

MONO COUNTY PLANNING COMMISSION

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Mammoth Lakes, CA 93546
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commdev@mono.ca.gov

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Bridgeport, CA 93517
760.932.5420, fax 932.5431
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SPECIAL MEETING AGENDA

October 21, 2021 – 9:00 a.m.

TELECONFERENCE INFORMATION

This meeting will be held via teleconferencing with members of the Commission attending from separate remote locations. As authorized by AB 361, dated September 16, 2021, a local agency may use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency and local officials have recommended or imposed measures to promote social distancing or the body cannot meet safely in person and the legislative body has made such findings.

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Or visit <https://www.zoom.us/> and click on "Join A Meeting." **Use Zoom Meeting ID:** 896 8495 0021

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**Agenda sequence (see note following agenda).*

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

DISTRICT #1
COMMISSIONER
Patricia Robertson

DISTRICT #2
COMMISSIONER
Roberta Lagomarsini

DISTRICT #3
COMMISSIONER
Jora Fogg

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris I. Lizza

2. **PUBLIC COMMENT:** Opportunity to address the Planning Commission on items not on the agenda. Please refer to the Teleconference information section to determine how to make public comment for this meeting.
3. **MEETING MINUTES**
 - A. Review and adopt minutes of August 19, 2021 (pg. 1)
4. **PUBLIC HEARING**
 - A. **9:05 a.m. VARIANCE 21-003/Roark and VARIANCE PM 18-001/Roark.** The project proposes to reduce the required front yard setback from 20' to 10' to construct a single-family residence at APN 016-143-050, California Street, June Lake, which requires a variance from both General Plan and Parcel Map 18-001 standards. The property is undeveloped, designated Single-Family Residential, and is 0.5 acres. *Staff: Michael Draper (pg. 4)*
 - B. **9:45 a.m. VARIANCE 21-004/Miller.** The project proposes to reduce the required front yard setback from 20' to 13.75' and the side yard setback from 10' to 5' for the purpose of constructing a carport. The property, 214 Skyline Drive, June Lake (APN 015-060-039), is developed with a single-family residence. The property is designated Single-Family Residential and is 0.29 acres. Development is constrained on the property due to the topography and rock features. The carport is intended to protect the owner and property from snow shedding off the roof. *Staff: Michael Draper (pg. 39)*
5. **Procedures for Planning Commission compliance with new Brown Act remote rules under AB 361 (pg. 58)**
6. **REPORTS**
 - A. **Director**
 - B. **Commissioners**
7. **INFORMATIONAL**

No items
8. **ADJOURN** to November 18, 2021

NOTE: Although the Planning Commission generally strives to follow the agenda sequence, it reserves the right to take any agenda item – other than a noticed public hearing – in any order, and at any time after its meeting starts. The Planning Commission encourages public attendance and participation.

In compliance with the Americans with Disabilities Act, anyone who needs special assistance to attend this meeting can contact the Commission secretary at 760-924-1804 within 48 hours prior to the meeting to ensure accessibility (see 42 USCS 12132, 28CFR 35.130).

Full agenda packets, plus associated materials distributed less than 72 hours prior to the meeting, will be available by request for public review by contacting the Community Development offices in Mammoth Lakes (760-924-1800). Agenda packets are also posted online at [www.monocounty.ca.gov / departments / community development / commissions & committees / planning commission](http://www.monocounty.ca.gov/departments/community-development/commissions-&committees/planning-commission), on the Mono County calendar,

and emailed to the distribution list. For inclusion on the e-mail distribution list, send request to hwillson@mono.ca.gov .

Commissioners participate from a remote location per COVID public health precautions. Interested persons may appear before the Commission at the digital meeting to present testimony for public hearings, or prior to or at the hearing file written correspondence with the Commission secretary. Future court challenges to these items may be limited to those issues raised at the public hearing or provided in writing to the Mono County Planning Commission prior to or at the public hearing.

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Draft Minutes

August 19, 2021 – 9:00 a.m.

COMMISSIONER: Scott Bush, Roberta Lagomarsini, Chris Lizza, Jora Fogg, Patricia Robertson

STAFF: Wendy Sugimura, director; Gerry LeFrancois, principal planner; Nick Criss, Code compliance; Michael Draper planning analyst; Heidi Willson, planning commission clerk, Christian Milovich, county counsel

PUBLIC: Mark

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE:

- Meeting called to order at 9:02 am and the commissioners led the pledge of allegiance.

2. PUBLIC COMMENT: Opportunity to address the Planning Commission on items not on the agenda. Please refer to the Teleconference information section to determine how to make public comment for this meeting.

- No public comment

3. MEETING MINUTES

A. Review and adopt minutes of June 17, 2021

Motion: Approve the minutes June 17, 2021.

Bush motion; Fogg second.

Roll-call vote – Ayes: Lizza, Fogg, Bush, Lagomarsini, Robertson. Motion passed 5-0.

4. PUBLIC HEARING

A. 9:05 a.m. USE PERMIT 21-005/BJM's LLC. The proposal to use 162 Alderman Street, June Lake, for a seven-space parking storage operation of recreational vehicles, trailers, and boats during summer months only (April – October). The business will be managed by BJM's LLC, who own the property and the existing storage business on the corner of East Granite Avenue and Gull Lake Road (APN 015-104-047). The property is designated Commercial Lodging- High and is 0.23 acres. *Staff: Michael Draper*

- Michael Draper presented and answered questions
- Applicant was not present to answer questions
- Public comment

Suggests that there is a delineation of properties with some sort of fencing or pillars.

DISTRICT #1
COMMISSIONER
Patricia Robertson

DISTRICT #2
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DISTRICT #3
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Jora Fogg

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris I. Lizza

Commissioner Deliberation:

- Commissioner Fogg: Concerned with possible leaks from vehicles. Would like to add a condition to protect from that. Concerned that the current hookups that are on site might be used and would like to make sure that it is in the conditions. Would like to see regular monitoring of leaks from vehicles. L
- Commissioner Bush: Owner is responsible and shall be held accountable for any leakage from any vehicle stored on site.
- Commissioner Lagomarsini: Would like something regarding noise and lighting added to the conditions.
- Commissioner Lizza: Seasonality and no vehicle maintenance to be done on property should be added to the conditions.

Added or updated conditions per the commissioners during the meeting:

- Business transactions for this business shall occur off-site. (i.e., the signing of any paperwork and remittance of payment)
- The business shall be conducted during daylight hours. Permitted storage is limited to operational recreational vehicles, trailers, and boats from April to October each year. Abandoned, dismantled, and inoperative vehicles as defined in Mono County Code 11.20.020 are not permitted onsite.
- Vehicle repairs on the property are prohibited
- No commercial vehicle storage is permitted on-site
- Boats, trailers, and vehicles shall be stored in an organized fashion within the seven (7) approved parking spaces. Parking spaces and the property's boundaries shall be delineated.
- The lot surface shall be maintained, and drainage shall be managed, to ensure on-site retention. Any leaks or fluid spills shall be properly remediated and leaking vehicles shall be immediately removed from the site. Site grading shall comply with the Mono County grading ordinance.
- The project shall not include additional lighting. Additional lighting may be approved when a lighting plan is submitted to and approved by the Community Development Department. All lighting shall be fully shielded and downward directed.
- To prevent nuisances caused by unnecessary noise to adjacent properties, project shall comply with Mono County Noise Regulations 10.16
- Chair Robertson: Agreed with the added conditions and called for a roll call vote.

Motion: 1) Find the project qualifies as a categorical exemption under CEQA §15301. 2) Instruct staff to file a notice of exemption; 3) Make the required finding as contained in the staff report and approve Use Permit Modification 21-005 subject to the conditions of approval with the amended condition and modified site plan as presented.

Bush motion; Lagomarsini second.

Roll-call vote – Ayes: Lizza, Fogg, Bush, Lagomarsini, Robertson. Motion passed 5-0.

5. WORKSHOP

No item

6. REPORTS

A. Director

- Board of Supervisors upheld the Planning Commission’s decision to deny the Voss STR application.
- Larger projects coming through.
- Keeping the basics going like building permit applications
- May not have a September meeting as we may not have any items
- Kelly Karl will be returning part time in October
- Hired a code enforcement employee

B. Commissioners

- Commissioner Lizza- interested in attending the conference in October for the Planning Commission association.
- No other commissioner reports

7. INFORMATIONAL

- Correspondence from Mark Langer

8. ADJOURN to September 16, 2021, at 9:00 a.m.

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REVISED STAFF REPORT

October 21, 2021

To: Mono County Planning Commission

From: Michael Draper, Planning Analyst

Re: Variance 21-003/Roark and Variance PM 18-001/Roark

RECOMMENDATION

1. Hold the public hearing, receive public testimony, deliberate the project, and make any desired changes; and
2. Find that the project does not meet the required findings as contained in the project staff report and deny Variance 21-003/Roark and Variance PM 18-001/Roark.

OR

3. A. Find that the project qualifies as a Categorical Exemption under CEQA guideline 15303 and instruct staff to file a Notice of Exemption; and
3. B. Make the required findings as contained in the project staff report and approve Variance 21-003 subject to Conditions of Approval.

PROJECT OVERVIEW

The applicant is seeking a 10-foot reduction of the required 20-foot front yard setback required for development of properties designated Single-Family Residential (SFR), which requires a variance from both General Plan and Parcel Map standards. The applicant intends to construct a single-family residential dwelling and garage.

The property is located in June Lake's Clark Tract, APN 016-143-050, and is a double-frontage lot requiring front yards on both sides. California Street (undeveloped) is along the northern property boundary and State Route (SR) 158 is along the southern property boundary. The applicant intends to take access from California Street, and the proposed development will meet the 20' setback required from State Route 158.

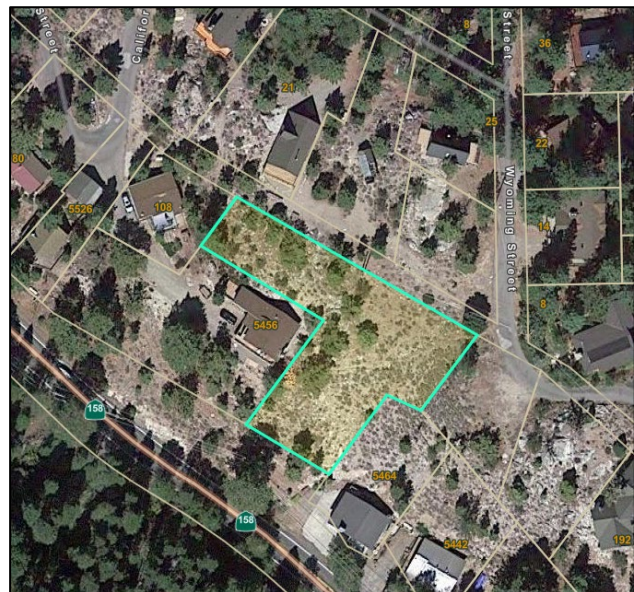


Figure 1. Project location.

The property is 0.5 acres and was a part of Parcel Map No. 18-001 which re-subdivided lots 9-14 and 29-35, Block 29 of Silver Lake Pines Tract No. 5, and was approved in April 2018. The Map requires the owner of the parcel to construct driveway and drainage facilities on a segment of California Street prior to the County's issuance of a Certificate of Occupancy for any building on the parcel (see Attachment A).

Development of the site is affected by the steep slope of the property, a native tree, and an existing water lateral servicing the neighboring residence. The land-use designation Single-Family Residential (SFR) allows for a residential dwelling to be constructed outright; however, due to the features listed above the applicant is requesting a reduced front-yard setback. If granted the variance, the property owner will apply to construct a residence and garage on the property consistent with the SFR development standards.

BACKGROUND

The subject property is parcel/lot 2 of Parcel Map 18-001MC (Attachment A), approved by the Planning Commission in 2018. The Parcel Map subdivided a 0.94-acre parcel that included one home into two lots with sizes of 20,555 square feet for parcel 1 and 21,043 square feet for parcel 2. To approve the Parcel Map, an environmental analysis was completed and approved, determining that the undeveloped parcel 2 is suitable for development consistent with the SFR land use designation. Setbacks consistent with the SFR land use designation of 20' front, 10' side, and 10' rear are required by the parcel map, although the double-frontage nature of the parcel was not recognized.

PROJECT SETTING

The property is located within the Silver Lake Pines Tract No. 5 subdivision, abutting SR 158. The parcel is 0.5 acres and accessed by California Street, a private road. All neighboring properties are designated SFR. The properties to the west, north, northeast, and south are developed with single-family residences.

The SFR land use designation includes minimum setbacks of 20' in the front and 10' in both the rear and side yards, a maximum allowable lot coverage of 40%, and the minimum lot size is 7,500 sf. This property is a double-frontage lot, therefore 20' setbacks are required on the south and north sides along SR 158 and California Street. The parcel is 21,780 sf (0.5 acres) and the proposed residential unit is approximately 2,410 square feet resulting in approximately 11.5% lot coverage.

Overall, the property slopes down from the northeast to the southwest (toward SR 158) and steepens significantly starting at 50' from the California Street property line with a natural, unimproved drainage contour across the property. Locating the potential house in the upper portion of the property is constrained by native vegetation, including a mature Juniper tree, the slope steepness, and an in-use water lateral. Staff conducted a field visit to verify site conditions the week of October 4, 2021.

Approval of Variance 21-003 and Variance PM 18-001 would reduce the front yard setback along California Street from 20' to 10' for the construction of a proposed residential unit. The variance would allow the current design to avoid the water lateral and preserve one of the native mature Juniper trees. See Figures 2 and 3, and Attachment B.

The applicant will apply for the administrative reduction of the front yard setback for garages pursuant to General Plan Land Use Element Section 4.120.G.4. When the elevation of the front half of the lot at a point 50' from the centerline of the street is seven feet below the grade of the centerline, the front-yard setback may be reduced to five feet. The property meets the specifications for a reduced front-yard setback for a garage along California Street; therefore, the variance will only apply to the residential unit.

A public notice was sent to property owners 300 feet from the project site and published in a newspaper of record 10 days prior to the Planning Commission public hearing. Notice was also provided to the June Lake Fire Protection District and Cal Fire.

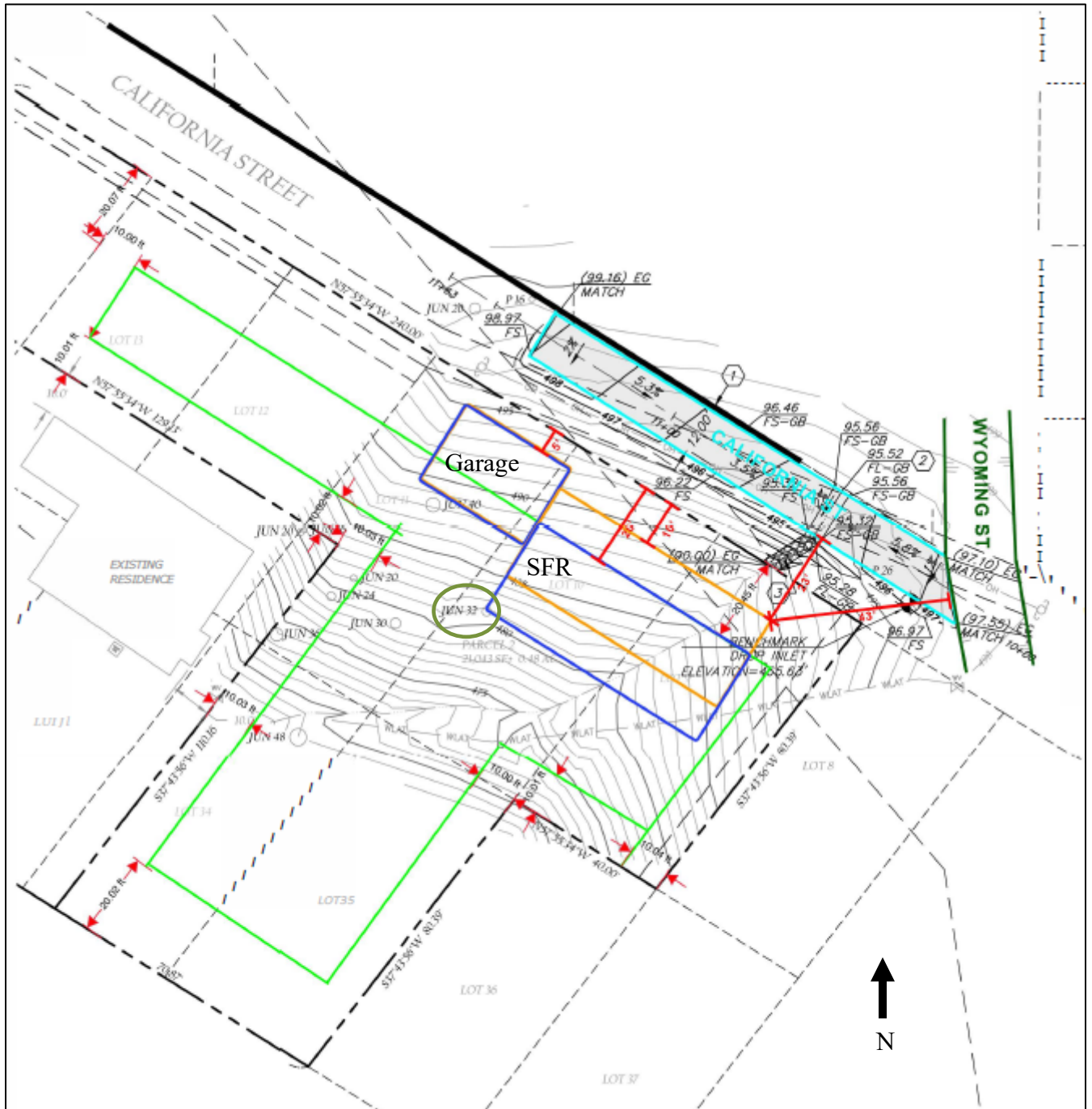


Figure 2. Proposed site plan displaying property setbacks (green), building footprint within standard setbacks (dark blue), and building footprint if a reduced setback is granted through this variance (orange). The driveway improvements within the California Street right of way that are required by PM 18-001 are indicated in light blue.

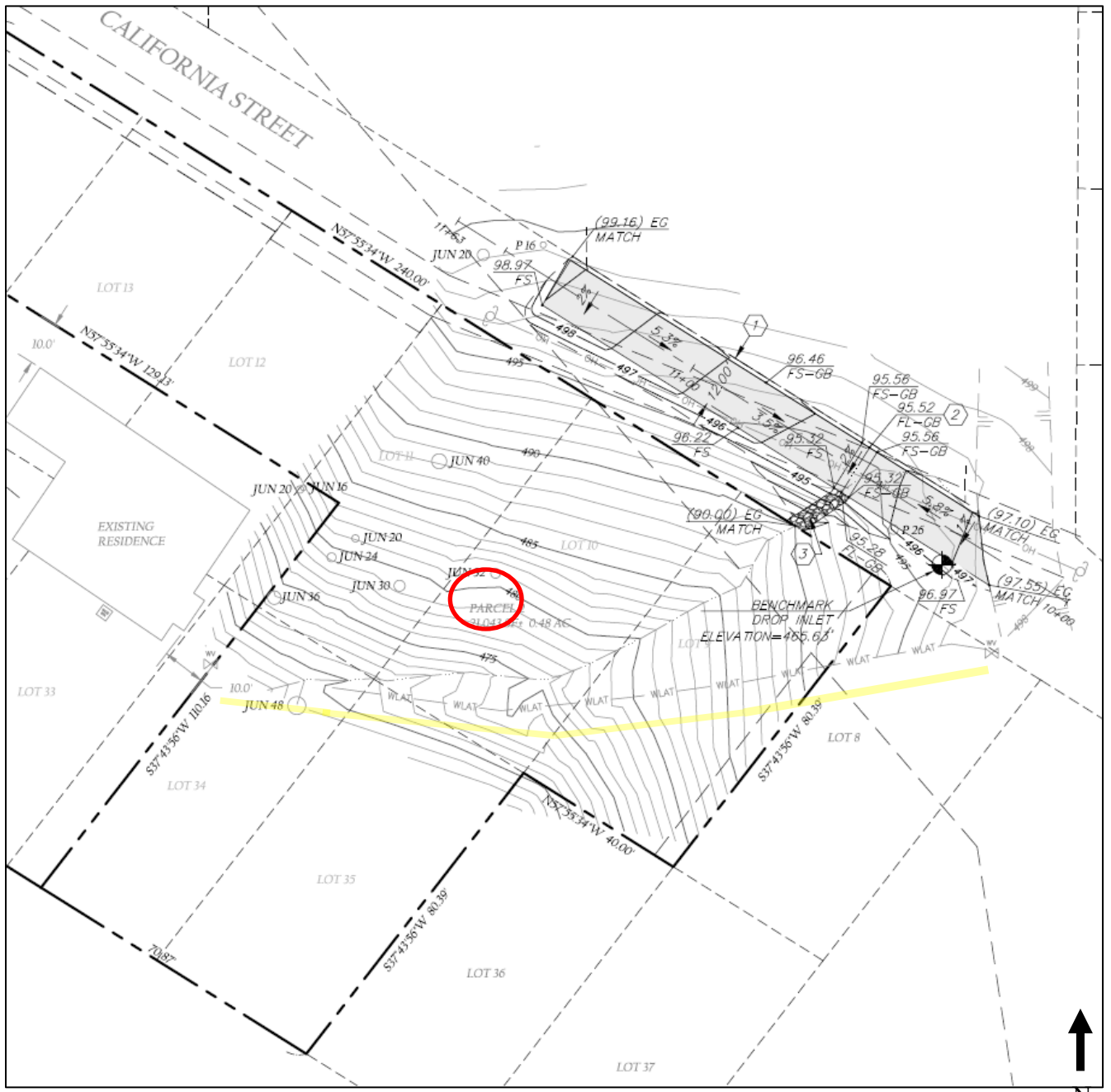


Figure 3. PM18-001MC Grading plan with highlighted water lateral and circled Juniper tree.

SITE PHOTOS

Photo map displaying the location of where the following photographs were taken and the direction of the view.



Figure 4. Looking northwest at California Street.



Figure 5. Looking northwest onto the property.



Figure 6. Southeast view onto the property.



Figure 7. Southeast view of the property with SCE powerlines.



Figure 8. Southeast view of property showing the slope.



Figure 9. Looking west towards Hwy. 158 the slope steepens.

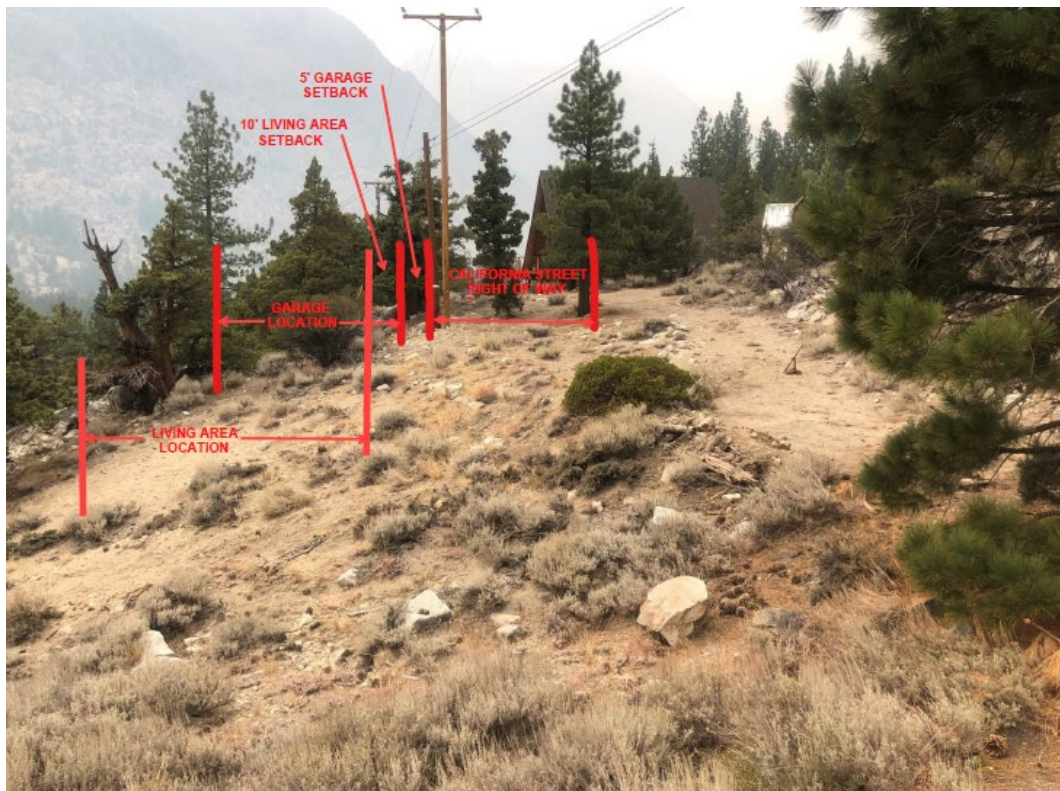


Figure 10. Exhibit of proposed development

EXISTING JUNIPER TREE (JN 32)

Figure 11. Looking south



Figure 12. Looking west, downslope.



Figure 13. Looking north, upslope. The Juniper is on the left.

LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE AND PUBLIC COMMENT

The project was accepted for processing at the August 16, 2021, LDTAC meeting. Draft Conditions of Approval were reviewed by the LDTAC at the October 18, 2021, meeting. At the time of publication, the outcome of this meeting's discussion was not known and will be presented by staff to the Commission.

The project was noticed to the June Lake Fire Department and June Lake Public Utility District. The Fire Chief stated the project does not seem to affect road access or access to other properties (Attachment E). The Superintendent of the Utility District stated that development should stay away from the lateral and if the lateral needs to be moved, it will be done at this property owner's expenses (Attachment E).

At the time of publication, this project received no public comment letters in opposition. An adjacent property owner did call to discuss the project with staff and requested that this portion of California Street contain signage that it is not a through street, or that it is a dead-end, or that it is a private road.

GENERAL PLAN CONSISTENCY

A variance must be approved in order to deviate from required setback distances. A variance is a permit issued by the Planning Commission to a landowner to construct a structure or carry on an activity not otherwise permitted under the land use designation. The statutory justification for a variance is that the owner would otherwise suffer unique hardship under the General Plan land use regulations because his or her parcel is different from the others to which the regulation applies due to size, shape, topography, or location. All the required findings specified in Mono County General Plan Chapter 33.010 A-D must be made to issue a variance. An approved variance runs with the land, similar to a use permit, and may be transferred to new property owners.

All other General Plan development standards for the Single-Family Residential land use designation will be met by the applicant. The proposed 2,410 sf dwelling will meet the side and rear-yard setback distances, including the 20' setback required for a double-frontage lot, and lot coverage will be less than 40%. Two covered parking spaces within a garage are proposed and the dwelling's height will not exceed 35'.

The applicant will apply for the administrative reduction of the front yard setback for garages that is permitted when the elevation of the front half of the lot at a point 50' from the centerline of the street is 7' below the grade of the centerline (General Plan Land Use Element Section 4.120.G.4). The property meets the site specifications for a reduced front setback for construction of a garage, therefore the variance will only apply to the residential unit.

Variance Findings

The Planning Commission can approve a variance based only on the provisions of the General Plan and only when all the findings can be made:

- A. *Because of special circumstances (other than monetary hardship) applicable to the property, including its size, shape, topography, location or surroundings, the strict application of the provision of this title deprives such property of privileges (not including the privilege of maintaining a nonconforming use or status) enjoyed by other property in the vicinity and in an identical land use designation because:*

The applicant has proposed that a variance is justified in order to: 1) construct a longer/narrower unit that maximizes passive solar, 2) reduce retaining wall heights, 3) take better advantage of the natural drainage of the slope and reduce design complexity of drainage on site, 4) protect the mature Juniper tree onsite, 5) avoid the neighbor's water lateral on site, and 6) reduce the overall height and profile of the house when viewed from California and Wyoming Streets (see Attachment C). The applicant also noted that the proposed unit is located 23' from the edge of the driveway required by Parcel Map 18-001.

While all the reasons proposed by the applicant are admirable as an ideal design, they are not necessary to construct a residential unit on site, which is a basic privilege of any property. The unit may not be as long and narrow as would be ideal to maximize passive solar heating, retaining walls may need to be higher and therefore more expensive, the drainage design may need to be more complex, and the profile of the unit from California and Wyoming Streets may be different but the 35' height maximum could still be maintained. A differently shaped and similarly sized unit could be constructed to the east of the Juniper tree, protecting the tree's health while still allowing for a unit. A letter from a landscape architect (Attachment D) specifies that five feet from the base of the tree trunk should remain undisturbed to protect tree health. The shape or orientation of the proposed unit could be modified to provide for a five-foot buffer at the base of the tree.

The water lateral is, unfortunately, not a characteristic of the property such as size, shape, topography, location or surroundings, but is rather the result of previous development that encumbered the property and is a condition purchased by the applicant with the property. No recorded easement protects this alignment for the water lateral. The water lateral, therefore, is not an eligible feature for consideration under a variance. As for the setback from the driveway identified in the Parcel Map, that measurement is not applicable to the setback of the unit from the property line. General Plan land use standards measure setbacks from the proposed unit to the property line, not the next development feature on the landscape.

Considering the physical and environmental characteristics of a property during the design phase is a requirement for all properties and may require compromises or deviations from an ideal design. A certain level of solar exposure or passive solar potential is not a privilege available to all properties, nor is locating outside of a slope to prevent the need for retaining walls or more complex drainage designs. Retaining a desired building shape despite local features, such as a mature Juniper tree, when a reasonable structure could be designed with a different shape or orientation, is also not a privilege available to all properties. These features of the property are typically accounted for in deciding whether to purchase a property and then subsequently in designing a unit. In this case, a residential unit can be constructed, which is a basic privilege enjoyed by a property, without a modification of setbacks. Therefore, the strict application of the required setbacks does not deprive the property of privileges enjoyed by other properties in the vicinity and in an identical land use designation. This variance finding cannot be made.

OR

The property is significantly constrained by a steep slope on the western portion of the parcel and a mature Juniper tree, which requires a five-foot buffer from the base of the trunk (see Attachment D). A 20-foot setback from the front property boundary is required and substantially limits the potential for the Single-Family Residential (SFR) use. The setback will require the proposed home to be located on a steep slope and to cut down an existing mature Juniper tree with no other design options to accommodate these physical features of the parcel. Absent the steep slope and existing tree, the site could accommodate the proposed single-family dwelling as designed while meeting setbacks. Decreasing the setback from 20' to 10' allows for the creation of a long/narrow, modest building envelope with reduced retaining walls and without the need to cut-down the mature tree. This variance finding can be made.

- B. *The granting of a variance will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the land use designation in which the property is situated because:*

Surrounding properties are designated Single-Family Residential and adjacent properties to the west, north, east, and south contain single-family residential units. Considering the physical and environmental characteristics of a property during the design phase is a requirement for all properties and may require compromises or deviations from an ideal design. A certain level of solar exposure or passive solar potential is not a privilege available to all properties, nor is locating outside of a slope to prevent the need for retaining walls or more complex drainage designs. Retaining a desired building shape despite local features, such as a mature Juniper tree, when a reasonable structure could be designed with a different shape or orientation, is also not a privilege available to all properties. These features of the property are typically accounted for in deciding whether to purchase a property and then subsequently in designing a unit. In this case, a residential unit can be constructed, which is a basic privilege enjoyed by a property, without a modification of setbacks. Therefore, the granting of this variance would allow the special privilege of designing an ideal unit without adjusting for the physical and environmental characteristics of the property. This variance finding cannot be made.

OR

The steep slope and mature Juniper tree constitute significant constraints on the property and SFR properties with similar characteristics would be granted the same variance if requested, therefore this variance does not constitute a special privilege. This variance finding can be made.

- C. *The granting of a variance will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is situated because:*

The property is located in an area characterized by low-density, single-family residences, and the proposed project would be consistent with adjoining uses. The variance will not be detrimental to the public as it will not constrain use of California Street or primary access to adjacent properties. If California Street were to be developed in the future as a road pursuant to CalFire standards, the proposed unit would be located closer to that road than on other adjacent properties. However, this proximity is not expected to impact the use or maintenance of California Street. The proposed development, a single-family residence, will be designed and located to lessen impact to surrounding neighbors' view.

The proposed residence will not have a direct impact on surrounding wildlife habitat as the area is already developed with many homes. The site has no open water or streams; the terrain is rocky and steep. The proposed location of the home will reduce the amount of vegetation and trees needing to be removed for the development, preserving native Juniper trees that assist in slope stabilization.

The nearest neighboring structure is west and downslope of the project site. The proposed dwelling will be situated such that the required 10' side-yard setback will be met. Building permit, grading and drainage requirements will protect against slope instability and erosion affecting adjacent properties.

This variance finding can be made.

- D. *The granting of a variance will not be in conflict with the established map and text of the general and specific plans and policies of the county because:*

The granting of a variance is consistent with the following General Plan policies:

June Lake Area Plan

- *Land Use, Objective C, Policy 13.C.1. states: Encourage compatible development in existing and adjacent to neighborhood areas.*

The project is permitted subject to uses approved for the SFR land use designation and will be compatible with uses on surrounding parcels that are also designated SFR.

- *Land Use Objective E, Policy 13.E.1. states: Encourage infilling and/or revitalization in areas designated for development in the Area Plan.*

The proposed project is within an existing subdivision developed with single-family residences. This project will allow for the development of a vacant lot consistent with the land use designation, except the variance for the front yard setback, and will therefore provide suitable infill.

- *Land Use Objective D, Policy 18.D.2. Minimize the possibility of erosion and off-site discharge of storm waters by retaining the existing vegetative cover.*
 - *Action 18.D.2.a. Promote the preservation of trees and other vegetation by limiting removal to areas necessary for primary access ways, building footprints and parking areas. During the planning permit process work with the applicant to minimize the removal of vegetation.*

Regardless of whether the variance is approved or not, these policies can be met. The variance would allow the applicant to retain the preferred design shape to maximize passive solar. Without a variance, a similarly sized house with a different shape that would not be as advantageous for passive solar appears to be possible.

This variance finding can be made.

COUNTY CODE CONSISTENCY, CHAPTER 17.21 –MODIFICATIONS TO RECORDED MAPS

If the variance is approved and prior to submitting a building permit, the applicant must submit a Parcel Map Modification application to modify the approved standards on the recorded Parcel Map PM 18-001. The process of modify recorded maps is contained in the County Code chapter 17.21 and requires the Planning Commission to make a recommendation to the Board of Supervisors who takes final action.

ENVIRONMENTAL REVIEW

The project qualifies for a CEQA exemption under Section 15303 Class 3, New Construction or Conversion of Small Structures, *“Class 3 consists of construction and location of limited numbers of new, small facilities or structures...(a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.”*

This staff report has been reviewed by the Community Development Department Director. Please contact Michael Draper (760-924-1805, mdraper@mono.ca.gov) with any questions.

ATTACHMENTS

- Attachment A – Parcel Map 18-001MC
- Attachment B - Site Plan.
- Attachment C – Letter from the applicant.
- Attachment D - Letter from the landscape architect.
- Attachment E – Agency/Public Comment Received.
- Attachment F – Public Hearing Notice.

**MONO COUNTY
Planning Division**

NOTICE OF DECISION / VARIANCE

VARIANCE #: 21-003

APPLICANT: Dhayan Roark and Lauren Maxine Williams

ASSESSOR PARCEL NUMBER: 016-143-050

PROJECT TITLE: Roark Variance

PROJECT LOCATION: California Street, June Lake, CA

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: October 21, 2019

EFFECTIVE DATE USE PERMIT: October 31, 2020

MONO COUNTY PLANNING COMMISSION

DATED: _____

Community Development Director

- cc: Applicant
- Engineer
- Assessor's Office
- Compliance Officer

CONDITIONS OF APPROVAL

Variance 21-003/Roark

1. Variance 21-003/Roark is subject to compliance with PM 18-001. Compliance is currently sought through Variance PM 18-001 which is being proposed to the Mono County Board of Supervisors. If Variance PM 18-001 is denied by the Board of Supervisors, Variance 21-003/Roark is invalidated and of no further force and effect unless a different approval, such as a modification to PM 18-001, provides for the reduced setbacks specified in Variance 21-003/Roark.
2. The project shall be in substantial compliance with the project description and site plan.
3. An accurate site plan with surveyed markings shall be provided with the building permit application submittal.
4. Only features approved through this variance as shown on the site plan may be constructed closer to the front property boundary along California Street.
5. The property shall maintain defensible space consistent with General Plan Chapter 22, Fire Safe Regulations.
6. At the time this section of California Street is improved, signage shall be installed to prevent unintended use by motorists. Signage may be “Dead-End Road”, “Not A Through Street”, “Private Road”, or similar phrasing and must be approved by Public Works.
7. Project shall provide a “will serve” letter from the June Lake PUD.
8. Project shall provide a “will serve” letter from the June Lake FPD.
9. Project shall comply with standards and requirements of the General Plan and County Code, including Public Works, Environmental Health, and Community Development.
10. Extensions. If there is a failure to exercise the rights of the variance 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
11. Revocation. The Commission may revoke the rights granted by a variance and the property affected thereby shall be subject to all of the provisions and regulations of land use designations and development requirements applicable as of the effective date of revocation. Such revocation shall include the failure to comply with any condition contained in the variance or the violation by the owner or tenant of any provision of this General Plan pertaining to the premises for which such variance was granted. Before the Commission shall consider revocation of any variance, the Commission shall hold a public hearing thereon after giving written notice thereof to the permittee 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 Section 47, Appeals, and shall be accompanied by the appropriate filing fee.
12. Termination. A variance shall terminate and all rights granted therein shall lapse, and the property affected thereby shall be subject to all of 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 or as specified in the conditions. If applicable, time shall be tolled during litigation. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the variance; or
- B. There is discontinuance for a continuous period of two years, as determined by the Director, of the exercise of the rights granted; or
- C. No extension is granted as provided in Section 33.070.

Mono County Community Development Department

PO Box 347
Mammoth Lakes, CA 93546
760-924-1800, fax 924-1801
commdev@mono.ca.gov

Planning Division

PO Box 8
Bridgeport, CA 93517
760-932-5420, fax 932-5431
www.monocounty.ca.gov

October 21, 2021

To: Mono County Planning Commission

From: Michael Draper, Planning Analyst

Re: Variance 21-00/Miller

RECOMMENDATION

1. Find that the project is exempt from CEQA as a Categorical Exemption under CEQA guideline 15303 and direct staff to file a Notice of Exemption; and
2. Adopt the findings contained in the staff report and approve Variance 21-004 to allow placement of a carport 13' 9" from the front property boundary and 5' from the side property boundary at APN 015-060-039, June Lake.

PROJECT OVERVIEW

The applicant is seeking a 6.25-foot reduction of the required 20-foot front yard setback and a 5-foot reduction of the required 10-foot side yard setback, for the purpose of constructing a carport. The carport will protect the homeowner and her vehicle from snow shedding off the roof.

PROJECT SETTING

The project is located at 214 Skyline Drive, June Lake, above the June Lake Village. The parcel is 0.29 acres and accessed by Skyline Drive, a private road beginning at Leonard Avenue. This property, along with all neighboring properties, are designated Single-Family Residential (SFR). The properties to the west, north, and east are developed with single-family residences. To the south of the property is a steep rock outcrop with single-family homes below and along Bruce Street.

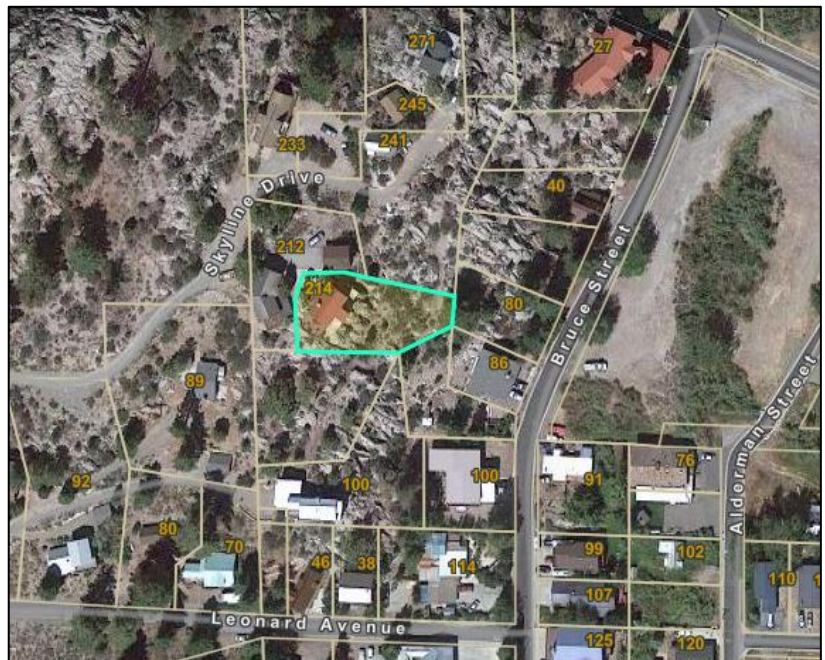


Figure 1. Project location: 214 Skyline Drive, June Lake.

The SFR land use designation's minimum setbacks are 20' in the front and 10' in both the rear and side yards. Maximum building height is 35', maximum lot coverage is 40% and the minimum lot size is 7,500 sf. Single-family residences are also required to provide two on-site parking spaces. When parking spaces are uncovered and located at an elevation above 7,000', the minimum size is 10' x 20'. Tandem parking for residential development is allowed.

This property is 12,632 sf and developed with a single-family residence and paved driveway. Current lot coverage is approximately 22%. The western property line is considered the front property boundary due to access being taken from this side. The northern property line is a side-yard. A small portion of the existing dwelling and deck are within the front setback and the side-yard setback. The parking area for the dwelling is 33.6' x 10', which does not provide space for two 10' x 20' parking spaces. Therefore, the home is existing nonconforming with current standards.

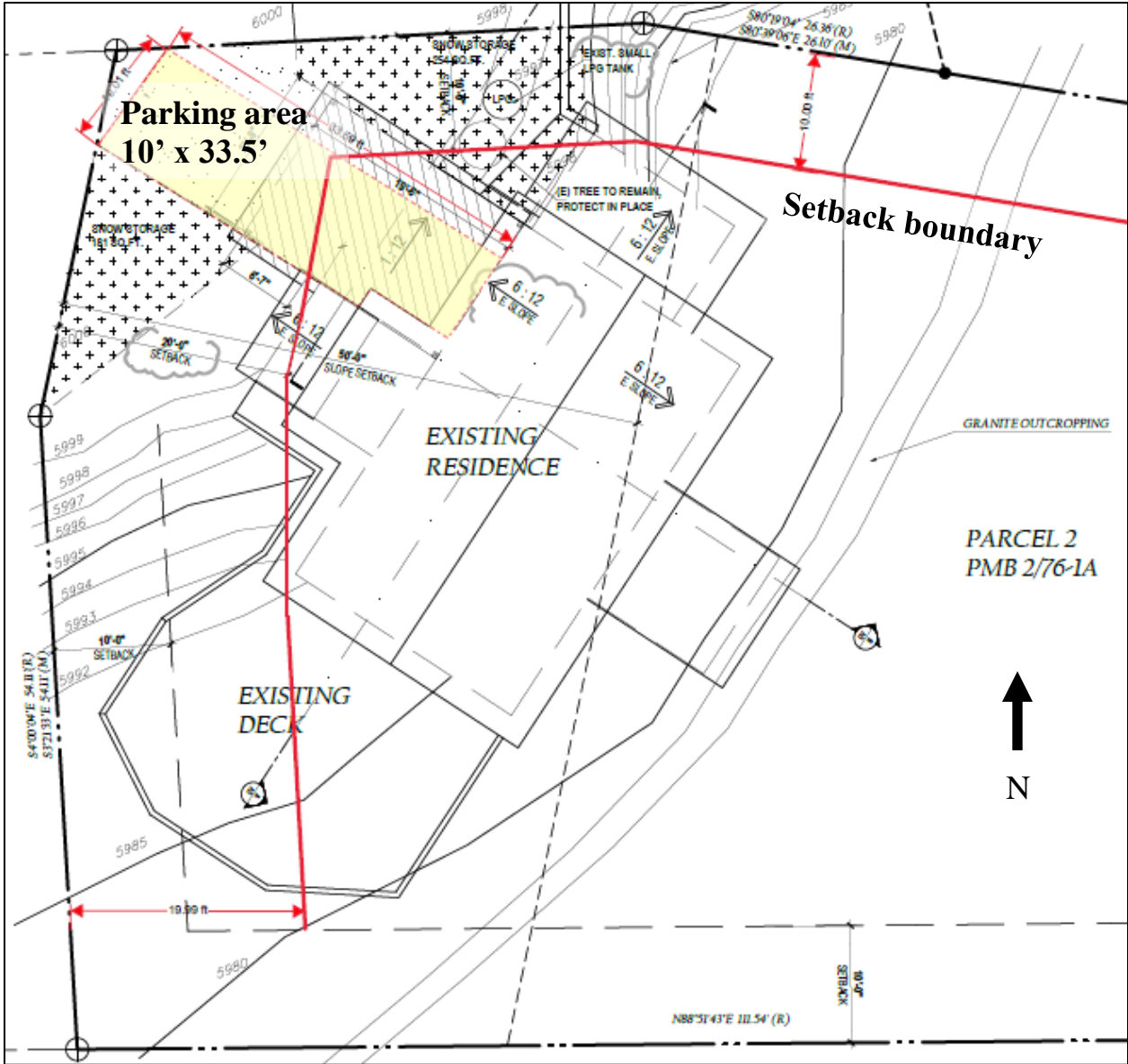


Figure 2. Site plan of the property displaying the current parking area and setbacks.

The property owner is proposing to construct a 248-square-foot carport over the existing driveway to provide a sheltered parking space. Due to the roof design, snow sheds into the parking space and over the primary entry way. The owner/applicant wishes to construct the carport to protect herself and her vehicle from snow shedding. If the carport is permitted, the owner/applicant intends to redesign the primary entrance to be underneath the carport and protected from snow shedding.

Total lot coverage would not change as the carport will be over the existing paved area accounted for in the lot coverage calculation. The carport will encroach into the front setback 6.25-feet and 5-feet into the side setback. The property is located at the top of a rock outcropping. Due to the rock and steep slope, much of the property is inaccessible for development.

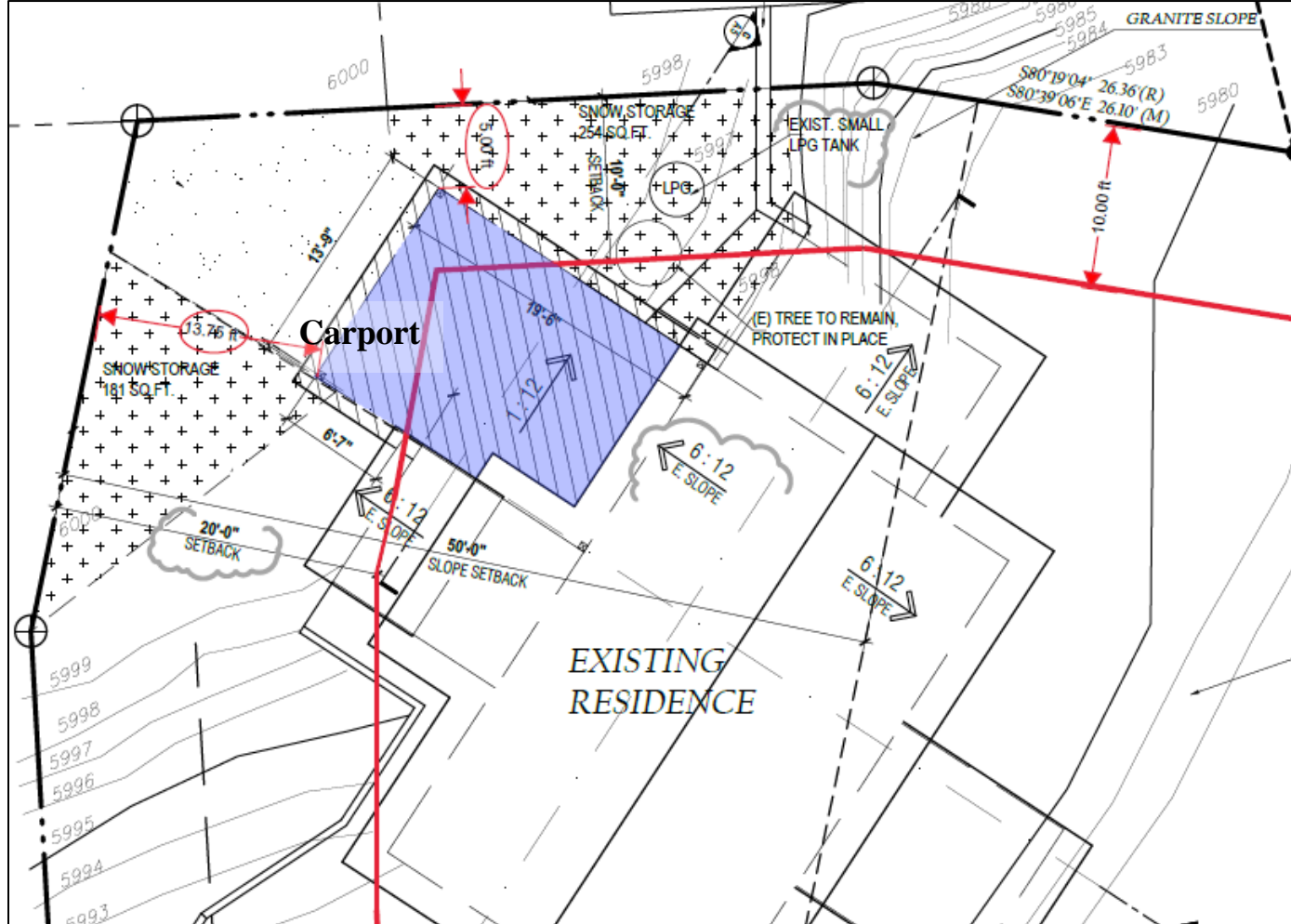


Figure 3. Site plan showing the location of the carport.

SITE PHOTOS



Figure 4. Project location with setback lines added.



Figure 5. View along the north side of the house of the steep and rocky decline to the southeast



Figure 6. View from the south side of the house of the steep and rocky decline to the southeast.



Figure 7. Project site with property boundaries (red) and the 20' front setback (yellow).

GENERAL PLAN CONSISTENCY

A variance must be approved in order to deviate from required setback distances. A variance is a permit issued by the Planning Commission to a landowner to construct a structure or carry on an activity not otherwise permitted under the land use designation. The statutory justification for a variance is that the owner would otherwise suffer unique hardship under the General Plan land use regulations because his or her parcel is different from the others to which the regulation applies due to size, shape, topography, or location. All the required findings specified in Mono County General Plan Chapter 33.010 A-D must be made to issue a variance. An approved variance runs with the land, similar to a use permit, and may be transferred to new property owners.

For this project, all other General Plan development standards for the Single-Family Residential land use designation will be met by the applicant. The proposed carport will meet the rear-yard setback distance and lot coverage will be less than 40%. However due to the limited area, two uncovered parking spaces of 10' x 20' cannot be provided.

Because the existing structure is nonconforming, the consideration of criteria listed in General Plan Section 34.020, *Alterations to nonconforming uses, buildings and structures*, is applicable to the project. The following criteria are to be considered by staff during the review of any application to expand/alter a nonconforming use.

- 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.*

The "SFR" district is intended to provide for the development of single-family dwelling units

in community areas. The placement of a carport is consistent with the existing single-family residence and is not detrimental to the intent, objectives, and policies of the General Plan including;

Issues/Opportunities/Constraints; June Lake

3. The Loop's growth is inhibited by the surrounding natural environment, the lack of privately owned land, and the desire to maintain its unique, mountain village character. These conditions necessitate controlled expansion, infill and recycling of the existing built environment.

9. Land use plays a critical role in defining a community's appearance as well as protecting and maintaining the health and well-being of its citizens. Early land use practices allowed June Lake to develop with a minimum of capital improvements and a lack of regard for environmental constraints.

11. Developable land within the June Lake Loop is limited by natural constraints and the limited supply of private lands. Up to this point, development has occurred on private lands surrounded by Inyo National Forest Lands. Steep canyon walls, sensitive wildlife habitat, and limited access routes also prevent development in many places.

Mono County Design Guidelines, Overall Design Objectives.

6. Provide site access, parking and circulation that is planned in a logical, safe manner;

- 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.*

Granting permission to add a carport to the existing structure will protect the safety of the homeowner and her property from snow shedding. The pitch of the proposed carport's roof (1/12) is low enough that shedding snow will not accelerate into the neighboring property. A 254-square-foot snow storage area is provided on-site and is greater than the area of the carport (248 sf). Snow storage areas are not required for residential projects.

ALTERNATIVE

Adding a carport within the setback may negatively affect the neighbor's existing garage due to snow shedding potential.

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

The addition of a carport to the property will not increase the intensity of the property's use. The property is developed with a single-family residence and the owner is a full-time resident. The carport will be placed in a location paved for parking and accounted for in the lot coverage calculation.

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

The project requires a variance to encroach into the setbacks and is therefore being considered by the Planning Commission.

VARIANCE FINDINGS

The Planning Commission can approve a variance based only on the provisions of the General Plan and only when all the findings can be made:

- A. *Because of special circumstances (other than monetary hardship) applicable to the property, including its size, shape, topography, location or surroundings, the strict application of the provision of this title deprives such property of privileges (not including the privilege of maintaining a nonconforming use or status) enjoyed by other property in the vicinity and in an identical land use designation because:*

The property is significantly constrained by a granite rock outcrop on the southern portion of the parcel accounting for approximately 9,000 sf of the 12,632-sf lot. A 20-foot setback from the front property boundary and a 10-foot setback from the side property boundary substantially limit the ability to locate a carport for protection from snow shedding. Absent the rock outcrop, the property could have been developed to reasonably accommodate all setback distances. However, due to the slope and rocks the dwelling was constructed in its current location using supporting posts. The lack of developable space and access along the side of the home make it impossible to construct and access a carport elsewhere on the property.

Decreasing the front setback from 20' to 13.75' and the side setback from 10' to 5' allows for the placement of a carport to protect the owner and her vehicle from snow shed.

- B. *The granting of a variance will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the land use designation in which the property is situated because:*

The granting of this variance will prevent the homeowner and her property from sustaining potential damage resulting from snow shedding off the roof. Surrounding properties are designated Single-Family Residential and properties to the west, north, east, and south contain single-family residential units. The subject property has greater topographical constraints than neighboring properties.

The subject property and the neighboring property to the west (212 Skyline Drive), were constructed simultaneously in the 1970s consistent with regulations at that time. This project does have the potential to impact the neighbor's existing garage (212 Skyline Drive) which is within 3' of the property boundary, nonconforming with current standards. However the carport will be 6' 9" from the existing garage at its nearest point and snow shedding from the carport towards the garage is anticipated to be minimal due to the roof pitch and an area devoted to snow storage.

- C. *The granting of a variance will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is situated because:*

The property is in an area characterized by low-density, single-family residences, and the proposed project would be consistent with adjoining uses. The variance will not be detrimental to the public as it will be located on private property surrounded by private property, and for private use.

The proposed development, a 248-sf carport, will be designed to prevent roof-shedding toward the front property boundary. The low angled pitch of the roof is designed to hold snow before slowly releasing it. The area adjacent to the carport will be used for snow storage.

ALTERNATIVE

The project has the potential to be detrimental and injurious to the neighboring property's garage due to potential snow shedding from the carport's roof.

- D. *The granting of a variance will not be in conflict with the established map and text of the general and specific plans and policies of the county because:*

The project is consistent with the following General Plan sections:

Countywide land use policies, June Lake

- *Land Use, Objective C, Policy 13.C.1; Encourage compatible development in existing and adjacent to neighborhood areas.*

The project would be permitted subject to uses approved for the SFR land use designation and a Building Permit if it met setback distances. The project will be compatible with uses on surrounding parcels that are also designated SFR.

- Issues/Opportunities/Constraints; June Lake

3. The Loop's growth is inhibited by the surrounding natural environment, the lack of privately owned land, and the desire to maintain its unique, mountain village character. These conditions necessitate controlled expansion, infill and recycling of the existing built environment.

The property is within the June Lake Loop and the project will be located over disturbed land. The project is consistent with controlled expansion and infill.

11. Developable land within the June Lake Loop is limited by natural constraints and the limited supply of private lands. Up to this point, development has occurred on private lands surrounded by Inyo National Forest Lands. Steep canyon walls, sensitive wildlife habitat, and limited access routes also prevent development in many places.

The subject property is severely constrained by rocks and steep slopes, preventing development of a garage in any other location on the property.

Mono County Design Guidelines, Overall Design Objectives.

- 6. Provide site access, parking and circulation that is planned in a logical, safe manner;*

The project seeks to provide safe parking for the owner.

LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE AND PUBLIC COMMENT

The project was accepted for processing at the August 16, 2021, LDTAC meeting. Draft Conditions of Approval were reviewed and approved by the LDTAC at the October 4, 2021, meeting, and no changes were recommended.

A public notice was sent to property owners 300 feet from the project site and published in a newspaper on October 9, at least 10 days prior to the Planning Commission public hearing. Notice was also provided to the June Lake Fire Protection District.

At the time the staff report was drafted, this project received one public comment letter from the adjacent neighbor. The letter requested that this hearing be moved to the November Planning Commission meeting (Attachment B).

ENVIRONMENTAL REVIEW

The project qualifies for a CEQA exemption under Section 15303 Class 3, New Construction or Conversion of Small Structures, *“Class 3 consists of construction and location of limited numbers of new, small*

facilities or structures...E. Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences

This staff report has been reviewed by the Community Development Department director.

ATTACHMENTS

- Attachment A – Site Plan
- Attachment B – Public Comment Received
- Attachment C – Public Hearing Notice

MONO COUNTY
Planning Division

NOTICE OF DECISION / VARIANCE

VARIANCE #: 21-004

APPLICANT: Barbara Miller

ASSESSOR PARCEL NUMBER: 015-060-039

PROJECT TITLE: Miller Variance

PROJECT LOCATION: 214 Skyline Drive, June Lake

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: October 21, 2021

EFFECTIVE DATE USE PERMIT: October 31, 2021

MONO COUNTY PLANNING COMMISSION

DATED: _____

Community Development Director

- cc: Applicant
- Engineer
- Assessor's Office
- Compliance Officer

CONDITIONS OF APPROVAL
Variance 21-004/Miller

1. The project shall be in substantial compliance with the project description and site plan.
2. Only features approved through this Variance as shown on the site plan may be constructed 13' 9" from the front property boundary and 5' from the side property boundary.
3. Project shall provide a "will serve" letter from the June Lake PUD.
4. Project shall provide a "will serve" letter from the June Lake FPD.
5. Project shall comply with standards and requirements of the General Plan and County Code, including Public Works, Environmental Health, and Community Development, and the Building Division.
6. Extensions. If there is a failure to exercise the rights of the variance 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
7. Revocation. The Commission may revoke the rights granted by a variance and the property affected thereby shall be subject to all of the provisions and regulations of land use designations and development requirements applicable as of the effective date of revocation. Such revocation shall include the failure to comply with any condition contained in the variance or the violation by the owner or tenant of any provision of this General Plan pertaining to the premises for which such variance was granted. Before the Commission shall consider revocation of any variance, the Commission shall hold a public hearing thereon after giving written notice thereof to the permittee 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 Section 47, Appeals, and shall be accompanied by the appropriate filing fee.
8. Termination. A variance shall terminate and all rights granted therein shall lapse, and the property affected thereby shall be subject to all of 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 or as specified in the conditions. If applicable, time shall be tolled during litigation. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the variance; or
 - B. There is discontinuance for a continuous period of two years, as determined by the Director, of the exercise of the rights granted; or
 - C. No extension is granted as provided in Section 33.070.

- This project shall comply with the Wildland Urban Interface standards in the high hazard zone and must meet the required fire protection measures of California Residential Code Chapter R337.
- Construction to be completed following Fire & Life Safety review to guidelines in accordance with 2019 California Fire Code.
- An approved Spark arrester will be required for all Fireplaces, Barbeques, or other heaters in which solid or liquid fuels are used.
- Building address must be on a contrasting background, 4 inches in size, located in the vicinity of the Garage, and be readily visible from the road serving the structure. Numbers shall contrast with background, be Arabic or Alphabetical letters a minimum of 4 inches tall with a minimum stroke of 1/2".
- Ignition-resistant material.** Ignition-resistant material shall be determined in accordance with the test procedures set forth in SPM Standard 12-7A-5 "Ignition-Resistant Material".
- Defensible Space: The existence or maintenance of any of the following conditions is prohibited:
 - Tree branches within 10 feet of a chimney outlet or stovepipe outlet;
 - Dead or dying tree branches adjacent to or overhanging a building;
 - Leaves, needles, or other dead vegetative growth on the roof of any structure;
 - Flammable vegetation or other combustible growth within 30 feet of an occupied dwelling or structure that prevents the creation of a firebreak;
 - Brush, flammable vegetation, or combustible vegetation located between 30 and 100 feet of an occupied dwelling or structure that prevents the creation of a Reduced Fuel Zone;
 - Brush or other flammable material within 10 feet of a propane tank.

TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES

- All finished grades adjacent to structures shall be sloped away at a minimum slope of 2%. Slope to be generated from structure and sloping down (out) and away to diversion cobbles swale, drain or approved retention basin.
- Any and all excavated soil shall be removed from Job Site or stored on Job Site must be stabilized with approved Hay waddle rolls or with Fiber rolls.
- Erosion and Sediment control measures as shown and noted on plans are meant to meet the intent of the California Regional Water Control Board- Lahontan Region, Resolution No. 16-91-926 requirements.
- Cut and Fill slopes shall not exceed a ratio of (2:1) two units horizontal to one unit vertical.

OUTDOOR WATER USE & LANDSCAPING

- New residential developments with aggregate landscape area equal to or greater than 500 sq. ft. shall comply with one of the following options:
 - A local water efficient landscape ordinance of the California Department of Water Resources Model Water Efficient Landscape Ordinance (MWELO), whichever is more stringent; or
 - Projects with aggregate landscape area less than 2,500 sq. ft. may comply with MWELO's Appendix D Prescriptive Compliance Option.

CODE COMPLIANCE

CONSTRUCTION TYPE	SINGLE FAMILY RESID. TYPE V-B NON RATED/ NONSPRINKLED
CODE COMPLIANCE	2019 C.B.C., C.R.C., C.E.C., C.M.C., C.P.C., C.F.C. COUNTY OF MONO ZONING ORDINANCE & CODE SINGLE FAMILY RESIDENCE/ R-3/U
OCCUPANCY ZONED	SINGLE FAMILY RESIDENTIAL
JURISDICTION	MONO COUNTY BLDG DEPT. 760.924.1825 CONTACT- MICHAEL JONES

COVERAGE ANALYSIS

TOTAL LOT AREA	100%	12,496	SQ.FT.
ALLOWABLE COVERED AREA	40%	4,998	SQ.FT.
EXISTING BUILDING FOOTPRINT AREA		1,177	SQ.FT.
EXISTING UNCOVERED DECK AREA		683	SQ.FT.
PROPOSED COVERED CARPORT AREAS [<i>o</i> / EXISTING PAVED AREA]		269	SQ.FT.
EXISTING PAVED DRIVE AREA		212	SQ.FT.
ACTUAL COVERED TOTAL AREA	18.7%	2,341	SQ.FT.
SNOW STORAGE (481 x 75)		361	SQ.FT.
ACTUAL SNOW STORAGE AVAILABLE (435 SQ.FT.)			

CIVIL SURVEY

Eastern Sierra Land Surveys, inc.
19 Shanna Cir.
Crowley Lake, CA 93546
760.934.7588

ENGINEER

DESIGN DIMENSION ASSOC.
JEFFREY PRITCHETT, PE.
208 PEPERELL CT.
VACAVILLE, CA. 95688
CL 707.567.1006

DESIGNER

DESIGN DIMENSION ASSOC.
CRAIG TAPLEY
PO BOX 7193
MAMMOTH LAKES, CA. 93546
760.934.4348

OWNERS

BARBARA MILLER
P.O. BOX 204
JUNE LAKE, CA 93529
PH. 760.914.2123

LEGAL DESCRIPTION

ASSESSOR PARCEL NUMBER: 015-060-139-000
214 SKYLINE RD.
JUNE LAKE, CA 93529

SCOPE OF WORK

- BUILD CARPORT TO EXISTING RESIDENCE & RECONFIGURE ENTRY

SHEET INDEX

- A1 SITE / ROOF PLAN & PROJECT INFORMATION
- A1.1 PROJECT PHOTOS
- A3 EXISTING GROUND FLOOR/ DEMO PLAN
- A3.1 EXISTING SECOND FLOOR/ DEMO PLAN
- A3.2 EXISTING BUILDING SECTIONS
- A3.3 EXISTING EXTERIOR ELEVATIONS
- A4 PROPOSED GROUND FLOOR PLAN
- A4.1 PROPOSED SECOND FLOOR PLAN
- A6.1 PROPOSED EXTERIOR ELEVATIONS & SECTION

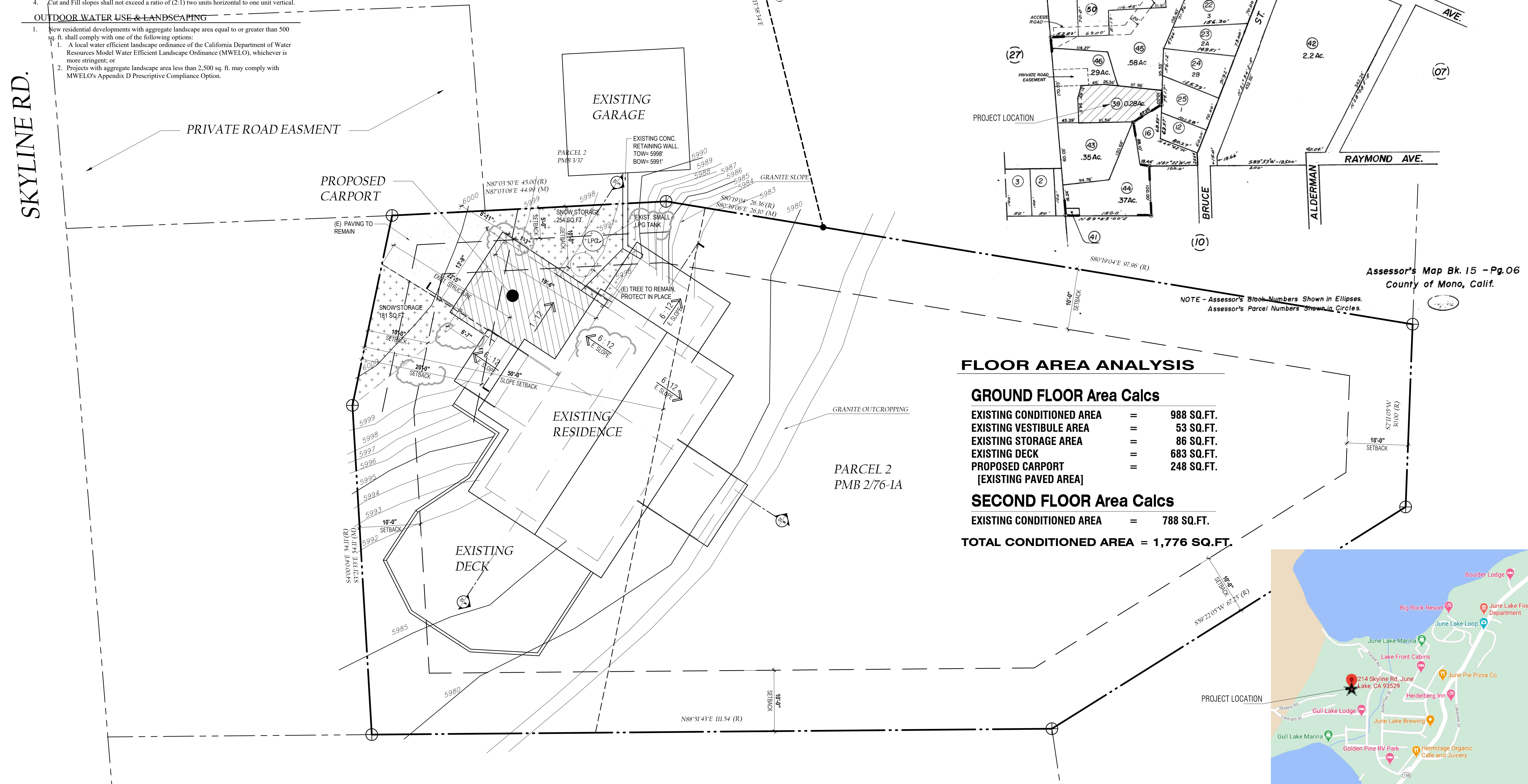
POR. NE 1/4 NW 1/4 SEC. 14, T.2 S., R.26E., M.D.B. & M.

Tax Area Code 51-14

15-06

R.M. Bk. 1 - Pg. 3
Bk. 2 - Pg. 40
Bk. 3 - Pg. 57
Bk. 4 - Pg. 81
Bk. 5 - Pg. 98
Bk. 6 - Pg. 94

Bk. 1 - Pg. 22
Bk. 6 - Pg. 39



FLOOR AREA ANALYSIS

GROUND FLOOR Area Calcs	
EXISTING CONDITIONED AREA	= 988 SQ.FT.
EXISTING VESTIBULE AREA	= 53 SQ.FT.
EXISTING STORAGE AREA	= 86 SQ.FT.
EXISTING DECK	= 683 SQ.FT.
PROPOSED CARPORT [EXISTING PAVED AREA]	= 248 SQ.FT.
SECOND FLOOR Area Calcs	
EXISTING CONDITIONED AREA	= 788 SQ.FT.
TOTAL CONDITIONED AREA	= 1,776 SQ.FT.

PROPOSED SITE PLAN (ROOF PLAN)

SCALE 1/8" = 1'-0"

DESIGN DIMENSION ASSOCIATES
DESIGN PLANNING STRUCTURES
P.O. BOX 7193
MAMMOTH LAKES, CA 93546
TEL/FAX (760) 934-4348

PROPOSED SITE PLAN / ROOF PLAN

MILLER REMODEL
CLIENT NAME: BARBARA MILLER
CONTACT ADDRESS: P.O. BOX 204
JUNE LAKE, CA 93529
PROJECT ADDRESS: 214 SKYLINE RD.
JUNE LAKE, CA 93529
PH. 760.914.2123

REVISIONS

JAN.	2021
SCALE:	AS SHOWN
DRAWN:	CWT/CJO
PRINTED	8.3.21
SHEET	A1

DESIGN DIMENSION & ASSOC. HEREBY RESERVES ITS COMMON LAW COPYRIGHT AND OTHER PROPERTY RIGHTS IN THESE PLANS, IDEAS, AND DESIGNS. THESE PLANS, IDEAS, AND DESIGNS ARE NOT TO BE REPRODUCED, CHANGED, OR ASSIGNED TO ANY THIRD PARTY, WITHOUT FIRST OBTAINING WRITTEN PERMISSION FROM DESIGN DIMENSION & ASSOC.

Attachment B

Michael Draper

From: David Voss <David@vsbllp.com>
Sent: Thursday, October 14, 2021 11:53 AM
To: Michael Draper; Wendy Sugimura; David Voss
Cc: Nancy Voss
Subject: RE: Miller Variance hearing

[EXTERNAL EMAIL]

Thank you. We are out of town visiting our daughter at college in North Carolina for the first time since the Covid started. We have input we would like to prepare in writing and have local attorney David Baumwohl's input (and arrange his participation with his calendar with more than two days notice).

Would appreciate additional time for both hearings especially since **we are the only neighbor impacted and there is no known urgency to the proposed project which is literally a few steps from the front door to our home!**

We expressly requested special notice by email so that we wouldn't have this happen. We do not receive mail there and it takes a week to get to us, but email wasn't sent until 6 days after the mailed notice. That only gives us two business days to prepare our submission to the technical hearing on Monday at which we have substantive input... Most difficult by cell phone on the road!

We simply request the courtesy of a reasonable amount of time to prepare our comments to both the technical meeting and the board.

Thank you in advance for your anticipated help.

Best regards,
 David and Nancy Voss

David C. Voss, Jr.
 VOSS, SILVERMAN & BRAYBROOKE LLP
 4640 Admiralty Way, Suite 800
 Marina del Rey, CA 90292
 310.306.0515

----- Original message -----

From: Michael Draper <mdraper@mono.ca.gov>
Date: 10/14/21 2:06 PM (GMT-05:00)
To: Wendy Sugimura <wsugimura@mono.ca.gov>
Cc: David Voss <David@vsbllp.com>, Nancy Voss <nancylvoss@gmail.com>
Subject: Miller Variance hearing

Hi Wendy,

I just spoke with Mr. Voss, neighbor to Ms. Miller. Mr. Voss verbally requested the Planning Commission meeting scheduled for October 21 be postponed in order for him to prepare comments on the project. Mr. Voss feels he was inadequately noticed of the project.

August 25 Mr. Voss requested via email to be noticed by email of the project. Notices of the project were mailed to surround properties on October 7, published in The Sheet newspaper on October 9, and emailed to Mr. Voss on October 13.

Please advise.

Thank you,

Michael Draper
Mono County Planning Analyst II
Community Development Department
PO Box 347
1290 Tavern Road
Mammoth Lakes, CA 93546
760-924-1805

Attachment C

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

October 6, 2021

To: The Sheet

From: Heidi Willson

Re: Legal Notice for **October 9** edition

Invoice: Heidi Willson, PO Box 347, Mammoth Lakes, CA 93546

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mono County Planning Commission will conduct a public hearing at a Special Meeting on **October 21, 2021**. As authorized by Gov. Newsom's Executive Orders, N-25-20 and N-29-20, the meeting will be accessible remotely by live cast at: <https://zoom.us/join> and by telephone at: 669-900-6833 (Meeting ID# is 896 8495 0021) where members of the public shall have the right to observe and offer public comment, to consider the following: **9:45 a.m. VARIANCE 21-004/Miller**. The project proposes to reduce the required front yard setback from 20' to 13.75' and the side yard setback from 10' to 5' for the purpose of constructing a carport. The property, 214 Skyline Drive, June Lake (APN 015-060-039), is developed with a single-family residence. The property is designated Single-Family Residential and is 0.29 acres. Development is constrained on the property due to the topography and rock features. The carport is intended to protect the owner and property from snow shedding off the roof. In accordance with the California Environmental Quality Act, a Notice of Exemption will be filed. Project materials are available for public review by contacting Michael Draper at (760) 924-1805 or mdraper@mono.ca.gov. Hard copies are available for the cost of reproduction. INTERESTED PERSONS are strongly encouraged to attend the live cast meeting by phone or online, and to submit comments by **8:00 am on Thursday, October 21** to the Secretary of the Planning Commission, PO Box 347, Mammoth Lakes, CA 93546 to ensure timely receipt, by email at cddcomments@mono.ca.gov, or via the live cast meeting (technology permitting). If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to Secretary to the Planning Commission at, or prior to, the public hearing. For additional questions, please contact Michael Draper, Mono County Planning Division, as listed above.

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Mono County Community Development Department Planning Division

PO Box 347
Mammoth Lakes, CA 93546
(760) 924-1800, fax 924-1801
commdev@mono.ca.gov

P0 Box 8
Bridgeport, CA 93517
(760) 932-5420, fax 932-5431
www.monocounty.ca.gov

NOTICE OF PUBLIC HEARING

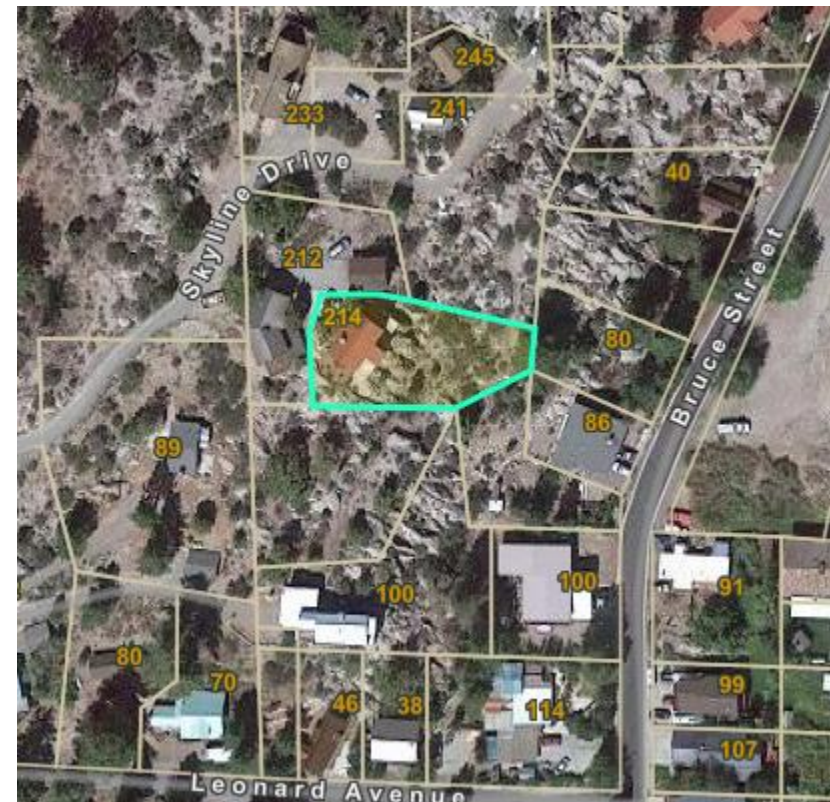
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9:45 a.m. VARIANCE 21-004/Miller. The project proposes to reduce the required front yard setback from 20' to 13.75' and the side yard setback from 10' to 5' for the purpose of constructing a carport. The property, 214 Skyline Drive, June Lake (APN 015-060-039), is developed with a single-family residence. The property is designated Single-Family Residential and is 0.29 acres. Development is constrained on the property due to the topography and rock features. The carport is intended to protect the owner and property from snow shedding off the roof. In accordance with the California Environmental Quality Act, a Notice of Exemption will be filed. Project materials are available for public review by contacting Michael Draper at (760) 924-1805 or mdraper@mono.ca.gov. Hard copies are available for the cost of reproduction.

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described in this notice, or in written correspondence delivered to Secretary to the Planning Commission at, or prior to, the public hearing. For additional questions, please contact Michael Draper, Mono County Planning Division, as listed above.

Project Location: 214 Skyline Drive, June Lake. APN 015-060-039



Mono County Community Development Dept.
P. O. Box 347
Mammoth Lakes, CA 93546

xxxxxxx
P.O. BOX XXX
JUNE LAKE, CA 93529

Mono County Community Development Department

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

October 21, 2021

TO: Mono County Planning Commission

FROM: Wendy Sugimura, Director
Stacey Simon, County Counsel

SUBJECT: Assembly Bill 361 Virtual Meetings

RECOMMENDATION

Receive information and provide any desired direction.

BACKGROUND

On March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic. That Proclamation remains in effect. Subsequently, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which modified the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the “Brown Act”), in order to allow legislative bodies to meet from remote locations without opening those locations to the public or complying with certain agenda requirements. Those modifications remained in effect through September 30, 2021.

DISCUSSION

In anticipation of the expiration of the applicable provisions of Executive Order N-29-20, the California legislature adopted, and Governor Newsom signed, AB 361. AB 361 amended the Brown Act to allow local legislative bodies to continue to meet under the modified teleconferencing rules until January 1, 2024, if the meeting occurs during a proclaimed state of emergency and the legislative body finds that it has reconsidered the circumstances of the state of emergency and either:

- measures to promote social distancing have been imposed or recommended by local health officials; or
- the state of emergency continues to directly impact the ability of the members to meet safely in person.

The Local Health Officer and the Director of Mono County Public Health have recommended that measures be implemented to promote social distancing, including the holding of virtual meetings. A copy of the memo memorializing that recommendation is attached to the draft proposed resolution (Attachment 1).

At the November 18 meeting, the Planning Commission will need to adopt a resolution with findings that your Commission has reconsidered the circumstances of the emergency and that local health officials have recommended measures to promote social distancing. This resolution will authorize a virtual meeting until December 18. A draft resolution is attached for review (Attachment 1).

In order to continue meeting virtually under those modified rules after December 18, the Commission will again need to reconsider the circumstances of the state of emergency and again make one of the additional findings required by AB 361.

Attachment

1. Draft AB 361 Resolution with Public Health recommendation



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6 **A RESOLUTION OF THE MONO COUNTY PLANNING COMMISSION**
7 **AUTHORIZING REMOTE TELECONFERENCE MEETINGS**
8 **FOR THE PERIOD OF NOVEMBER 18, 2021, THROUGH DECEMBER 18, 2021,**
9 **PURSUANT TO AB 361**

10 **WHEREAS**, on March 4, 2020, Governor Newsom issued a Proclamation of State of
11 Emergency in response to the COVID-19 pandemic, which Proclamation remains in effect; and

12 **WHEREAS**, on March 17, 2020, Governor Newsom issued Executive Order N-29-20,
13 modifying the teleconferencing rules set forth in the California Open Meeting law, Government
14 Code section 54950 et seq. (the "Brown Act"), subject to compliance with certain requirements;
15 and

16 **WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-21,
17 providing that the modifications would remain in place through September 30, 2021; and

18 **WHEREAS**, on September 16, 2021, Governor Newsom signed AB 361, providing that
19 a legislative body subject to the Brown Act may continue to meet under modified
20 teleconferencing rules if the meeting occurs during a proclaimed state of emergency and state or
21 local officials have imposed or recommended measures to promote social distancing; and

22 **WHEREAS**, the Local Health Officer and the Director of Mono County Public Health
23 have recommended that measures be implemented to promote social distancing, including the
24 holding of virtual meetings of legislative bodies within the County of Mono, a copy of that
25 recommendation is attached as an exhibit and incorporated herein; and

26 **WHEREAS**, in the interest of public health and safety, and in response to the local
27 recommendation for measures to promote social distancing, the Mono County Planning
28 Commission (the "Legislative Body") deems it necessary to invoke the provisions of AB 361
29 related to teleconferencing.

30 **NOW, THEREFORE, THE LEGISLATIVE BODY FINDS AND RESOLVES** that:

31 **SECTION ONE:** The recitals set forth above are true and correct and are adopted as
32 findings of the Legislative Body.

SECTION TWO: The Legislative Body has reconsidered the circumstances of the State
of Emergency.

SECTION THREE: State or local officials have recommended measures to promote
social distancing, including the holding of virtual meetings for legislative bodies within the
County of Mono that are subject to the Brown Act.

1 **SECTION FOUR:** Meetings of the Legislative Body shall be held 100% virtually
2 through December 18, 2021.

3 **SECTION FIVE:** Staff is directed to return to the Legislative Body no later than thirty
4 (30) days after the adoption of this resolution, or at the next meeting of the Legislative Body, if
5 later, for the Legislative Body to consider whether to again make the findings required to meet
6 under the modified teleconference procedures of AB 361.

7 **PASSED, APPROVED and ADOPTED** this 18 day of November 2021, by the
8 following vote, to wit:

9 **AYES:**

10 **NOES:**

11 **ABSENT:**

12 **ABSTAIN:**

Patricia Robertson, Chair

13
14 **ATTEST:**

APPROVED AS TO FORM:

15
16
17 _____
Heidi Willson
Secretary of the Planning Commission

18 _____
Christian Milovich
Assistant County Counsel



MONO COUNTY HEALTH DEPARTMENT

Public Health

P.O. BOX 476, BRIDGEPORT, CA 93517 PHONE (760) 932-5580 • FAX (760) 932-5284

P.O. BOX 3329, MAMMOTH LAKES, CA 93546 PHONE (760) 924-1830 • FAX (760) 924-1831

To: Board of Supervisors

From: Bryan Wheeler, Director of Public Health

Re: Recommendation regarding Social Distancing and Virtual Meetings

Both Mono County “covering” Health Officer Dr. Rick Johnson and I strongly recommend that physical/social distancing measures continue to be practiced throughout our Mono County communities, including at meetings of the Board of Supervisors and other County-related legislative bodies subject to the Brown Act, to minimize the spread of COVID-19.

Whether vaccinated or not, positive individuals are contracting the Delta variant and infecting others in our communities. Social distancing and masking are crucial mitigation measure to prevent the disease’s spread. Virtual board meetings allow for the participation of the community, county staff, presenters, and board members in a safe environment, with no risk of contagion. It is recommended that legislative bodies in Mono County implement fully-remote meetings to the extent possible.

If you have any questions regarding this recommendation, please do not hesitate to contact me. We will continue to evaluate this recommendation on an ongoing basis and will communicate when there is no longer such a recommendation with respect to meetings for public bodies.