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**AGENDA ITEM NO.:** 4 (Action Item and Public Hearing)

**PLANNING COMMISSION  
MEETING DATE:** May 23, 2018

**SUBJECT:** Tentative Parcel Map No. 419 (Baron)

**EXECUTIVE SUMMARY:**

The applicant proposes to subdivide a 12,986-square-foot parcel of land into 2 parcels. Parcel 1 and Parcel 2 will consist of 6,493-square-feet. Currently, there is an existing single family home on the area of proposed Parcel 2, while Parcel 1 is vacant. The subject property is located at 419 North Jackson Street in the Community of Independence. Both of the proposed parcels are zoned Residential – Single Residence Mobile Home Combined with a 5,800-square-foot minimum (RMH-5,800) and have a General Plan designation of Residential Medium Density (RM).

**PROJECT INFORMATION**

**Supervisory District:** 4

**Applicants:** Jeff French, French & Associates on behalf of Robert Baron

**Landowners:** Baron, Robert F.

**Community:** Independence

**A.P.N.:** 002-031-21

**Existing General Plan:** Residential Medium Density (RM)

**Existing Zoning:** Residential – Single Residence with a 5,800-square-foot (RMH-5,800)

**Surrounding Land Use:**

<b>Location</b>	<b>Use</b>	<b>General Plan Designation</b>	<b>Zone</b>
Site	Residence, with vacant land on north portion.	Residential Medium Density (RM)	Single Residence or Mobile Home Combined, 5,800 Sq. Ft. Minimum (RMH-5800)
North	Residences	Residential Medium Density (RM)	Single Residence or Mobile Home Combined, 5,800 Sq. Ft. Minimum (RMH-5800)
East	Residence	Residential Medium Density (RM)	Single Residence or Mobile Home Combined, 5,800 Sq. Ft. Minimum (RMH-5800)
South	Residence	Residential Medium Density (RM)	Single Residence or Mobile Home Combined, 5,800 Sq. Ft. Minimum (RMH-5800)
West	Residences, Office and Warehouse	Central Business District (CBD)	Central Business (CB)

**Recommended Actions:**

- 1.) Find the proposed project Tentative Parcel Map No. 419/Baron is exempt from the requirements of the California Environmental Quality.**
- 2.) Make certain findings with respect to and approve Tentative Parcel Map No. 419/Baron, subject to Conditions of Approval.**
- 3.) Waive street improvements and utility installations required by Inyo County Code Section 16.40.10, as permitted.**

**Alternatives:**

- 1.) Specify modifications to the proposal and/or the Conditions of Approval.
- 2.) Make specific findings and deny the application.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding additional information and analysis needed.

**Project Planner:**

Tom Schaniel

**BACKGROUND**

On March 26, 2019 an application for a Tentative Parcel Map was submitted to planning staff. The project proposes to divide a 12,986-square-foot parcel of land in the community of Independence into two parcels, both 6,493-square-feet. The parcel was once two parcels but was merged by Parcel Merger 95-5/Cornwall in 1995.

## STAFF ANALYSIS

The applicant proposes to subdivide the subject 12,986-square-foot parcel into two parcels (refer to Attachment A). Proposed Parcel 1 is currently vacant and disturbed. Parcel 2 has an existing single family home on it (a double wide manufactured home). Access to Parcel 1 will be provided from N. Jackson Street and access to Parcel 2 is provided by N. Jackson Street for existing access to the front door and from Lily Street (an alley) for existing access to an existing garage. There is currently no plan to develop Parcel 1. Future development permitted by the RMH-5,800 zone includes: A) one single-family dwelling, including mobile homes; B) Garden, orchard field crop, where no building is involved.

Staff routed the application for TPM 419/Baron to the departments of: Treasurer Tax Collector, Assessor, Environmental Health, and Public Works. There were no comments indicating concern from any of the County Departments regarding the application as submitted. The proposed parcels have water service provided by Inyo County and sewer service provided by the Los Angeles Department of Water and Power. The Independence Fire Protection District provides fire suppression and prevention services.

Land Use Analysis: The proposed parcels are surrounded by residential uses. The properties to the west are zoned Central Business, but are mostly residential in use, though a warehouse and a space that has been used as an office are located amongst these properties. The division of this property, into two separate parcels, will not alter existing land uses or permitted land uses. New development is not anticipated at this time, but future development can include one family residential or garden, orchard field crops, where no building is involved. The land surrounding the proposed subdivision is zoned RMH and Central Business and the majority of it is currently developed. The proposed subdivision is consistent with the residential character and density of the surrounding area as the zoning and land use designations will not change.

General Plan: The Land Use Element designates both parcels as Residential Medium Density (RM). This designation allows for a maximum residential density of 7.5-dwelling units per acre and a minimum of 5,800-square-foot lots; connection to an acceptable sewer and water system is also mandatory for development. The subdivision is consistent with the RM land use designation as both parcels are over 5,800-square-feet and can accommodate one unit each providing for the maximum density. The proposed parcels have water service provided by Inyo County and sewer service provided by the Los Angeles Department of Water and Power. Staff has identified no conflicts with the General Plan.

Zoning: Both Parcel 1 and Parcel 2 have a Zoning designation of RMH-5,800-square-feet. Inyo County Code (ICC) Chapter 18.36.050 states that the RMH district has a minimum average lot width of 50-feet and requires a front yard setback of 25-feet, rear yard of 20-feet and side yards of 5-feet. As illustrated on TPM-419 (Attachment A), Parcel 1 and Parcel 2 both meet the minimum size requirements and are large enough to accommodate the required setbacks. Currently a covered porch exists that would cross the proposed new property line. The plans call for the porch to be removed and replaced by stairs and a landing. The stairs and landing are to be thirty inches or more from the side yard property line. This is allowed per Inyo County Code (ICC) section 18.78.110 Permitted projections into yards. Subsection B reads: *“An uncovered stair, landing or porch which does not extend above the level of the ground floor, except for a protective railing, may project not more than six feet into a front or rear yard and not more than*

*three feet into a required side yard, but shall not be less than thirty inches from any side lot line”.*

Subdivision: ICC Title 16 and the Subdivision Map Act (Government Code Section 66410 et seq.) regulate subdivisions. The proposed lots meet the applicable lot standards and design requirements specified in ICC Chapter 16.16, and the TPM meets the applicable preparation specifications identified in ICC Section 16.20.070 and Chapter 2, Article 3 of the Map Act. Conditions of approval are included to ensure that the final map meets the appropriate requirements specified by ICC Chapter 16.32 and Chapter 2 of the Map Act. Staff recommends that the street and utility improvements required by ICC Section 16.40.010 be waived, as these improvements have not been required for other subdivisions in the area. A condition of approval is included to require such improvements in the future if they become necessary.

Access: Access to Parcel 1 will be provided from N. Jackson Street and access to Parcel 2 is provided by N. Jackson Street for existing access to the front door and from Lily Street (an alley) for existing access to an existing garage. The proposed access to Parcel 1 and existing access to Parcel 2 is shown on the map.

Utilities and Public Services: Utilities are already provided to Parcel 2 and Parcel 1 will not require any if it remains undeveloped. If Parcel 1 is developed in the future, increased demands on public services and utilities will be minimal. The proposed parcels have water service provided by Inyo County and sewer service provided by the Los Angeles Department of Water and Power. Locations of water and sewer hookups are shown on the plan. The area is within the Independence Fire Protection District’s boundaries. The project is not expected to cause a large increase in demands on fire protection services and since it is within a Local Fire District it does not require the additional fire findings pursuant to SB-1241.

## **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; and Pursuant to the California Environmental Quality Act (CEQA), potential, subsequent, development to this proposal falls into the Categorical Exemption Class 3 New Construction or Conversion of Small Structures (15303)(a) One single-family residence, or a second dwelling unit in a residential zone. . . . may be constructed or converted under this exemption.

## **NOTIFICATIONS**

TPM 419/Baron 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.

## **RECOMMENDATIONS – TPM 419/Baron**

Staff recommends that the Planning Commission find that TPM 419 is exempt under the General Rule 15061 (b) (3) and future development is exempt under Categorical Exemption Class 3;

make the findings specified below; and, approve TPM #419/Baron, subject to Conditions of Approval; and, waive street improvements and utility installations required by ICC Section 16.40.010.

### Recommended Findings

1. TPM 419/Baron is covered by the General Rule 15061(b)(3)

*[Evidence: the proposed TPM is covered by the General Rule 15061(b)(3) that states 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. This TPM is being conducted without plans for development and therefore will not have a significant effect on the environment.]*

2. Potential subsequent projects following this subdivision are covered by the Categorical Exemption Class 3 New Construction or Conversion of Small Structures (15303)(a)

*[Evidence: projects subsequent to this ordinance will be pursuant to CEQA Guidelines Section 15303 a Categorical Exemption Class 3, One single-family residence, or a second dwelling unit in a residential zone. . . . may be constructed or converted under this exemption. The General Plan designation of Residential Medium Density allows for 7.5 units per acre restricting future development to 1-unit.]*

3. Based on substantial evidence in the record, the Planning Commission finds that TPM 419 is in conformance with the Inyo County General Plan, the Inyo County Zoning Ordinance, and the Inyo County Subdivision Ordinance, and the State Subdivision Map Act.

*[Evidence: The proposed Parcel 1 and Parcel 2 are consistent with the Residential Medium Density (RM) General Plan designation, as it provides for single-family residential development at a maximum of 7.5-dwelling units per acre. Both Parcels also meet the RMH-5,800-square-foot minimum parcel size 5,800-square-feet and width requirement of 50-feet. The proposed lots meet the applicable requirements specified in ICC Chapter 16.16, and meet the applicable requirements of ICC Section 16.20.070 and Chapter 2, Article 3 of the Map Act. ICC Section 16.40.010 has been met as street and utility improvements required by ICC Section 16.40.010 may be waived, and since these improvements have not been required for other subdivisions in the area, waiving them is appropriate. A condition of approval is included to require such improvements in the future if they become necessary. Conditions of approval are included to ensure that the final map meets the appropriate requirements specified by ICC Chapter 16.32 and Chapter 2 of the Map Act.]*

4. Based on substantial evidence in the record, the Planning Commission finds that the site is physically suited for the proposed type and density of development, and finds that the existing and planned public facilities and services are adequate to meet the needs of the proposed project.

*[Evidence: The project is consistent with the residential character of the surrounding area and potential future development will not create high demands on public services and utilities. Water service, provided by Inyo County and wastewater service, provided by the Los Angeles Department of Water and Power will adequately provide for potable water and*

*wastewater treatment for potential future development. The project is not expected to increase demands for fire protection services, but is located within the boundaries of the Independence Fire Protection District. TPM 419 has been routed to appropriate County departments and no comments were received that required changes or conditions be added to the project.]*

5. Based on substantial evidence in the record, the Planning Commission finds that the design of the subdivision or the types of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision, or alternate easements have been provided.

*[Evidence: Access to Parcel 1 will be provided from N. Jackson Street and access to Parcel 2 is provided by N. Jackson Street for existing access to the front door and from Lily Street (an alley) for existing access to an existing garage. The proposed access to Parcel 1 and existing access to Parcel 2 is shown on the map. Existing utility (water, electric) easements will not be affected by the subdivision.]*

6. Based on substantial evidence in the record, the Planning Commission finds that the design or proposed improvements are not likely to cause substantial environmental damage, or substantially and avoidably injure fish, wildlife, or their habitat, or cause serious public health, welfare, or safety problems.

*[Evidence: As indicated by the Exemption the project will not result in substantial impacts to the physical environment or human beings, either individually or cumulatively, or directly or indirectly. The subdivision itself will not result in physical modifications and no changes in permitted uses are proposed.]*

7. Based on substantial evidence in the record, the Planning Commission finds that no significant impacts to native vegetation or wildlife will result from the proposed project.

*[Evidence: As indicated by the Exemption, the subdivision will not result in direct impacts. If Parcel 1 is developed in the future, the subdivision's potential indirect impacts to native vegetation and wildlife are expected be limited and the project's incremental contribution to modifying the physical environment will be insignificant.]*

### Conditions of Approval

- 1.) Prior to recordation of the Final Parcel Map, the porch structure that crosses the proposed property line will be demolished. Any new access structures like stairs and a landing will be in conformance with the ICC for setbacks and will obtain required building permits prior to construction.
- 2.) A Final Parcel Map in substantial conformance with the approved TPM meeting applicable requirements of ICC Chapter 16.32 and Chapter 2 of the Subdivision Map Act shall be filed for recordation within two years from the date of approval by the Planning Commission, unless a request for a time extension request per ICC Section 16.20.110 is received prior to that date and approved.

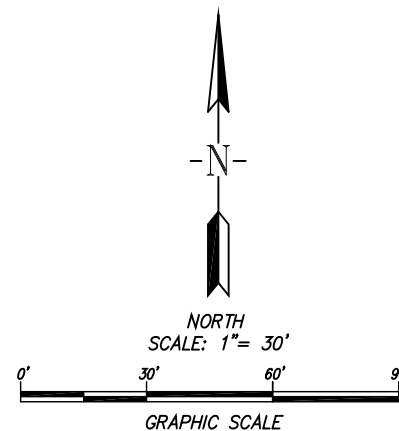
- 3.) The applicant, landowner, and/or operator shall defend, indemnify and hold harmless Inyo County, its agents, officers and employees from any claim, action or proceeding against the County, its advisory agencies, appeal boards, or its legislative body concerning TPM No. 419/Baron or applicant's failure to comply with the conditions of approval.
- 4.) Payment of any delinquent and/or due taxes or special assessments shall be made to the satisfaction of the Inyo County Treasurer/Tax Collector prior to recordation of the Final Parcel Map.
- 5.) The applicant and his successors in interest shall improve or contribute appropriately towards the construction of all streets and utilities within and serving the subdivision per applicable standards, as may be required by the County in the future.

**Attachments**

- A. Tentative Map.

# "TENTATIVE" PARCEL MAP NO. 419

BEING A SUBDIVISION OF MERGED LOTS 8 AND 10 IN BLOCK 3, INDEPENDENCE TOWNSITE, COUNTY OF INYO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 1, PAGE 1 OF RECORD OF SURVEYS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY AND MERGED PER NOTICE OF PARCEL MERGER RECORDED AS DOCUMENT NO. 95 3583 IN SAID COUNTY RECORDER'S OFFICE  
TWO PARCELS TOTALING 12,986 SQ. FT.



**NOTES**

USE - EXISTING AND PROPOSED: SINGLE FAMILY RESIDENTIAL  
GENERAL PLAN: RM (RESIDENTIAL MEDIUM DENSITY)  
ZONING: RMH-5,800 (SINGLE RESIDENCE MOBILE HOME COMBINED)  
WATER SUPPLY: COUNTY OF INYO, LONE PINE, INDEPENDENCE & LAWS WATER SYSTEMS  
SEWAGE DISPOSAL: L.A. DEPT. OF WATER POWER  
STRUCTURES: AS SHOWN HEREON  
ASSESSOR'S PARCEL NUMBER: 02-031-21

**LEGEND**

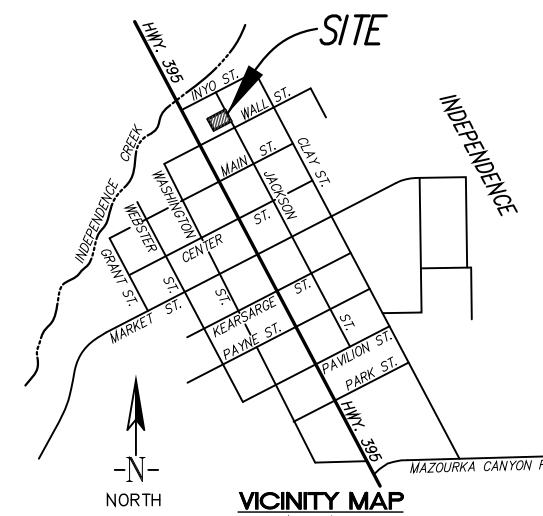
- = FOUND 2" IRON PIPE w/BRASS CAP IN CONCRETE IN HAND HOLE PER R1
- = FOUND 1 3/8" IRON PIPE w/TAG "R.C.E. 17013" PER R2
- = SET 5/8" REBAR w/CAP "R.C.E. 17366"
- R1 = INYO COUNTY SURVEYOR'S MAP NO. 17
- R2 = CORNER RECORD (TO BE DETERMINED)
- OH— = OVERHEAD POWER & TELEPHONE LINES
- X<sup>3911</sup> = ESTIMATED GRADE
- ① = EXIST. WATER SERVICE
- ② = PROPOSED WATER SERVICE
- ③ = EXIST. SEWER (APPROXIMATE LOCATION)
- ④ = EXIST. SEWER LATERAL

**BASIS OF BEARINGS**

THE CENTERLINE OF JACKSON STREET AS SHOWN ON COUNTY SURVEYOR'S MAP NO. 17 AS N26°33'45"W WAS USED AS THE BASIS OF BEARINGS FOR THIS MAP.

**NOTE**

A POWER LINE EASEMENT IN FAVOR OF THE CITY OF LOS ANGELES PER BK. 248, PG. 321. O.R. CANNOT BE LOCATED FROM RECORD DATA



**ENGINEER**

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