

Public Comments received for Variance 21-001/Martin.

Compiled at 4:30 pm on Wednesday, June 16, 2021.

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June 8, 2020

Mono County Planning Commission
Attention: Michael Draper
PO Box 347
Mammoth Lakes, CA 93546

RE: Variance 21-001/Martin

Dear Commissioners,

This letter is in response to the variance application submitted for assessor's parcel 016-123-012, located on N. Texas Street, Clark Tract, June Lake. I am a homeowner & Part Time resident for the last 14 years. My property 52 N Texas is 1 lot north on Texas St from the Martin property and on my street.

VARIANCE APPLICATION DEFICIENCIES

1. Page 2, item 5 of the Variance Application indicates that the site is not on filled land. The previously referenced Site Exhibit indicates along the southern wall of the proposed home as "top of rock slope". My understanding is that this area is loose fill and construction debris. The flat pad for the proposed home has been used for snow storage for the 14 years I have lived here, and sand and gravel has built up from the plow pushing material onto this area. I believe excavation will need to be performed contrary to what is indicated on page 3, item 10 to build a proper foundation and assure slope stability.
2. Page 3, item 12B of the Variance Application indicates the project will not affect the views of existing homes. The views from homes at 43 North Texas, 47 North Texas, and 48 North Texas would all be adversely affected by the tall structure that is proposed.
3. The Preliminary Site Plan Exhibit shows only two parking places. The proposed structure is 2 ½ stories and may require more parking spaces. There is no way to provide for accurate parking without encroaching on the existing road which is not enough space for 2 cars side by side to drive by one another simultaneously. Also in the winter there is not ample space for snow storage and parking. To me it does not meet the requirement and in the winter would be a safety concern with a downward slope of the road and the curve it is on.
4. The Preliminary Site Exhibit uses the aerial imagery and parcel lines from the Mono County GIS Parcel Viewer as a base map for the proposed project. Aerial photography can be highly

inaccurate in steep terrain and at the scales depicted on this site plan. The property lines on the plan relative to geographic features and vegetation can therefore be off significantly. This project has very tight tolerances because of the limited suitable area. A licensed survey should be performed prior to consideration of a variance to accurately locate the property line and features that would be affected by the project, including power lines, roads, vegetation, and unstable slopes, and ultimately determine the feasibility of the project.

SAFETY

1. Road conditions in the Clark Tract, and particularly the extent of North Texas Street from W Steelhead Rd to Rea Drive, can be treacherous in winter. Melting of snow during the day and freezing at night causes the road to become slick and hazardous. There are numerous vehicles that lose traction and slide backwards or sideways on a regular basis on the grade and curve where this proposed home would be constructed and with a decreased set back it just becomes all that much more dangerous. The shadow cast by a 2 ½-story structure located 10 feet closer to the road than guidelines allow would further exacerbate the ice formation on this portion of North Texas Street.
2. N Texas St is very steep and narrow from the corner of W Steelhead Rd to the southwest corner of the proposed property access driveway. There is no room for two vehicles to pass each other on this section, and there is a regular flow of neighborhood vehicles, as well as large vehicles, including delivery trucks, propane trucks, and garbage trucks. The movement of emergency vehicles (fire trucks and ambulances) are also restricted. Granting a variance would bring the structure unreasonably close to the road if widening is done to mitigate this safety hazard.

SNOW MANAGEMENT

The flat portion of the parcel has been used for snow storage for decades. If this project is constructed, the volume of snow that would have been stored there will need to be transported elsewhere. The likely spot would be on the southeast corner of 335 W Steelhead Road, or the southwest corner of parcel 016-117-014-000, where large accumulations of snow have been created in past years. This pile melts and freezes and creates a sheet of ice on the hill on W Steelhead Rd. We have seen multiple cars sideways on the hill at this location, and the UPS truck (without 4WD) must travel at a high speed to get past the ice. The proposed construction will displace the snow storage burden from one private lot to another. Granting a 10-foot variance would limit the amount of snow storage capacity onsite for snow removed from this parcel, exacerbating the snow storage problem, and contributing to the dangerous winter road conditions. If Mono County approves this variance will Mono County also provide and pay for a solution to store the snow elsewhere?

ROAD MAINTENANCE

Existing roads in the Clark Tract notoriously do not follow the alignments according to the parcel maps. They are narrow (less than 25 feet wide), steep, with no or poor drainage infrastructure, and not built to engineering standards. Clark Tract roads are private and snow removal and

maintenance are funded by contributions from property owners. In the short term, residents have performed essential road repair, but there has been recent interest in creating a Zone of Benefit for long-term maintenance. If this were to occur, the roads would need to be upgraded to a maintainable level of construction. This may require widening of North Texas Street along the property line where the variance is requested. By granting this variance, it would bring the structure unreasonably close to the road and limiting the ability to do necessary road rebuilding and maintenance activities.

VARIANCE PRECEDENCE

The remaining vacant lots in the Clark Tract are exceedingly difficult sites for construction. Existing structures were required to adhere to 20-foot setbacks with rare exceptions. As available land inventory becomes scarce, requests for variances will increase for these difficult lots. Granting variances is not fair to others that mitigated their projects to meet them. Mono County should not set a precedent of granting variances to encourage development on sites where a structure is not appropriate.

Thank you for consideration of my concerns. At a minimum I would ask that the Commission members make a site visit in person to review the validity of the concerns listed here and have the developer Jim Martin address the deficiencies listed in the first section in a modified variance application, so a true representation of the project can be used as a basis for a decision.

It is difficult to appreciate the steepness of the terrain in the neighborhood unless you have seen it in person.

I do not believe a variance is appropriate on this site per the reasons stated in the other sections and request the variance application be denied.

Patrick Mann

A handwritten signature in black ink, appearing to read 'Patrick Mann', written in a cursive style.

John and Doris Reilly
PO Box 630
June Lake, CA 93529
(949) 650-5602
reillyhome@yahoo.com

June 15, 2020

Mono County Planning Commission
Attention: Michael Draper
PO Box 347
Mammoth Lakes, CA 93546

RE: Variance 21-001/Martin

Dear Commissioners,

The questions and comments listed below pertain to the staff response document prepared for the Planning Commission hearing scheduled for June 17, 2021. We appreciate having these issues answered and addressed during the hearing.

1. We submitted a letter with comments to the Planning Commission on June 6, 2021 that listed six items where the variance application were inaccurate or deficient. We also contacted the applicant through their realtor prior to that date letting them know of the incorrect power line alignment and the existence of fill and not rock on the building site. We believe a corrected application should be submitted so a true representation of the project can be used as a basis for a decision. If this is not required, please provide an explanation why.

2. The staff response document does not address the incorrect alignment of the power line on the site exhibit of the variance application. The possible effect on setbacks needs to be addressed.

3. Page 1 – Project Overview

If granted the variance, the property owner will apply to construct a residence not to exceed 625 square feet on the property....

This is different from what is on the variance application. The application indicates that a 2 ½ story structure with a 600-square-foot first-floor lot coverage will be constructed.

4. Page 6

Public comment: The setback reduction will result in on-street parking.

Staff response: Single-family residential development requires two parking spaces to be provided on site. This project provides off-street parking that meets General Plan regulations.

Other houses in the neighborhood were required to provide 3 parking spaces when permitted (314 W Steelhead Rd, new construction currently underway on Hideaway Lane). Are number of spaces

dependent on building square footage? This structure will likely exceed 1200 square feet (see #2 above).

5. Page 6

Public comment: The property has historically been used for local snow storage. Development of the property will impact where local snow can be stored, and the variance will further reduce this property's ability to store snow.

Staff response: Unless an agreement is recorded against a private property for the purpose of snow storage, private properties may be developed by their owners consistent with land use designation standards. No right to community snow storage exists on this parcel.

Single-family residential development does not require a snow-storage area. Part of the intention in setting a maximum lot coverage is so that a portion of a property is left undeveloped to serve as snow storage. The SFR designation permits a maximum of 40% lot coverage. Total lot coverage proposed by this project is approximately 1,025 sf, or 9.8%.

Even though the lot coverage is 9.8% of the total lot size, area available on site to store snow removed from the parking spaces is certainly less than 40% of the useable flat area of the lot. This snow would be removed by the snowplow and the proposed construction will displace the snow storage burden from one private lot to another since there is very little area on the lot to store snow.

The likely spot where snow would be stored would be on the southeast corner of 335 W Steelhead Road, or the southwest corner of parcel 016-117-014-000, where large accumulations of snow have been created in past years. This pile melts and freezes and creates a sheet of ice on the hill on W Steelhead Rd. We have seen multiple cars sideways on the hill at this location, and the UPS truck (without 4WD) must travel at a high speed to get past the ice.

Our issue is not with the fact that the lot has been historically used for snow storage. Granting a 10-foot variance would limit the amount of snow storage capacity onsite for snow removed from this parcel, exacerbating the snow storage problem, and contributing to the dangerous winter road conditions. Even though snow storage area is not specifically required, granting the variance would adversely affect the safety of the neighborhood.

6. Page 7

Public comment: The project will remove mature, heritage trees, affecting the slope stability, drainage, and aesthetics.

Staff response: The County does not prohibit tree removal by a property owner. In developing the property, the builder will need to consider and plan for slope stability and drainage of the project within the building permit application.

Public comment: The project will affect views of existing homes.

Staff response: The General Plan allows for the development of a property consistent with the land use designation's standards. A maximum height of 35' is permitted for single-family dwellings. Private property viewsheds are not protected by the General Plan.

If the trees and viewscape are not relevant to the issuance of a variance, then why are these questions on the application? The applicant did not provide accurate answers to these questions and should be required to submit a corrected application, so the true site conditions are documented.

7. Page 7

Public comment: A licensed survey should be performed prior to consideration of a variance to accurately locate the property line and features that would be affected by the project.

Staff response: The site plan provided for the application sufficiently displays the site and property features. A survey may be required under the building permit to identify the property line and take measurements to ensure compliance with the conditions of the Variance. Compliance is the responsibility of the property owner.

The original public comment cited is out of context. The site plan *does not* sufficiently display the site and property features relative to the true property boundary. Here is the full comment, with emphasis on why a survey should be required:

The Preliminary Site Exhibit uses the aerial imagery and parcel lines from the Mono County GIS Parcel Viewer as a base map for the proposed project. **Aerial photography can be highly inaccurate in steep terrain and at the scales depicted on this site plan. The property lines on the plan relative to geographic features and vegetation can therefore be off significantly.** This project has very tight tolerances because of the limited suitable building area. A licensed survey should be performed prior to consideration of a variance to accurately locate the property line and features that would be affected by the project, including power lines, roads, vegetation, and unstable slopes, and ultimately determine the feasibility of the project.

8. Page 7

Public comment: The site plan does not indicate where the propane tank would be located.

Staff response: A variance of a front-yard setback is not expected to affect the placement of a propane tank. Propane tanks are considered a utility and location is subject to the California Building Code.

California Code of Regulations, title 8, Section 501 Installation of Aboveground Storage Tanks for Other Than Refrigeration Service indicates tanks of capacity 1,200 gallons or less must be 50 feet from line of property adjoining which may be built upon, and 50 feet from a residential building. There is no realistic location on the flat area of the lot where a propane tank can be located, even if a variance is granted.

Thank you for the consideration of our concerns.

Doris and John Reilly

Michael Draper

From: Ann Tozier <anntozier@gmail.com>
Sent: Friday, June 11, 2021 5:00 PM
To: Wendy Sugimura; Michael Draper
Subject: Comments for June 17 Planning Commission agenda item

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL EMAIL]

I am writing in regards to the June 17 agenda item Variance 21-001 on North Texas Street, APN 016-123-012, in June Lake. I felt it pertinent to make a few cautionary comments.

As manager of the private roads' snow removal fund in our tract in June Lake, which includes all of N. Texas St., I have some concerns about the proximity of the proposed construction to the street as stated in the variance for this location. Historically the area next to the road has been used for some of the snow storage for that street, which may account for the large amount of loose gravel present. I don't believe that it is the obligation of private property owners to store snow for the rest of the street, but I believe it is a legal obligation (from what I learned when we built on our property) to be able to store snow for their own driveway and lot. I would hope this important issue will be one focal point when considering whether to grant the variance.

Parking is also a big issue for our neighborhood, and I know when we built we were required to provide parking for three vehicles. I don't know what the rules are now, but there is NO room for parking on N. Texas St. itself, so I hope the parking issue will be addressed.

Lastly, N. Texas St. is very steep and can be an ice skating rink in the winter. Especially when plowed it becomes VERY slippery from the compacted snow that is left on the road, as do all the roads in our neighborhood. I live on W. Steelhead Rd., around the corner from this lot, and a large propane truck got stuck on the steep hill below our house and had to be towed off. It slid off to the side of the road, but fortunately it was an upslope into which it slid. Any parking areas or buildings on this lot, that are close to the road, are at risk of receiving sliding vehicles during the winter. Last winter a car slid down Rea Dr. where it joins the top of N. Texas and took out a fire hydrant, which is still out of commission BTW.

Thank you for considering my concerns when considering whether to grant this variance.

Ann Tozier
302 W. Steelhead Rd., June Lake