

Mono County Community Development Department

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Planning Division

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Modifications approved by Planning Commission in red.

March 16, 2023

To: Mono County Planning Commission

From: Laura Stark, Community Development Analyst

Re: Use Permit 23-002/Sierra Wave Parking Reduction & Off-Site Snow Storage

RECOMMENDATION:

It is the recommendation that the Planning Commission take the following actions:

1. Find that the project qualifies as a Categorical Exemption under CEQA guideline §15301 and instruct staff to file a Notice of Exemption;
2. Make the required findings as contained in the staff report; and
3. Approve Use Permit 23-002 subject to Conditions of Approval.

PROJECT DESCRIPTION

The proposal is for a parking reduction plan on a 0.11-acre parcel located in the June Lake Central Business District at 2616 State Route (SR) 158, (APN 015-075-005-000), and for off-site snow storage on a nearby parcel (APN 015-075-117-000). Both parcels are designated Commercial (C). The surrounding parcels are all designated Commercial. On the applicant's property, the portion of the building fronting SR 158 contains the retail business, Sierra Wave. Two long-term rental residences are located in the rear portion of the building and are situated adjacent to the neighboring L-shaped parcel which contains a bar & cafe, accessory buildings and a parking lot (see Figure 1).



Figure 1 – Subject property outlined in green.

The application proposes a parking management plan pursuant to the Mono County General Plan (MCGP) Land Use Element (LUE) §6.090 Central Business Parking District standards, and off-site snow storage on APN 015-075-017-000 (see Figure 2) as may be allowed through the use permit process per MCGP LUE §4.300. The parking management plan reduces the number of spaces by three, adds a bicycle rack for four, and authorizes two parking spaces with alternative dimensions of 8' x 16'.

The property has an existing, non-conforming snow storage area and the proposed use would further reduce the snow storage area because the two outdoor parking spots are currently being used for snow storage.



Figure 2 – Subject property outlined in green; proposed off-site snow storage parcel outlined in yellow.

GENERAL PLAN CONSISTENCY

The property currently is required to have eight parking spaces per MCGP LUE §6.090; five of which were approved for off-site parking spaces per Director Review (DR) 01-12 (see Attachment 1). The applicant no longer owns the property where the off-site parking was located under DR01-12 and proposes to offer on-site parking by creating additional bike parking and utilizing an off-site snow storage plan to provide and maintain the required parking spaces.

The off-site snow storage plan would be conducted by the applicant using the applicant's existing snow removal equipment, a CASE 1840 Uniloder. Snow would be removed to a nearby undeveloped parcel (APN 015-075-117-000) which is owned by the applicant. The applicant

leases several parcels in the same area to Caltrans for snow storage and Caltrans has confirmed that an encroachment permit is not required for the applicant's proposed project.

GENERAL PLAN STANDARDS

MCGP LUE §6.090 requires parking as follows:

Table 1 - Parking Requirement (from TABLE 06.010: REQUIRED NUMBER OF PARKING SPACES)				Required
General Retail, Services & Offices	One space for each 200 sq. ft. of gross leasable floor area. No fewer than two spaces.	800sq ft / 200		4
Guest Parking for Multifamily	One space for each six units, no fewer than two. Only required for 3+ units.	2 MF		0
Residential Unit	Two spaces per unit. Tandem parking allowed for SFR and Accessory Units.	2 Residences x 2 spaces		4
Total Required Parking Spaces				8

MCGP LUE §6.090 designates portions of the June Lake Village as a Central Business Parking District. The purpose of these districts is to balance off-street parking requirements with existing community context and character and to provide flexibility in allowing alternative means of addressing parking demand to encourage more economically productive land uses. The project is located within the June Lake Village Central Business Parking District and therefore the required parking can be reduced as noted in Table 2 (below).

Table 2 - Proposed Parking Reduction Plan per June Lake Village Central Business Parking District standards				
06.090 Central Business Parking Districts.		Calculation		Required
A. Minimum Off-Street Requirements	Within the June Lake and Lee Vining central business parking districts, 60% of minimum off-street parking requirements for non-overnight commercial uses in accordance with Table 06.010 shall be required. Note: Fractional parts from 0.51 to 0.99 shall be rounded to the next higher number when calculating required spaces. II-242 (per MCGP LUE Table 6.010)	4 Non-Overnight Commercial Spaces x 60%=	2.4*	2
C. Alternative Parking Allowed Subject to Director Review or Use Permit	A maximum of one required off-street parking space may be substituted for four bicycle parking spaces	4 Bicycle Parking Spaces		-1
Residential Unit with Overnight Parking	Two spaces per unit. Tandem parking allowed for SFR and Accessory Units.*	2 Residences x 2		4
Total Required Parking Spaces				5

*Required overnight parking spaces are not eligible for parking reduction.

There are three existing covered parking spaces on the property and the applicant has proposed a location for two additional parking spaces to meet the required five parking spaces (see Figure 3 & 6). Currently there is a small shed and an old vehicle obstructing the uncovered spaces and the snow has not been fully removed from the uncovered spaces. The applicant is proposing to remove the shed and vehicle, and to plow the spaces to appropriately maintain the required dimensions (see Figure 4 & 5).



Figure 3 (above) – Subject property and neighboring properties. Proposed uncovered parking spaces lined in yellow.

Figure 4 (left) – Driveway and proposed parking area from SR 158.

The applicant shall survey their property lines to ensure the parking spaces do not encroach on neighboring property.

During a site visit with County staff on February 21, 2023, the applicant demonstrated how the snow could be removed to provide the uncovered parking spaces and explained that the existing vehicle and small shed currently obstructing the uncovered spots can be moved in the spring (see Figure 5).

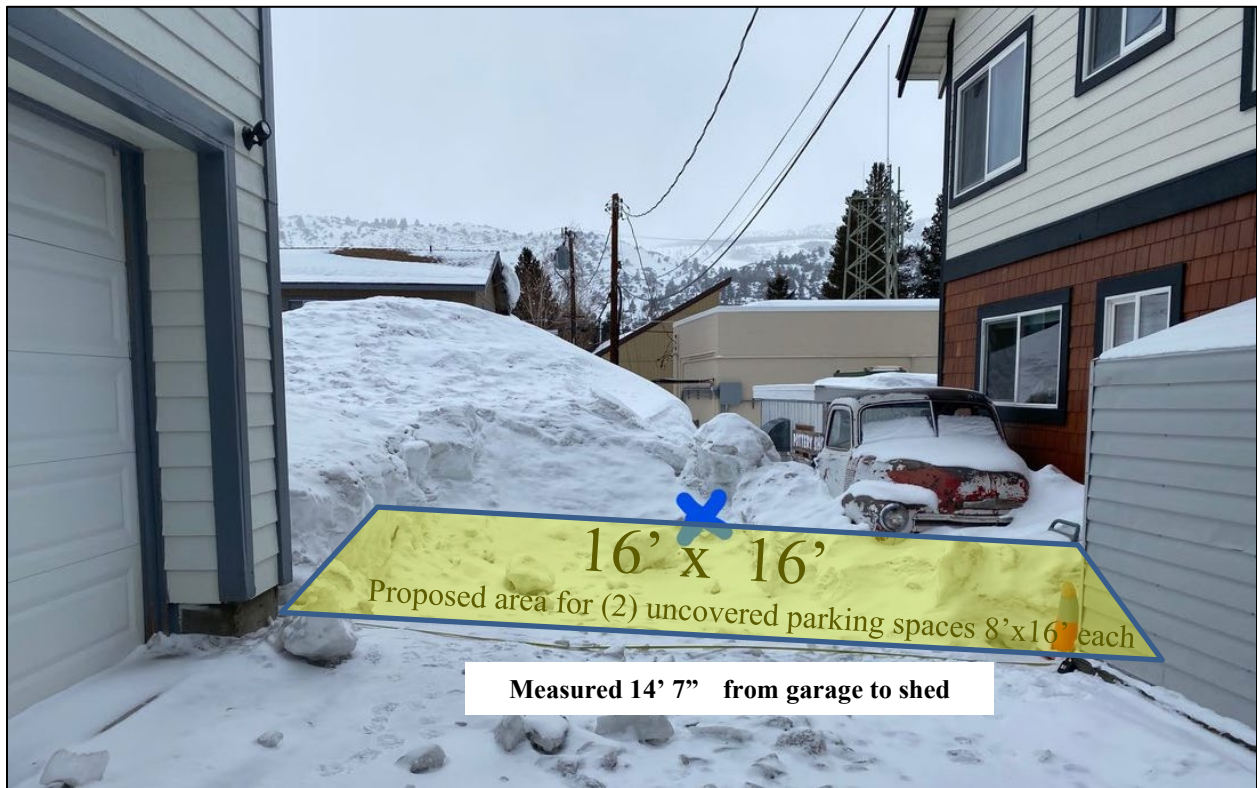


Figure 5 – Proposed uncovered parking area

Once the snow, shed, and old vehicle are removed, adequate space should exist to maintain and utilize the two parking places previously established under DR 01-12. Year-round access to the two uncovered parking spaces onsite would be required to establish the minimum amount of on-site parking required under MCGP LUE §6.090.

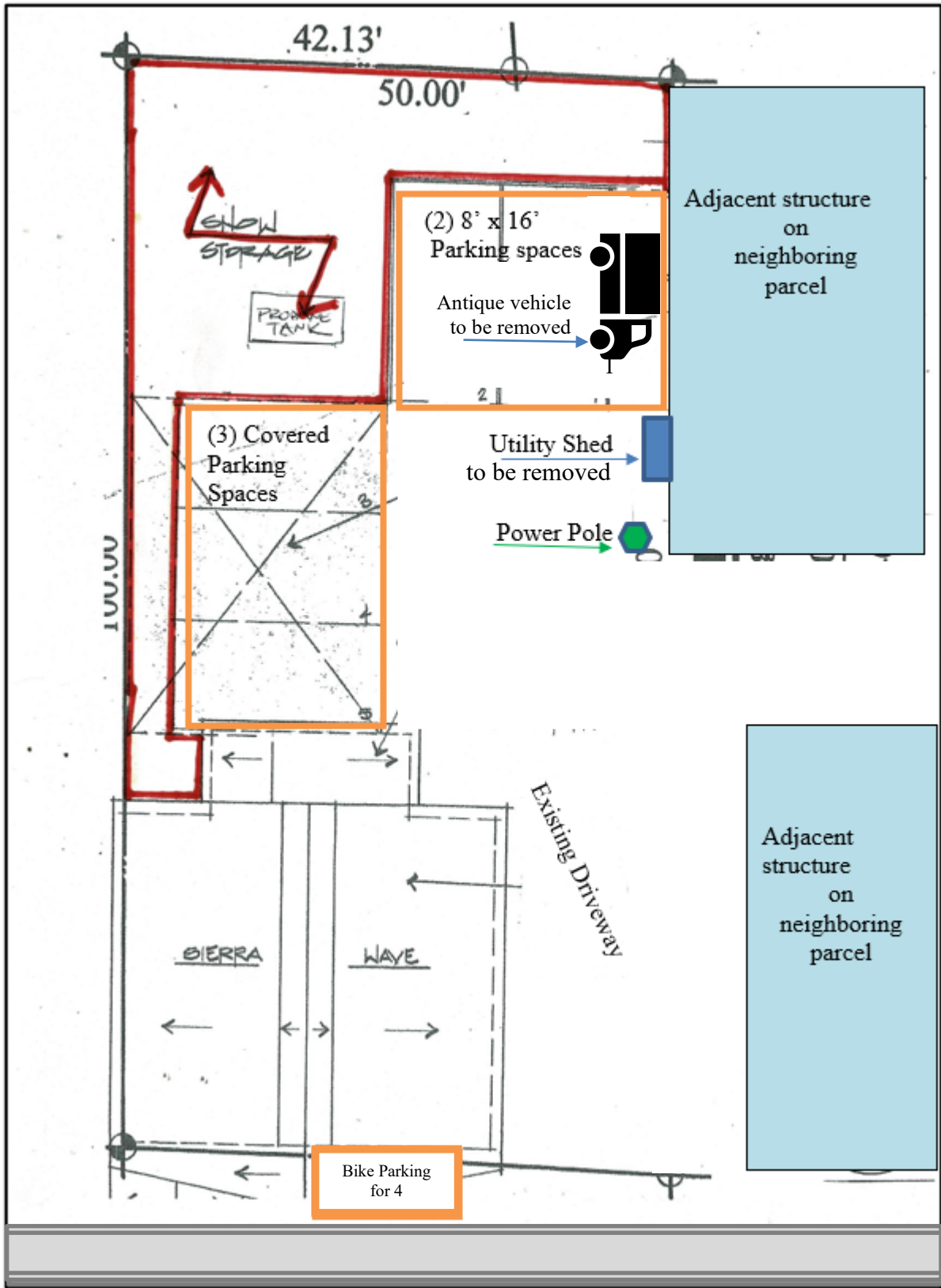


Figure 6 – Site Plan

LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE (LDTAC)

The project went to LDTAC on January 18, 2023, for application acceptance and returned to LDTAC for approval of conditions on March 6, 2023.

PUBLIC NOTICING AND COMMENTS

The project was noticed in the February 25, 2023, edition of The Sheet; mailers noticing the project were sent to properties within 300 feet of the subject property on February 25, 2023. No public comment was received as of the drafting of this staff report.

CEQA COMPLIANCE

This project is categorically exempt from CEQA because it meets the conditions of *CEQA Guideline §15301 - EXISTING FACILITIES. Class 1 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 existing or former use.*

The project qualifies for this CEQA exemption because there is no new construction and no expansion of uses.

USE PERMIT FINDINGS

Per Chapter 32 of the Mono County General Plan Land Use Element, Use Permits may be granted by the Planning Commission only when **all** of the following findings can be made in the affirmative:

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.

Finding 1 may be made because the proposed use is consistent with MCGP LUE §6.090 – Central Business Parking Districts as analyzed in Table 2. The applicant shall survey their property lines to confirm the parking spots do not encroach on neighboring properties. The applicant proposes an off-site snow storage solution utilizing snow removal equipment and a nearby property, both owned by the applicant, to meet snow storage requirements and prevent exacerbating the existing nonconforming use after parking is added.

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.

Finding 2 may be made because the project is an existing use and therefore will not change the quantity and kind of traffic generated by the addition of two new on-site parking spaces and off-site snow storage. The property is accessed by State Route 158, a Caltrans maintained highway adequate to carry the quantity and traffic generated by the existing commercial and residential land uses. Public Works advised that the proposed snow removal plan would be similar to the work completed by Caltrans on nearby properties and approved the use of the property for snow storage. Caltrans also acknowledged the use in

an email and noted no encroachment permit is required at this time for the snow storage parcel.

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.*

Finding 3 may be made because 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 it is an adjustment to an existing parking management plan in compliance with MCGP LUE §6.090 and it is an existing use with no new construction. Off-site snow storage also occurs on nearby parcels.

4. *The proposed use is consistent with the map and text of the Mono County General Plan.*

Finding 4 may be made because the proposed use is consistent with MCGP LUE §6.090 – Central Business Parking Districts; and:

Objective 13.I. Maintain the June Lake Village as the Loop's commercial core by providing a wide range of commercial and residential uses in a pedestrian-oriented atmosphere.

Action 13.E.1.a. Allow higher densities and provide for mixed uses in areas suitable for commercial and retail development.

And:

GP LUE §34.020 Alterations to nonconforming uses, buildings and structures: The following criteria shall be considered by staff during the review of any application to expand/alter a nonconforming use. Any alteration required by governmental or court action shall be exempt from these conditions and restrictions. Conditions affecting a nonconforming use shall apply to the existing use, land and structures and shall not be affected by ownership change.

A. *Alterations of the nonconforming use shall not be detrimental to the intent of the land use designations, objectives and policies, specified in this General Plan.*

Finding A may be made because the proposed off-site snow storage improves the existing nonconforming snow storage issue by providing a location for removing snow from the property. The snow removal to an off-site location addresses both nonconforming snow storage onsite and the loss of additional snow storage due to the two outdoor parking spaces.

B. *The granting of permission to alter the nonconforming use shall not be substantially detrimental to the public health, safety or welfare or injurious to the property or improvements in the vicinity or adversely impact the surrounding properties more than the existing nonconforming use.*

The alteration of the nonconforming use is not substantially detrimental because it improves public safety and reduces the potential for adverse impacts to adjacent properties by removing snow to another lot.

C. *The alteration shall not increase the intensity of the use-category of the land, building or structure.*

The alteration does not propose any new construction or change any existing uses and therefore does not increase the intensity of the use-category of the land.

D. *If the proposed alteration could generate public controversy, the Director shall refer the application to the Planning Commission for its consideration.*

The application has been referred to the Planning Commission for consideration.

This staff report has been reviewed by the Community Development Director.

ATTACHMENTS

1. DR01-12
2. Public Notice

MONO COUNTY

Planning Division

NOTICE OF DECISION & USE PERMIT

USE PERMIT: UP 23-002

APPLICANT: John Logue

ASSESSOR PARCEL NUMBER:

015-075-005-000

PROJECT TITLE: Conditional Use Permit 23-002/Sierra Wave

PROJECT LOCATION: 2616 Highway 158

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.

Notice is hereby given pursuant to Code of Civil Procedure Section 1094.6 that the time within which to bring an action challenging the County's decision is 90 days from the date the decision becomes final. If no appeal is made to the Board of Supervisors, the Planning Commission's decision shall become final on the expiration of the time to bring an appeal. Notice is also hereby given that failure to exhaust administrative remedies by filing an appeal to the Board of Supervisors may bar any action challenging the Planning Commission's decision.

DATE OF DECISION/USE PERMIT APPROVAL: March 16, 2023

EFFECTIVE DATE USE PERMIT: March 26, 2023

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 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: _____

cc: X Applicant
 X Public Works
 X Building
 X Compliance

CONDITIONS OF APPROVAL
Use Permit 23-002 /Sierra Wave

- 1) The uncovered parking spaces must meet minimum dimensions of 8' wide by 16' long at all times of the year and snow must be removed from these parking spaces to provide for the parking of vehicles.
- 2) Vehicles parked in the uncovered parking spaces shall not block turning movements into the garage parking spaces.
- 3) The property lines bordering APN 015-075-004 and APN 015-075-026 must be surveyed to verify the parking spaces are entirely located on APN 015-075-005 by **November 30, 2023**.
- 4) The project shall comply with any Caltrans requirements.
- 5) Per MCGP LUE §48.040, a Covenant shall be recorded for off-site snow storage against the originating property, APN 015-075-005-000, and the snow storage property, APN 015-075-017-000, to ensure the availability of the snow storage lot for as long as the project exists. The Covenant shall run with the land, be in a form approved by County Counsel, and be recorded in the office of the County Recorder by July 31, 2023. The Director may issue releases from such covenants when they are no longer applicable.
- 6) Project shall comply with all Mono County requirements including, but not limited to, Building Division, Public Works, and Environmental Health requirements.
- 7) Annually install snow stakes of sufficient height to indicate the property line between the subject property and APN 015-075-026-000 to ensure snow storage from the adjacent property does not impede or block the outdoor parking spaces. If the snow does impede the parking spaces, the subject property owner is responsible for removal to maintain the parking area.
- 8) A total of four parking spaces shall be signed as reserved for residential use only by July 31, 2023. The signage shall be maintained to be readable at all times.
- 9) Ensure the bike rack is maintained in good condition with four usable bicycle spaces at all times.
- 10) 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.
- 11) Appeal. Appeals of any decision of the Planning Commission may be made to the Board of Supervisors by filing a written notice of appeal, on a form provided by the division, with the Community Development director within 10 calendar days following the Commission action. The Director will determine if the notice is timely and if so, will transmit it to the clerk of the Board of Supervisors to be set for public hearing as specified in Section 47.030.
- 12) Termination. A use permit 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 reliance 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.
- 13) Extension: If there is a failure to exercise the rights of the use permit within two years (or as specified in the conditions) of the date of approval, the applicant may apply for an extension for an additional one year. Only one extension may be granted. 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 and schedule it for public hearing. Conditions of approval for the use permit may be modified or expanded, including revision of the proposal, if deemed necessary. The Planning Division may also recommend that the Commission deny the request for extension. Exception to this provision is permitted for those use permits 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.
- 14) Revocation: The Planning Commission may revoke the rights granted by a Director Review, and the property affected thereby shall be subject to all of 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 permitted 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.