



Planning Department
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AGENDA ITEM NO.: 9 (Action Item – Public Hearing)

PLANNING COMMISSION MEETING DATE: January 23, 2018

SUBJECT: Conditional Use Permit (CUP) 2018-06/Gilligan

EXECUTIVE SUMMARY

The applicant has applied for a CUP to install a manufactured home for a caretaker to be located on site.

PROJECT INFORMATION.

Supervisory District:

Project Applicant: Robert Stark of Tumbleweed Manufactured Homes

Property Owner: Larry Gilligan

Site Address: 605 S. Main Street Big Pine, Ca 93513

Community: Big Pine

A.P.N.: 004-152-17

General Plan: Central Business

Zoning: Central Business District

Size of Parcel: Approximately 13,330-Square-feet

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Antique Furniture Store	Central Business District (CBD)	Central Business (CB)- 10,000 sf minimum lot size
North	Vacant and Residential	Central Business District (CBD)	Central Business (CB)- 10,000 sf minimum lot size
East	Public School	Residential Medium High - 7.6 to 15 du/ac (RMH)	Multiple Residential -6,5000 sf minimum lot size (R2-6,500)
South	Antique Hotel	Central Business District (CBD)	Central Business (CB)- 10,000 sf minimum lot size
West	Vacant	Residential Medium - 4.6 to 7.5 du/ac (RM)	Multi Zoned - Single Residence or Mobilehome combined 5,800 sf – minimum lot size Open Space – 40 acre minimum (OS-40)

Staff Recommended Action:

1.) Approve the Conditional Use Permit (CUP) 2018-06/ Gilligan and certify it is Exempt under CEQA.

Alternatives:

- 1.) Deny the CUP.
- 2.) Approve the CUP 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, Assistant Planner

STAFF ANALYSIS

Background and Overview

The Applicant, Larry Gilligan, is requesting a CUP to install a manufactured home to house a caretaker on the same site and serving a proposed antique store. The project includes: installation of 1,080 square foot antique furniture store and warehouse allowed by Inyo County Code 18.44.020. Upon completion of the store, the manufactured home will be installed on a permanent foundation. The project is exempt from the California Environmental Quality Act (CEQA) by the General Rule 15061.

The project is intended to provide a living environment for a caretaker residence to allow for the improved care, maintenance and security of the store.

The project is near the south end of the community of Big Pine on the west side of Main Street/U.S. Highway 395. The project is surrounded by other commercial and residential uses. Vacant land lies to the west of the project site and an antique store and hotel south of the project site. Big Pine School is across the highway from the project area. Refer to attachment A for a Site Location Map, showing an aerial view of the property and the vicinity.

General Plan Consistency

The project is consistent with the General Plan designation of **Central Business District (CSD) Designation (CBD)LU 3.1** as retail commercial uses are allowed in the CBD district. The Antique Peddler and Trading post is an established business in Bishop that is preparing to expand. The Antique Peddler and Trading post will be a good addition to the area by increasing retail spending with tourist and locals in the Community of Big Pine as encouraged by the General Plan. The project goal is to provide a living environment for a caretaker residence to allow for the improved care, maintenance and security of the store.

Zoning Ordinance Consistency

Permitted uses 18.44.020 allows for caretaker residences as a conditional use, “where there exists an otherwise permitted or conditionally permitted use, and when such dwelling is to be used exclusively by a caretaker, superintendent or manager for the permitted or conditionally permitted use.” By obtaining the CUP the project will be consistent with the County’s Zoning Ordinance.

ENVIRONMENTAL REVIEW

This project 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 the business for residential use, with no new development, and can be seen with certainty that there will be no significant effect on the environment

“The activity is covered by the general rule 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.”

Staff has determined that the proposed CUP has no possibility of causing significant environmental effects. The project site was previously graded and two stick built storage sheds are currently located on it. There is also existing electrical service, water and sewer services located on the site.

RECOMMENDATION

Planning Department staff recommends the approval of Conditional Use Permit No. 2018-06/Gilligan, with the following Findings and Conditions of Approval:

Findings

1. The Planning Commission certifies that the provisions of the California Environmental Quality Act (CEQA) have been satisfied, as the project was deemed exempt from environmental review under CEQA Guidelines Section 15061.b.3, the general rule.
[Evidence: Staff determined that the proposed caretaker residence could not have a significant effect on the environment, due to the fact that the site is already disturbed. It has been graded and currently has two existing small buildings on it.]
2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Central Business District Designation(CBD).
[Evidence: The proposed Conditional Use Permit is consistent with the goals and objectives of the Central Business District Designation (CBD)LU-3.1 designation, to Provide commercial land uses that adequately serve the existing and anticipated future needs of the community and surrounding environs. No conflicts exist with policies and objectives in the other adopted elements of the General Plan.]
3. The proposed Conditional Use Permit is consistent with the Inyo County Zoning Ordinance, which permits “Caretaker Unit” as a conditional use in the Central Business zone.
[Evidence: Section 18.44.030 The Central Business Zone allows for caretaker residences as a conditional use, “where there exists an otherwise permitted or conditionally permitted use, and when such dwelling is to be used exclusively by a caretaker, superintendent or manager for the permitted or conditionally permitted use.”. By obtaining a CUP the use will be consistent with the County’s Zoning Ordinance.]
4. The proposed Conditional Use Permit is necessary or desirable.
[Evidence: General Plan Policy ED-1.1 Business Expansion encourages the expansion of business in the County. Allowing for a full-time caretaker onsite at the Antique furniture will result in improved maintenance of the facility and equipment, and security. Therefore, this is a desirable use that will help to encourage the expansion of business.]
5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.
[Evidence: The addition of the caretaker unit will not result in significantly increased vehicle trips or other usage of the property and services are already provided at the site. Therefore, the proposed caretaker unit will have no impact on transportation and service facilities.]

6. The proposed Conditional Use 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.
[Evidence: The general area of the project is in a location of Central Business uses and vacant land, and the addition of a residential caretaker unit is similar to surrounding uses. The addition of a caretaker unit to Antique furniture store will not have an adverse impact on the health or safety of person living or working in the vicinity, nor will it be materially detrimental to the public welfare. Rather, the provision of a full-time caretaker at the antique furniture store will result in improved care, maintenance and security of the store.]
7. Operating requirements necessitate the caretaker facility's location within the central business district (CBD).
[Evidence: The applicant wishes to have a caretaker to reside onsite to oversee maintenance and security. This use requires a CUP in the CB Zone and therefore is necessary for the operation of the business.]

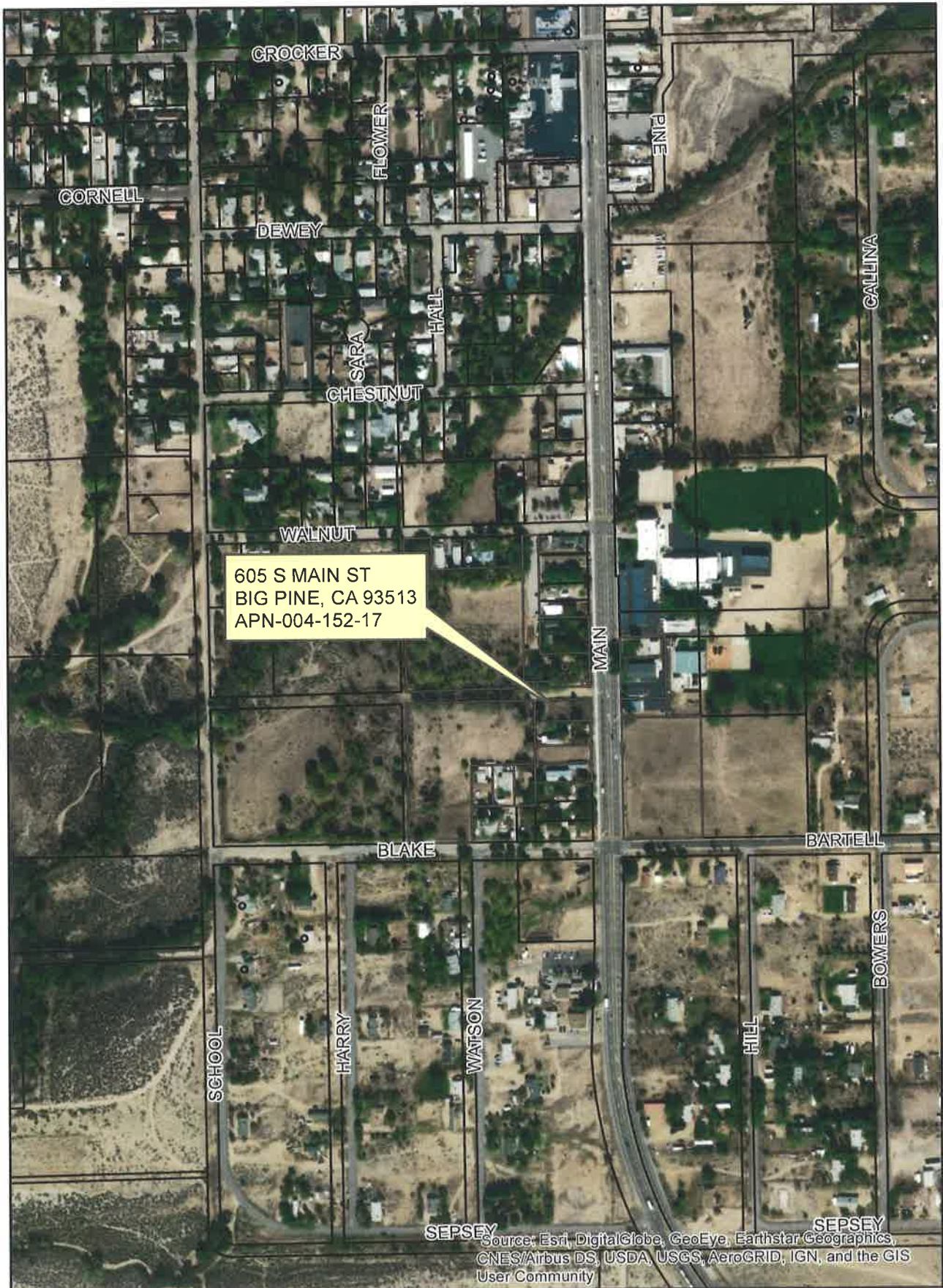
Conditions of Approval

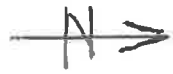
1. **The Principle Permitted Use shall be completed and operational prior to the caretaker unit's occupancy.** The proposed residence shall be used exclusively by a caretaker, superintendent or manager of the facility.
2. **Compliance with County Code** The applicant shall obtain a building permit to make the necessary modifications to construct the proposed residence. The applicant/developer shall conform to all applicable provisions of Inyo County Code.
3. **Hold Harmless** The applicant/developer 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 Conditional Use Permit No. 2018-06 /Gilligan. The County reserves the right to prepare its own defense.

ATTACHMENTS

- A. Vicinity map
- B. Site Plan

CUP2018-06/GILLIGAN Exhibit A (2)





APN: 004-152-17

605 S. MAIN

owner: LARRY MAURICE GILLIGAN

Phone - 702-759-2878

MAILING ADDRESS

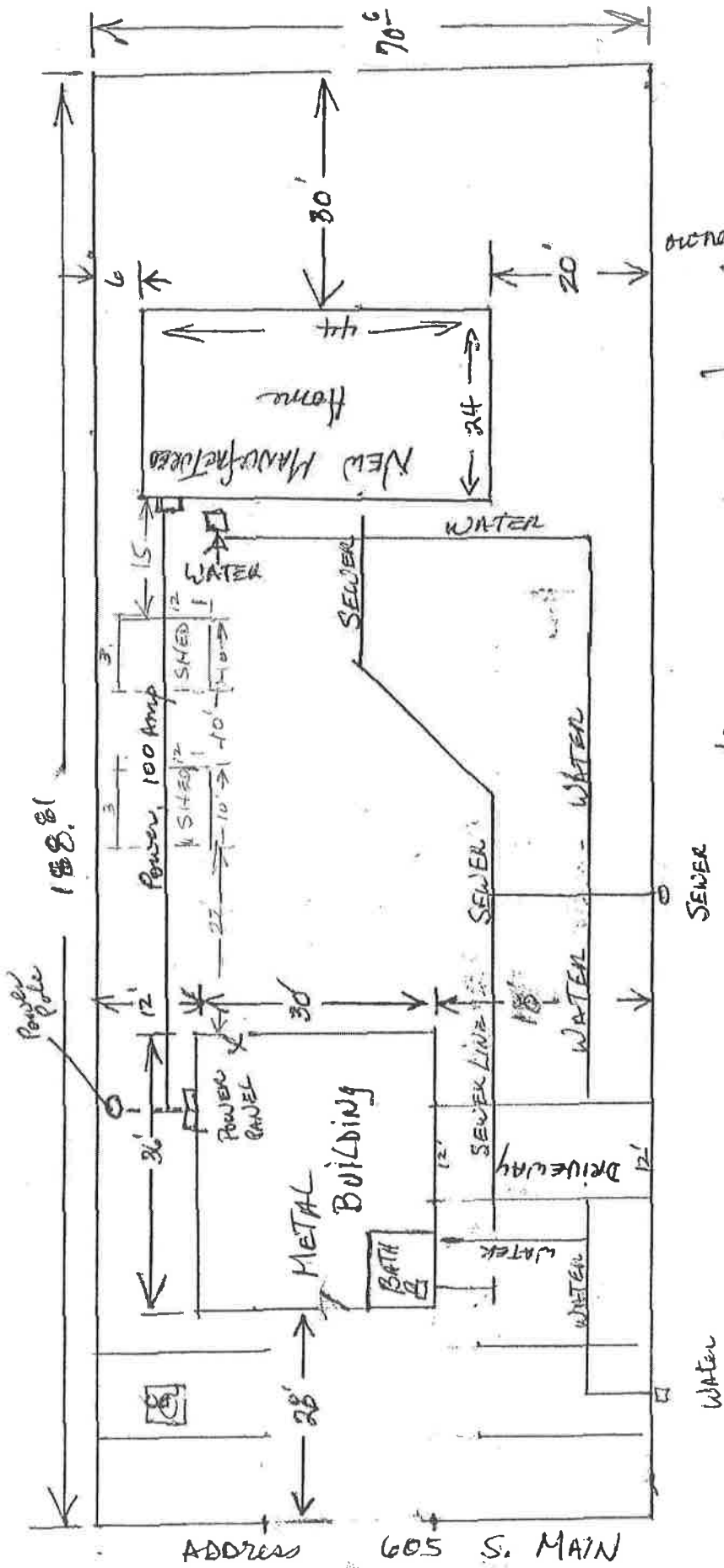
LARRY M. GILLIGAN

P.O. Box 516

Big Pine CA 93513

SCALE 1" = 20'

EXHIBIT B - SITE PLAN



US 395 Highway