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AGENDA ITEM NO.: 7 (Action Item – Public Hearing)

**PLANNING COMMISSION
 MEETING DATE:** November 28, 2018

SUBJECT: Conditional Use Permit (CUP) 2018-05/ Schlick

EXECUTIVE SUMMARY

The applicant has applied for a CUP to build storage units with building fronts. This will be a commercial storage operation, located at 160 N. Main Street, in Big Pine. This is a conditional use under current zoning and requires the Commission’s approval. The parcel is a pre-disturbed and graded vacant lot.

PROJECT INFORMATION

Supervisory District: 4

Project Applicant: Kent Schlick

Site Address: 160 N. Main St.

Community: Big Pine, CA 93513

A.P.N.: 003-155-16

General Plan: Commercial Business District (CBD)

Zoning: Central Business (CB)

Size of Parcel: 0.34 acres

SURROUNDING LAND USE:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Vacant	Commercial Business District (CBD)	Central Business (CB)
North	Developed	Commercial Business District (CBD)	Central Business (CB)
East	Developed	Residential Medium High Density (RMH)	Multiple Residential (R-2)
South	Developed	Commercial Business District (CBD)	Central Business (CB)

West	Developed	Commercial Business District (CBD)	Central Business (CB)
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Staff Recommended Action: 1.) Approve the Conditional Use Permit (CUP) 2018-05/Schlick

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: Steve Karamitros

STAFF ANALYSIS

Background and Overview

The applicant has applied for a CUP to install storage units for a commercial rental business, located at 160 N. Main St., in the community of Big Pine. The property is vacant, empty, and previously disturbed.

Although not a principal use for this zoning designation, the proposed project aligns with Inyo County Code Section 18.44.030-Conditional Uses-Central Business, which allows for “mini storage facilities.” This project falls under the conditional uses laid out in 18.44.030, and a conditional use permit approved by the Planning Commission is required.

The general project area is in a location surrounded by commercial properties to the north, south, and west and residential properties to the east.

Site Location Map



Storage units will be placed at this location



General Plan Consistency

The goal of this project is to allow the establishment of a business for this empty lot in compliance with the County’s zoning ordinance. The project is consistent with the General Plan designation for this property of Central Business District (CBD), as it establishes a commercial business useful to members of the community. Section 5.2.3 Economic Development Issues, provides a list of critical economic development issues given priority in the General Plan. One of these points states that the “County’s General Plan policies should promote multiple compatible economic uses of land whenever possible” (pg. 5-5). The proposed project would provide a retail service to local consumer-residents and is zoned for such a commercial service under conditional use. Permitting the storage business meets the goal of creating multiple compatible uses of land, in this case a storage business that services a local residential area.

Zoning Ordinance Consistency

The Central Business zoning designation allows for mini-storage units under conditional use. There is currently no established use and the site remains vacant. The applicant is seeking the use permit to begin commercial operation in compliance with the County’s zoning ordinance.

ENVIRONMENTAL REVIEW

Conditional Use Permit 2018-05/Schlick is exempted under the California Environmental Quality Act, pursuant to Section 15061(b)(3) (general rule) of the CEQA guidelines, as it constitutes an extension of commercial use, and can be seen with certainty that there will be no significant effect on the environment. Potential impacts to the physical human environment would be from traffic impacts on Main St. This has been mitigated in advance through design since ingress and egress will occur on Pine Street. Additionally, elevated facades will be added to the Main St. side of the units to blend with the adjacent commercial buildings (Attachment’s 1 & 2).

The public hearing for this permit was noticed on November 1, 2018 in the Inyo Register. All property owners within a three hundred foot radius were notified of the public hearing on October 24, 2018. Any

comments received will be addressed at the Planning Commission meeting on Wednesday, November 28, 2018.

RECOMMENDATION

Planning Department staff recommends the approval of Conditional Use Permit No. 2018-05/Schlick, with the following Findings and Conditions of Approval:

FINDINGS:

1. The proposed Conditional Use Permit is exempted under CEQA's General Rule guideline and the provisions of the California Environmental Quality Act have been satisfied.
[Evidence: Pursuant to Title 14 California Code of Regulations Sections 1506(b)(3), the proposed project is covered by the General Rule/Common Sense exemption, since it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.]
2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use Designation of Commercial Business (CBD).
[Evidence: The proposed project is consistent with the goals and policies of the General Plan's Land Use Goal LU-3 to "provide commercial land uses that adequately serve the existing and anticipated future needs of the community and surrounding environs" (pg. 4-18). The General Plan designation is Central Business District Designation (CBD), which allows for "commercial uses...in the central areas of communities along main thoroughfares." (pg. 4-18). The proposed storage units would provide a retail service for suburban consumers in the community.]
3. The proposed Conditional Use Permit is consistent with the Inyo County Zoning Ordinance, which permits "mini-storage units" as a conditional use.
[Evidence: Central Business; Section 18.44.030(k) allows for "mini storage units," defined as any real property designed and used for the purpose of renting or leasing individual storage space to occupants who shall have access to such facility for the purpose of storing and removing personal property. Outdoor storage is not included as a mini-storage use. The proposed project is therefore consistent with the CB zoning designation for this property.]
4. The proposed Conditional Use Permit is necessary or desirable.
[Evidence: The proposed project would create a needed retail service to local residents, via a local business, that generates economic activity within the County. It is therefore a desirable use.]
5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.
[Evidence: The proposed conditional use permit is to make the current unused space compliant the County's Zoning Code. The location is well situated relative to transportation facilities, such as US 395/Main Street and local County maintained roads. All ingress and egress of traffic will occur on Pine Street to reduce traffic pressure. The project will not create added impacts on transportation or service facilities in the vicinity.]
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.
[The conditional use permit is being proposed to make the project compliant with the County's Zoning Code. The County Environmental Health Office has found the project's planned connection

to the Big Pine water and sewer system to be sufficient. No threats to public health and safety have been identified.]

7. Operating requirements necessitate the Conditional Use Permit for the site.
[Evidence: Use of the property for the purposes of the proposed project requires a conditional use permit per Inyo County Code Section 18.44.030. Therefore, the conditional use permit is necessary for the continued operations at the site.]

CONDITIONS OF APPROVAL

1. 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. 2018-05/ Schlick. The County reserves the right to prepare its own defense.

2. Compliance with County Code

The applicant/developer shall conform to all applicable provisions of Inyo County Code. If the use provided by this conditional use permit is not established within one year of the approval date it will be become void.

3. Additional Building Requirements

The project will follow all building requirements as set by the Inyo County Building and Safety Department. The applicant will work with and get all necessary permits from the Building and Safety Department regarding all structures placed on the lot. In addition, the applicant will apply a building façade to blend with the design of adjacent commercial buildings on Main Street in Big Pine, per the “Exterior Elevations” provided in the CUP application.

Attachments: (1) site plan (2) “storefront” façade designs