

MONO COUNTY PLANNING COMMISSION

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MINUTES

February 16, 2017

(Adopted April 20, 2017)

COMMISSIONERS: Scott Bush, Roberta Lagomarsini, Chris I. Lizza, Mary Pipersky, Dan Roberts.

STAFF: Scott Burns, director; Paul McFarland, assistant planner; Wendy Sugimura, associate analyst; Louis Molina, environmental health; Walt Lehmann, public works. Christy Milovich, assistant county counsel; CD Ritter, commission secretary

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE: Chair Chris Lizza called the meeting to order at 10:15 a.m. in the board chambers at the county courthouse in Bridgeport, and attendees recited the pledge of allegiance to the flag.

2. PUBLIC COMMENT: No items

3. MEETING MINUTES

MOTION: Adopt minutes of Dec. 15, 2016, as amended: Item 5A, sentence following second failed motion: "He did ~~not~~ want dissuasion of property investors." (*Pipersky/Lagomarsini. Ayes: 5-0.*)

4. PUBLIC HEARING

A. CONDITIONAL USE PERMIT 16-00023/Carmichael: Conversion of first floor of existing June Lake Chevron building at 2587 Hwy 158 (APN 015-086-001, zoned Commercial) to support 50-seat coffee shop/restaurant (aka "The Lift Café") serving coffee, food, beer and wine. Proposed operating hours: 5:30am to 2:00am with occasional live music Thursday to Sunday. Interior footprint of 1,400 sq. ft. would be remodeled to include indoor seating, kitchen, work area and two bathrooms. Approximately half of proposed seating would be outdoors depending on available parking. Upstairs floor of building would remain a single-family dwelling unit. Two new signs are proposed: one on building and one (3.5'x4.5') on existing metal pole at northern corner of property. Project is located within June Lake Central Business Parking District. Proponents have submitted Parking Management Plan accounting for 10 on-site spaces, a bike rack for four bikes, and possible off-site spaces. A CEQA exemption is proposed.

Gerry Le Francois reviewed project by PowerPoint. Seating for 50 down to 20 due to parking. Live music OK, but noise regulations apply after 10 p.m. (lower thresholds in residential areas than commercial). Can't exceed 55-60 decibels outdoors. Change of use required use permit. Mono revised Central Business District concept. Limitations exist for parking, so lessened parking requirements. One space/five seats, 60% reduction from old standard. Nearby applicants required one space/three seats under old. On-street can't count toward parking. Bike rack = parking space. Parking in Caltrans right of way, so Mono cannot approve parking in Caltrans. Public right of way applies to all businesses. Seating for 20 inside, could limit inside, put some outside, but hard to regulate. Snow storage is a challenge. Contract to move snow off site due to limited space. Care where snow goes, but don't want to regulate. Five or six letters of opposition, 11 supporting. Building and plumbing codes as well as parking can limit number of seats.

Indoor music or outdoor music? *Once/month in summer: live band, fundraisers, music festival, gathering spot.*

Apartment upstairs how long? *Roberts indicated gas station owner had lived upstairs.*

Mono regulate daytime noise? *Yes.*

Underground tanks removed? *Yes, gone.*

DISTRICT #1
COMMISSIONER
Mary Pipersky

DISTRICT #2
COMMISSIONER
Roberta Lagomarsini

DISTRICT #3
COMMISSIONER
Daniel Roberts

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris I. Lizza

ADA parking access? *Le Francois stated remodel through building permit process. Nearly double standard parking space, so lost a space. Provide space plus path of travel. Fourth parking space = bike rack. Tandem/double parking OK for employees.*

Roberts indicated prior owners allowed parking next door. Le Francois described it as civil issue between tenants.

Le Francois suggested rewording Condition #4: provide snow removal contract for off-site storage.

OPEN PUBLIC HEARING: Owner Amanda Carmichael contracted with Marzano for snow removal at June Lake Pines, so add The Lift onto contract.

Elisha Mistretta, operator, described quick grab-and-go fresh-baked goods, breakfast sandwiches, etc. from 6:30 a.m. to noon and again 3-8 p.m. Similar to Stellar Brew in Mammoth.

Bush noted 2 a.m. focus by neighbors. *Asked for maximum hours of operation, but doesn't foresee any event till 2 a.m. Covering bases. Live music off at 10 p.m.*

Co-operator Maribeth Kramer suggested moving indoors.

Roberts saw the project as hugely ambitious on parking and seating. Commission considers whole community, but especially neighbors.

Kramer indicated they were clearing up misconceptions

Spillover parking to parking lots? Kramer described surrounding businesses as not too overcrowded.

Roberts noted Sierra Inn has big lot, some concern patrons would park there.

Bush thought open parking unavailable to patrons would create friction. People leave when no parking exists. **CLOSE PUBLIC HEARING.**

DISCUSSION: Bush opposed 50 seats; limit to 20 seats, no music past 10 p.m.

Lagomarsini favored approval, as other places always found street parking.

Pipersky, who was in restaurant business many years, wanted to get people out of their cars. Parking is allowable. She wished them luck.

Roberts described June Lake as a pedestrian community. Heidelberg supports, Villager Motel within walking distance. Sierra Inn does not serve breakfast, so no impact on morning parking. Favors more options for June Lake. Sierra Inn has live music occasionally till midnight. Noise complaints there and at Tiger Bar. Roberts favored the project. Knows property layout, maintain drive-through aspect.

Lizza saw it as a highly constrained property, and staff did its best on parking. Thought 20 seats are plenty, located at gateway to town, so viable business. Outdoor seating along road. No additional noise conditions. Favored the project.

Bush wanted off-site snow storage required by contract.

Change parking configuration later? Le Francois: Maybe review parking and seating after 18 months.

MOTION: Find that the project qualifies as a Categorical Exemption under CEQA guideline 15303 and file a Notice of Exemption; make the required findings as contained in the project staff report; and approve Use Permit 16-00023 subject to Conditions of Approval, with modification to Condition #4: "Off-site snow storage is **permitted required by contract with snow removal provider.**"

(Pipersky/Lagomarsini. Ayes: 5-0.)

5. ACTION ITEM

A. FINAL ONE-YEAR EXTENSION OF TENTATIVE PARCEL MAP (TPM) 31-86/Graves. One-year map extension for property located along US 395 and Burcham Flat Road, approximately a half-mile south of the community of Walker. The parcel (APN 002-490-012) is approximately 111 acres and has a land use designation of Rural Residential 10-acre minimum parcel size. The TPM would divide the property into four parcels.

Gerry Le Francois noted map goes back to 2016, no longer rubber stamp. Final extension requested. Do all map improvements in time frame (November 2017). No significant changes from original approval, not map modification that requires subsequent environmental review. Intent is to preserve map, try to market property by November, or map goes away. Driving force was deceased Olive Graves, mother.

Subdivision on site map? *Yes, in Walker.*

Le Francois clarified extension is year from month approved, not today's date. Approved at staff level till approved or denied by Planning Commission.

MOTION: Approve final one-year extension of tentative parcel map (TPM) 31-86/Graves.
(*Bush/Pipersky. Ayes: 5-0.*)

6. WORKSHOP:

A. Initiation of County activities on medical marijuana: Wendy Sugimura noted recreational weed was approved by California in November election. Mono is exploring via countywide task force. Wanted Planning Commission thoughts on land use planning issues.

Michael Draper reported one task force meeting of many County departments in January identified issues. Private individuals can cultivate up to six plants at home. Regulate medical separate from recreational use? Meet with RPACs for public input in March, BOS in April.

Trying to deny as revenue source? Task force goal? Get in on ground floor or keep it out?

Burns stated moratorium suspended till regulation package is defined. Ultimately, where permitted?

How does cannabis differ from other agriculture? Burns noted BOS may be interested in indoor grows, not outdoor, but no consensus. Talk with Town, communities.

Sugimura indicated Christy Milovich has been legal counsel. Not a lot of talk about outright prohibiting. Could, but need rationale. Potential opportunities seen by economic development.

Bush reported about 50 Antelope Valley residents thought should discuss revenues. Who's driving this? Legal activity now.

Sugimura cited RPAC outreach in March.

Bush wondered if it was premature to discuss now, before RPACs.

Lagomarsini indicated Benton tribe wants it, but has no power. Regulate as business. Sugimura noted retail vs. light industrial depends on impacts generated. Bush suggested big indoor building, grow inside there. Huge amounts of money and jobs, so why prohibit?

Milovich reminded that the State hasn't come up with and implemented its regulations. Awaiting that, then decide for Mono. Recreational and medical use of cannabis is legal. The growing of personal cannabis for medical purposes or recreational purposes is also allowed. However, all commercial aspects of cannabis (selling, distributing, testing, manufacturing, growing for sales, and processing) await regulation. Mono can tax commercial recreational weed, but not medical. Would task force invite public to join?

Bush recalled it passed 2-1 in Mono. It's legal, so do it right. Milovich cautioned that even though Proposition 64 passed, no state licensing scheme yet, so it's still illegal.

Bush noted it's going to happen, better to be involved, let it be known whether Mono is interested or not. Mono's looking for revenue, according to Antelope Valley RPAC. Bush found exact opposite of what he expected at Antelope Valley RPAC town hall meeting.

Lizza indicated people have ideas, have done research.

Sugimura found initial thoughts helpful. Regulate as business, permissive zoning not OK if not allowed in certain land use designations, subject to other permits like DR (Director Review). If no local permitting approval in place when State defines, controlled at State level. Mono must decide by Dec. 31, 2017.

Draper attended cannabis summit in Sacramento to look at issues. Crop differs from any other agricultural crop. Grow indoors to control. Water-intensive crop, needs lots of energy. This crop attracts crimes. Six plants are allowed by law, but black market might come in for 14' tall plant. Can dictate residential zones, square footage. Some counties allow shops but not growing. If sell here, grow here.

Six plants/household? Milovich stated county counsel's figuring out whether it's six per person or per household. Could become an issue; not clearly written in law. Lagomarsini stated Master Gardeners are not allowed to give advice on growing weed.

Sugimura will return later with more information.

7. REPORTS

A. DIRECTOR: 1) Rentals: Scheduled March 7, delay due to tribal consult. To CAC that evening on June Lake issues. 2) Housing survey: CDBG (Community Development Block Grant) grant to update housing needs assessment in concert with Town. Housing mitigation with ordinance or not. RTP (Regional

Transportation Plan) aligned with Housing Element (State oversight). 3) Camp Antelope: Sugimura and Le Francois went to BOS. 4) Projects: Tioga Inn SP, Crowley Lake Fish Camp, interpretive geothermal trail at Casa Diablo, CWPP, Scenic Byway. 5) PC reappointments: Next week.

B. COMMISSIONERS: No items

8. INFORMATIONAL: No items

9. UPCOMING AGENDA ITEM: Election of Chair & Vice-Chair (March 16)

10. ADJOURN 11:55 a.m. to March 16, 2017

CD Ritter, commission secretary