find it exempt from CEQA.

EXHIBITS

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



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JEFFREY A. & TAMARA DAVIDSON
260 S. MOUNT WHITNEY DRIVE
LOVE PINE, CA 93545
PARCEL 005-153-13

12'

TOWN OF LONE PINE 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

1. All Guests (and Visitors) must comply with all house rules and any other instructions from the Property Manager during their stay
2. Guests must notify the Owner and Property Manager of any disputes or complaints from neighbors as soon as reasonably possible
3. Only two (2) renters are allowed per guest room. This number does not include children three (3) years or younger
4. Check In time is 3:00pm
5. Check Out time is 11:00am

NOISE AND THE NEIGHBORHOOD

1. Outdoor amplified sound is prohibited
2. 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 other residents in the Neighborhood
3. Quiet hours shall be from 9:00pm to 7:00am.

EMERGENCY CONTACTS

1. Rhiannon Thompson, Property Manager (765) 437-9589
2. Jeff Davidson, Property Owner (765) 860-2929

VISITORS

1. Guests are allowed a maximum of four (4) daytime Visitors during their stay
2. Guests are responsible for ensuring maximum visitor numbers are not exceeded; and that, Visitors are compliant with these House Rules
3. 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
4. Occupancy is limited at two (2) guests per bedroom, for a maximum of 4 guests

PARKING

1. Guests and any visitor must comply with parking regulations and other requirements set out below and show consideration to neighbors and other vehicles
2. No street parking permitted
3. Parking is limited to the driveway only
4. A maximum of one (1) vehicle per guest room shall be allowed

PETS

1. Pets are NOT permitted at the Vacation Rental

BARBECUE

1. Propane and Charcoal Barbecues are NOT provided on the premises

DAMAGES AND BREAKAGES

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

CHECK OUT ARRANGEMENTS

1. Check out time is 11:00am
2. All doors and windows must be locked when leaving the premises

COMPLIANCE

1. Breach of any of these House Rules is a breach of the Terms and Conditions of occupancy as per the Rental Agreement
2. The Owner and Manager reserve the right to terminate permission to occupy and to evict from the Vacation Rental, and guests or Visitors who refuse to follow these House Rules or who causes a nuisance to neighbors or other residents of the community

FUNCTIONS

1. Parties and large gatherings of any kind are strictly prohibited and the Vacation Rental
2. Any small gathering must comply with other rules set regarding noise, the neighborhood, and visitor numbers

SECURITY

1. 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 or water damage
2. Guests must switch off lights, heater/air conditioner, fans, electronics such as televisions when not in use to promote energy saving
3. Guests must ensure the heater/air conditioner and ceiling fans are turned off prior to vacating the Rental Property
4. 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 (9:00pm to 7:00am)

GARBAGE AND RECYCLING

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

SMOKING

1. Smoking and/or vaping is not permitted inside the Vacation Rental
2. Smoking and/or vaping is not permitted within 25 feet of the Vacation Rental

3. Cigarette butts must be disposed of properly in the outdoor trash receptacles and not thrown on property grounds. Failure to do so will result in deduction from the security deposit.