

MONO COUNTY PLANNING COMMISSION

PO Box 347
Mammoth Lakes, CA 93546
760.924.1800, fax 924.1801
commdev@mono.ca.gov

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

MINUTES

August 16, 2018
(Adopted September 20, 2018)

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

STAFF: Gerry Le Francois, principal planner; Michael Draper & Bentley Regehr, planning analysts; Jake Suppa, code compliance; Walt Lehmann, public works; Stacey Simon, county counsel; CD Ritter, commission secretary

GUESTS: Mike Dudley, Bryan Mahony, David Prince

1. **CALL TO ORDER:** Chair Scott Bush called the meeting to order at 10:09 a.m. at the board chambers in Bridgeport with teleconference to Town/County Conference Room in Mammoth Lakes.

2. **PUBLIC COMMENT:** No items

3. **MEETING MINUTES**

MOTION: Continue minutes of June 14, 2018, as agenda incorrectly stated July 19, 2018.

4. **PUBLIC HEARINGS**

A. CONDITIONAL USE PERMIT 18-005/Dudley for a non-owner occupied (Type III) short-term rental use in a 3-bedroom (BD) single-family residential unit at 92 and 94 Nevada St. (APNs 16-099-032 & -033) in June Lake, and the Land Use Designation (LUD) is Single-Family Residential (SFR). Parking is proposed only at 94 Nevada St. Maximum occupancy of eight persons and three vehicles.

Michael Draper described a 3BD dwelling, maximum occupancy eight. Parking standards: minimum two/dwelling, space/BD, so three required.

--- Pipersky arrived at 10:18 a.m. ---

CEQA exemption. Findings: Meets parking for three, existing structure meets site requirements, no new construction, change to STR year-round. Nevada Street is private non-paved road. Two comment letters challenged and supported proposed action.

Limit in June Lake or Mono? *Draper noted limit within Clark Tract of eight parcels total. Other parcels in Leonard.*

Where are two spaces on plot map? *Draper indicated two 10x20 spots, gravel in front of house.*

Frontage on Nevada Street? *Draper: Unsure exact. Use Permit = SFR of two spaces.*

Gravel parking block in other two?

OPEN PUBLIC COMMENT: Mike Dudley and wife have owned since 1973. Adjacent parking parallel, third in driveway. Adjacent area for parking as well, partially on both lots.

Simon stated both lots are part of use permit, but only 92 Nevada St. **indicated. Vacant lot can't be used until** developed with primary residence. Violation of Code and General Plan.

Roberts noted notice was incorrect on vacant lot. Simon indicated developed lot properly noticed, Use Permit relates only to developed lot. Notice was over-inclusive. Lot 94 not on table.

Draper stated CUP for only one specific parcel, undeveloped lot left out, adjacent lot not for parking.

Park own vehicle on vacant lot? Simon stated accessory use prior to main use, so violation as well.

**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

Problem with STR? CC&Rs? *Mono does not enforce CC&Rs.*

Property used before? *Not to his knowledge.*

Suppa confirmed no complaints on that property.

Three spaces now including driveway? *Draper: For UP need two spaces to meet SFR requirements. In Operations Permit, look at three spaces. Parking could limit occupancy.* **CLOSE PUBLIC COMMENT.**

DISCUSSION: Lizza was concerned with size of home. Eight is too many based on size of house. Concern is noise, traffic. Eight = party. Six is more reasonable.

Change parking? *No.* Bathrooms? *Two.* Reasonable opposition? *Main concern is noise.*

Lagomarsini foresaw row of STRs proposed. Roberts noted other applications are miles away.

Pipersky noted noise regulations would be in effect regardless. Ways to mitigate if neighbors complain.

REOPEN PUBLIC COMMENT: Draper thought square footage low after 2009 appraisal. Home on Washington Street next to Mike Rosas, who screens tenants, model by which to operate, not party house. Family vacationed there since 1970s. Families can come. Shortage of properties. Will screen renters vigorously, including age. Not want to disrupt neighborhood. Property manager Bryan Mahony in neighborhood to monitor. Rosas shared best practices. Understands concerns, not want to be nuisance.

Age limit? *Draper: Age 25 or 27. Submittals strict rules on noise, parking, trash, off deck by 9 pm. House important to family.*

If violations occur with eight, change to six? *Simon: Revoke UP, reissue. Condition 2: People park on adjacent parcel. Delete. The project may not park or store any type of vehicle or equipment on any neighboring parcel.*

One family? One rental? *Simon: Not separate parties. All renting together.*

If no large family with five kids, carving out people who want to do this. *Simon: Multiple families OK if booked under one family. Dudley had two families stay before.*

Dudley cited 1,431 sf in 2009 appraisal.

Suppa noted occupancy covers two/BD and additional two. Ten persons is threshold before becomes commercial property.

Withdraw project if limited to six? *Dudley: No. Could make six work.* **CLOSE PUBLIC COMMENT.**

MOTION: Deny CUP 18-005/Dudley as categorical exemption, refile notice subject to limit of six, amend item two on parking (~~Upon a change of ownership of the neighboring property, APN 016-099-033~~, the project may not park or store any type of vehicle or equipment on ~~the any~~ neighboring parcel). (*Lizza/Pipersky. Ayes: 4. No: Lagomarsini.*)

If limit number, limit ages? *Simon needs to research.*

Lizza saw concerns of neighbor, so six. Roberts thought management plan prevents party house.

B. CONDITIONAL USE PERMIT 18-006/Streeton for a non-owner occupied (Type III) short-term rental use in a 2-BD single-family residential unit at 80 Leonard Ave. (APN 015-270-010) in June Lake, and the LUD is SFR. Maximum occupancy of five persons and three vehicles.

Six persons, two cars? Two 10x20 parking spaces can be met. Proposal for non-owner-occupied. Went to LDTAC, 30 days of comment. General Plan: Meets new policies on Ch 25, Code 5.65, allow Type III in Leonard Avenue. Option to deny on basis of access. CEQA for categorical exemption 15301. Project provides adequate parking, access via Leonard Ave. Class 2 County road. Consistent with Ch. 25 and 26, Code 5.65. Six persons of single party. No stay in travel trailers.

Simon: Condition 4: ~~Upon approval of a Short Term Rental Activity permit.~~

Property ever on long-term rental? *No.*

OPEN PUBLIC COMMENT: Bryan Mahony, property manager, said parking meets safety. **CLOSE PUBLIC COMMENT.**

DISCUSSION: Roberts noted one area approved for STR. Looks like **it's** in order.

MOTION: Find that project qualifies as Categorical Exemption under CEQA guideline 15301, file Notice of Exemption, and approve CUP 18-006/Streeton after modifying Condition 4: ~~Upon approval of a Short Term Rental Activity permit.~~ (*Roberts/Lagomarsini. Ayes: 5.*)

C. CONDITIONAL USE PERMIT 18-007/Schreiber for a non-owner occupied (Type III) short-term rental use in a 4-BD single-family residential unit at 184 Leonard Ave. (APN 015-270-003) in June Lake, and the LUD is SFR. Maximum occupancy of 10 persons and six vehicles.

Michael Draper described 1,025-sf footprint with three floors. No comments received. Could deny on basis of single point of entry, unimproved access. But existing structure in compliance. Occupancy is 10 persons of single party. No sleeping in travel trailer outside property.

Only two parking spaces? *Draper: Operations permit consideration. Parking analysis meets General Plan of two for SFR. Parking spaces/bedroom part of Operations permit. In application process asked to meet Operations permit requirements.*

Operations parking? *Draper: Parking space/bedroom.*

OPEN PUBLIC COMMENT: Clarification: 3,700 sf on property. **CLOSE PUBLIC COMMENT**

DISCUSSION: Lizza was reluctant with 10 people, but maybe OK with four bedrooms.

MOTION: Find that project qualifies as Categorical Exemption under CEQA guideline 15301, file Notice of Exemption, and approve CUP 18-007/Schreiber subject to findings and conditions contained in staff report. (*Lagomarsini/Lizza. Ayes: 5.*)

D. CONDITIONAL USE PERMIT 18-008/Prince for a non-owner occupied (Type III) short-term rental use in a 2-BD single-family residential unit at 46 Leonard Ave. (APN 015-101-004) in June Lake, and the LUD is SFR. Maximum occupancy of six persons and two vehicles.

Michael Draper indicated access via Leonard Avenue. Two BD/Loft. Maximum limited to 2BD. Six persons of single party. Parking discussed by staff. No comments. Findings: Two parking spaces insufficient in size and paving requirements. Condition that parking meet Ch. 6 standards: paved, size requirements. Property needs CofO (Certificate of Occupancy) on deck project before short-term rental. Existing nonconforming structure due to setback issues but could still be permitted as existing nonconforming structure. Parking on site or fine of \$1,000/day.

How get parking up to standard? *Le Francois: bring another space to 10x20 standard.*

How to find space? *Le Francois: Earthwork. Survey by Mono to not encroach onto Leonard. Parking space right up to property line.*

Proponents know parking? *Draper: Parking requirements need to be met before renting.*

Prince indicated property assessed in 2013 at 830 sf.

OPEN PUBLIC COMMENT: David and Barbara Prince bought in 2013. Kit house look. Down to A-frame with loft. Actually 1BD/loft + storage. Two spaces not full size but adequate. Paving problem with asphalt, so laid concrete. Inherited nonconforming property, lot good size but steep, rocky area. Replaced whole structure but beams to roof. No intent for commercial endeavor. Not believe in free ride, so son from Idaho would pay cleanup, heat, water, etc. Beneficiary of trust. Rents to friends. Biggest concern is management, so working with Connie Lear.

Why not bring up to standard, bring application? Prince: CofO not required for rehab. Rough gravel along road.

Doing work after approval, why not before?

Lizza: Retaining wall under deck installed by Prince? *Prince: Yes.* Lizza: Stairwell too? *Prince: Yes, rebuilt everything.* **CLOSE PUBLIC COMMENT.**

DISCUSSION: Lizza: Setback variance? New deck and stairwell.

Simon cited restrictions in General Plan **on use change from private residence to STR. Can't expand structure,** etc.

Deck replacement? *Simon noted upgrades for health/safety purposes if deck unsafe. Draper: Footing of deck to ensure not hit by vehicle.*

Lizza found photos inadequate. Footing that impedes access? *Draper: Footing with big concrete block, last one. Originally plans for footing to come out, but potential of being hit.*

Prince: No encroachment. Off highway. Footings strengthened east side, all new. Deck above was existing, red tagged earlier so rebuilt it all with inspector **Shoffner's suggestions.**

Lizza: Seems premature. Come into compliance, have CofO, better parking, visual representation.

Pipersky: Why CofO? *Le Francois: Renovations, part of final is dependent on parking up to standard. If PC uncomfortable, continue till done.*

Keep place in line? *Le Francois: Noticing still stands.*

1BD/loft with six people? *Draper: Two bedroom, but loft not bedroom.*

Pipersky: One bedroom for personal belongings.

Lizza noted if son to pay totally legitimate, not STR.

Barbara Prince wanted to open beyond family to STR. One bedroom is small but is a bedroom. Could lock up stuff elsewhere.

Draper noted if loft, would need three parking spaces, difficult to meet.

MOTION: Continue CUP 18-008/Prince to Sept. 20 meeting. *(Lizza/Lagomarsini. Ayes: 5.)*

Prince: What are we asked to do? *Bush: Get parking in place before approval. OK for family, but not when renters are in jeopardy. Prove can fit cars in properly, people know where to park.*

Prince noted nonconforming property existed, was not created. *Bush: OK as family residence, other layer for STR. Supervisors could not approve now.*

Simon: Provision in nonconformance says cannot alter or expand use if increases intensity of use of land. Is STR an increase in intensity?

Roberts recalled property as long-term rental.

E. CONDITIONAL USE PERMIT 18-009/Smith for a non-owner occupied (Type III) short-term rental use in a 4-BD single-family residential unit at 70 Leonard Ave. (APN 015-270-011) in June Lake, and the LUD is SFR. Maximum occupancy of 10 persons and three vehicles.

Michael Draper indicated neighboring properties look for similar use. Single party of individuals at a time. No comments. Access via Leonard Avenue. Condition: Max 10 of single party, no RV while renting.

Reflect 3BD, eight people? *Simon: Three vs. four not change.*

OPEN PUBLIC COMMENT: None. **CLOSE PUBLIC COMMENT.**

DISCUSSION: Lagomarsini noted wrong number of people.

MOTION: Find that project qualifies as Categorical Exemption under CEQA guideline 15301, file Notice of Exemption, and approve CUP 18-009/Smith with change to Condition 1: Occupancy of ~~10~~ eight persons. *(Pipersky/Roberts. Ayes: 5.)*

F. CONDITIONAL USE PERMIT 18-010/Stepanian for a non-owner occupied (Type III) short-term rental use in a 4-BD single-family residential unit at 27 Carson View Dr. (Leonard Ave. neighborhood, APN 015-270-005) in June Lake. Maximum occupancy of 10 persons and four vehicles. In accordance with the California Environmental Quality Act, addenda to the existing General Plan EIR are being utilized for all proposed use permits (18-005 through 18-010).

Michael Draper described Carson View Drive as private road, routed through Leonard Avenue. No RV or travel trailer to dwell in while renting property.

OPEN PUBLIC COMMENT. No items. **CLOSE PUBLIC COMMENT.**

Paving? *Similar type of material. Nothing to do with STR.*

Steep roof slope would not hold snow. Three garages? *No, two.*

MOTION: Find that project qualifies as Categorical Exemption under CEQA guideline 15301, file Notice of Exemption, and approve CUP 18-010/Stepanian as submitted. *(Lagomarsini/Pipersky. Ayes: 5.)*

--- Break: 12:15-12:25 a.m. ---

5. WORKSHOP

A. **Housing Toolbox:** Housing survey was sent to BOS. Bentley Regehr requested direction on actions going forward. Agree on general goals? Verbiage: workforce = affordable = community housing. Lizza thought affordable implied low income. Housing needed to staff businesses.

Regehr noted overall supply increase. Lagomarsini wanted housing for worker bees, young families.

Mahaffey **stated** "affordable" is controversial. Most of work force in our industry is lower income.

Bush noted workforce could be by owner; affordable same or totally different, implies lower income. Amazing that Mono has condos, not apartment buildings like cities.

Lagomarsini observed housing progression: start in Chalfant, then Bishop, then Mammoth.

Bush described apartments as affordable housing. Without house or condo, **don't live anywhere**. Lizza thought "community housing" implied engaged in community. Roberts saw evolving words for same thing, evoking images of past stigma.

Regehr: Supply increase: Lizza: SFR (Single-Family Residential) with ADU (Accessory Dwelling Unit).

Le Francois: Parcel size with primary use. State has additional standards. Aggressive ADU policies.

Roberts saw tiny home interest but by time caught up, fad passed. Regehr stated no regulations in place.

Roberts viewed them as generally portable. *Regehr: Tiny vs. RV into definitions. Mahaffey: Has wheels? Is portable. Require to not look portable. Unregulated, undefined. Different to code compliance vs. public.*

Lagomarsini: Sewage/septic multiple tiny homes. *Regehr: Elements to look at.*

Roberts thought all government processes needed streamlining.

Lizza wanted to identify potential housing developers. Conversion of commercial properties. Office space into living units. Lagomarsini: Rehabs. Bush: Rundown cabins, old motels. Roberts: June Lake older collection of cabins to fix up for long-term rentals. Torn down for condos. Lagomarsini favored incentivizing not to tear down places. Roberts wanted to prohibit destruction of living units but lawyer found state regulation **saying it's OK** to do it.

Le Francois indicated more mobile home parks had process for displacement analysis. Mono Inn did that, on-site housing for staff. Double Eagle was mobile park, relocated.

Housing Mitigation Ordinance reinstated, purchase at market, deed restrict.

Housing land trust? *Mahaffey: No strong feelings. Getting consensus on overall goals. Retain land for future uses. Unit into market for family or person in workforce. Resources there?*

Deed restrict so not make more money when selling? *Mahaffey: Deed restrict value (not sell for X dollars). In pool for income range, if afford more, home created for person in lower range. Keeps actual unit in price range.*

Lehmann asked about on-site housing for larger projects (maids, etc.). Where draw line?

Roberts thought no longer having right to live there if income rises is bothersome. Negative reinforcement: out of housing unit.

Rent control on rental units?

Can't be here if no place to live.

Bush asked to move topic to start of next meeting. *Regehr: Come with ideas to discuss.*

Mahaffey requested workshop with BOS on Sept. 18 in Mammoth. **Incorporate today's comments. Is there funding to implement options?**

6. REPORTS

A. **DIRECTOR:** 1) Wendy Sugimura is new CDD director.

B. **COMMISSIONERS:** Lizza missed last meeting due to market deliveries.

7. INFORMATIONAL

8. **ADJOURN** at 1:11 pm to BOS/PC workshop Sept. 18 in Mammoth and regular PC meeting Sept. 20 in Bridgeport.

Prepared by CD Ritter, PC secretary