



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

PLANNING COMMISSION MEETING DATE: September 23, 2020

SUBJECT: Conditional Use Permit (CUP) 2020-07/Cerro Gordo

EXECUTIVE SUMMARY

The applicant, Silver Pineapple LLC, has applied for a CUP to rebuild the Cerro Gordo Hotel and Surveyor House that were completely destroyed by a fire in June 2020 and to be compliant with the Inyo County Code 18.12 (Open Space). The hotel and surveyor house have been at the same location since the late 1800s and are grandfathered uses as they were established before the County's zoning code. Since they must now be rebuilt, they are subject to the current zoning and building codes and because of this, require a CUP. By obtaining the CUP the applicant can rebuild the two structures and continue the historic uses which can be considered "*other recreational activities involving development*" under 18.12.040.A.

PROJECT INFORMATION.

Supervisory District: 5

Project Applicant: Silver Pineapple LLC

Property Owner: Silver Pineapple LLC

Site Address: Cerro Gordo, Historic Mining Town

Community: Keeler, CA

A.P.N.: 027-240-06

General Plan: Open Space and Recreation (OSR)

Zoning: Rural Protection (RP)

Size of Parcel: Approximately 101-acres

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Historic Mining Town	Rural Protection (RP)	Open Space - 40 acre minimum (OS-40)
North	Vacant/Open Space/mining relics	Rural Protection (RP)	Open Space - 40 acre minimum (OS-40)
East	Vacant/Open Space/mining relics	Rural Protection (RP)	Open Space - 40 acre minimum (OS-40)
South	Vacant/Open Space/mining relics	Rural Protection (RP)	Open Space - 40 acre minimum (OS-40)
West	Vacant/Open Space/mining relics	Rural Protection (RP)	Open Space - 40 acre minimum (OS-40)

Staff Recommended Action: **1.) Approve the Conditional Use Permit (CUP) 2020-07/Cerro Gordo, with the Findings and Conditions as identified in the Staff Report and find the project 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: Cathreen Richards

STAFF ANALYSIS

Background and Overview

The applicant has applied for a CUP to rebuild the hotel and surveyor’s house in the historic mining town of Cerro Gordo. The applicant is also applying for the use of the two buildings as ‘*other recreational activities involving development*’. The hotel and surveyor’s house have been at the Cerro Gordo location since the late 1800s and were a grandfathered use since they were established prior to the County’s zoning ordinance. Since these structures must now be rebuilt, they are subject to the current zoning and building codes, and because of this, require a CUP. By obtaining the CUP the applicant can rebuild the two structures and continue the historic uses, which are considered ‘*other recreational activities involving development*’ under 18.12.040.A.

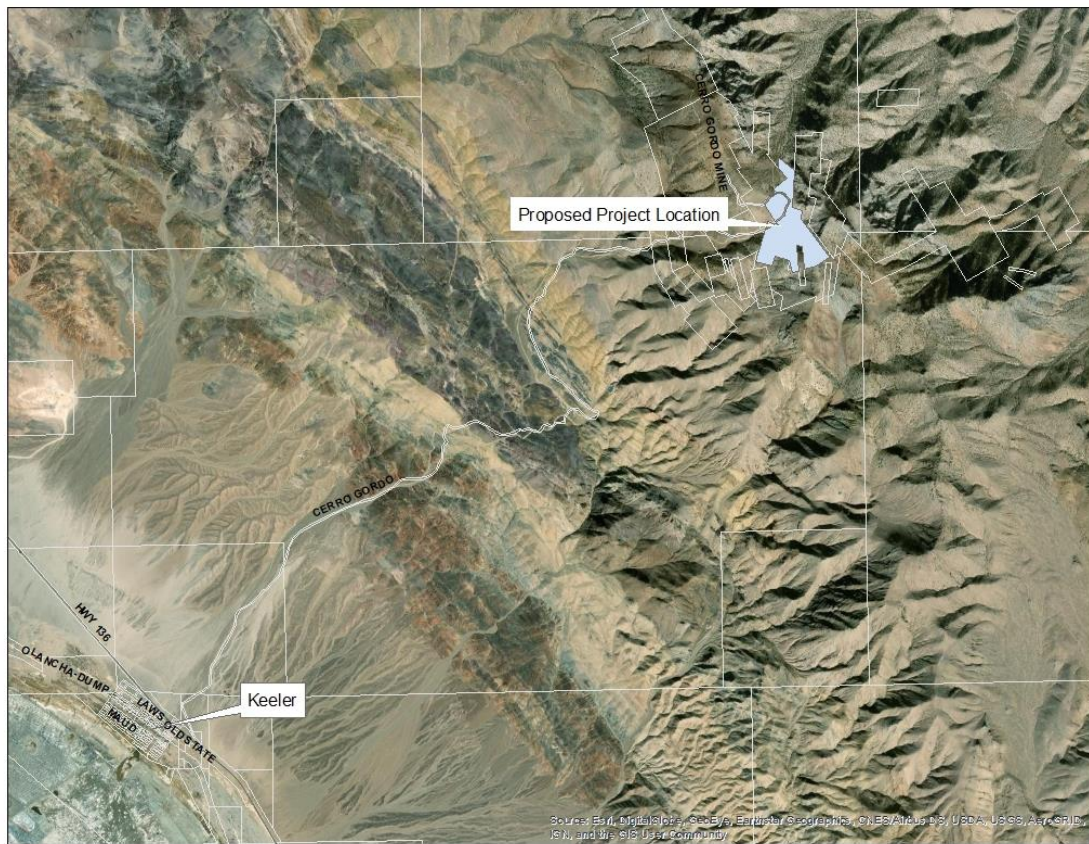
The project includes the hotel, which will be reconstructed to its historic state prior to the fire. It will be about 3,625sqft and include a lobby, kitchen, dining room with a bar, and a poker room on the first floor and 6-bedrooms with individual bathrooms on the second floor. The kitchen/restaurant and bar will be rebuilt but cannot be used for the guests until the applicants meet the requirements set forth by the County Environmental Health Department and the State Water Board.

The surveyor house will also be constructed to its historic state prior to the fire. It is proposed to be around 621sqft. It will have a kitchen, bathroom, living area and a single bedroom.

The OS zone does not allow for the hotel or recreational uses as a principle use. The OS zone does, however, allow for lodges, resorts and *other recreational activities involving development* with a CUP; and therefore, for the historic use to continue a CUP approved by the Planning Commission is required.

The general project area is approximately 7.5-miles from the community of Keeler, in a location surrounded by vacant, open space, lands with relics of the historic mining town all around it.

Site Location Map



General Plan Consistency

The goal of this project is to allow for a historic non-conforming use on the site to continue in compliance with County’s zoning ordinance. The project is consistent with the General Plan designation of Rural Protection (RP), as it allows for low intensity recreation. The project qualifies as the applicants are currently proposing to continue to allow visitors to explore the historic mining town and site and offer limited lodging. The

hotel will only have 6-bedrooms and the surveyor house 1-bedroom for a total of 7 (Building and Site Plans Attached).

Zoning Ordinance Consistency

The Open Space zoning designation allows for lodges, resorts and *other recreational activities involving development* with a conditional use. This is a historic use at the site and the applicant is seeking the CUP to operate the hotel and surveyor house in compliance with County's zoning ordinance. The proposed new buildings will replace the originals that were completely burned down by a fire in June 2020. Although the buildings had been on the site since the late 1800's, the current County Code under 18.12.040 requires a CUP approved by the Planning Commission for the proposed use. By acquiring the CUP the applicant is creating consistency with the code.

OTHER COUNTY DEPARTMENT REVIEW

The project information was sent to various County departments for review and comment. Comments were received from the Public Works, Building and Safety, Road and Environmental Health Departments.

Comments from the Road Department include that based on the stated potential future use of the facilities, the Department reaffirms its standing position on the maintenance of Cerro Gordo Road. Cerro Gordo Road is a minimum maintenance dirt road, 7.51 miles in length. Cerro Gordo Road is generally scheduled for grading maintenance twice a year, as crew and equipment availability permits. This operation is performed once in the spring, after winter snow melt and once late summer/early fall. Cerro Gordo road is allowed to close naturally in the winter, at the first snowfall that makes the road impassable, and the road opening is dictated by spring weather conditions and the natural spring snowmelt. Inyo County Road Department has no plans to deviate from this road maintenance schedule.

Based on these comments a condition of approval is added to the project that states: *If the applicant desires access to, or maintenance of, Cerro Gordo Road, other than what is included in the County Road Department's existing schedule, they shall first apply for an encroachment permit through the Inyo County Public Works Department.*

Comments from the Building and Safety Department include concerns about the proposed and existing buildings at the site meeting all current standards. Based on these comments a condition of approval is added to the project that states: *The applicant shall meet all requirements set forth by the California Building Code-Title 24 including but not limited to those regarding: Wildland Urban Interface areas, California Green, electrical systems (for both existing and proposed structures), Americans with Disabilities Act, parking surfaces and Energy Calculations.*

Environmental Health Department staff has concerns regarding the existing septic and water systems being adequate to meet the needs of the hotel and surveyor house. They also have issues regarding potable water. Currently, water is trucked to the site and stored. Based on these comments conditions of approval are being included that state:

The historic town of Cerro Gordo shall be limited to overnight recreational uses at the hotel and surveyor house – only.

Water availability is currently limited; therefore, the number of guests (day and overnight) shall not exceed 25 or more people for 60 or more days per year at any location at the historic town of Cerro Gordo, until such time that additional water connections (there are currently 2) are added. The applicant shall continue to work with the County Environmental Health Department and the State of California Water Board to assure a safe, adequate and sustainable water source prior to any further development.

The hotel kitchen and bar may be rebuilt under this Conditional Use Permit; however, no restaurant or bar services shall be allowed until the applicant has met the requirements of the County Environmental Health Department and the State of California Water Board with regard to food and beverage services.

ENVIRONMENTAL REVIEW

Conditional Use Permit 2020-07/Cerro is Categorically Exempt under CEQA Guidelines 15302, Replacement or Reconstruction – Class 2. Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. The CUP is being applied for to reconstruct the buildings destroyed by fire and continue their historic uses at the exact same sites; and, is therefore exempt.

RECOMMENDATION

Planning Department staff recommends the approval of Conditional Use Permit No. 2020-07/Cerro Gordo with the following Findings and Conditions of Approval:

FINDINGS

1. The proposed Conditional Use Permit is exempt under CEQA Guidelines 15302, Replacement or Reconstruction – Class 2 and the provisions of the California Environmental Quality Act have been satisfied.
[Evidence: Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced . . . The CUP is being applied for to reconstruct the buildings destroyed by fire and continue their historic use at the exact same sites.]
2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Rural Protection (RP).
[Evidence: The goal of this project is to allow for a historic non-conforming use on the site to continue in compliance with County’s zoning ordinance. The project is consistent with the General Plan designation of Rural Protection (RP), as it allows for low intensity recreation. The project qualifies as the applicants are currently proposing to continue to allow visitors to explore the historic mining town and site

and offer limited lodging. The hotel will only have 6-bedrooms and the surveyor house, 1-bedroom, for a total of 7.]

3. The proposed Conditional Use Permit is consistent with the Inyo County Code designation of Open Space (OS).
[Evidence: The OS zoning designation allows for 'other recreational activities involving development' with a conditional use permit. This is a historic use at the site and the applicant is seeking the CUP to operate the hotel and surveyor house for lodging in compliance with County's zoning ordinance. The proposed new buildings will replace the originals that were completely burned down by a fire in June 2020. Although the buildings had been on the site since the late 1800's, the current County Code under 18.12.040 requires a CUP approved by the Planning Commission for the proposed use (lodging). By acquiring the CUP the applicant is creating consistency with the code.]
4. The proposed Conditional Use Permit is necessary or desirable.
[Evidence: The General Plan's Economic Development Element's Goal ED-1.6 states: Attract New Visitor-Serving Businesses. Since the applicant is focused on a niche clientele that wants to recreate in a more rustic and historic area, this project meets the goal of ED 1.6 by attracting not only new visitors to the area, but also those wanting a unique type of visitor experience.]
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 a historic use compliant with the County's Zoning Code. It will not substantially add to the current level of use of the site or the type of use; and therefore, will have no impact 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.
[Evidence: The conditional use permit is being proposed to make a historic use and new building replacements compliant the County's Zoning Code. It will not change or increase the current level or type of use; and therefore, it will not create impacts on the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.]
7. Operating requirements necessitate the Conditional Use Permit for the site.
[Evidence: The use of the historic property for recreation and lodging require a conditional use permit per Inyo County Code Section 18.12.040; therefore, the conditional use permit is necessary for the continued operations at the site.]

CONDITIONS OF APPROVAL

1. Terms of Conditional Use Permit

Conditional Use Permit 2020-07/Cerro Gordo shall only apply to the hotel and surveyor house.

The historic town of Cerro Gordo shall be limited to overnight recreational uses at the hotel and surveyor house – only.

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 the Conditional Use permit shall become void.

3. Compliance with the California Building Code

The applicant shall meet all requirements set forth by the California Building Code-Title 24 including but not limited to those regarding: Wildland Urban Interface areas, California Green, electrical systems (for both existing and proposed structures), Americans with Disabilities Act, parking surfaces and Energy Calculations.

4. Cerro Gordo Road

If the applicant desires access to, or maintenance of, Cerro Gordo Road, other than what is included in the County Road Department's existing schedule, they shall first apply for an encroachment permit through the Inyo County Public Works Department.

5. Potable Water

Water availability is currently limited; therefore, the number of guests (day and overnight) shall not exceed 25 or more people for 60 or more days per year at any location at the historic town of Cerro Gordo, until such time that additional water connections (there are currently 2) are added. The applicant shall continue to work with the County Environmental Health Department and the State of California Water Board to assure a safe, adequate and sustainable water source prior to any further development.

The hotel kitchen and bar may be rebuilt under this Conditional Use Permit; however, no restaurant or bar services shall be allowed until the applicant has met the requirements of the County Environmental Health Department and the State of California Water Board with regard to food and beverage services.

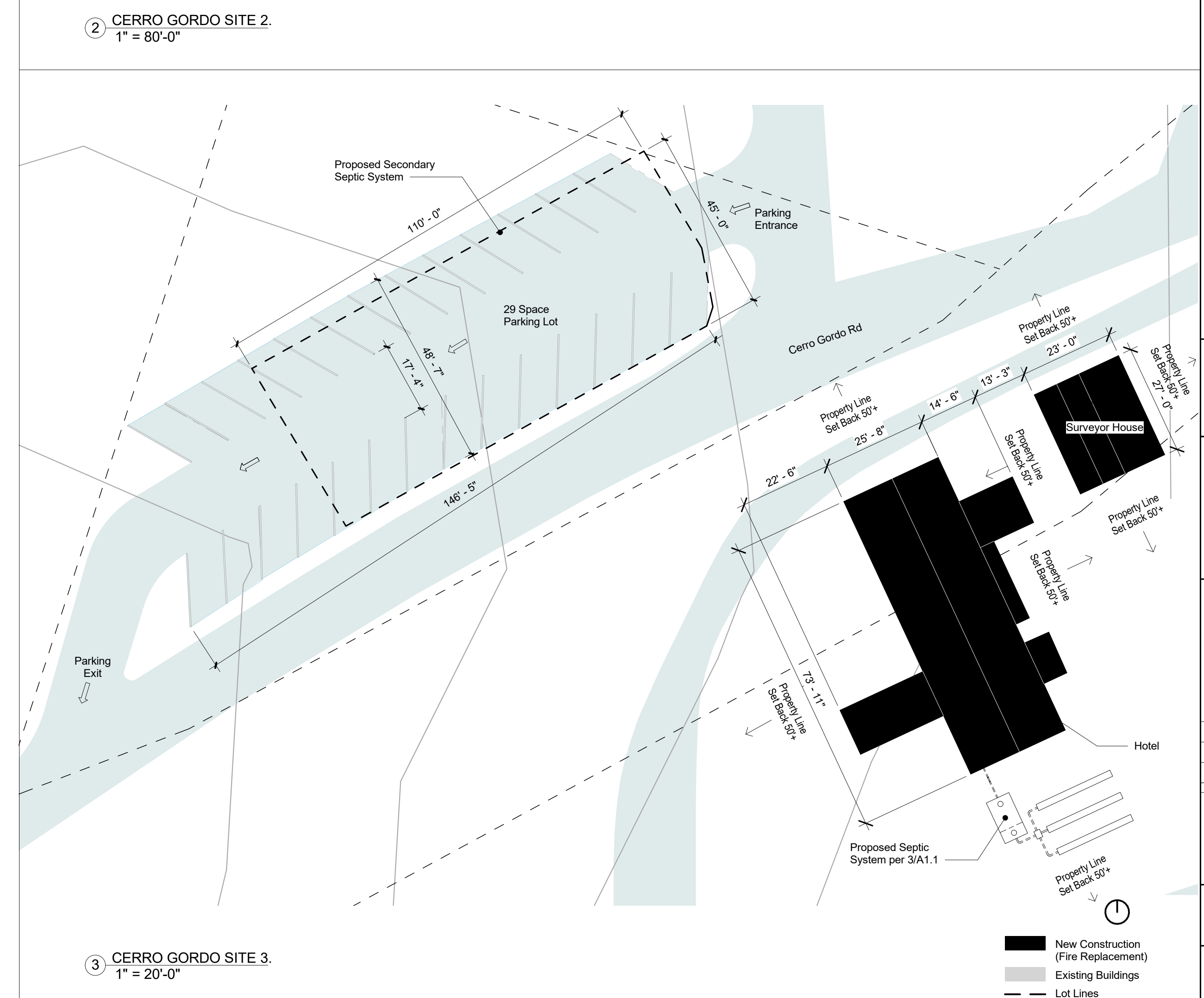
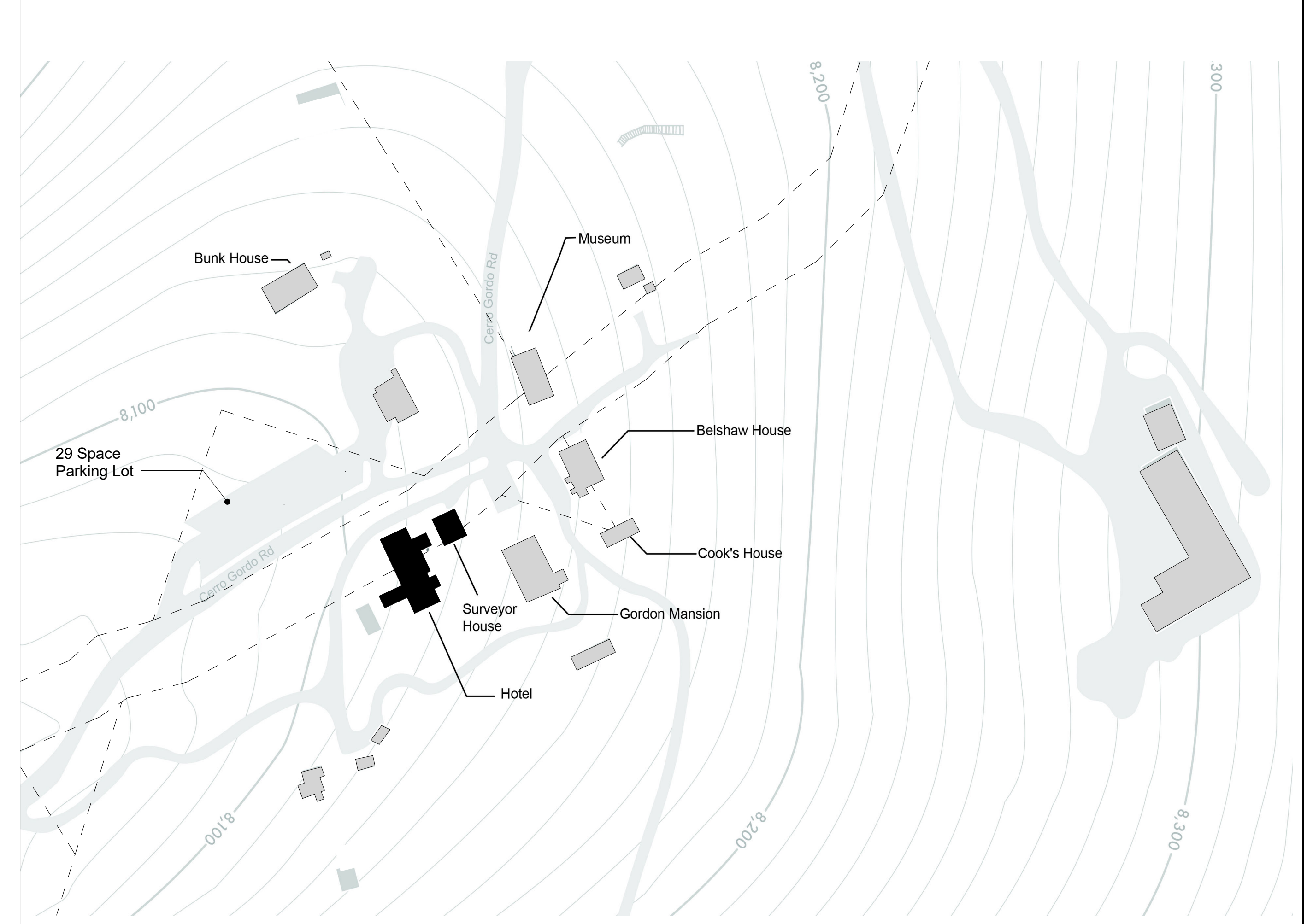
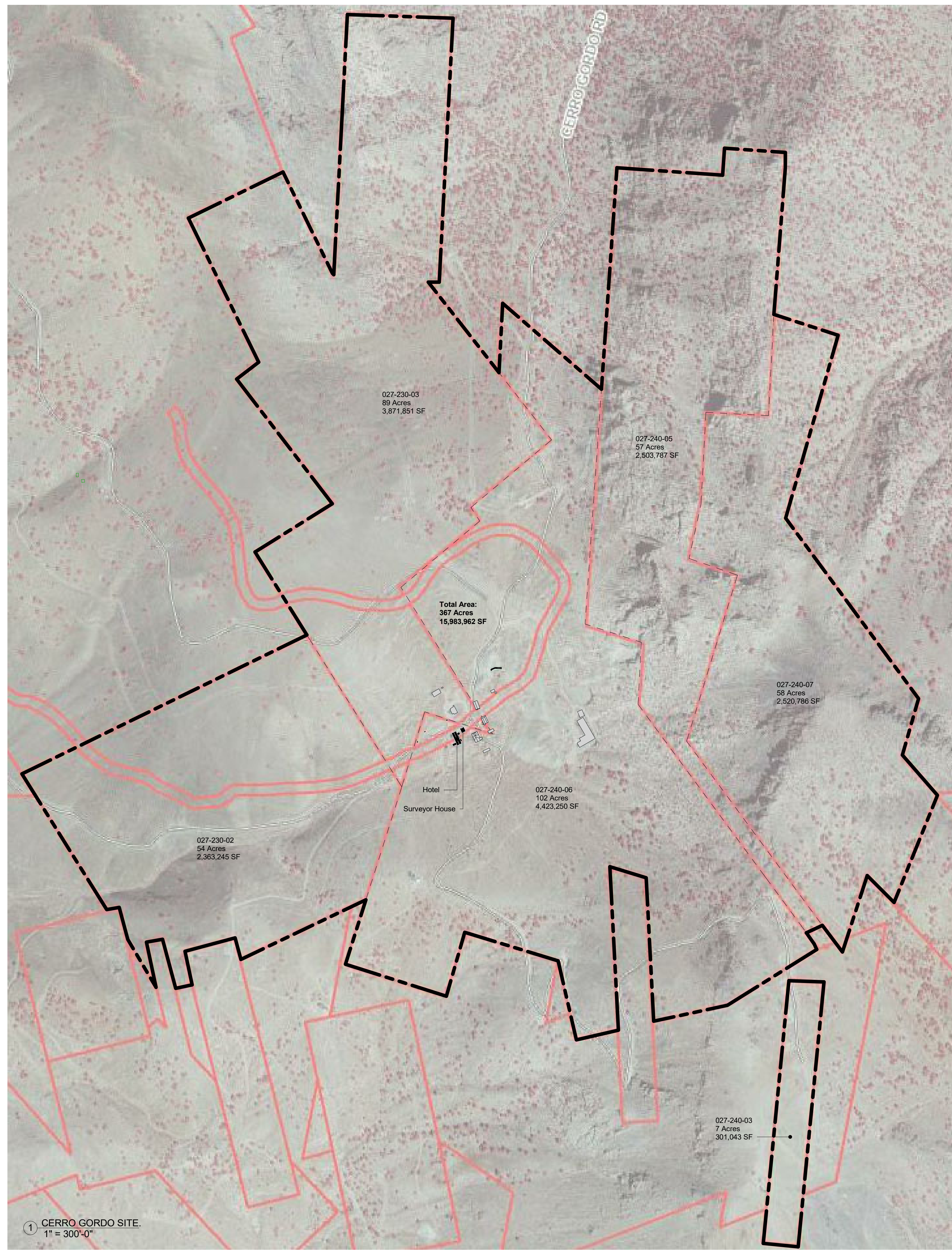
6. Septic System

The applicant shall continue to work with the Inyo County Environmental Health Department to ensure the septic system meets the needs of the project.

7. 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. 2020-07/Cerro Gordo. The County reserves the right to prepare its own defense.



Cerro Gordo Ghost Town

Cerro Gordo Rd., Keeler, CA 93530

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 mroycearchitecture.com

LICENSED ARCHITECT
 MATTHEW ROYCE
 C31918
 Ren. 08-31-2021
 STATE OF CALIFORNIA

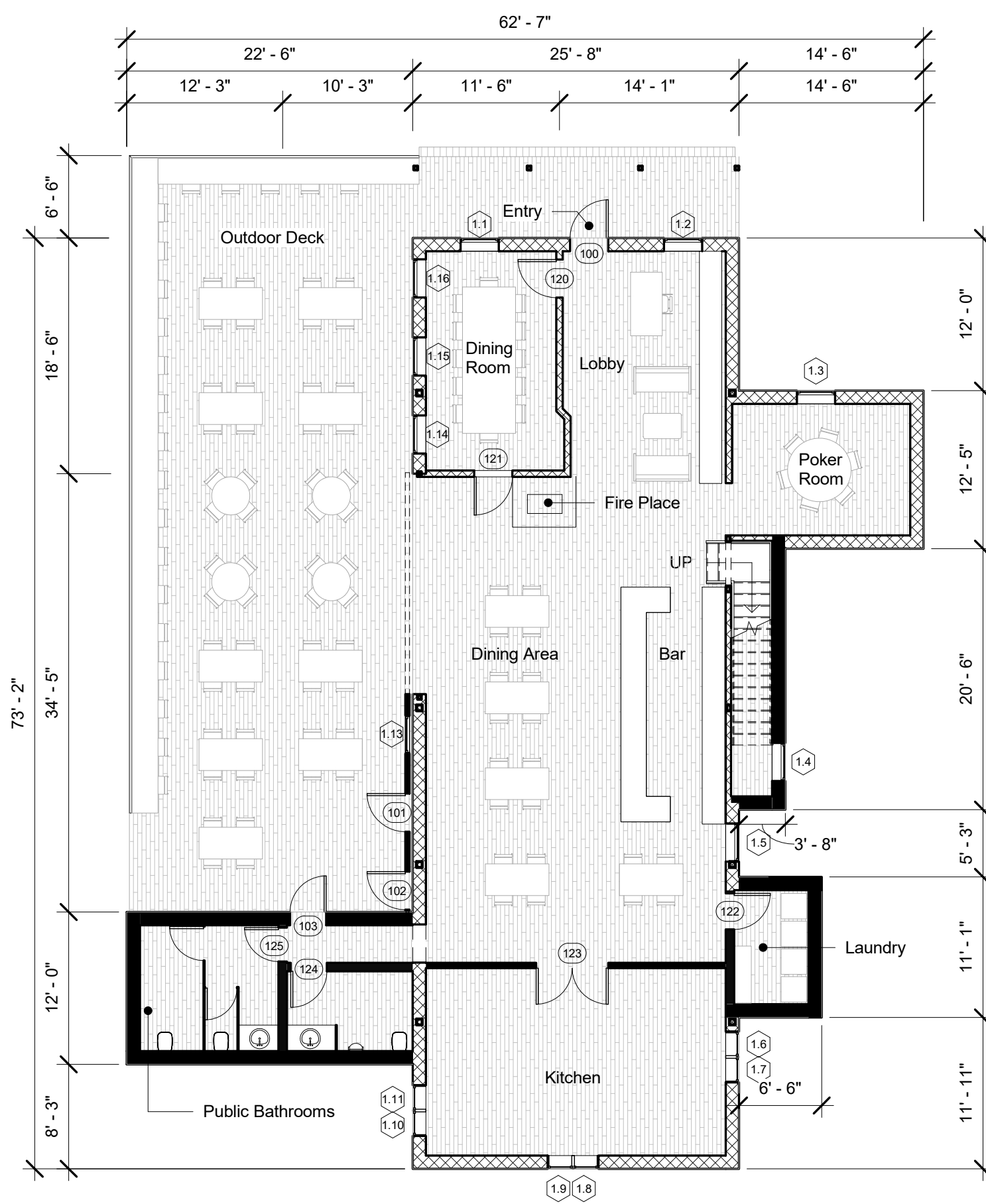
ISSUE DATE
9/08/2020

REVISIONS

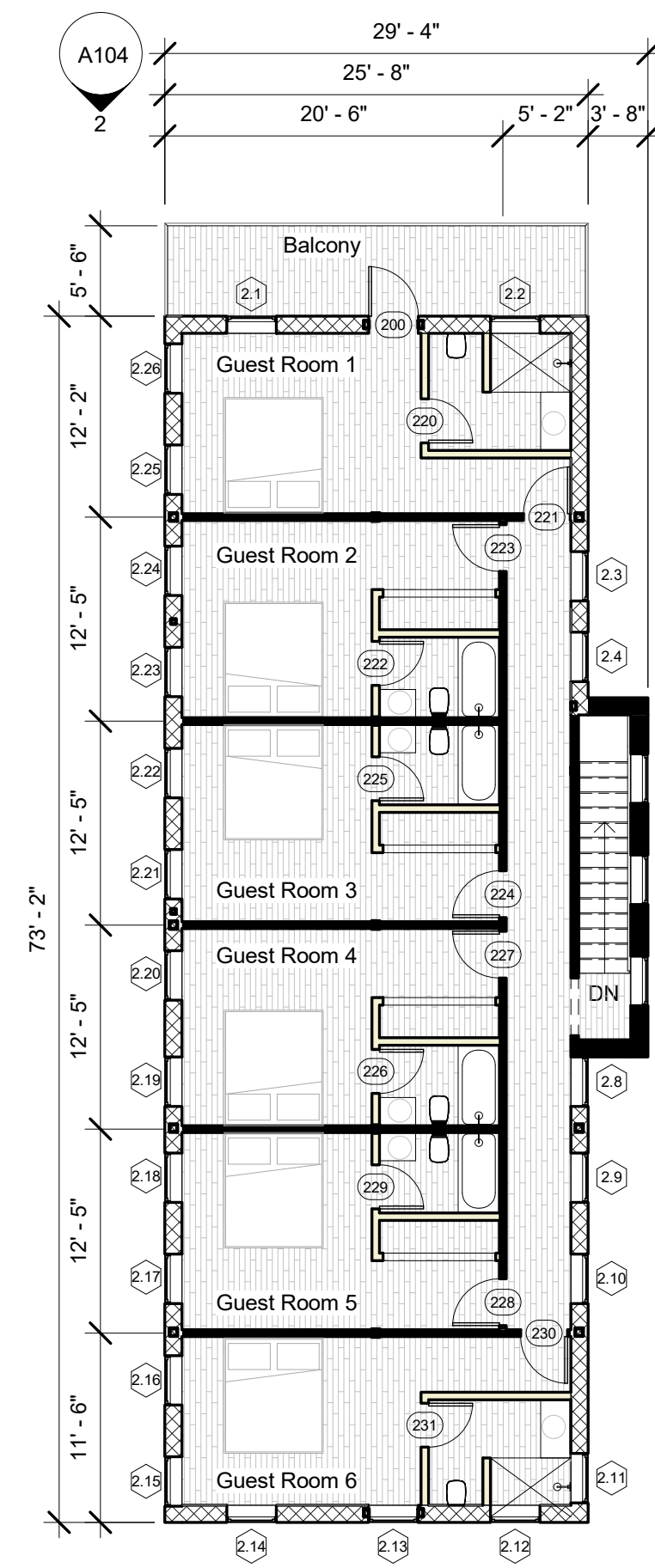
Number	Date	Description

SITE

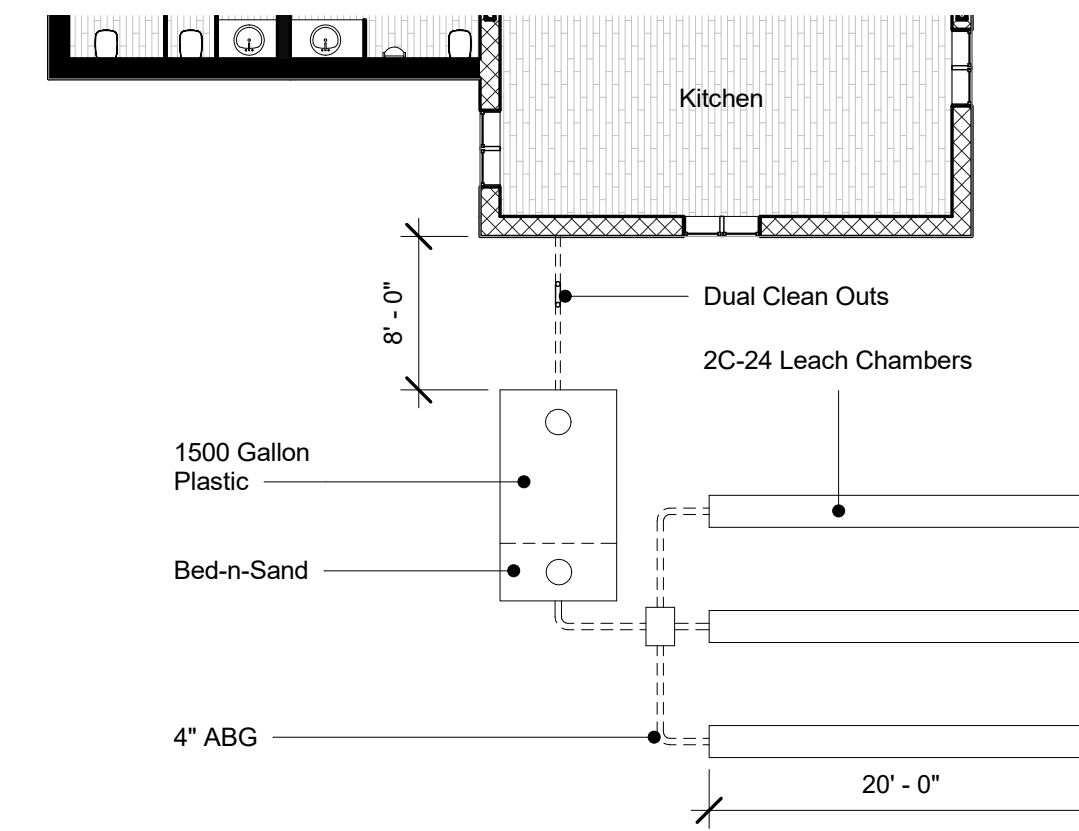
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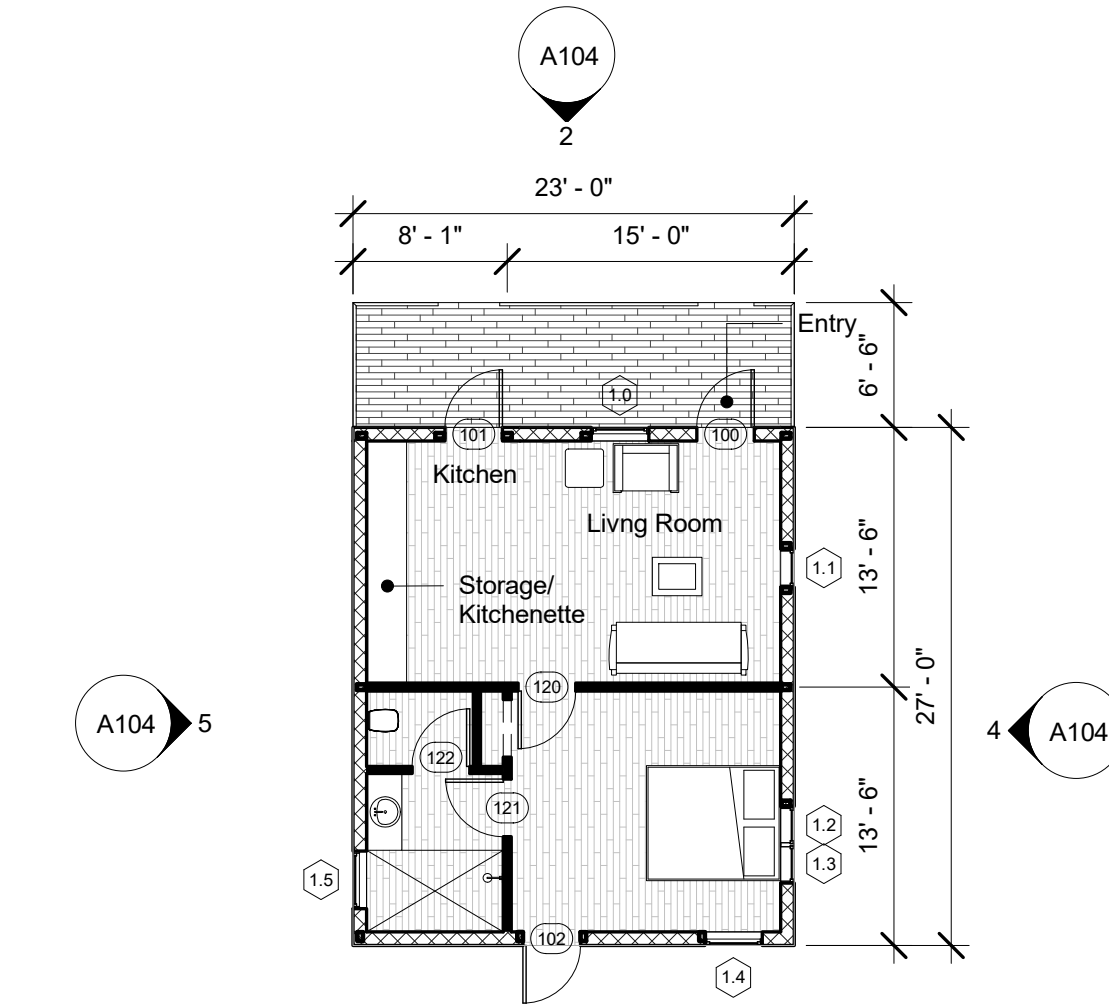
1 HOTEL - LEVEL 1.
1" = 10'-0"



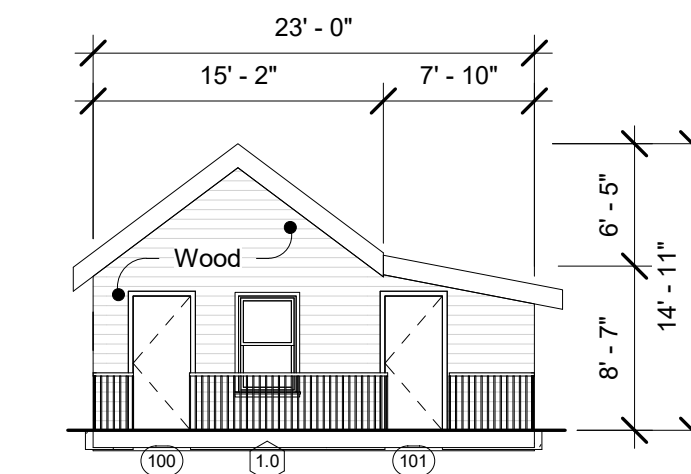
2 HOTEL - LEVEL 2.
1" = 10'-0"



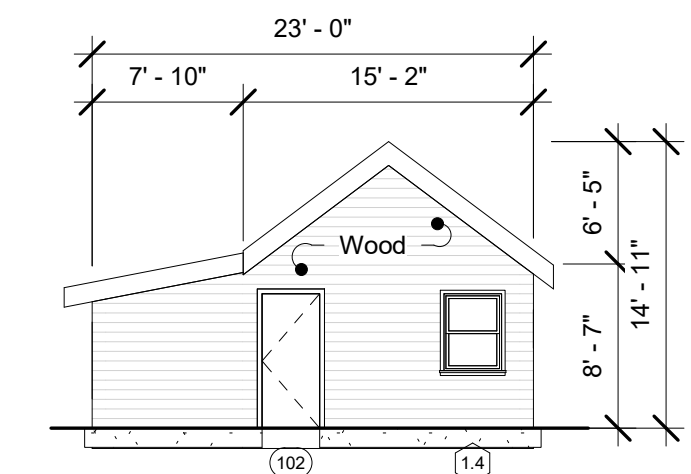
3 HOTEL - SEPTIC TANK
1" = 10'-0"



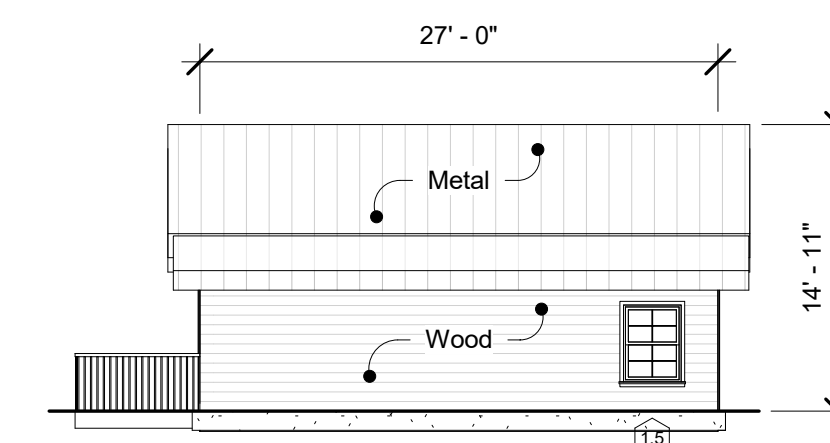
8 SURVEYOR HOUSE - LEVEL 1
1" = 10'-0"



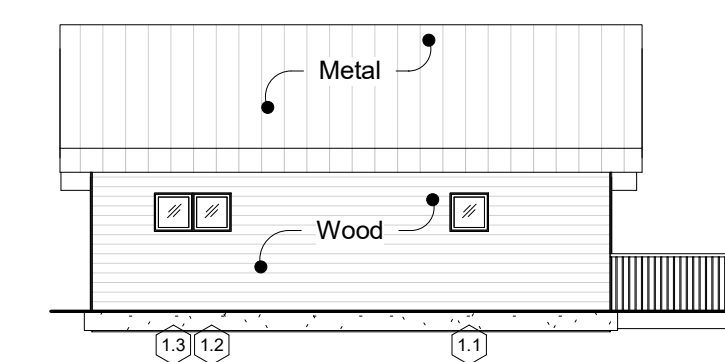
9 SURVEYOR HOUSE - NORTH.
1" = 10'-0"



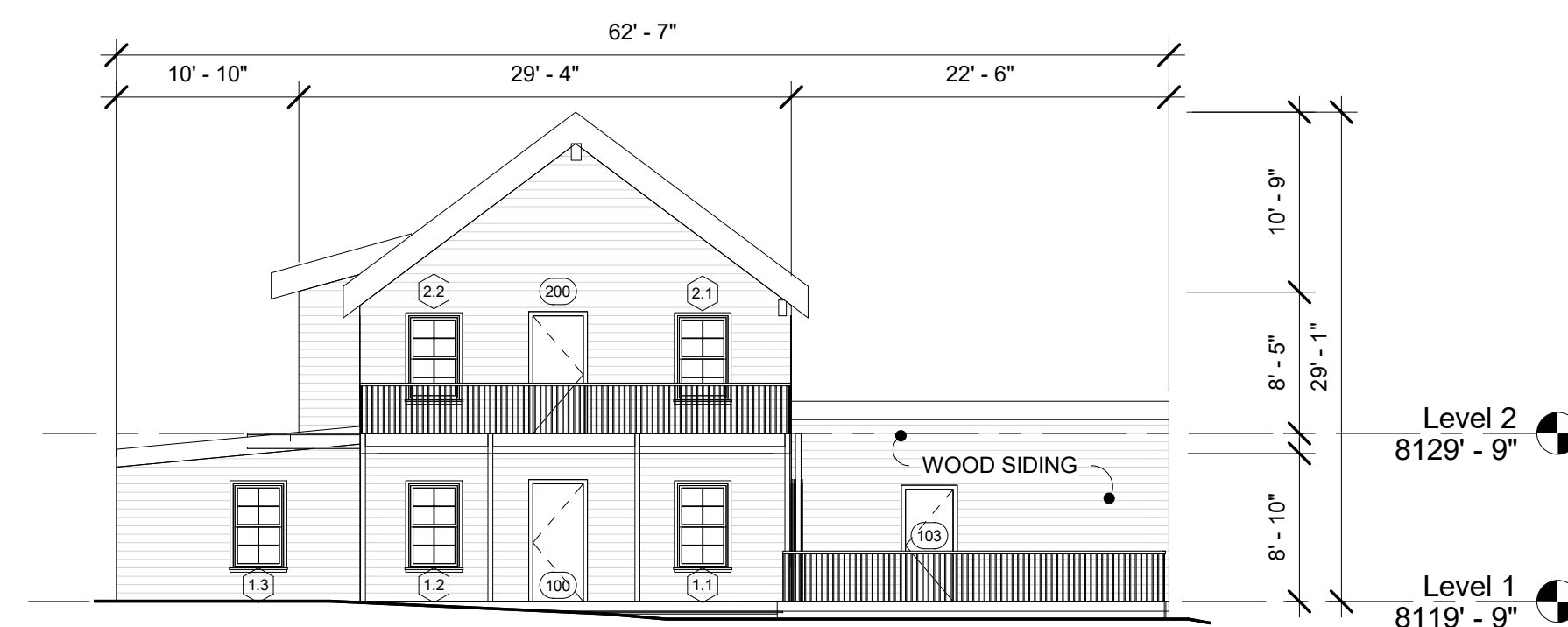
10 SURVEYOR HOUSE - SOUTH.
1" = 10'-0"



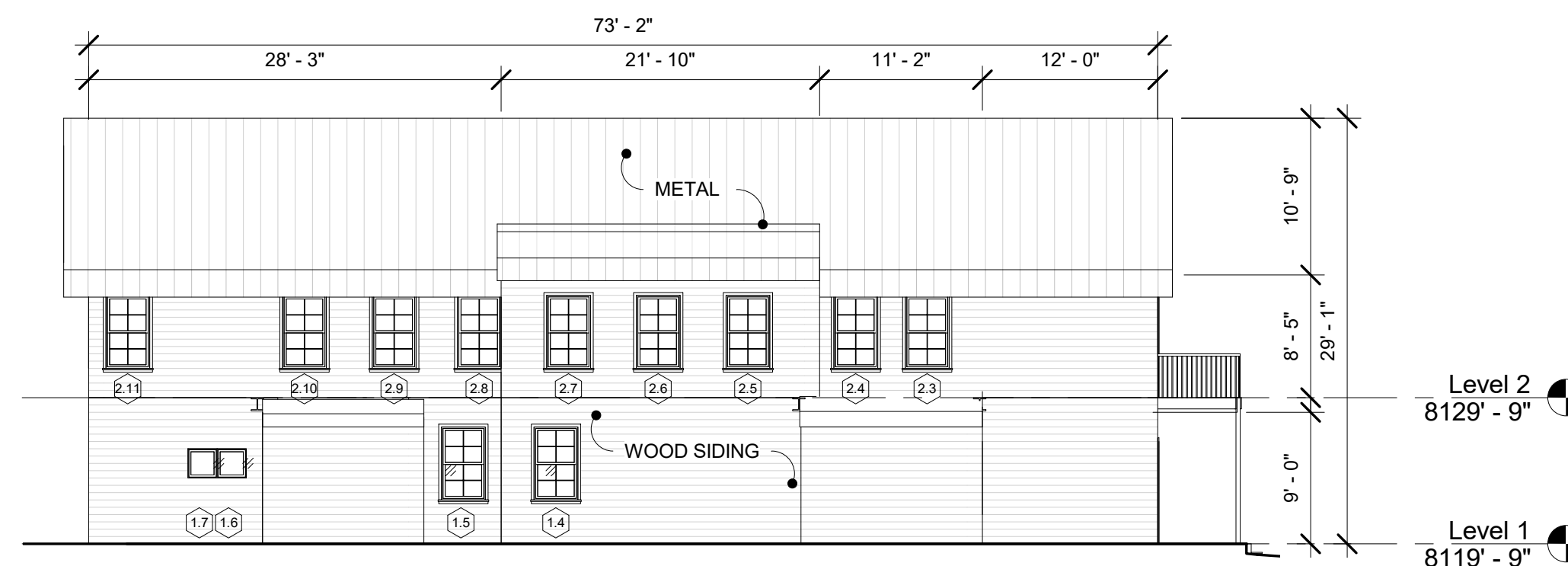
11 SURVEYOR HOUSE - WEST.
1" = 10'-0"



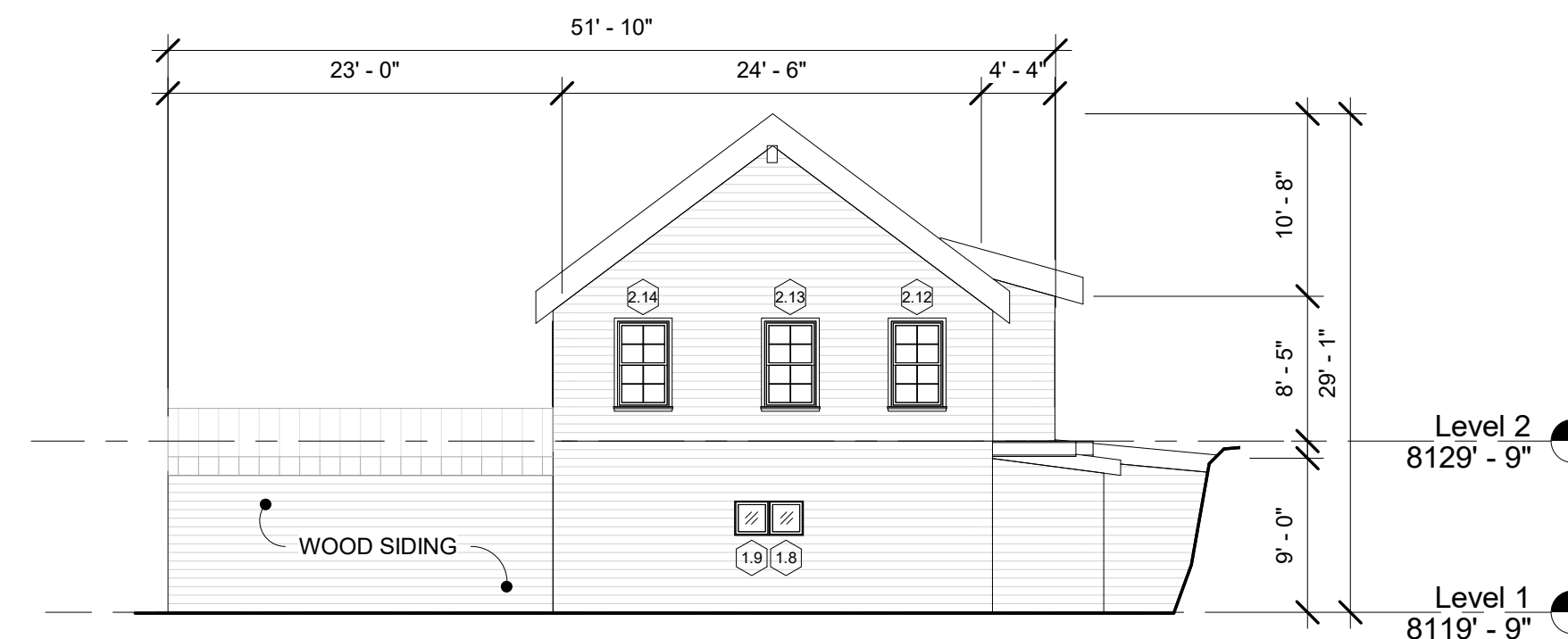
12 SURVEYOR HOUSE - EAST.
1" = 10'-0"



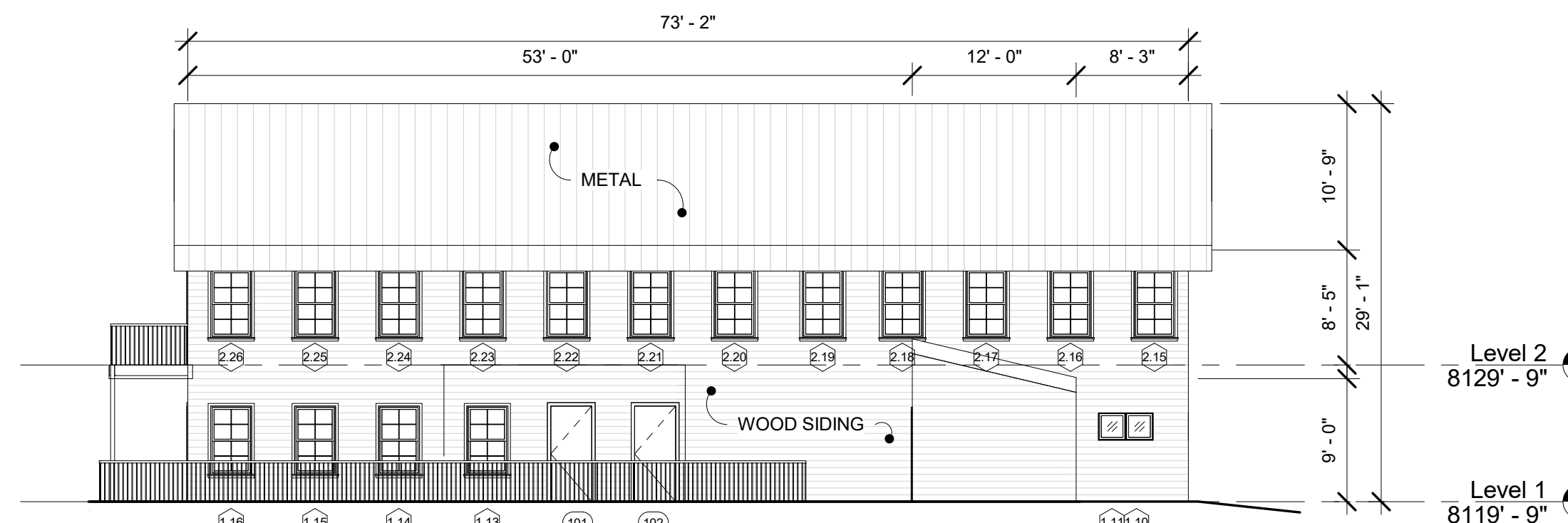
4 HOTEL - NORTH.
1" = 10'-0"



5 HOTEL - EAST.
1" = 10'-0"



6 HOTEL - SOUTH.
1" = 10'-0"



7 HOTEL - WEST.
1" = 10'-0"

Cerro Gordo Ghost Town

Cerro Gordo Rd., Keeler, CA 93530

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ISSUE DATE

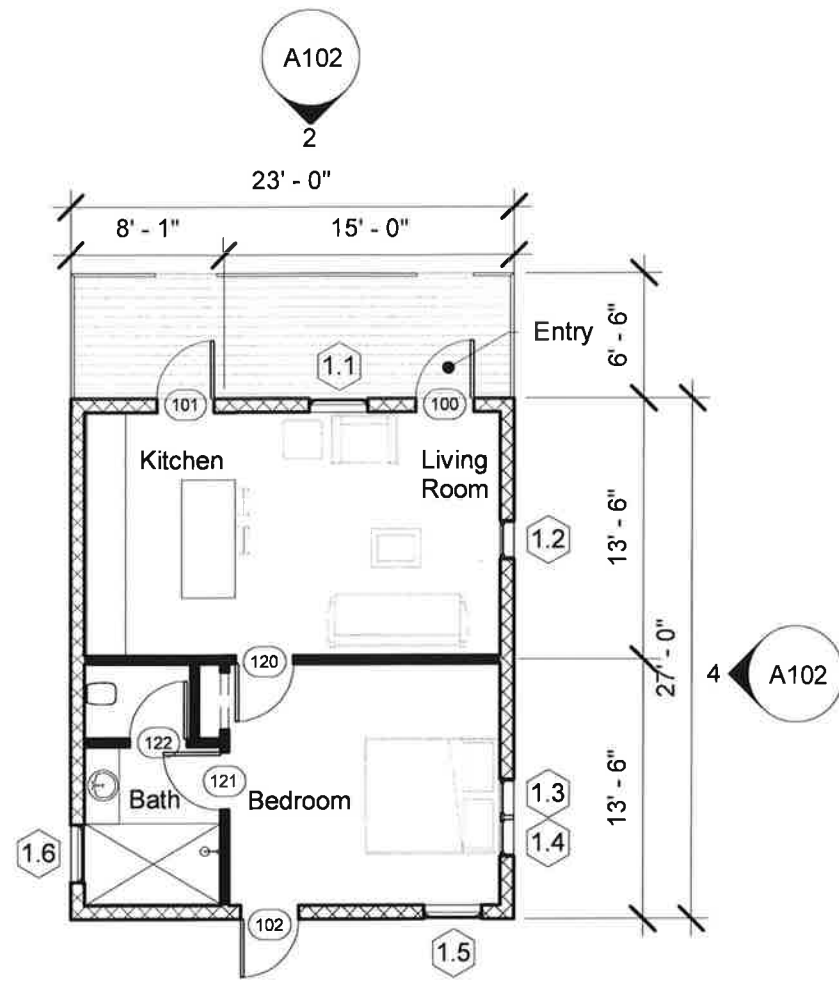
9/08/2020

REVISIONS

Number	Date	Description

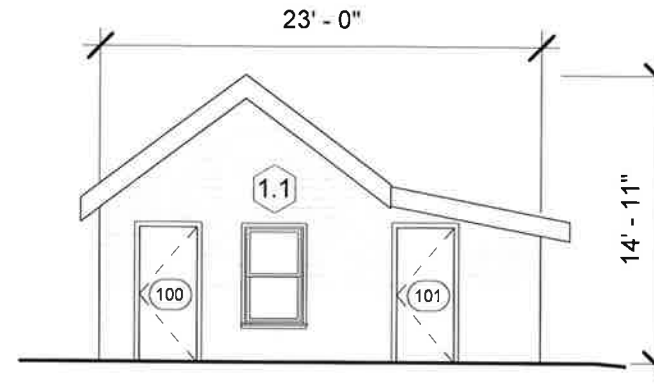
PLANS & ELEVATIONS

A1.1

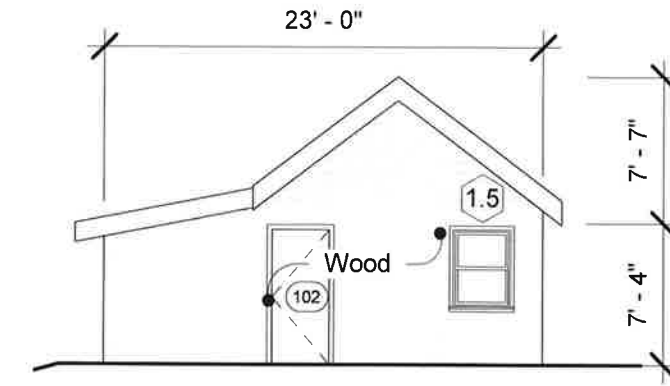


① SURVEYOR HOUSE
1" = 10'-0"

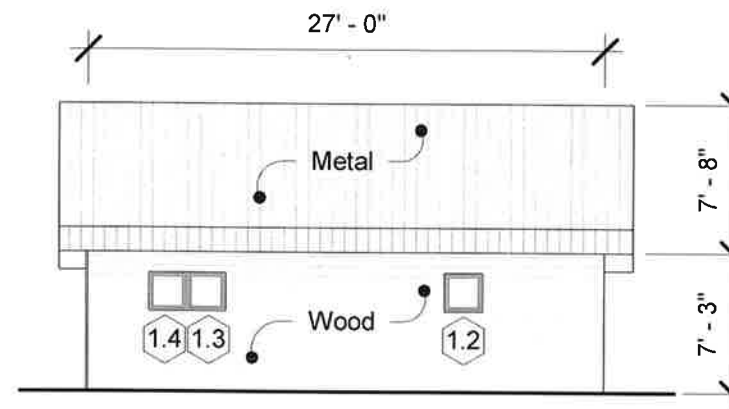
■ New Construction
□ Original Location
Floor Area: 621 SF



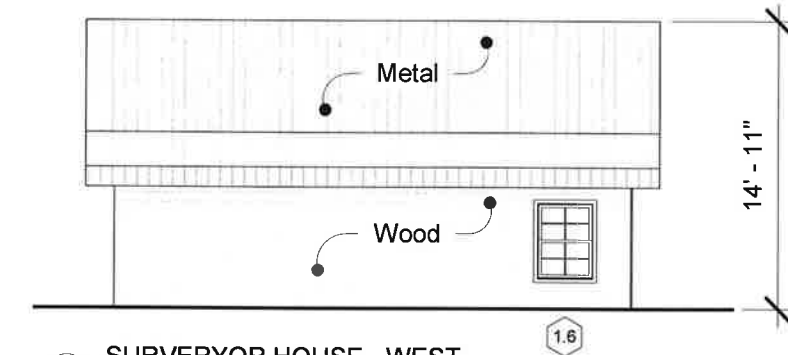
② SURVEYOR HOUSE - NORTH
1" = 10'-0"



③ SURVEYOR HOUSE - SOUTH
1" = 10'-0"



④ SURVEYOR HOUSE - EAST
1" = 10'-0"



⑤ SURVEYOR HOUSE - WEST
1" = 10'-0"

Surveyor House - Window Schedule			
Mark	Width	Height	Type
1.1	3' - 0"	5' - 0"	Double-Hung Windows
1.2	2' - 0"	2' - 0"	Fixed Windows
1.3	2' - 0"	2' - 0"	Fixed Windows
1.4	2' - 0"	2' - 0"	Fixed Windows
1.5	3' - 0"	4' - 0"	Double-Hung Windows
1.6	3' - 0"	4' - 0"	Double-Hung Windows

Grand total: 6

Surveyor House - Door Schedule		
Mark	Width	Height
100	3' - 0"	7' - 0"
101	3' - 0"	7' - 0"
102	3' - 0"	7' - 0"
120	3' - 0"	7' - 0"
121	3' - 0"	7' - 0"
122	3' - 0"	7' - 0"

Grand total: 6