

Mono County Community Development Department

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Planning Division

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Director Review 20-016/Twohey

APPLICANT: Becky and Matt Twohey

SUBJECT PROPERTY: 2758 Highway 158, June Lake, CA (APN 015-104-044)

PROPOSAL: Change of business to a restaurant.



Figure 1. Location of subject property

Pursuant to the Mono County General Plan, Chapter 31 Director Review Procedures, based upon the following findings, you are hereby notified that Director Review 20-016 has been:

- Granted as requested.
 Granted subject to the attached Conditions of Approval.
 Denied

BACKGROUND

The proposal is to remodel an existing 552 square foot (sf) structure at 2758 State Route 158 (SR 158) for the purpose of changing the business from office space into a restaurant. Prior to 1997, the commercial structure fronting SR 158 was used as a dentist's office. In February 1997, an interior remodel was approved to convert the dentist office into a construction and design office, a change that decreased the intensity of use. A minimum of three parking spaces were required and no physical expansion was permitted without an additional Director

Review or Use Permit. A hanging sign on the east, street facing façade of 10' sf and wall-mounted sign on the north façade of 21' sf was approved and were not allowed to be expanded.

The construction and design business no longer occupy the building and no permits have been issued for the property since that time.

PROJECT DESCRIPTION

The current owner of the property and applicant are proposing to convert the building into a restaurant with seasonal outdoor seating (15 seats), install new lit exterior signage, complete interior renovations, improve parking on the property by leveling and paving the parking area and creating two employee parking spaces and two short-term parking space (one of which will be ADA compliant), installing a bicycle parking rack, installing perimeter fencing, installing a handicap ramp and relocating the entry way, and installing a new propane tank.

The Land Use Designation (LUD) for the parcel is Commercial (C); a Director Review permit is required when converting from a prior use with exterior structural alterations or additional parking is required. Conversion from office space to a restaurant use with 15 seats increases the required parking, triggering a Director Review permit. Food-service establishments are a permitted use within the designation. The property is also within the June Lake Central Business District which provides flexibility in allowing alternative means of addressing parking demand to encourage more economically productive land uses. A minimum of 60% of off-street parking requirements shall be required.

Parking

Required parking spaces for restaurants, bars and food carts is one space for each three seats plus one space for each employee on the largest shift. Seasonal outdoor seating of 15 seats will require five (5) parking spaces, plus two (2) spaces for employees during the largest shift. The Central Business District parking provision reduces the number of required spaces to four ($7 \text{ spaces} \times 60\% = 4.2$). The inclusion of four bicycle parking spaces will substitute the need for one space, therefore requiring a total of three (3) off-street parking spaces. One ADA parking space is required and will be provided. The plan also meets the 10' x 20' size requirement for uncovered parking spaces in June Lake.

Snow Storage

An on-site snow-storage area equal to 65% of the area from which the snow is to be removed from is required. As shown on the site plan, parking and access areas where snow is to be removed from total 1,180' sf, therefore an area of 767' sf is required. The site plan designates two areas on-site, totaling 1,110' sf to store snow. One area is 360' sf adjacent to the parking lot and the other is 750' sf, where the seasonal outdoor seating will be. During winter months the outdoor seating will not be used, allowing the area to be dedicated to snow storage. Snow will be removed from parking and pedestrian areas as necessary.

Signage

The existing restaurant Epic Café plans to relocate to this location. Epic Café was approved under DR16-001/Dore to locate at APN 021-150-006, and currently maintains compliant signage. The business will use their existing signage at this location; signage will be 17' sf and attached to the east facade of the structure.

Any signage must be consistent with Mono County General Plan, Chapter 7. The project may not expand beyond the previously approved signage area: a hanging sign on the east, street facing façade of 10' sf, and wall mounted sign on the north façade of 21' sf. For those signs to be lit, indirect illumination from a separate light source is required, with the exception of channel letters. Use of neon and internal lighting is prohibited unless integrated with an overall architectural or design theme and is subject to Director's approval. An indirectly illuminated sign is defined as any sign whose illumination is reflected from its source by the sign display surface to the viewer's eye, the source of light not being visible from the street or from abutting property. Additionally, signage must comply with General Plan Chapter 23, Dark Sky Regulations.

Fencing

The project proposes to place fencing along the north (rear), west and partial east side of the perimeter. Fencing is allowed out-right when not exceeding 7' in height. Where a fence is located in any required front yard, it shall not exceed 4' in height. For this property, the front yard setback is 10'. See "Attachment A" for elevation exhibits.

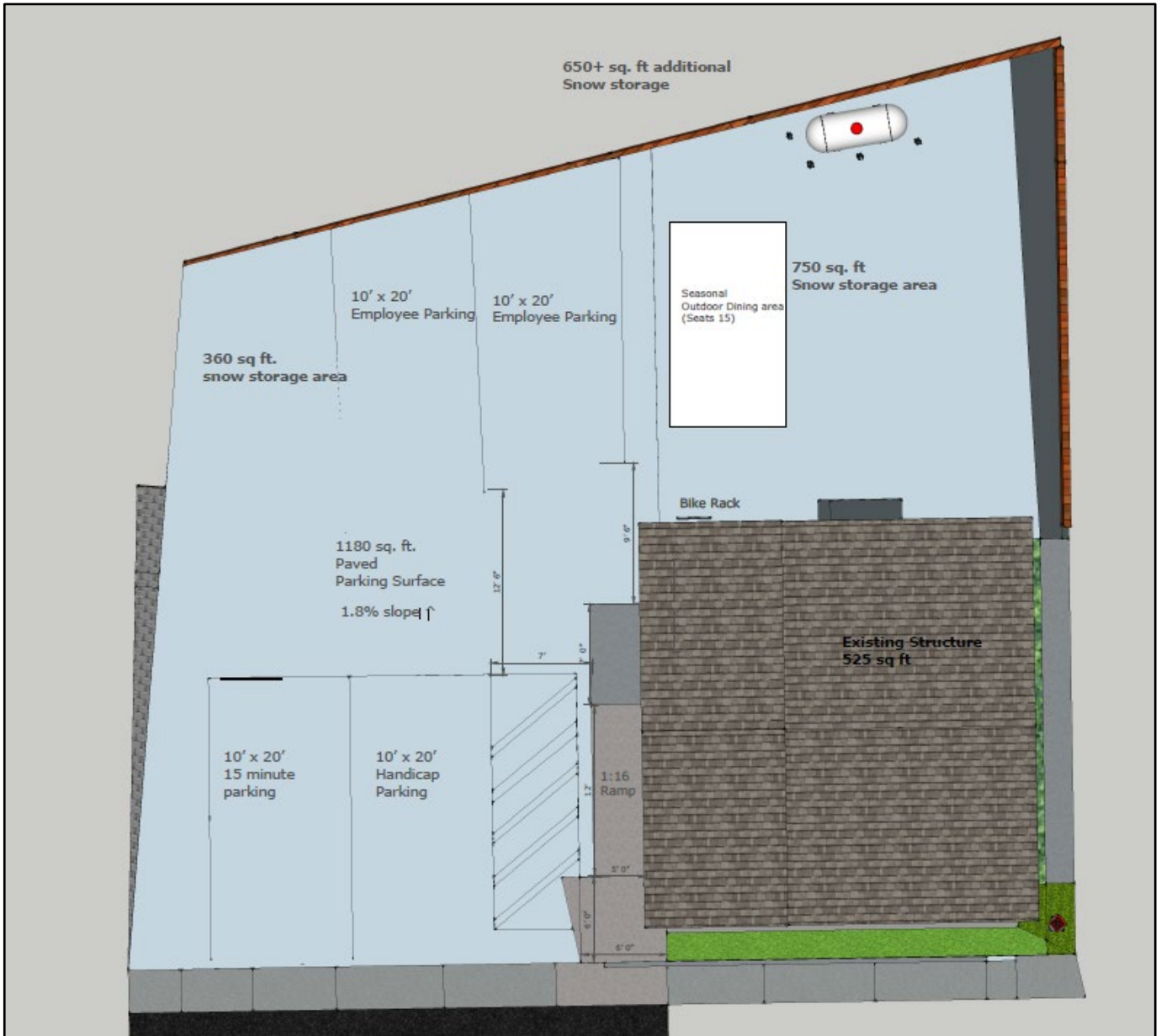


Figure 2. Project site plan

LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE

The application was accepted for processing at the publicly noticed September 21, 2020 meeting. No additional comments were received.

DIRECTOR REVIEW FINDINGS

Under Mono County General Plan, Land Use Element, Chapter 31.030, the Community Development Department Director may issue a Director Review permit after making all the following findings:

1. *All applicable provisions of the Land Use Designations and Land Development Regulations are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features.*

The subject property is designated Commercial and use as a restaurant is a permitted on the property. A structure for the use already exists on the property and conforms to current development standards. Modifications will be made with a valid building permit and all requirements shall be met including, but not limited to, parking, snow storage, and signage. The change of business and property modifications are adequate in size and shape for the property.

2. *The site for the proposed use relates to streets and highways adequate in width and type to carry the quantity and kind of traffic generated by the proposed use.*

The property is accessed by Highway 158, a Caltrans highway. This project will not alter traffic capacity or patterns, and the related road is adequate to handle the kind of traffic generate by the proposed use. The project is required to conform with any requirements of Caltrans, including but not limited to receiving an encroachment permit.

3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located.*

The proposed change of business will not be detrimental to the public welfare or injurious to property or improvements in the area. The new business will not be obnoxious as it will comply with General Plan requirements and is an appropriate use for the property. The proposed parking, signage, and on-site snow storage meets requirements set in the General Plan for the purpose of minimizing impacts to neighboring properties.

4. *The proposed use is consistent with the map and text of this General Plan and any applicable area plan.*

The proposed change of business is consistent with the property's land use designation and is consistent with the General Plan and June Lake Community Plan.

Mono County General Plan, Countywide Land Use Policies

Objective 1.E. Provide for commercial development to serve both residents and visitors.

Policy 1.E.2. Commercial uses should be developed in a compact manner; commercial core areas should be established/retained in each community area and revitalized where applicable.

The project is located in a commercial area and appropriate for the area.

Mono County General Plan, June Lake Community Plan Policies

Objective 13.C. Contain growth in and adjacent to existing developed areas, and retain open-space buffers around each area.

Policy 13.C.1. Encourage compatible development in existing and adjacent to neighborhood areas.

Action 13.C.1.b. Encourage compatible infill development in the Village and Down Canyon areas

The project supports infill development within the core commercial area of June Lake, the Village.

5. *The improvements indicated on the development plan are consistent with all adopted standards and policies as set forth in the Land Development Regulations, this General Plan and any applicable area plan.*

The project is consistent with all adopted standards and policies set forth in the Land Development Regulations and the General Plan. The Commercial designation allows for food establishments and a Director Review permit is required when converting from a prior use when exterior structural alterations or additional parking is required.

6. *The project is exempt from the California Environmental Quality Act (CEQA).*

The project qualifies for a categorical exemption under CEQA Guideline 15303, New Construction or Conversion of Small Structures. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to:

- A store, motel, office, restaurant or similar commercial or institutional structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use, if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

The proposed project falls within a Class 3 exemption because no new square footage is involved in the proposed project. The proposal is for a change of use in an existing structure with no expansion of the structure.

CONDITIONS OF APPROVAL

DR 20-016 is issued with the following conditions:

1. This permit allows for the change of property use to a restaurant with up to 15 seasonal outdoor seats. Outdoor seating will not exist when on-site snow storage is necessary to keep parking and access clear from snow. Indoor seating is prohibited.
2. The project shall comply with the Mono County General Plan and Building Division and Environmental Health Department requirements.
3. The project shall comply with Caltrans requirements for accessing the property from Highway 158 and any use of the right-of-way.
4. Signage shall comply with Mono County General Plan, Chapter 7 – Signs, and Chapter 23 – Dark Sky Regulations.
5. Termination. A Director Review shall terminate, and all rights granted therein shall lapse, and the property affected thereby shall be subject to all the provisions and regulations applicable to the land use designation in which such property is classified at the time of such abandonment, when any of the following occur:
 - A. There is a failure to commence the exercise of such rights, as determined by the Director, within two years from the date of approval thereof. Exercise of rights shall mean substantial construction or physical alteration of property in compliance with the terms of the Director Review.
 - B. There is discontinuance for a continuous period of one year, as determined by the Director, of the exercise of the rights granted.
 - C. No extension is granted as provided in Section 31.080.
4. Extension: If there is a failure to exercise the rights of the Director Review within two years of the date of approval, the applicant may apply for an extension for an additional one year. Any request for extension shall be filed at least 60 days prior to the date of expiration and shall be accompanied by the appropriate fee. Upon receipt of the request for extension, the Planning Division shall review the application to determine the extent of review necessary. Conditions of Approval for the Director Review may be modified or expanded, including revision of the proposal, if deemed necessary. The Planning Division may also deny the request for extension. Exception to this provision is permitted for those Director Reviews approved concurrently with a tentative parcel or tract map; in those cases, the approval period(s) shall be the same as for the tentative map.
5. Revocation: The Planning Commission may revoke the rights granted by a Director Review, and the property affected thereby shall be subject to all the provisions and regulations of the Land Use Designations and Land Development Regulations applicable as of the effective date of revocation. Such revocation shall include the failure to comply with any condition contained in the Director Review or the violation by the owner or tenant of any provision pertaining to the premises for which such Director Review was granted. Before revocation of any permit, the commission shall hold a hearing thereon after giving written notice thereof to the permittee at least 10 days in advance of such hearing. The decision of the commission may be appealed to the Board of Supervisors in accordance with Chapter 47, Appeals, and shall be accompanied by an appropriate filing fee.

This Director Review permit shall become effective 10 days following the issuance of the Director's decision. This decision may be appealed within 10 days by filing a written notice of appeal with the secretary of the Planning

Commission. If an appeal is filed, the permit will not be issued until the appeal is considered and the Planning Commission renders a decision.

PREPARED BY: Michael Draper, Planning Analyst

DATE OF DECISION: _____

SIGNED: _____
Wendy Sugimura, Community Development Director

Enclosed:

Attachment A: Elevation exhibits of project site.

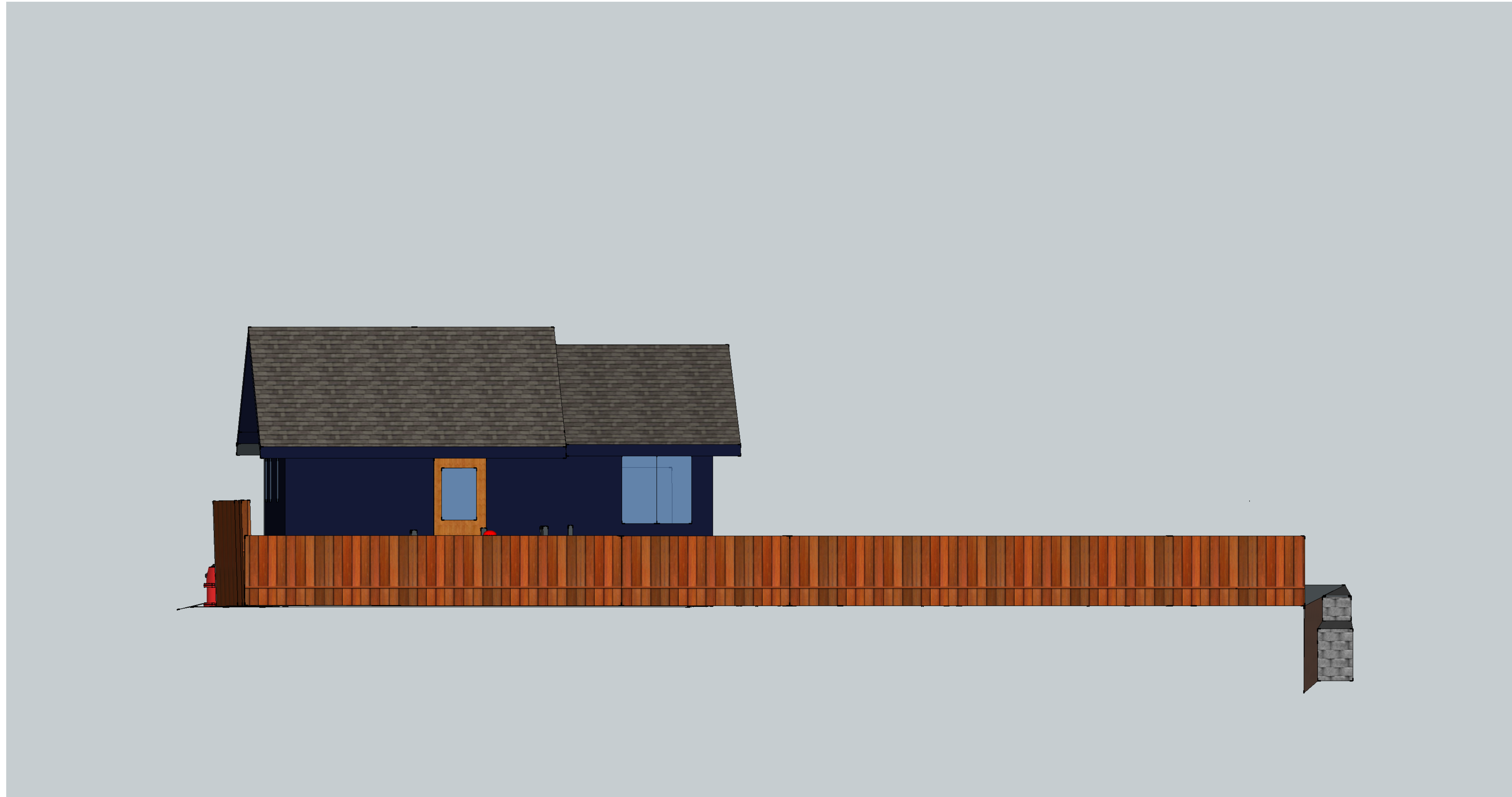
Street (South) Elevation



West Elevation



North Elevation



East Elevation

