

Mono County Community Development Department

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Planning Division

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NOTICE OF DECISION Director Review 19-013 / Morton Transient Rental

Applicant: Don Morton (Property Owners: Kim and Denise Cooper)

Subject Property: 4684 Highway 158, Unit 10, June Lake, APN 016-282-010

Proposal: To allow the use of a property at 4684 Highway 158, Unit 10 as a non-owner occupied transient rental (a rental for fewer than 30 consecutive days).



Figure 1: Location of project, 4684 Highway 158, Unit 10, June Lake, APN 016-282-010

Pursuant to the Mono County General Plan, Chapter 31 Director Review Procedures, and based upon the following findings, you are hereby notified that Director Review 19-013 has been:

<input checked="" type="checkbox"/>	Granted subject to the attached Conditions of Approval
<input type="checkbox"/>	Denied

BACKGROUND

The proposal is for a non-owner occupied transient rental in Unit 10 of the Aspen Meadows complex in June Lake. Transient rentals are defined as rentals of fewer than 30 consecutive days. The property is designated Commercial Lodging-High (CL-H), which allows for transient rentals of up to three dwelling units, subject to Director Review. The unit has two bedrooms and two parking spaces and is allowed up to six overnight guests.

The proposal is subject to the standards set forth in Chapter 26, Transient Rental Standards and Enforcement in Nonresidential and MFR-H land Use Designations, including health and safety requirements, parking, snow removal, waste removal, exterior lighting, and signage.

DIRECTOR REVIEW FINDINGS

Under Mono County General Plan, Chapters 31.030, the Community Development Department Director may issue a Director Review permit after making all of the following findings:

- 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.*

The subject property is part of the 11-unit Aspen Meadows Complex in June Lake and is designated Commercial Lodging-High (CL-H). The complex meets all existing standards for the CL-H land use designation and the General Plan, including setbacks (10-foot front and 5-foot rear), lot coverage (60%), density (15 units per acre), and the required two parking spaces per unit.

The proposal is consistent with the intended use of the CL-H land use designation, which is to provide short-term commercial lodging units in close proximity to commercial/recreational centers. The project is located along the Highway 158 corridor adjacent to the Fern Creek Lodge.

The applicant is responsible for ensuring short-term rental uses are compatible with any existing CC&Rs. Enforcement of CC&Rs is the responsibility of the Homeowners Association (HOA).

- 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.*

Aspen Meadows is accessed by Highway 158. The maximum of two vehicles and six guests for the rental is not expected to create substantial traffic impacts beyond the existing residential use.

- 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.*

The proposed use will have no substantial impacts detrimental to the public welfare, property or improvements in the area beyond the existing use. Use of this property as a transient rental is similar to existing lodging uses surrounding the parcel and is consistent with the intent of the CL-H land use designation to provide short-term lodging.

The project is required to adhere to Chapter 26 of the General Plan to ensure public welfare and safety are maintained. Chapter 26 regulations include the use of dark sky compliant lighting,

regular snow and waste removal, signage indicating occupancy and parking standards, and compliance with health and safety standards (Mono County Land Use Element, 26.040).

The rental will have a property manager located in June Lake available to address concerns.

4. *The proposed use is consistent with the map and text of this General Plan and any applicable area plan.*

The CL-H land use designation is intended to provide short-term commercial lodging units in close proximity to commercial/recreational centers. The application will allow for the use of an existing dwelling to be used for transient rental.

This project adheres to the following Countywide Land Use polices and goal:

Objective 1.E. Provide for commercial development to serve both residents and visitors

Objective 1E.4 Allow for the integration of small-scale commercial uses with associated residential uses, such as employee housing.

Goal 2. Develop a more diverse and sustainable year-round economy by strengthening select economic sectors and by pursuing business retention, expansion, and attraction in Mono County.

This project adheres to the June Lake Area Plan as it provides additional visitor accommodations and commercial operations within the June Lake Village:

June Lake Area Land Use Policies 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

June Lake Area Land Use Policies Objective 13.E.1.a: Allow higher densities and provide for mixed uses in areas suitable for commercial and retail development.

June Lake Area Land Use Policies Objective 20.B: Diversify and stabilize the local economy by attracting and retaining tourist- and community-oriented businesses, particularly those that provide new jobs for local residents

5. *The improvements indicated on the development plan are consistent with all adopted standards and policies as set forth in the Land Development Regulations, this General Plan and any applicable area plan.*

The project does not propose any new improvements. Any such plans are required to adhere to the requirements of the Mono County General Plan and Mono County Code.

6. *The project is exempt from the California Environmental Quality Act (CEQA).*

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

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

Examples include but are not limited to:

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

Multi-family homes that are rented on a transient basis will be used in a manner that is not substantially different from how they would be used if they were occupied by full-time residents or long-term renters. In addition, transient rentals are subject to compliance with regulations governing the management of these units stipulated in Chapter 26, which addresses aesthetics, noise, parking, utilities, and other similar issues. As a result, rental of a residence is not an expansion of use and is no more intensive or impactful than similar permitted uses in the CL-H land use designation.

**CONDITIONS OF APPROVAL
DR 19-013/Morton**

DR 19-013 is issued with the following conditions:

1. The project shall comply with provisions of Chapter 26 – Transient Rental Standards and Enforcement prior to conducting transient short-term rental.
2. The two on-site parking spaces shall be made available to guests. Guests shall not park off site.
3. All short-term rental customers must sleep within the dwelling; customers are not allowed to reside in an RV, travel-trailer, or similar mobile-living unit on the property or any neighboring property.
4. The rental shall be limited to six overnight guests.
5. Project shall comply with all Mono County Building Division requirements.
6. Future development shall meet requirements of the Mono County Code, Mono County General Plan, and Mono County Community Development Department.
7. Appeal. The Director Review permit shall become effective 10 days following the issuance of the Director's decision. During the 10-day period, an appeal may be filed in accordance with Chapter 47. If an appeal is filed, the permit will not be issued until the appeal is considered and a decision is rendered by the Planning Commission. (Section.31.060)
8. Termination. A Director Review 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.
7. Extension: If there is a failure to exercise the rights of the Director Review within one year of the date of approval, the applicant may apply for an extension for an additional one year. 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. Conditions of Approval for the Director Review may be modified or expanded, including revision of the proposal, if deemed necessary. The Planning Division may also deny the request for extension. Exception to this provision is permitted for those Director Reviews 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.
8. 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.

This Director Review permit shall become effective 15 days following the issuance of the Director's decision. This decision may be appealed within 15 days by filing a written notice of appeal with the secretary of the Planning Commission. If an appeal is filed, the permit will not be issued until the appeal is considered and the Planning Commission renders a decision.

PREPARED BY: Bentley Regehr, Planning Analyst DATE OF DECISION: November 7, 2019

SIGNED: _____
Wendy Sugimura, Community Development Director