

# MONO COUNTY PLANNING COMMISSION

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## MEETING MINUTES

March 21, 2019  
(Adopted April 18, 2019)

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**COMMISSIONERS:** Bridgeport: Scott Bush, Chris I. Lizza, Dan Roberts & Patricia Robertson. Mammoth Lakes: Roberta Lagomarsini

**STAFF:** Bridgeport: Gerry Le Francois, principal planner; Michael Draper & Hailey Lang, planning analysts; CD Ritter, PC secretary

Mammoth Lakes: Christy Milovich, deputy county counsel

**PUBLIC:** Erinn Wells; Denise Moore

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**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Chair Scott Bush called the meeting to order at 10:05 a.m. at the board chambers in Bridgeport with teleconference to Town/County Conference Room in Mammoth Lakes. Commissioner Lagomarsini attended in Mammoth. Attendees recited the pledge of allegiance.

**2. PUBLIC COMMENT:** None

### 3. MEETING MINUTES

**MOTION:** Adopt minutes of February 21, 2019, as amended:

**4. WELCOME NEW COMMISSIONER PATRICIA ROBERTSON:** Lived in Mammoth for eight years, director of nonprofit Mammoth Lakes Housing.

**5. ELECTION OF VICE CHAIR:** Roberta Lagomarsini. (Ayes: 5-0.)

### 6. PUBLIC HEARING

**A. CONDITIONAL USE PERMIT 18-012/Moore** for short-term, commercial lodging rental use of a detached four-unit structure at 264 Highway 182 (APN 008-213-011) in Bridgeport. The land use designation is Mixed Use (MU). Each unit contains two bedrooms, and eight parking spaces are provided. In accordance with the California Environmental Quality Act, a Notice of Exemption will be filed.

Michael Draper reviewed project by PowerPoint. Mixed use parcel has four-unit apartment building plus duplex. Eight bedrooms, two stories, 1,836-square foot size. Constructed in 1980s, use permit in 1981 as General Purpose for construction of apartment building, existing duplex 1,600 square feet. Parcel 14,000 square feet. Existing nonconforming use. STR not expansion of use so not require coming into conformance. Use permit didn't mention STR. Walker River Lodge units. After change in ownership, Moore wanted continued use of building for STR. Began process of coming into compliance. The LDTAC accepted application August 18, 2018, noticed to public for comments (none received). Mailer sent to 300' radius. Mixed Use is intended for compatible residential and commercial uses, business and professional. Provides for transition.

--- Christy Milovich arrived at 10:17 a.m. ---

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DISTRICT #1  
COMMISSIONER  
Patricia Robertson

DISTRICT #2  
COMMISSIONER  
Roberta Lagomarsini

DISTRICT #3  
COMMISSIONER  
Daniel Roberts

DISTRICT #4  
COMMISSIONER  
Scott Bush

DISTRICT #5  
COMMISSIONER  
Chris I. Lizza

These Bridgeport properties have MU designation. Bridgeport has shown steady decline of economic activity, local businesses closed or on brink, need economic opportunities. Reduce time and cost of permitting. Bridgeport Valley policies want development on existing developed sites. Existing, new use.

Parking: Need 12 spaces. Duplex = four, apartments = eight. Site contains eight, but five straddle property line so considered off-site parking. Owner shall maintain parking, prior consent of County needed if changed. Applicant owns both properties. Commercial = one space/sleeping unit, one space/two employees. Five in front, three in rear. Duplex: two spaces/unit = four spaces. Site plan shows two spaces. No changes proposed for either structure, so duplex = existing nonconforming on parking.

Asked condition to provide two more spaces for duplex to meet parking standards. Lot coverage: 14,500-sq. ft. parcel, 96% lot coverage over maximum allowed 60% lot coverage. Existing, nonconforming element. Front and side setbacks 10', both less, so nonconforming. Not deemed expansion of use. Ch. 34 allows nonconforming when use is not enlarged or extended. No increase in developed land area. MU allows duplexes outright. Altering nonconforming not detrimental. Current = long-term rental, alterations not increase intensity (same as month-to-month). Proposal has generated opposition in other land uses in county. CEQA: Categorical exemption class 1, 15301. Rented apartment units still used in same manner as full-time or long-term residents. Findings: Commercial lodging subject to Director Review. Off-site parking brings into conformance. Setbacks, lot coverage existing nonconforming. Site relates to streets and highways, OK for traffic. Access off Aurora Canyon Road as well as Hwy 182. No significant environmental impacts. Require Ch. 26 compliance. UP provides for public comment on potential issues. MU provides for commercial, including commercial lodging. Economic opportunity. Conditions: UP, TOT certificate, business license.

Lighting shielded now? *Yes. Used to be run by lodge.*

Who manages property? *Prop owner Moore, who lives in duplex.*

Owner-occupied? Roberts: MU does not have that. Draper: Commercial lodging. Roberts: Moores own property.

Two long-term renters? *Draper: Owners decide on lease conditions.*

If approved, collect TOT? *Draper: Unsure.*

Le Francois stated if all four are STR, units subject to TOT. Approval today allows all four. Approve as proposed, modify or deny. Require one or two month-to-month? No mechanism due to MU commercial aspect. Staff not comfortable with transient rental.

Bush is always worried about workforce housing. Could PC limit by top and bottom separation (top floor long term, bottom floor STR)? Asking four units to STR. Monitor through TOT or annual review.

Milovich described enforcement issue as clunky. PC can make conditions. Draper noted five conditions of UP. Provide 12 on-site paved parking spaces, parking/driveways paved. Plot plan approved by Planning Division, encroachment permit, comply with special district. First condition not met. Site plan now shows 10.

Lizza asked about historical use. Built by lodge? Le Francois recalled Phil Meyers signed application in 1981.

Erinn Wells, Walker River Lodge owner, stated first apartments, then STRs and paying TOT ever since. Audits by tax collector.

Long-term stay?

Denise Moore: Convert all to STR? Seasonal USFS leaving end of April, other renter signed year lease. Wanted four apartments STR. Discuss at end of lease if go elsewhere or re-sign lease.

**OPEN PUBLIC COMMENT:** Employee housing after 1991? *Moore: Never employee housing until transition.*

Robertson noted conditions similar to other commercial lodging facilities, including Ch 26. Draper cited Dark Sky regulations, fire protection, 8 and 9 standards. Ch. 26 relatively new. If not in residential land use, must comply with Ch. 26. Robertson wanted to add comply with Ch 26 to conditions.

Displaced tenants a liability for Mono County? *Milovich: None. Privately owned property so Mono not liable. UP authorized units as STR.*

Tenants noticed? *Milovich: Mono not on hook for changing nature of use via UP. Haven't researched, could provide more thorough response.*

Any opposition? Tenants aware?

Moore must give notice to year-lease tenant if asking her to leave. Duplex on site 24/7 to respond to anything. Owner/property manager right next door. **CLOSE PUBLIC COMMENT.**

Lizza when driving by did not realize adjunct to Walker River Lodge. Removing property from workforce housing. Not want to lose workforce.

Draper noted limiting occupancy. Maximum of two/bedroom + two additional persons = six maximum occupancy, could condition less. Bush noted could have 24 people.

**REOPEN PUBLIC COMMENT:** When historically fully rented, how did parking work? *Wells: All units STR on July 4, no parking issue. House changed into duplex, back into house (not changed in paperwork). Not rent out, new owners live there.*

Moore explained expectations of new owners: STR as retirement, just want to be in Bridgeport. Got small business loan.

Airbnb? *Moore: Fishermen return during season. Not on computer.*

No signage? *Moore: Sign shows apartments there.*

Draper cited Ch 26 exterior signage. Include in conditions. **CLOSE PUBLIC COMMENT.**

Robertson saw struggle as treating like Airbnb, or hybrid with commercial lodging. Conditions on management operations, trash, etc. Bush noted historically used that way.

Draper stated purpose of Ch 26 is catching non-residential properties doing STR. Explore nonconforming, long-term rental use. Get entire project to PC.

Lagomarsini saw no need to limit number of people, no condition to add to "no-longer" duplex. Bush noted tried/tested since 1981.

Roberts cited potential of controversy so at PC.

Robertson lamented using two long-term units. Could rent long-term again.

Milovich noted basically Government Claims Act exceptions. Not issuance of CUP. Claim of action against Mono could be displacing two full-time renters. Mono not be subject to that.

Lizza encouraged owner to consider long-term to satisfy needs of workforce.

Roberts thought owner willing to extend tenant's lease.

Le Francois reminded Ch. 26 states owner accessible 24/7.

Wells cited always have backup by phone. Moore will have someone there responsible.

Bush thought always could be one time it won't work. Roberts saw PC approving land use, not how managed.

Bush approved partly because owner lives there. Example: C from Bridgeport Inn, locked out, can't find 24-hr front desk. Traumatic for locked-out person. All conditions should be common sense, but one person could spoil for others.

Milovich found no definition for "timely manner." Future GPA could include definition. PC at its discretion to define term for response. Difficult to enforce.

***MOTION:*** Find that the project qualifies as a Categorical Exemption under CEQA guideline 15303 and instruct staff to file a Notice of Exemption; approve requirements to be met through off-site parking; make the required findings as contained in project staff report; and approve Use Permit 18-012 subject to Conditions of Approval, with change to Condition 4: The **existing prior duplex now SFR** shall not be used for transient rental. (*Lizza/Lagomarsini. Ayes: 5-0.*)

### **10:30 A.M.**

**B. CONDITIONAL USE PERMIT 18-016/Thompson** for an owner-occupied short-term rental of one bedroom in an existing Single-Family Residential (SFR) house with three bedrooms at 1613 Eastside Lane (APN 002-130-047) in Coleville. The land use designation is Rural Residential (RR), and maximum occupancy shall be limited to two persons and two vehicles. In accordance with the California Environmental Quality Act, a Notice of Exemption will be filed.

**Commissioner Lizza recused himself due to personal and commercial connection to applicant.**

Milovich acknowledged not full commission but no alternate, so proceed as full commission.

Hailey Lang described proposal. Ten acres allows room for STR parking. Shared kitchen, living room. UP non-transferable. Owner lives in home. Driveway paving not required. Project noticed to property owners within 300', no comments received

Robertson noted no area plan policies in staff report. *Staff concurred.*

Dirt road reason for denial? *Lang: Not graded at all, holes, lumps, rain washes out. Subject to interpretation.*

Roberts indicated denial conditions there in case of opposition. Robertson noted road not improved but accessible. Le Francois cited Ch. 6: paved parking not needed on acre.

***MOTION:*** Find that project qualifies as a Categorical Exemption under CEQA guideline 15301 and file Notice of Exemption; make the required findings as contained in project staff report; and approve CUP 18-016 subject to Conditions of Approval (*Roberts/Robertson. Ayes: 4. Recused: Lizza.*)

**C. ROAD NAME CHANGE/June Lake.** Public Works staff proposes changing the name of the portion of "Brenner Street" south of Knoll Avenue to "Raymond Avenue." The name change will clean up addressing discrepancies and has been requested by residents along the affected roadway. A recommendation by the Planning Commission is requested so that this item can proceed to the Board of Supervisors for a formal Resolution authorizing the proposed road name change.

Garrett Higerd handed out supplemental information from Milovich on findings. This is cleanup item related to addresses on Brenner Street. Wetland prevented road construction. Making legality consistent with practice of homeowners. Two residents approached Mono asking for change.

Lehmann noted Google Earth says Raymond Lane. Roberts thought Raymond never was dedicated into Mono.

Higerd recalled in 2014-15 Mono rehabbed streets in June Lake. Installed storm drain along Raymond, accepted as drainage easement but not road. Left better than found. No acceptance of Raymond Avenue into Mono road system.

How would lots 3 and 4 along Raymond ever get access? *Higerd: Road vacation goes to BOS, not PC. Vacating Mono's right to build roadway through there does not vacate rights of property owners to build driveway or other access. Environmental obstacles exist, however. Permits from Lahontan, CDFW, Army Corps of Engineers needed to build driveway. Maybe work with neighbors on easements to avoid wetland.*

***MOTION:*** Recommend to BOS proposed road name change on the portion of "Brenner Street" south of Knoll Avenue to "Raymond Avenue." (*Roberts/Robertson. Ayes: 5-0.*)

**7. WORKSHOP:** No items

**8. REPORTS**

**A. DIRECTOR:** 1) Tioga Inn SP: Update with workforce housing, supplemental EIR, to public review, comments ready for PC; 2) May: Five-unit infill housing project near Gull Lake in June Lake (Jon Head), use permit + variance for stream setback.

**B. COMMISSIONERS:** Robertson: Town Council voted to raise housing mitigation fees 3% in Mammoth.

**9. INFORMATIONAL**

**10. ADJOURN** at 11:47 a.m. to regular meeting April 18, 2019

*Prepared by CD Ritter, PC secretary*