
Appeal of UP 24-009/Poe

Mono County Board of Supervisors
February 18, 2025

- Planning Commission denied Use Permit 24-009/Poe on Dec. 19, 2024
 - Project: Transient rental in a non-owner-occupied single-family residence in June Lake.
-
- Applicant filed appeal on Dec. 20, 2024



Mono County General Plan, Land Use Element Chapter 47: Appeals

47.020.B. Planning Commission

Determinations. *Appeals of any decision of the Planning Commission may be made to the Board of Supervisors by filing a written notice of appeal...within 10 calendar days following the Commission action.*

47.040 Appeal hearing. *Appeals shall be de novo...except that the scope of the appeal shall be limited to those matters from which an appeal is taken. In hearing any such appeal, the appeal body may affirm, affirm in part, or reverse the previous determination that is the subject of appeal.*



Location

19 Willow Avenue

June Lake, Down Canyon

Parcel Size: 1.12 acres

APN: 106-193-033-000





19 Willow Avenue

19 Willow Avenue

- Two-story structure
- 1,519 square feet
- Two bedrooms
- Two full bathrooms
- One powder room
- Kitchen
- Living space with four bunk beds
- Deck
- Storage



Land Use Designation

Commercial Lodging, Moderate (CL-M)

Purpose: Commercial lodging units for short term occupation in or near residential uses

Surrounding Land Use Designations

- Commercial
- Commercial Lodging
- Multi-Family Residential
- Single-Family Residential

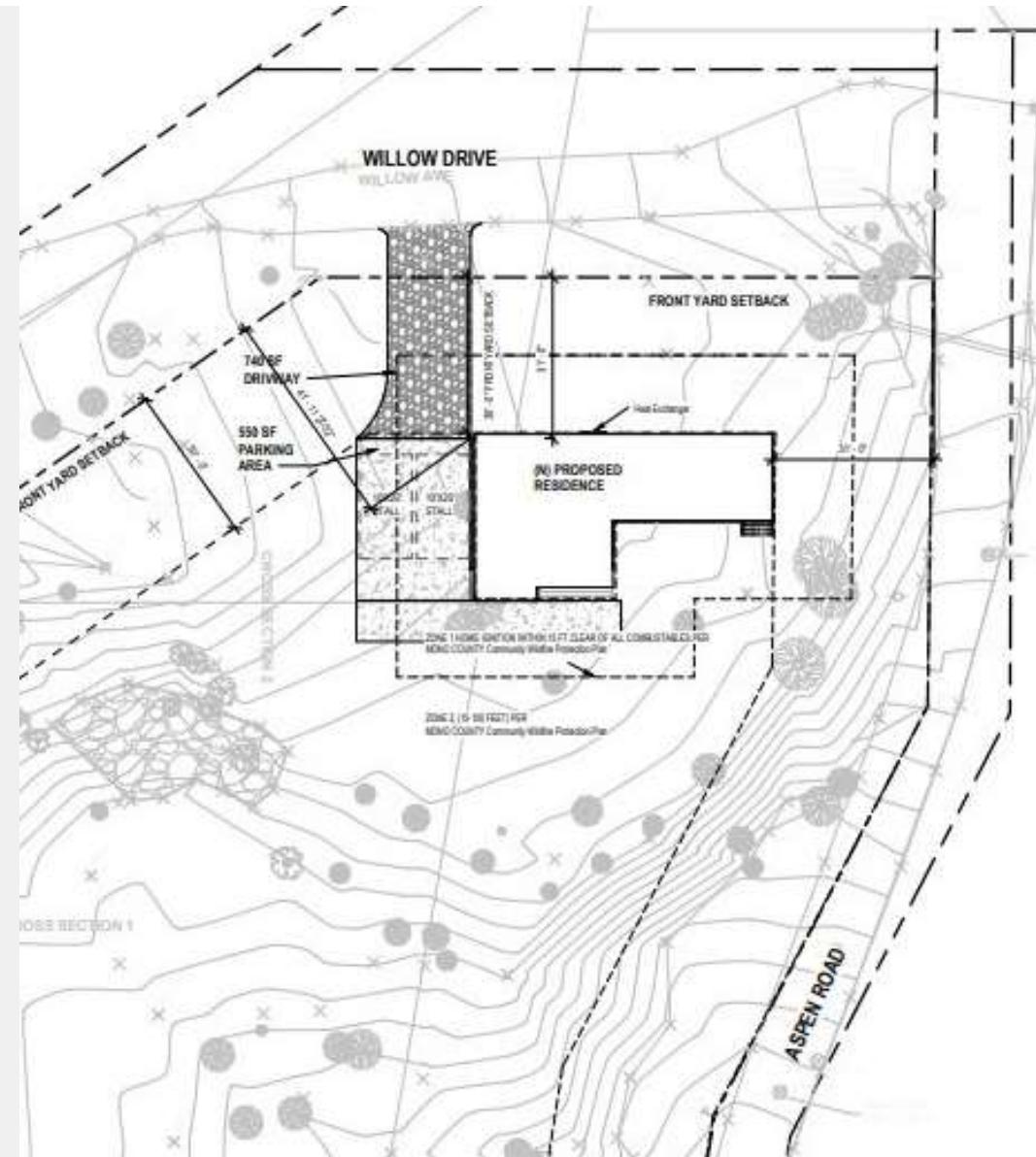


Lot Coverage

- 2,640-sf of impervious area
- 1.12-acre property
- 5.4% of impervious area
- Below the maximum of 60%.

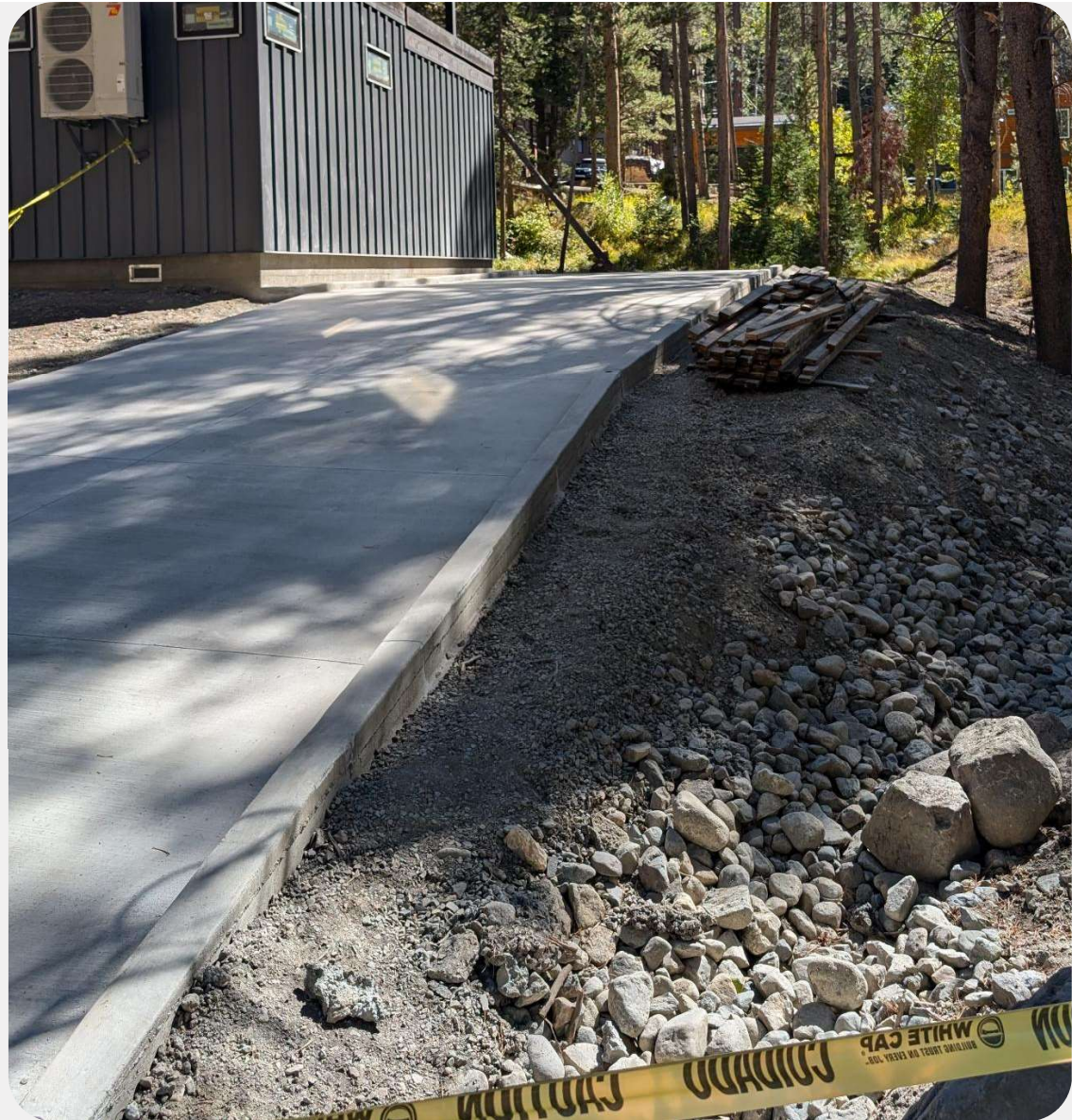
Setbacks

- 31 feet on Willow Ave and Aspen Rd
- Meets Calfire Setbacks (more restrictive)
- Meets Commercial Lodging setbacks



Parking

- Vehicle access from Willow Avenue.
- 740-sf driveway.
- Two uncovered 10'x20' parking stalls – meets residential & commercial lodging standards.
- Aspen Road is County-maintained and plowed in winter.
- Surrounding roads are private.



CEQA Compliance

- If approved: Class 1 CEQA exemption §15301
 - Encompasses 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.
- If the use permit for transient rentals is not approved, the project is statutorily exempt under CEQA Guidelines §15270 (Disapproved Projects).

Countywide Land Use Policies

Goal 1. *Maintain and enhance the environmental and economic integrity of Mono County while providing for the land use needs of residents and visitors.*

Objective 1.C. *Provide a balanced and functional mix of land uses.*

Objective 1.D. *Provide for the housing needs of all resident income groups, and of part-time residents and visitors.*



Countywide Land Use Policies

- Objective 1.D.** *Provide for the housing needs of all resident income groups, and of part-time residents and visitors.*
- Policy 1.D.1.** *Designate adequate sites for a variety of residential development in each community area.*
- Policy 1.D.3.** *Designate a sufficient amount of land for a variety of lodging facilities.*
- Action 1.D.3.a.** *Designate suitable areas in communities as “Commercial Lodging.”*



June Lake Area Plan

The policies contained in the June Lake Area Plan acknowledge the complexity of transient rental permits in a community with limited housing and a strong reliance on tourism.

Objective 13.M.

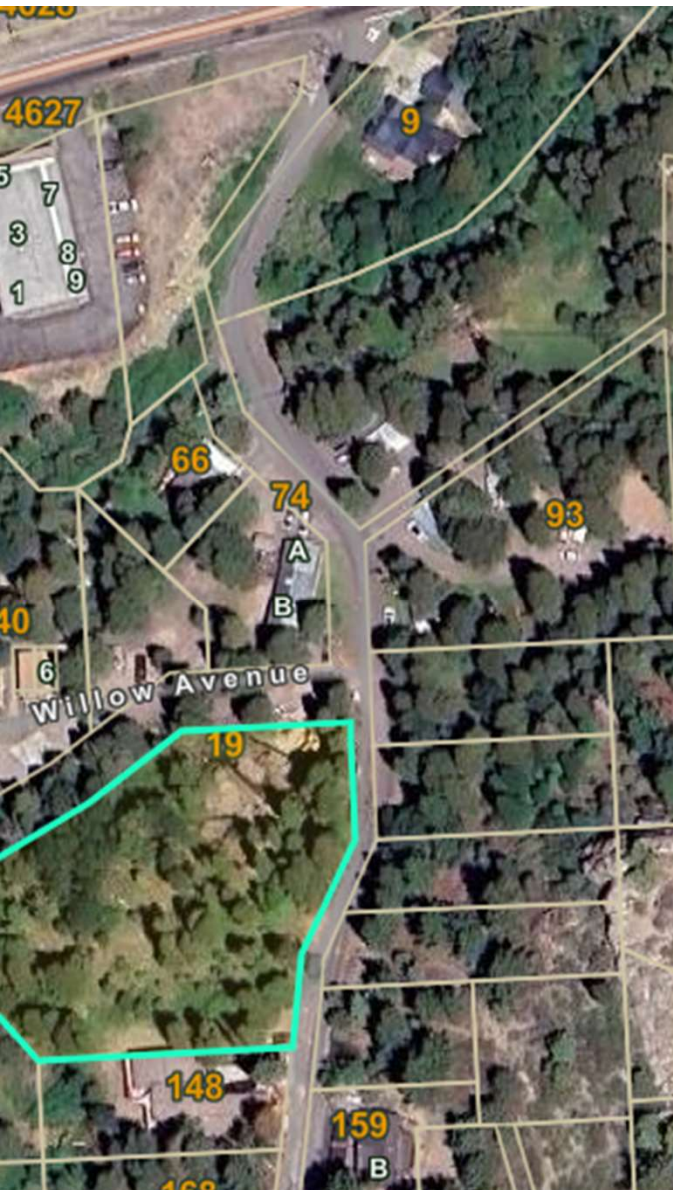
To balance the character of single-family residential neighborhoods and the tourist economy, utilize a mix of best practices, creative solutions, and regulatory mechanisms, as guided by public input and engagement, to address the complexity of short-term rentals.

Objective 13.B.

Promote well-planned and functional community development that retains June Lake's mountain-community character and tourist-oriented economy.

Objective 13.H.

Balance the development of recreational facilities with the adequate provision of public amenities, employee and visitor housing, infrastructure, and circulation facilities.



June Lake Area Plan: Down Canyon

Objective 13.K.

Retain the Down Canyon's single-family residential character while providing for additional commercial development along SR 158 and pockets of higher-density residential uses.

Policy 13.K.1.

Retain the area's single-family residential character while allowing for pockets of higher-density residential developments in areas that have good automobile access and commercial developments, bordering SR 158.

June Lake Area Plan: Neighborhood Character



Policy 13.C.1.

Encourage compatible development in existing and adjacent to neighborhood areas.

Objective 13.F.

Protect existing and future property owners and minimize the possibility of future land ownership/use conflicts through the building and planning permit processes.



- Residential after Willow Ave
- Single family homes
- Some substandard lots
- Intimate neighborhood
- Potential for disruption

- Transition zone
- Dividing line is Willow Ave
- Two multi-family units on opposite side of street.
- Two existing overnight rental permits.
- Code Enforcement has no complaints on record.

June Lake Area Plan: Neighborhood Character

June Lake Area Plan: Goal 14

Provide residents and visitors with quality housing, a wide array of housing alternatives designed to promote unique experiences, and year-round housing stock

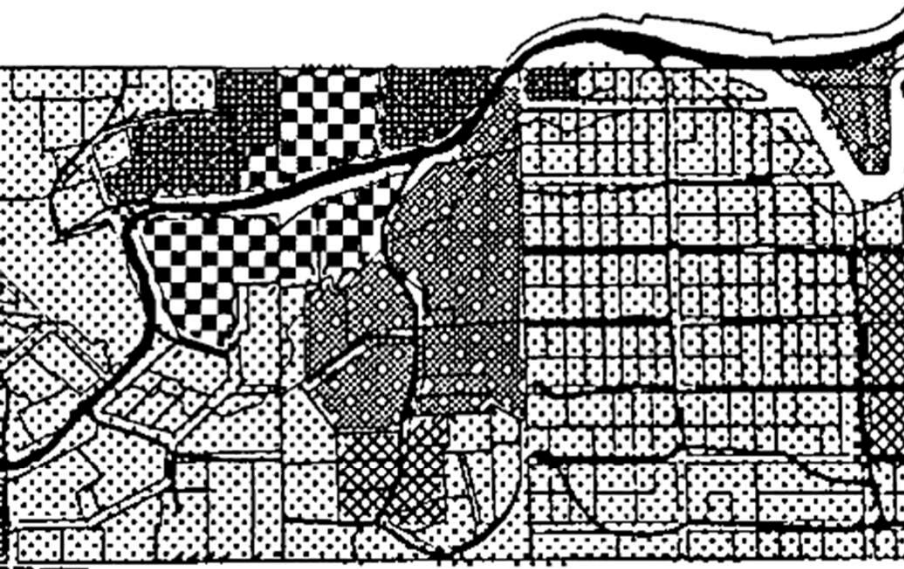




Planning Commission Deliberation

1. Uses the property owner is entitled to by right, vs. uses subject to discretionary future approvals.
2. Concern about emergency evacuations, as Aspen Road narrows from a two-lane road to a one-lane road after intersecting with Willow Avenue.
3. Impact on public welfare, property, and improvements in the area.
4. Ongoing housing shortage.



2000 General Plan Map



Down Canyon June Lake

LEGEND

Land Use Districts:

| | | |
|---|-------|-----------------------------------|
|  | C | Commercial |
|  | CL-H | Commercial Lodging, High |
|  | CL-M | Commercial Lodging, Moderate |
|  | ER 2 | Estate Residential 2 acre minimum |
|  | SFR | Single Family Residential |
|  | MFR-L | Multiple Family Residential, Low |
|  | SP | Specific Plan |

Land Use Designation

- Lodging uses pre-date the adoption of the General Plan.
- Commercial Lodging-Moderate is intended for transitional zones.

Uses that are permitted by-right in CL-M can be constructed with ministerial permits approved at the staff level, such as a building permit.

These *permitted uses* on a CL-M parcel are the only uses that a property owner is reasonably guaranteed.

Permitted Uses

- Single-family dwelling
- Duplexes and triplexes
- Accessory buildings and uses
- Animals and pets
- Home occupations
- Transitional and Supportive Housing
- Outdoor cultivation of a maximum of six mature and 12 immature cannabis plants
- Transient rentals (rentals for fewer than 30 consecutive days) in developments where units are under individual ownership.

- Other uses on the parcel may be permitted subject to a discretionary review process.
- A Director Review permit is approved at the staff level
- Permit approvals are not guaranteed.

Uses Permitted Subject to Director Review

- Transient rentals (rentals for fewer than 30 consecutive days) in single-family residential units, including accessory dwelling units, and multi-family units under single ownership of up to three dwelling units.

- A Use Permit is approved by the Planning Commission at a noticed public hearing.
- Permit approvals are not guaranteed.

Uses Permitted Subject to Use Permit

- Mobile home parks
- RV parks
- Projects containing four or more units such as condominiums, cooperatives, townhomes, cluster developments, and/or apartments.
- Hotels, motels, lodges, bed-and-breakfast establishments, cabins and other uses found to be similar by the Commission.
- Transient rentals (fewer than 30 consecutive days) in multi-family units under single ownership of four or more dwelling units.
- Conversion of five or more apartment units into transient rentals
- Conversion of existing habitable space into ancillary uses
- Parking lots and parking structures other than required off-street parking
- Construction of an accessory building prior to construction of the main building.

- Since April 2024, all transient rental applications require a Use Permit
- In no case would transient rentals have been permitted without discretionary review.

Uses Permitted Subject to Director Review

- Transient rentals (rentals for fewer than 30 consecutive days) in single-family residential units, including accessory dwelling units, and multi-family units under single ownership of up to three dwelling units.



Parking, Access, and Circulation

- Located Down Canyon, at the intersection of Aspen Road and Willow Avenue.
- Aspen Road provides neighborhood's only access to SR 158.
- Starts with two lanes, narrows to one.
- Aspen Road is County-maintained.



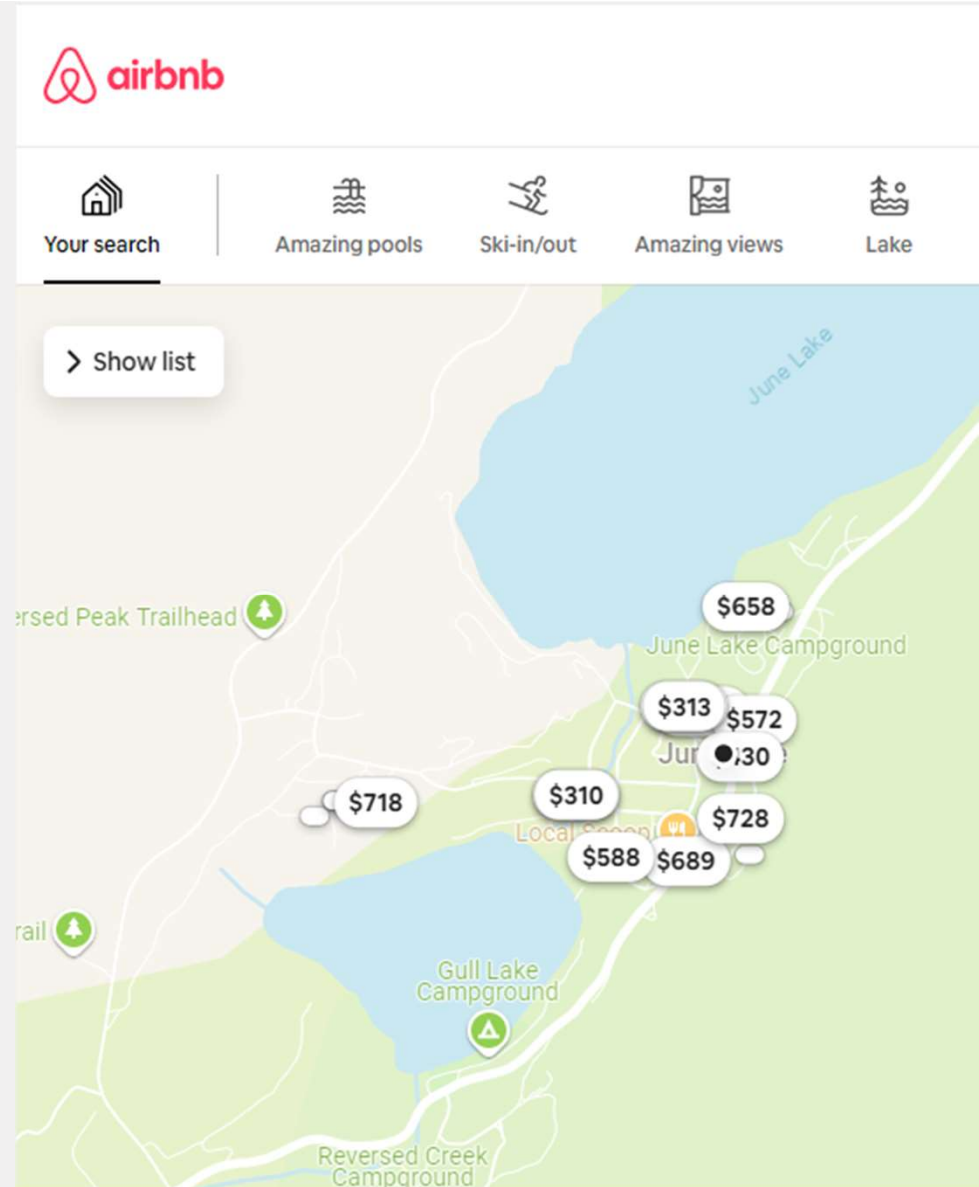
Parking, Access, and Circulation

- Willow Avenue has not been accepted into the County road system.
- Willow Avenue has one paved lane and unpaved shoulders.



Impact on Public Welfare, Property, and Improvements in the Area

- Proximity to residential areas.
- Continuing lack of housing availability for local residents.
- Possibility of using the single-family residence as long-term housing.
- Impact of approving the transient rental permit on neighborhood and public welfare.



Countywide Land Use Policies: Residential

Objective 1.M. Regulations of short-term rentals in residential land use designations (e.g., SFR, ER, RR, or RMH, excluding MFR-M and MFR-H) are needed to protect residential neighborhood character and quality of life, as well as capture potential benefits to the extent possible.

Policy 1.M.2. Short-term rentals in single-family residential neighborhoods should support a model for the supplemental sharing of excess assets, rather than a full business or investment model.



Countywide Land Use Policies: Residential

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

- *Emergency access issues due to a single access point to/from the neighborhood (see Safety Element, Objective 5.D. and subsequent policies, and Land Use Element 04.180).*



Use Permit Finding #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.

OPTION #1: This finding can be made

- 1.The proposed use is not expected to cause significant environmental impacts.
- 2.The property is designated for moderate-density commercial lodging, and the proposed use is consistent with its designation.
- 3.The applicant shall comply with requirements established in Mono County General Plan Chapter 26, Transient Rental Standards & Enforcement in Nonresidential and MFR-H Land Use Designations and TRODs. The standards and requirements minimize fire hazards, noise, traffic, parking conflicts, and disturbance to the peace and quiet.
- 4.The use permit process provides decision makers and the public the opportunity to balance competing priorities.

Use Permit Finding #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.

OPTION #2: This finding cannot be made.

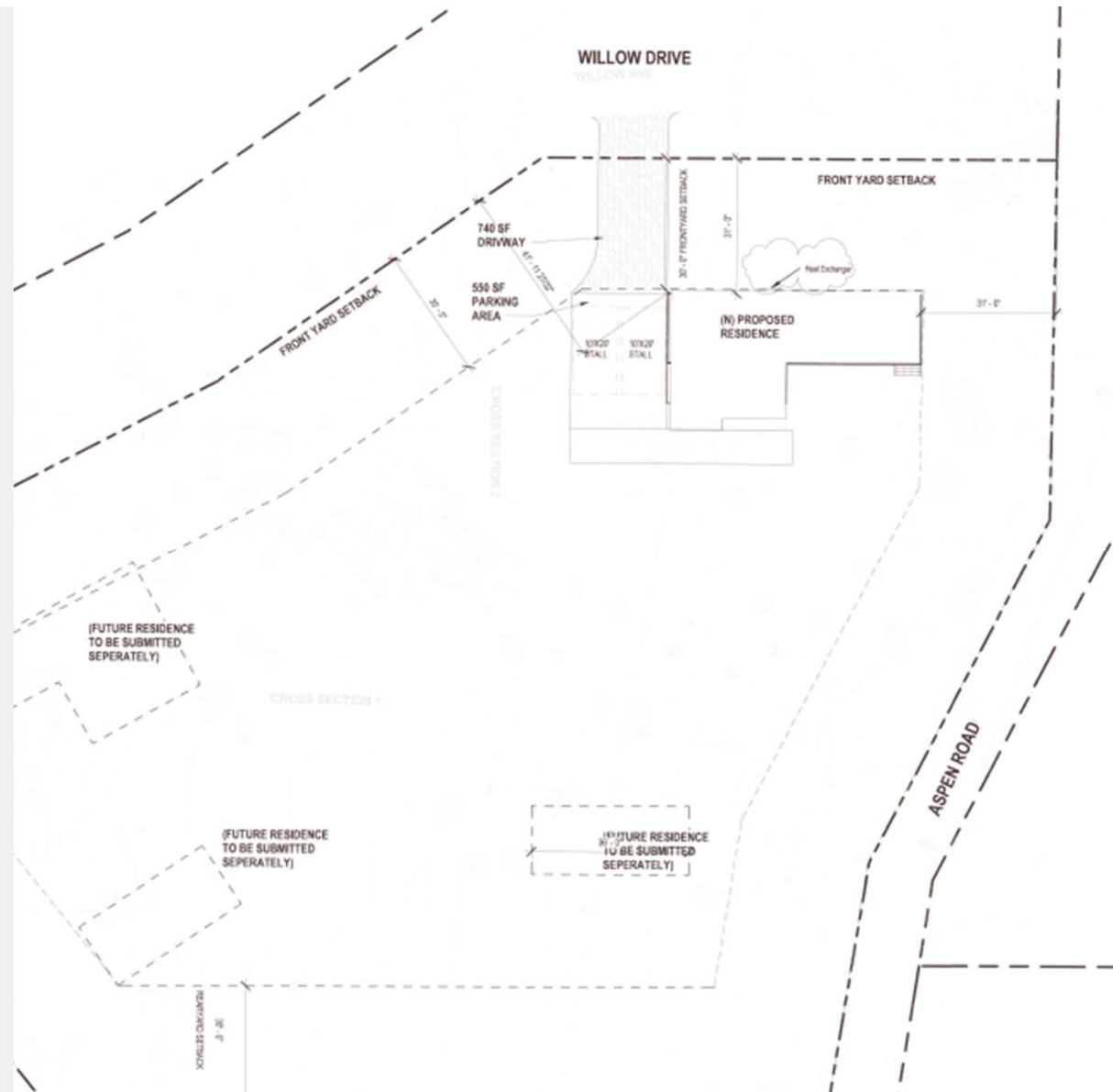
Due to the lack of housing availability for local residents and employees, the use of residential housing stock for long-term rental is detrimental to the public welfare and results in, for example, persons resorting to living in non-compliant facilities such as recreational vehicles and trailers.

Until housing availability increases, allowing the rental of residential property to visitors rather than use as a traditional residence by the owner or rental to persons in need of housing to live in the area is detrimental to the public welfare.

Visitor accommodations should be provided intentionally through facilities built for that purpose, such as hotels and motels.

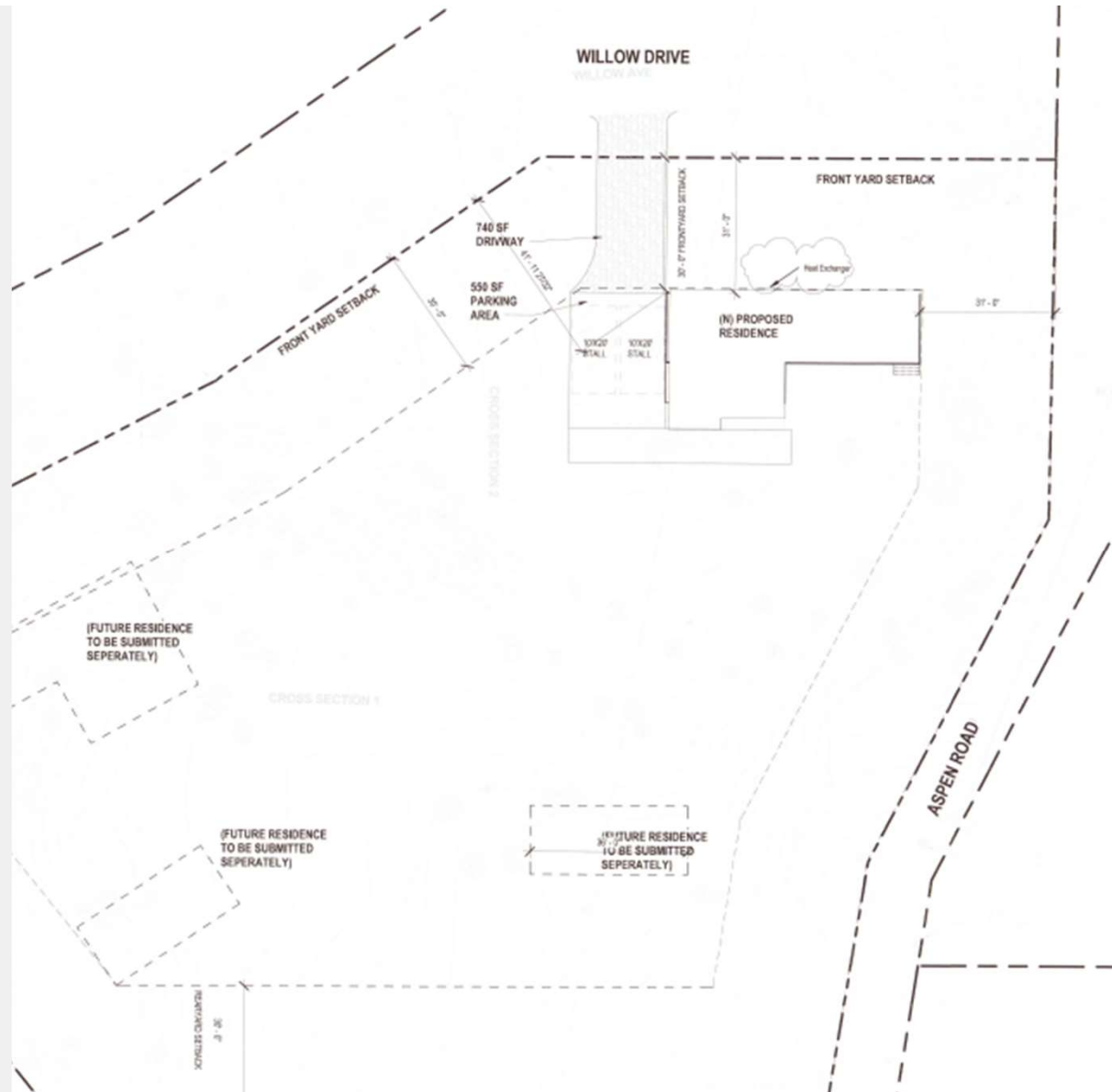
Reasons for Appeal

- Applicant: “The lot was purchased 2.5 years ago and a building permit and construction began shortly after the first of four vacation cabins notated on the site plan.”
- Staff response: Application was for one residence.
- Applicant: “The lot is specifically zoned for nightly rentals and allows for up to 17 units.”
- Staff response: This use would be subject to a Use Permit application for hotels, motels, lodges, etc.

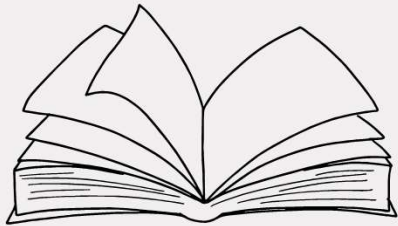


Reasons for Appeal

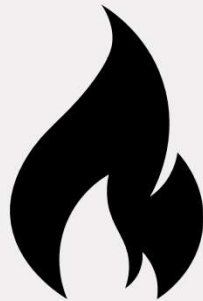
- Applicant: “They were unwilling to approve a single unit for nightly rentals though we were able to follow all procedures and are in the process of obtaining a Certificate of Occupancy.”
 - Staff response: A Use Permit is discretionary.
- Applicant: “This is a new construction home and does not take away housing for locals but brings in needed revenue guests.”
 - Staff response: New construction with the intent of providing visitor lodging should be built to commercial standards, not residential.



Public Comment on Use Permit



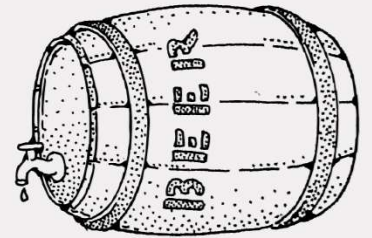
Objection to the determination that the project qualifies for an exemption under CEQA §15301 for Existing Facilities.



Egress in the event of a fire



Regulated by General Plan and Conditions of Approval (Density, traffic, parking, health and safety, trash, snow removal)

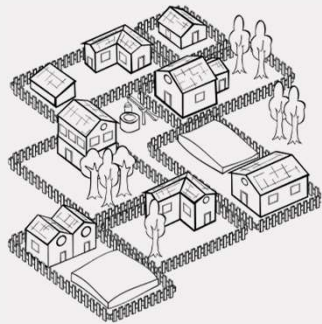


Neighborhood character (noise, alcohol consumption, short term rentals unwanted)

Public Comment on Appeal



Aesthetic and economic value of a high-quality rental property.



Already too much short-term lodging in the area.

Appeal Proceedings

The Board of Supervisors may:

- a) uphold the Planning Commission's findings and disapproval of the project,
- b) overturn the Planning Commission's disapproval and make alternative findings approving the project,
- c) remand the project back to the Planning Commission for reconsideration due to new information, or
- d) make alternative findings that support a conclusion not listed here.

If the Board chooses to overturn the Planning Commission's denial, the recommendation is to tentatively grant the appeal, state the reasons for granting the approval and the alternative findings to be made, and direct staff to return with a new Resolution for Board approval within 30 days.

