

Mono County Community Development Department

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February 21, 2019

To: Mono County Planning Commission

From: Kelly Karl, Assistant Planner

Subject: Conditional Use Permit 18-015/Fettes - Short-Term Rental

RECOMMENDED ACTION

- 1) Find that the project qualifies as a Categorical Exemption under CEQA guideline 15301 and file a Notice of Exemption.
- 2) Make the required findings as contained in the project staff report.
- 3) Approve CUP 18-015 subject to conditions of approval.

BACKGROUND

In late 2016, the June Lake Citizens Advisory Committee (CAC) raised various concerns regarding proposed General Plan changes to short-term rental regulations and recommended that language be revised to allow short-term rentals only if consistent with applicable area plans. This language was adopted, and June Lake initiated a process to determine where short-term rentals would and would not be allowed within the community, and any additional regulations that should apply. A subcommittee was established to guide the process, which took a little over a year to complete and included over 50 hours of community meetings and 300 hours of staff time. The full compilation of workshop and policy development proceedings is 411 pages long and available at

https://www.monocounty.ca.gov/sites/default/files/fileattachments/june_lake_citizens_advisory_committee/page/9707/str_wrkshp_prcdngs_as_of_02.15.18.pdf.

The result was a General Plan Amendment adopted in May 2018 that refined Chapter 25 in the Land Use Element and specifically identified the types and locations of acceptable short-term rentals in June Lake through Area Plan policies. In addition, Mono County Code Chapter 5.65 was also approved, establishing a Short-Term Rental Activity permit governing the operation of rentals and making the approval non-transferable if ownership changes. The Short-Term Rental Activity Permit is approved separately from the Use Permit by the Board of Supervisors and is also required prior to the commencement of rental activity.

PROJECT DESCRIPTION

This proposal, CUP 18-015/Fettes, is located at 149 Mountain View Lane, Clark Tract, June Lake, and has a land use designation of Single-Family Residential (SFR). Most of the adjacent properties are also designated Single-Family Residential (SFR), except for a Commercial Lodging, Moderate (CL-M) parcel to the west and a Resource Management (RM) parcel owned by the Inyo National Forest to the south.

The parcel (APN 016-152-009-000) is approximately 10,018 square feet in size. The existing detached one-bedroom accessory dwelling unit is 600 square feet and contains one bedroom on the second floor and a two-car garage (208 square feet) on the ground floor. The deck is approximately 118 square feet. The application identifies space for two cars in a 24'x 29' uncovered paved parking area (approximately 696 square feet).

The proposal is for an owner-occupied (Type I) short-term rental of a detached one-bedroom accessory dwelling. The maximum number of occupants for the one-bedroom unit is limited to two people and only a single party of individuals may occupy the rental at a time.

Short-term rental use may be permitted for any single-family unit having land use designation(s) of SFR, ER, RR, MFR-L or RMH subject to Use Permit, if consistent with applicable Area Plan policies. An additional Short-Term Rental Permit (STR) approved by the Board of Supervisors is to be obtained by the property owner. The STR Permit shall terminate upon a change of ownership and, if desired, the new property owner(s) may apply for a new STR Permit.

SITE PLAN: CUP 18-015 / Fettes, Type I Short-Term Rental



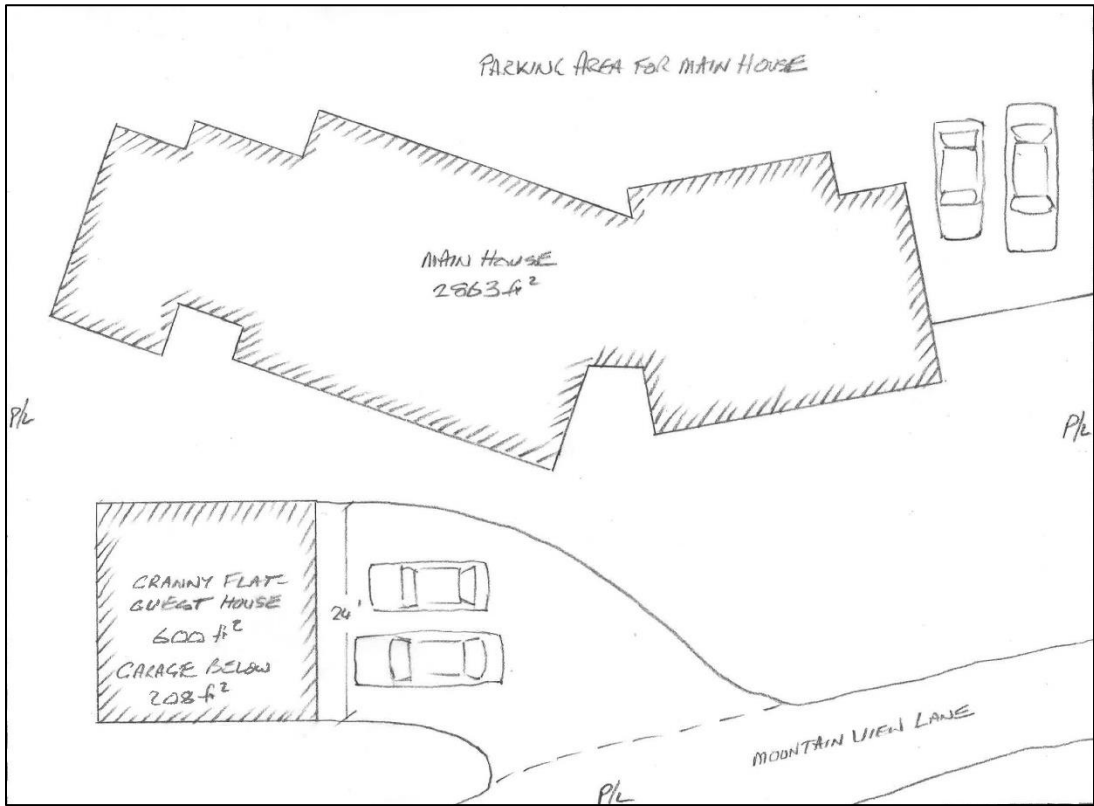


Figure 1: Applicant's parking plan

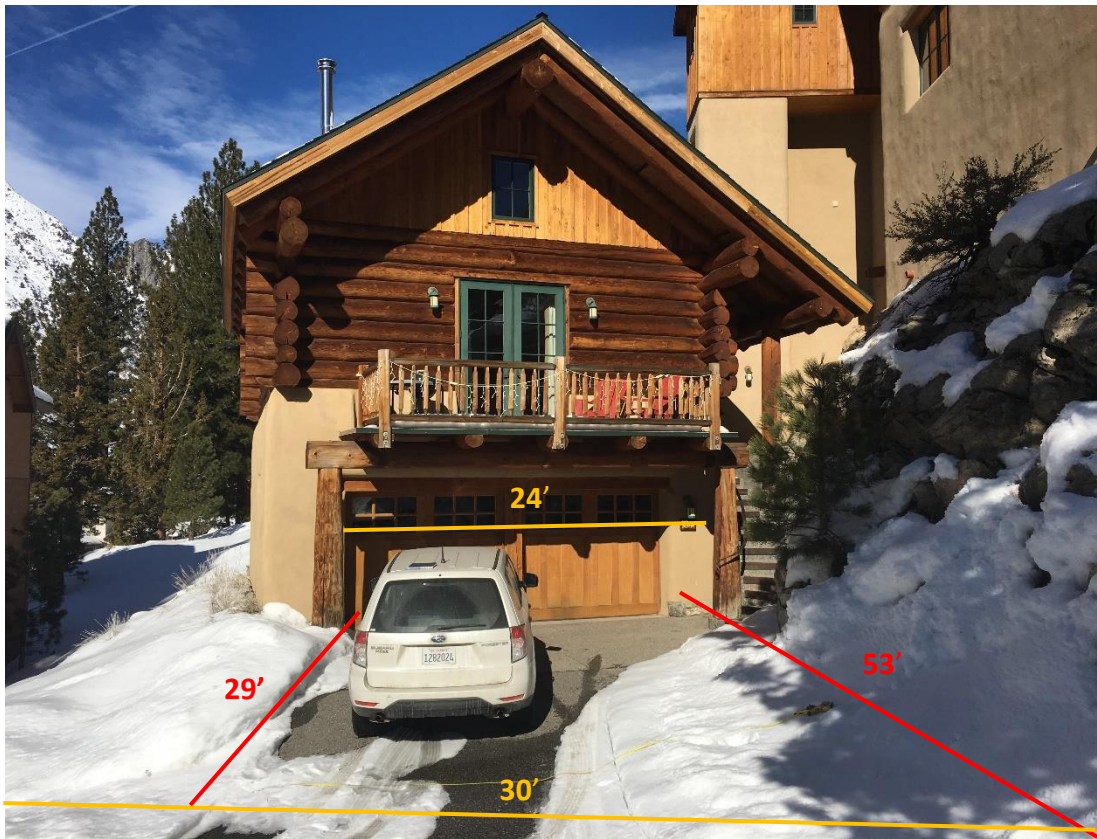


Figure 2: Detached accessory dwelling/parking area photo

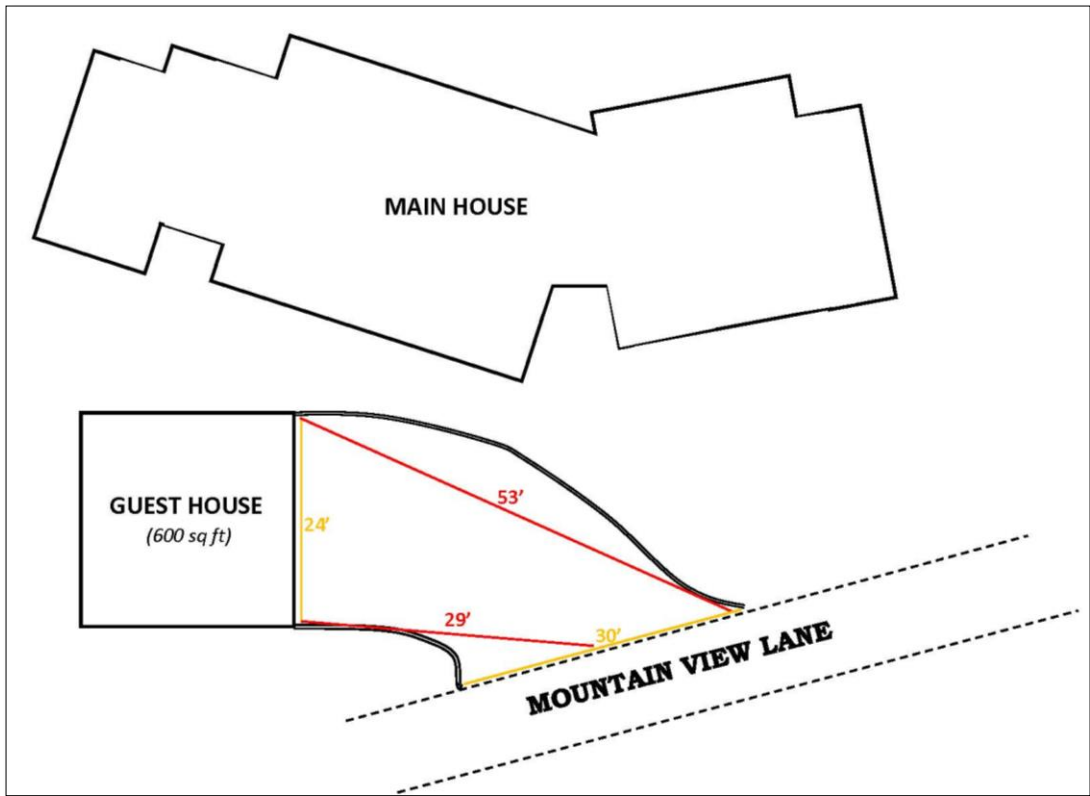


Figure 3: Detached accessory dwelling/parking area diagram



Figure 4: Accessory Dwelling Unit and parking area viewed from above

LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE (LDTAC)

The LDTAC accepted the application on November 19, 2018, and reviewed the staff report and use permit on February 4, 2019.

COMMENTS RECEIVED

A notice of the project was mailed to surrounding homeowners within 500' of the property on December 27, 2018. The notice was also published in the Mammoth Times and The Sheet newspapers 30 days in advance of this public hearing. The use permit provides the public with the opportunity to comment on the proposal and comments are attached to this report.

At the time this staff report was written six public comment letters and one letter from the applicant to his neighbors have been received. The applicant sent a personal letter out to his neighbors to explain the scope of the proposed rental and why he wishes to rent his accessory dwelling unit as Type I short-term rental. Of the six public comment letters four were in support of the project, one letter supported the project contingent upon following seasonal rental restrictions outlined in the June Lake Area Plan policies, and one opposed the project. The concerns expressed in the letter opposing the project are as follows: "hazardous road conditions on the private road, no parking or turnaround areas, no road maintenance, no snow removal, legal risk of lawsuits due to aforementioned poor road conditions, bear intrusion issues, and neighbor discord due to strong opposition to transient rentals in this unique and quite neighborhood."

GENERAL PLAN CONSISTENCY

The project is consistent with Chapter 25, Short-Term Rentals, which established a process to permit short-term rentals for single-family units that do not exhibit reasonable opposition by neighbors who may be directly affected, and when consistent with applicable Area Plan policies.

General Plan Amendment 18-01.B created new land use policies further identifying the specifics of short-term rentals in the June Lake Community.

The project is consistent with the following June Lake Area Plan Policies:

Policy 13.M.1. Short-term rentals are subject to Chapter 25 of the General Plan Land Use Element and Mono County Code Chapter 5.65, with the following specifications based on the context of individual neighborhoods (see General Plan map), which vary in character.

Action 13.M.1.d. In the Clark Tract, Type I and Type III rentals may be permitted year-round on Nevada Street/Silver Meadow subject to the discretionary permit(s) for short-term rentals and June Lake Area Plan policies. In the rest of the Clark Tract, only Type I rentals may be permitted subject to the discretionary permit(s) for short-term rentals, June Lake Area Plan policies, and the following additional requirements: summer only (April 16 through October 31), the number of approvals shall be limited to eight parcels total (3% of existing parcels) including existing Transient Rental Overlay Districts (TRODs), and Type III rentals are prohibited. See MCC Chapter 5.65 for other operational requirements specific to the Clark Tract.

One TROD has been previously permitted so, this project will be the second of the eight total parcels approved for short-term rentals in the Clark Tract.

The Commission may deny an application based on the following Countywide Land Use Element Policy amendment:

Policy 1.L.3. In addition to reasonable opposition by the neighborhood, short-term rental applications may be denied in neighborhoods with certain safety and/or infrastructure characteristics that are not compatible with visitor use, or where conflicts with other regulations exist.

Action 1.L.3.a. Short-term rental applications may be denied where one or more of the following safety or infrastructure conditions exist:

- Emergency access issues due to a single access point to/from the neighborhood (see Safety Element, Objective 5.D. and subsequent policies, and Land Use Element 04.180).
- Access to the parcel, in whole or part, includes an unimproved dirt road (e.g., surface is not paved or hardened with a treatment) and/or roads are not served by emergency vehicles.
- The majority of parcels in a neighborhood/subdivision are substandard or small (less than 7,500 square feet), potentially resulting in greater impacts to adjacent neighbors and/or changes to residential character.
- Current water or sewer service is inadequate or unable to meet Environmental Health standards.

The project is also required to comply with Mono County Code Chapter 5.65 and receive Board of Supervisor approval for the Short-Term Rental Activity permit in a public hearing. The purpose of Chapter 5.65 is to implement procedures, restrictions, and regulations related to the operation of a short-term rental. It also provides enhanced enforcement tools to address unauthorized short-term rentals countywide.

CEQA COMPLIANCE

Project is consistent with a Class 1 California Environmental Quality Act (CEQA) exemption.

Class 1 (15301) consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Examples include but are not limited to:

- interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances,
- accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences, and
- conversion of a single-family residence to office use.

Single-family homes that are rented on a short-term basis (as a Type I rental) will still be used as single-family homes and in a manner that is not substantially different from how they would be used if they were occupied by full-time residents or long-term renters. In addition, short-term rentals are subject to compliance with regulations governing the management of these units stipulated in Mono County Code 5.65, which addresses aesthetics, noise, parking, utilities, and other similar issues. As a result, rental of a single-family residence is not an expansion of use, and is no more intensive or impactful than, for example, conversion of a single-family residence to office use.

USE PERMIT FINDINGS

In accordance with Mono County General Plan, Chapter 32, Processing - Use Permits, the Planning Commission may issue a Use Permit after making certain findings.

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan 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 because:*
 - a) Project provides the necessary paved parking of two spaces per unit, 10' X 20' when uncovered.
 - Lack of parking in the Clark Tract was cited as a concern in the public comment letter opposed to the project. The parking area in front of the rental property is sufficient to

fulfill all the parking needs for the maximum occupancy of two vehicles and two people.

- b) The 600 sq. ft. rental is an existing conforming structure that meets the General Plan Land Use Designation site requirements.
2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*
 - a) The proposed rental is accessed from the lower portion of Mountain View Lane, a private road. The existing main residence has a separate parking area and is accessed from the top portion of Mountain View Lane. Use of property for a Type I rental is not expected to generate a significant increase in traffic.
 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 because:*
 - a) The proposed Type I short-term rental of an existing 600-sq. ft. unit is not expected to cause significant environmental impacts; and
 - b) Project is required to comply with regulations of Mono County Code Chapter 5.65.
 4. *The proposed use is consistent with the map and text of this General Plan and any applicable area plan because:*
 - a) The project is consistent with the 2019 adopted short-term rental policies and regulations set forth in Mono County General Plan Chapter 25 and June Lake Area Plan policies.
 - Lack of snow removal and hazardous road conditions in this area were cited as additional concerns in the public comment letter opposing the project. Another letter indicated support for the project contingent on adhering to seasonal rental restrictions for short-term rentals in the Clark Tract. This short-term rental will adhere to seasonal restrictions (summer only) for short-term rentals in the Clark Tract set forth in the June Lake Area Plan policies. No short-term rentals are allowed on this property from November 1 – April 15.

MONO COUNTY

Planning Division

DRAFT NOTICE OF DECISION & USE PERMIT

USE PERMIT: CUP 18-015

APPLICANTS: Ian Fettes

ASSESSOR PARCEL NUMBER: 016-152-009-000

PROJECT TITLE: Type I Short-Term Rental / Fettes

PROJECT LOCATION: The project is located at 149 Mountain View Lane, June Lake

On February 21, 2019, a duly advertised and noticed public hearing was held and the necessary findings, pursuant to Chapter 32.010, Land Development Regulations, of the Mono County General Plan Land Use Element, were made by the Mono County Planning Commission. In accordance with those findings, a Notice of Decision is hereby rendered for Use Permit 18-015/Fettes, subject to the following conditions, at the conclusion of the appeal period.

CONDITIONS OF APPROVAL

See attached Conditions of Approval

ANY AFFECTED PERSON, INCLUDING THE APPLICANT, NOT SATISFIED WITH THE DECISION OF THE COMMISSION, MAY WITHIN TEN (10) DAYS OF THE EFFECTIVE DATE OF THE DECISION, SUBMIT AN APPEAL IN WRITING TO THE MONO COUNTY BOARD OF SUPERVISORS.

THE APPEAL SHALL INCLUDE THE APPELLANT'S INTEREST IN THE SUBJECT PROPERTY, THE DECISION OR ACTION APPEALED, SPECIFIC REASONS WHY THE APPELLANT BELIEVES THE DECISION APPEALED SHOULD NOT BE UPHELD AND SHALL BE ACCOMPANIED BY THE APPROPRIATE FILING FEE.

DATE OF DECISION/USE PERMIT APPROVAL: February 21, 2019

EFFECTIVE DATE USE PERMIT March 4, 2019

This Use Permit shall become null and void in the event of failure to exercise the rights of the permit within one (1) year from the date of approval unless an extension is applied for at least 60 days prior to the expiration date.

Ongoing compliance with the above conditions is mandatory. Failure to comply constitutes grounds for revocation and the institution of proceedings to enjoin the subject use.

MONO COUNTY PLANNING COMMISSION

DATED: February 21, 2019

cc: X Applicant

X Public Works

X Building

X Compliance

CONDITIONS OF APPROVAL
Use Permit 18-015 / Fettes

- 1) Occupancy is limited to a single party of two persons and two vehicles.
- 2) The project shall comply with seasonal restrictions for short-term rentals in the Clark Tract set forth in the June Lake Area Plan policies. No short-term rentals are allowed November 1 – April 15.
- 3) All short-term rental customers must sleep within the dwelling; customers are not allowed to reside in an RV, travel-trailer, or similar mobile-living unit on the property or any neighboring property.
- 4) The project shall comply with provisions of the Mono County General Plan including Chapter 25, Short-Term Rentals.
- 5) The project shall comply with provisions of Mono County Code Chapter 5.65, Short-Term Rental Activity in Residential Land Use Designations, by obtaining the STR Activity permit, TOT certificate, and business license prior to commencing operation.
- 6) Property shall be maintained in a neat and orderly manner.
- 7) Project shall comply with applicable Environmental Health requirements.
- 8) Project shall comply with applicable requirements by other Mono County departments and divisions including, but not limited to, Public Works, Tax Collector, Sheriff's office, and Building Division.
- 9) If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.