



## Planning and Economic Development Commission Agenda

Wednesday, May 8, 2024, 9:00 a.m.

437 Old Mammoth Road, Suite Z, Mammoth Lakes

Members of the Planning and Economic Development Commission

Chair Michael Vanderhurst, Vice Chair Jennifer Burrows, Commissioner Paul Chang,  
Commissioner Jessica Kennedy, Commissioner Greg Eckert

NOTE: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at (760) 965-3602. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 13.102-35.104 ADA Title II)

NOTE: Materials related to an item on this agenda submitted after distribution of the agenda packet are available for public inspection in the Town Offices located at 437 Old Mammoth Road, Suite 230 during normal business hours. Such documents are also available on the Town of Mammoth Lakes website at [www.townofmammothlakes.ca.gov](http://www.townofmammothlakes.ca.gov) subject to staff's ability to post the documents before the meeting.

NOTE: You may watch the Planning and Economic Development Commission meetings on the Town of Mammoth Lakes' website at [www.townofmammothlakes.ca.gov](http://www.townofmammothlakes.ca.gov), on the local government cable channel 18, via Zoom or in person. Public comments can be submitted to the Town Clerk at [clerk@townofmammothlakes.ca.gov](mailto:clerk@townofmammothlakes.ca.gov) before and during the meeting, via Zoom or in person.

NOTE: All comments will be limited to a speaking time of five minutes.

### ZOOM INFORMATION

*Join from a PC, Mac, iPad, iPhone, or Android device:*

*Please click this URL to join. <https://monocounty.zoom.us/j/94467884456>*

*Or join by phone:*

*Dial (for higher quality, dial a number based on your current location):*

*US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 312 626 6799 or +1 646 876 9923 or +1 301 715 8592*

*Callers - To Raise your hand press \*9, To Unmute/Mute press \*6*

*Webinar ID: 944 6788 4456*

*International numbers available: <https://monocounty.zoom.us/j/aeHBYOcpOu>*

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1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **PUBLIC COMMENTS**

The Public Comment portion of the agenda provides the public with an opportunity to address the Planning and Economic Development Commission on matters not otherwise listed on the agenda. Under California law the Planning and Economic Development Commission is prohibited from generally discussing or taking action on items not included in the agenda; however, the Commission may briefly respond to comments or questions from members of the public. Therefore, the Commission will listen to all public comment, but will not generally discuss the matter or take action on it. Requests for service from the Town may also be made at the Town offices during regular business hours. Members of the public desiring to speak on a matter appearing on the agenda should ask the Chair for the opportunity to be heard when the item comes up for Commission consideration.

4. **PRESENTATION**
5. **PUBLIC HEARINGS**

Public Hearing Procedure: The Chair will open the public hearing and then: Statement and presentation by staff. Statement and presentation by property owner or appellant. Questions from the Planning and Economic Development Commission. Call for testimony from those persons wishing to speak. Rebuttal to previous testimony by property owner or appellant. Close the public hearing, terminating public testimony. The Commission will deliberate the matter and arrive at a decision.

5.1 **Public hearing and consideration of Variance 24-001 to permit a 62% reduction of the 10-foot east side yard setback requirement (3-foot, 10 inch setback) for the construction of an enclosed access stairway to replace the existing unenclosed access stairway for an existing single-family residence at 682 Canyon Place. The project was found to be categorically exempt from CEQA pursuant to Guidelines §15301, Existing Facilities.**

6. **BUSINESS MATTERS**

6.1 **General Plan consistency determination for Town acceptance of donated property located at 156 Lost Lane within the Town's Rural Residential Zoning District.**

7. **CONSENT AGENDA**

7.1 **Approve the minutes of the regular meeting of April 10, 2024.**

**8. COMMISSIONER REPORTS**

Informational reports from Commissioner representatives on committees, commissions, and organizations; general reports on Commission activities. Opportunity to add urgency items pursuant to Government Code Section 54954.2(b)2, if necessary; and to remove items from consent for separate discussion.

Design Committee - Paul Chang and Jennifer Burrows

Mobility Committee - Michael Vanderhurst and Jessica Kennedy

**9. DIRECTORS REPORT**

The Director's Report portion of the agenda provides the Director with an opportunity to address the Planning and Economic Development Commission on Community and Economic Development work items.

**10. ADJOURNMENT**

The Planning and Economic Development Commission will adjourn to a regular meeting to be held on June 12, 2024.

## **Mammoth Lakes Town Council Agenda Action Sheet**

**Title:** Public hearing and consideration of Variance 24-001 to permit a 62% reduction of the 10-foot east side yard setback requirement (3-foot, 10 inch setback) for the construction of an enclosed access stairway to replace the existing unenclosed access stairway for an existing single-family residence at 682 Canyon Place. The project was found to be categorically exempt from CEQA pursuant to Guidelines §15301, Existing Facilities

**Council Meeting Date:** 5/8/2024

**Prepared by:** Kim Cooke, Senior Planner

**Recommended Motion:** Staff recommends that the Planning and Economic Development Commission adopt the attached Planning and Economic Development Commission Resolution, making the required CEQA and Municipal Code findings, and approving Variance #VAR 24-001 with conditions as recommended by staff or with modifications.

**Summary:** The Variance application requests a 62% reduction of the 10-foot east side yard setback for a reduced side yard setback of 3-feet, 10-inches (See Attachment B for proposed site plan). A reduction of the east side yard setback would allow for the construction of a fully enclosed access stairway along the east side of the garage and extends to the front entrance to the home.





## Town of Mammoth Lakes

### Planning & Economic Development Commission Staff Report

**Meeting Date: May 08, 2024**

**AGENDA TITLE:** Public hearing and consideration of Variance 24-001 to permit a 62% reduction of the 10-foot east side yard setback requirement (3-foot, 10 inch setback) for the construction of an enclosed access stairway to replace the existing unenclosed access stairway for an existing single-family residence at 682 Canyon Place. The project was found to be categorically exempt from CEQA pursuant to Guidelines §15301, Existing Facilities.

Applicant/ Property Owner: Mike Britton / Richard and Julie David

**REQUESTING DEPARTMENT:**

**Community & Economic Development**

Kimberly Cooke, Senior Planner

Nolan Bobroff, Community and Economic Development Director

**OBJECTIVE:**

1. Hear Staff and Applicant presentations
2. Hold Public Hearing
3. Planning & Economic Development Commission (PEDC) discussion
4. PEDC action to either:
  - a. Adopt the attached Planning and Economic Development Commission Resolution (the Resolution), making the required CEQA and Municipal Code findings, and approving Variance 24-001 with conditions as recommended by staff;
  - b. Adopt the Resolution with modifications; or
  - c. Deny the Resolution

**SUMMARY:**

Proposal:	Variance request for a 62% reduction of the required 10-foot east side yard setback for construction of an enclosed access stairway on a steep upsloping lot.
Location:	682 Canyon Place (APN: <a href="#">031-130-004-000</a> )
Size of Property:	10,453 sq. ft. (0.24 acres)
Zoning:	Residential Single-Family (RSF)
General Plan:	Low Density Residential (LDR-2)
Environmental Review:	Categorically Exempt (CEQA Guidelines Section 15301- Existing Facilities)

**KEY ISSUES:**

1. Can the findings be made for approval of a Variance to the front yard setback pursuant to Municipal Code (MC) Chapter 17.72?
2. Is the proposed project consistent with the California Environmental Quality Act (CEQA)?

## I. INTRODUCTION AND BACKGROUND

The subject property is located at 682 Canyon Place in the Residential Single-Family (RSF) zoning district. The existing single-family residence was originally built in 1979 with approximately 1,904 square feet (sf) of conditioned living area and a 466 (sf) detached garage. The house is situated on a steep, upsloping lot and is accessed by a long-uncovered stairway beginning at the east side of the garage.

The existing garage was constructed with a reduced front setback of five-feet due to the steep slope of the property and encroaches an additional 2-feet into the front and east side yard setbacks which are existing nonconforming conditions on the property. The location of the property at the end of a cul-de-sac results in a front property line that curves into the property and is likely the reason that the front of the garage encroaches into the front setback.

A Variance application (VAR 24-001) was submitted on March 22, 2024, requesting a 62% reduction in the required 10-foot east side yard setback to allow the construction of an enclosed access stairway to replace the existing unenclosed access stairway at the same location.

Public notice for this item was published in The Sheet on Saturday, April 27<sup>th</sup> and Saturday, May 4<sup>th</sup>. Notices were mailed on Wednesday, April 24<sup>th</sup> to a total of 155 property owners within a 300-foot radius of the site.

FIGURE 1 – PROJECT SITE



### Proposal:

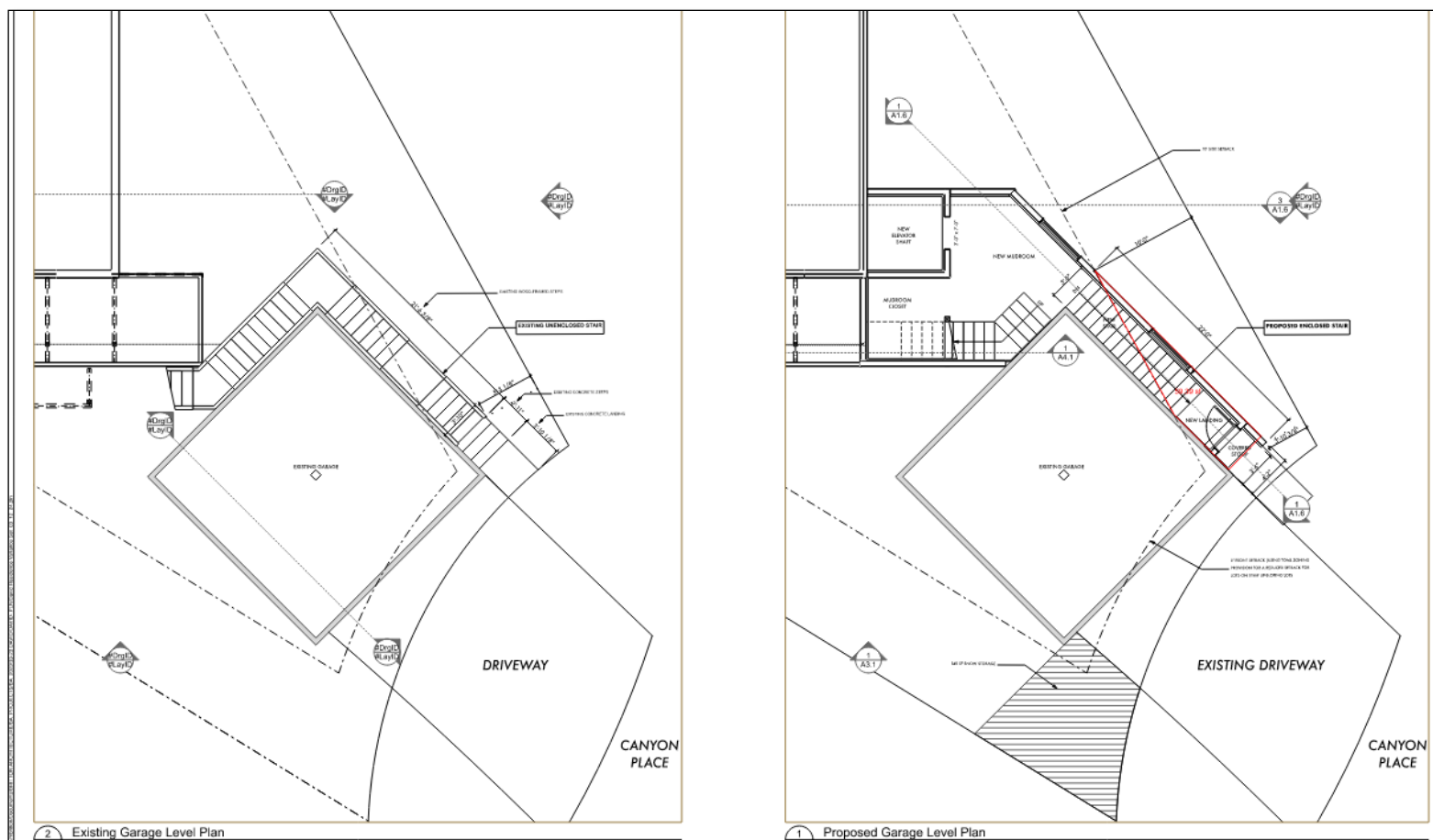
As described above, the Variance application requests a 62% reduction of the 10-foot east side yard setback for a reduced side yard setback of 3-feet, 10-inches (See **Attachment B** for proposed site plan). A reduction of the east side yard setback would allow for the construction of a fully enclosed access stairway along the east side of the garage that extends to the front entrance to the home.

The enclosed stairway is 3-feet, six-inches wide and leads up to an enclosed mudroom addition which results in a fully enclosed access up to the residence. The proposed design of the enclosed stairway addition extends the garage roofline over the stairway which maintains the existing garage height and appearance. A total area of approximately 59 square feet will encroach into the east side yard setback to varying degrees, with the closest point of the addition being 3-feet, 10-inches from the east property line. (See **Attachment B** for proposed site plan).

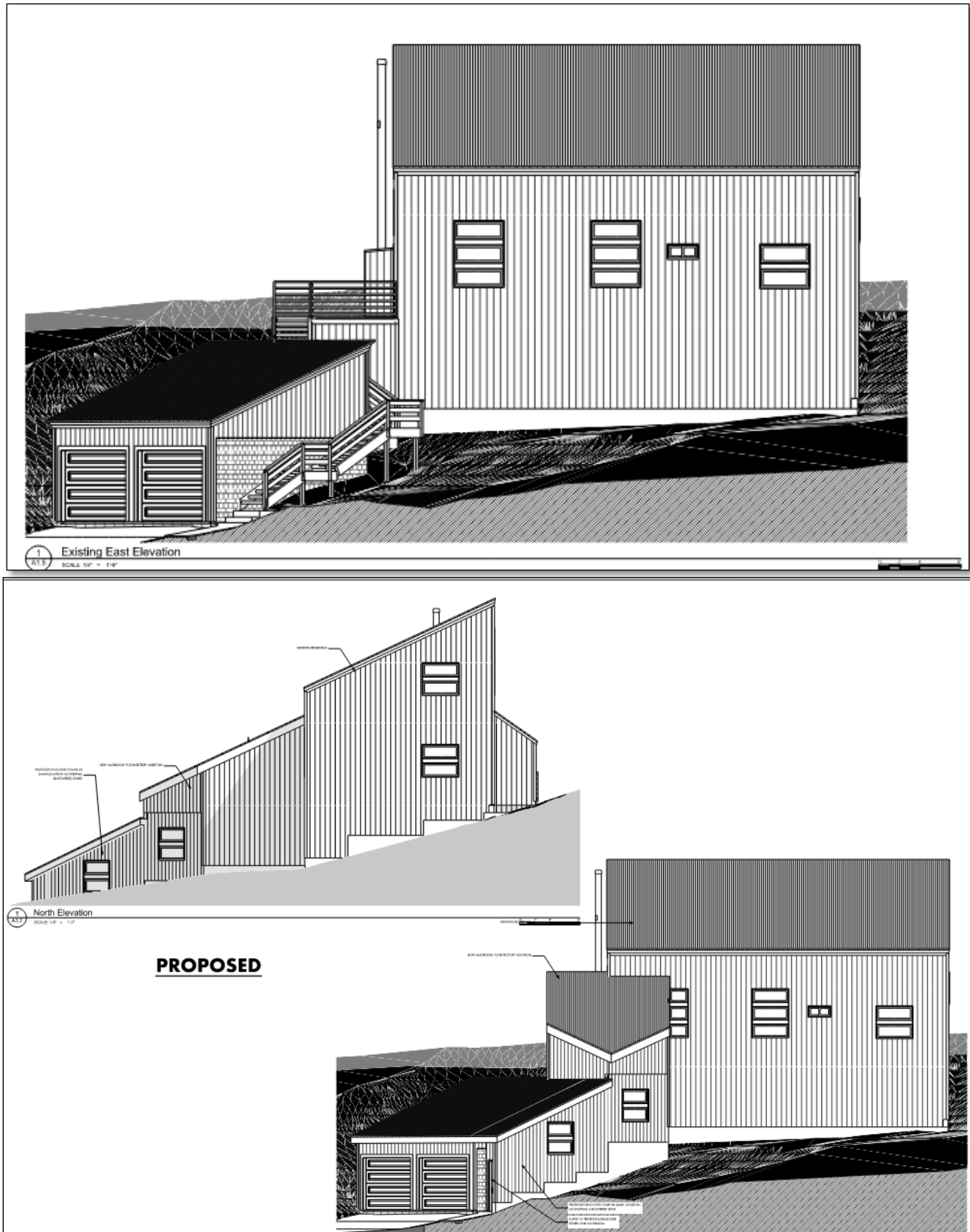
An application narrative was submitted with the variance application to describe the need for the requested Variance as well as the site characteristics that create the need for an enclosed entry stairway to improve accessibility to the home, safety of the homeowners, and reduced maintenance. The narrative explains that accessibility to the residence is limited during winter because the stairway becomes impassable due to snow accumulation, which creates a serious life safety issue. The property owners express concern that the existing conditions would negatively impact the response time of first responders if emergency access to the house is necessary during the winter.

A reduction to the front setback is not required in this case because the reduced 5-foot front setback applies to garages and covered entrances on steep upsloping lots, and while the existing garage structure encroaches approximately 2-feet into that reduced setback, only the roof eave and wing wall of the enclosed stairway addition encroach 2-feet into the front setback, where roof eaves and wing walls are permitted to project a maximum of 3-feet into a required setback area.

**FIGURE 2 – PROJECT SITE PLAN COMPARISON**



### FIGURE 3 – RENDERINGS BEFORE AND AFTER



## Existing Site and Surrounding Land Uses

The subject property is zoned Residential Single Family (RSF). The subject property and all the surrounding properties are developed with single-family residences. **Table 1** further describes the surrounding land uses and zoning.

**Table 1: Surrounding Land Uses and Zoning.**

Location	Zoning*	Land Use	Special Considerations
North	RMF-2	Mammoth Ski and Raquet Codominium Complex	None
South	RSF	Vacant lot	None
East	RSF	Single-family residence	Reduced side setback to property line shared with this property
West	RMF-2	Mammoth Ski and Raquet Codominium Complex	None

\*RSF = Residential Single Family

## Municipal Code Consistency

The project site is zoned Residential Single-family (RSF). *“This zone is intended as an area for single-family residential development. Transient Occupancy or rental, hotels and motels, bed and breakfast, and group living quarter uses are not permitted in this zone. Only those uses are permitted that are complementary to and can exist in harmony with a residential neighborhood.”* The proposed project is classified as an addition of an enclosed entryway to an existing single-family residential home, which is a permitted use in the RSF zone.

The proposed project complies with all applicable development standards considered together with the proposed Variance, which are summarized in the following **Table 2**.

**Table 2: Zoning Consistency.**

General Information			
General Plan: Low-Density Residential 2 (LDR-2)		Specific Plan: N/A	
Zoning: Residential Single-Family (RSF)		Overlay Zone/District: N/A	
Existing Land Use: Single-family residence		Permit Required: Variance for a 62% reduction of the 10-foot east side yard setback requirement	
Development Standards			
Standard	Required/Allowed	Proposed/Provided	Complies?
Setbacks			
Front yard (feet)	5 feet (Garage on Steep Upsloping Lot)	5-feet	Yes – with allowed projections up to 3-feet into a required setback

East side yard (feet)	10 feet	3-feet, 10-Inches	No (Variance Requested)
West side yard (feet)	10 feet	11-feet, 7-inches	Yes
Rear yard (feet)	10 feet	43-feet, 6-inches	Yes
Lot Coverage	40%	23%	Yes
Building Height	15-feet (Maximum height for garage and covered entries on steep upsloping lots)	15-feet	Yes
Snow Storage	75% of 90 sq.ft. driveway = 67.5 sq.ft.	140 sq.ft.	Yes
Parking Spaces	2 enclosed 1 exterior	2 enclosed 1 exterior	Yes

### General Plan

The General Plan land use designation for the site is Low-Density Residential 2 (LDR-2) which *“allows single-family detached residential development of up to four (4) dwelling units per gross acre... This designation protects the low-density character of existing neighborhoods. Development standards are intended to provide for privacy through building separation, useable yards, and limited shading by structures of adjoining parcels.”* (General Plan, Pg. L-4).

Specific General Plan Vision Statements with which the proposed project is consistent are described in **Table 3:**

**Table 3: General Plan Vision Statement Conformance**

General Plan Vision Statement	Explanation of Project Conformance
<i>“Being a great place to live and work.”</i>	Improving the existing single-family home so that it is easier to live in on a year-round basis contributes to making the existing home and the Town a great place to live and work.
<i>“Adequate and appropriate housing that residents and workers can afford”</i>	Approval of the requested Variance application will allow a relatively modest addition to the existing home while making a significant improvement to the practical use and maintenance of the property by creating safer year-round access to and from the home.
<i>“Exceptional standards for design and development that complement and are appropriate to the Eastern Sierra Nevada mountain setting and our sense of a “village in the trees” with small town charm.”</i>	The proposed addition of an enclosed stairway access and mudroom for the existing single-family home is designed to be integrated into the unique architecture of the home so that while the addition is for practical use to improve access, it appears to be part of the original design.

The project is consistent with the following General Plan goals, policies, and actions as described in **Table 4**:

**Table 4: General Plan Conformance with Goals, Policies, and Actions**

Goal, Policy, or Action	Explanation of Project Conformance with Goal, Policy, or Action
Policy C.2.L: Create visually interesting and aesthetically pleasing built environment by requiring all development to incorporate the highest quality of architecture and thoughtful site design and planning.	The project incorporates design features and architectural detail that results in a high-quality appearance and incorporates thoughtful site planning that improves accessibility and livability of the home year-round.
<i>Goal S.3.: Minimize loss of life, injury, property damage, and natural resource destruction from all public safety hazards.</i> <i>Policy S.3.A.: Design all structures in Mammoth Lakes to withstand snow loads and to reduce any additional hazards created by snow accumulation.</i>	If approved, the Variance request will result in significant improvements to the accessibility of the property in winter due to replacement of the exterior stairway entrance for the home. The proposed improvements result in improved safety for the occupants and significantly less maintenance in terms of snow removal from the entrance stairway.
<i>Goal H.3.: Maintain high quality, livable housing units and neighborhoods in Mammoth Lakes.</i>	The proposed enclosed access stairway and mudroom design replaces existing exterior access stairway and landings which improves the livability of the property.
Policy L.2.C. Rehabilitate existing housing.	With approval of the variance, the proposed addition will provide the existing home a functional enclosed entry that significantly improves the functionality and appearance of the existing home.

## II. ANALYSIS OF KEY ISSUES

### **KEY ISSUE #1: Can the findings be made for approval of a Variance pursuant to MC Section 17.72.040?**

Variances are intended to allow modifications to the development standards of the Zoning Code only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the Zoning Code deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning district. The following represents staff's analysis of the required findings pursuant to MC §17.72.040:

#### **Variance Findings:**

- A. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of this Zoning Code deprives the property of privileges enjoyed by other property in the vicinity and under the identical zoning district;**

There are special circumstances applicable to the property including the steep topography of the site, which slopes upward from the end of the cul-de-sac and is steeper on the west side of the property than it is on the east side. The slope of the property meets the minimum slope standard for a reduced front setback of 5-feet pursuant to MC Section 17.20.030.B – *Residential Front Yard Setbacks on Steep Upsloping Lots*.



In addition to the steep topography of the property, the shape of the lot is irregular and features a substandard width of 40-feet at the front of the property, with the widest portion of the lot being located at the rear of the site. This condition combined with placement of the detached garage at the front of the property severely limits the area available to create a covered entryway while maintaining the required number of garage parking spaces.

**B. The approval of the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zone;**

The Variance is necessary to provide the property with land use privileges enjoyed by other properties in the vicinity and under identical zoning classification, because the existing single-family residence was not originally built with an enclosed entryway to the home from the garage which frequently results in winter conditions that are not safe for the occupants of the home.

Allowing the proposed addition to enclose the length of the stairway access eliminates a hardship for the property owner because the owner is currently burdened with significant snow removal and limited access in the winter. Therefore, allowing the proposed addition of an enclosed access stairway to be placed closer to the east side property line does not constitute a grant of special privilege for the subject property.

**C. Granting the variance would not authorize a use or activity which is not otherwise expressly authorized by the zone governing the property for which the application is made;**

The use authorized by this variance consists of the addition of an enclosed access stairway attached to the east side of the garage for an existing single-family residence that does not currently have an enclosed entryway to the home from the garage. The proposed variance would not alter the existing single-family use of the site, which is allowed by-right in the RSF zone and is consistent with uses found elsewhere in the vicinity.

**D. Granting the variance would not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and zoning district in which the property is located;**

Granting the requested variance would not be detrimental to public health, safety, or welfare because the proposed enclosed access stairway does not include any hazardous uses or activities and an enclosed entryway is consistent with what would be permitted on similar single-family residential lots. The adjacent residential property to the east is setback farther from the cul-de-sac and results in a significant separation from the proposed addition on the subject property. Additionally, the proposed addition with the requested variance will improve the safety of the occupants and livability of the property on a year-round basis.

**E. The variance is consistent with the General Plan and any applicable Specific Plan;**

The variance is consistent with the Town's General Plan, as the land use designation for the subject property is Low-Density Residential 2 (LDR-2). This land use designation allows for single-family detached residential development, and therefore the use is consistent since it is a detached single-family residence.

Additionally, the variance is consistent with the General Plan because the addition will rehabilitate an existing residence by making the proposed improvements including enclosed stairway access to the existing residence from the existing detached garage (*Policy L.2.C*).

There is no specific plan applicable to the property.



- F. The variance is the minimum departure from the requirements of this Zoning Code necessary to grant relief to the applicant, consistent with Subsections A and B, above; and**

The proposed enclosed access stairway is designed to provide the minimum interior dimensions needed for access to the existing home and is the minimum departure from the zoning code necessary to provide relief to the property owner.

- G. The approval of the variance is in compliance with the requirements of the California Environmental Quality Act.**

The project was found to be categorically exempt from CEQA pursuant to CEQA guidelines §15301, Existing Facilities, because the size of the proposed enclosed access stairway and enclosed mudroom is 360 square feet total, which does not exceed 50% of the floor area of the structure before the addition, nor does it exceed 2,500 square feet. Therefore, the approval of the Variance is in compliance with the requirements of the California Environmental Quality Act (CEQA).

**KEY ISSUE #2: Is the proposed project consistent with the California Environmental Quality Act (CEQA)?**

Staff has determined that the Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §15301, Existing Facilities. The Project qualifies for this exemption because the project complies with subsection (e), which exempts additions to existing structures provided that the addition will not result in an increase of more than 50% of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. The proposed addition does not result in an increase of more than 50% of the floor area of the structure before the addition and is less than 2,500 square feet in size.

None of the exceptions set forth in CEQA Guidelines Section 15300.2 are present, which would disqualify the project from using a categorical exemption. Therefore, since the project meets all the criteria to qualify for the Existing Facilities categorical exemption pursuant to CEQA Guidelines Section 15301, and none of the exceptions set forth in CEQA Guidelines Section 15300.2 are applicable, no additional environmental review is warranted or necessary and the CEQA exemption is appropriate.

**Agency/Public Comments**

Staff routed the application to the following local agencies for review: Mammoth Lakes Fire Protection District (MLFPD) and the Mammoth Community Water District (MCWD). No comments were received that result in any additional conditions of approval for the project.

Notice of the public hearing, including a project description, was mailed to property owners within 300 feet of the subject property on April 24, 2024. The notice was also posted in The Sheet newspaper on April 27, 2024 and May 4, 2024. No public comments had been received as of the time this report was published.

**III. STAFF FINDINGS AND RECOMMENDATION**

Staff finds that the proposed project meets the applicable requirements and recommends that the Planning and Economic Development Commission adopt the attached Planning and Economic Development Commission Resolution, making the required CEQA and Municipal Code findings, and approving Variance 24-001 with conditions as recommended by staff or with modifications.

**Attachments**

Attachment A: Planning and Economic Development Commission Resolution  
Attachment B: Project Plans  
Attachment C: Project Narrative

Recording Requested by and  
When Recorded Mail To:

Town of Mammoth Lakes  
Community & Economic Development Department  
P.O. Box 1609  
Mammoth Lakes, CA 93546

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Recordation fee exempt per Government Code §27383  
Space Above for Recorder's Use

**RESOLUTION NO. PEDC 2024-09**

**A RESOLUTION OF THE MAMMOTH LAKES PLANNING AND  
ECONOMIC DEVELOPMENT COMMISSION APPROVING  
VARIANCE 24-001**

**TO ALLOW A 62% REDUCTION OF THE EAST SIDE YARD SETBACK  
FOR CONSTRUCTION OF AN ENCLOSED ACCESS STAIRWAY  
FOR AN EXISTING SINGLE-FAMILY RESIDENCE  
LOCATED AT 682 CANYON PLACE  
(APN: 031-130-004-000)**

**WHEREAS**, a request for consideration of a Variance (VAR 24-001) was filed by the architect, Mike Britton, on behalf of the property owner, Richard David, to allow a 3-foot, 10-inch east side yard setback for the construction an enclosed access stairway to replace the existing unenclosed access stairway for an existing single-family residence, in accordance with Chapter 17.72 (Variances) of the Town of Mammoth Lakes Municipal Code, for property located at 682 Canyon Place; and

**WHEREAS**, the Planning and Economic Development Commission conducted a duly noticed public hearing on the application request on May 8, 2024, at which time all those desiring to be heard were heard; and

**WHEREAS**, the Planning and Economic Development Commission considered, without limitation:

1. The staff report to the Planning and Economic Development Commission with attachments;
2. The General Plan, Municipal Code, and associated Land Use Maps;
3. Oral evidence submitted at the hearing;
4. Written evidence submitted at the hearing; and
5. Project plans consisting of: twelve (12) sheets, dated March 13, 2024, and dated received by the Town on March 18, 2024.

**NOW THEREFORE, THE PLANNING AND ECONOMIC DEVELOPMENT COMMISSION OF THE TOWN OF MAMMOTH LAKES DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:**

## SECTION 1. FINDINGS.

### I. CEQA.

The Project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §15301, *Existing Facilities (Class 1)*, of Title 14 of the CA Code of Regulations. The Class 1 categorical exemption (CEQA Guidelines §15301) applies to projects that “consist of the...minor alteration of existing public or private structures..., involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.” The State has determined that projects that meet the criteria for the exemption are a class of projects that will not have a significant effect on the environment. The Project qualifies for this exemption because the project complies with subsection (e), which exempts additions to existing structures provided that the addition will not result in an increase of more than 50% of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. The proposed addition does not result in an increase of more than 50% of the floor area of the structure before the addition and is less than 2,500 square feet in size. Additionally, none of the exceptions set forth in CEQA Guidelines Section 15300.2 are present, which would disqualify the project from using a categorical exemption.

Therefore, the project is exempt from further CEQA review pursuant to CEQA Guidelines §15061(b)(2) since the project meets all the criteria to qualify for the Class 1 categorical exemption (CEQA Guidelines §15301, *Existing Facilities*) and the application of that categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines §15300.2. No additional environmental review is warranted or necessary and the CEQA exemption is appropriate.

### II. MUNICIPAL CODE FINDINGS.

#### A. FINDINGS FOR VARIANCE (Municipal Code Section 17.72.040)

- 1. There are special circumstances applicable to the property , including size, shape, topography, location, or surroundings, so that the strict application of this Zoning Code deprives the property of privileges enjoyed by other property in the vicinity and under the identical zoning district;**

There are special circumstances applicable to the property including the steep topography of the site, which slopes upward from the end of the cul-de-sac and is steeper on the west side of the property than it is on the east side. The slope of the property meets the minimum slope standard for a reduced front setback of 5-feet pursuant to MC Section 17.20.030.B – *Residential Front Yard Setbacks on Steep Upsloping Lots*.

In addition to the steep topography of the property, the shape of the lot is irregular and features a substandard width of 40-feet at the front of the property, with the widest portion of the lot being located at the rear of the site. This condition combined with placement of the detached garage at the front of the property severely limits the area available to create a covered entryway while maintaining the two required garage parking spaces.

- 2. The approval of the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zone;**

The Variance is necessary to provide the property with land use privileges enjoyed by other properties in the vicinity and under identical zoning classification, because the existing single-family residence was not originally built with an enclosed entryway to the home from the garage which frequently results in winter conditions that are not safe for the occupants of the home.

Allowing the proposed addition to enclose the length of the stairway access eliminates a hardship for the property owner because the owner is currently burdened with significant snow removal and limited access in the winter. Therefore, allowing the proposed addition of an enclosed access stairway to be placed closer to the east side property line does not constitute a grant of special privilege for the subject property.

**3. Granting the variance would not authorize a use or activity which is not otherwise expressly authorized by the zone governing the property for which the application is made;**

The use authorized by this variance consists of the addition of an enclosed access stairway attached to the east side of the garage for an existing single-family residence that does not currently have an enclosed entryway to the home from the garage. The proposed variance would not alter the existing single-family use of the site, which is allowed by-right in the RSF zone and is consistent with uses found elsewhere in the vicinity.

**4. Granting the variance would not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and zoning district in which the property is located;**

Granting the requested variance would not be detrimental to public health, safety, or welfare because the proposed enclosed access stairway does not include any hazardous uses or activities and an enclosed entryway is consistent with what would be permitted on similar single-family residential lots. The adjacent residential property to the east is setback farther from the cul-de-sac and results in a significant separation from the proposed addition on the subject property. Additionally, the proposed addition with the requested variance will improve the safety of the occupants and livability of the property on a year-round basis.

**5. The variance is consistent with the General Plan and any applicable Specific Plan;**

The variance is consistent with the Town's General Plan, as the land use designation for the subject property is Low-Density Residential 2 (LDR-2). This land use designation allows for single-family detached residential development, and therefore the use is consistent since it is a detached single-family residence.

Additionally, the variance is consistent with the General Plan because the addition will rehabilitate an existing residence by making the proposed improvements including enclosed stairway access to the existing residence from the existing detached garage (Policy L.2.C).

There is no specific plan applicable to the property.

**6. The variance is the minimum departure from the requirements of this Zoning Code necessary to grant relief to the applicant, consistent with Subsections A and B, above; and**

The proposed enclosed access stairway is designed to provide the minimum interior dimensions needed for access to the existing home and is the minimum departure from the zoning code necessary to provide relief to the property owner.

**7. The approval of the variance is in compliance with the requirements of the California Environmental Quality Act.**

The project was found to be categorically exempt from CEQA pursuant to CEQA guidelines §15301, Existing Facilities, because the size of the proposed enclosed access stairway and enclosed mudroom is 360 square feet total, which does not exceed 50% of the floor area of the structure before the addition, nor does it exceed 2,500 square feet. Therefore, the approval of the Variance is in compliance with the requirements of the California Environmental Quality Act (CEQA).

**SECTION 2. PLANNING AND ECONOMIC DEVELOPMENT COMMISSION ACTIONS.**

The Planning and Economic Development Commission hereby takes the following actions:

1. Finds that this project is categorically exempt pursuant to Section 15301, Existing Facilities pursuant to the California Environmental Quality Act (CEQA) Guidelines; and
2. Approves Variance 24-001 subject to the following conditions:  
(SEE EXHIBIT “A”); and
3. Directs staff to file a Notice of Exemption.

**PASSED AND ADOPTED** this 8<sup>th</sup> day of May 2024, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

\_\_\_\_\_  
Nolan Bobroff,  
Community and Economic Development  
Director

\_\_\_\_\_  
Michael Vanderhurst  
Chair of the Mammoth Lakes Planning  
and Economic Development Commission

**NOTE:** This action is subject to Chapter 17.104 of the Municipal Code, which specifies time limits for legal challenges.

OWNER/APPLICANT:

We, Richard and Julie David, are the property owners and we do hereby attest that we have read, and agree to, the conditions of approval stipulated within this Resolution.

\_\_\_\_\_  
Richard David  
Property Owner (Notary Required)

Date: \_\_\_\_\_

\_\_\_\_\_  
Julie David  
Property Owner (Notary Required)

Date: \_\_\_\_\_

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Mono }

On \_\_\_\_\_, before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

**WITNESS my hand and official seal.**

\_\_\_\_\_  
Signature of Notary

**EXHIBIT “A”**  
**Resolution No. PEDC 2024-09**  
**Case No. VAR 24-001**  
**CONDITIONS OF APPROVAL**

**STANDARD PLANNING CONDITIONS**

1. This approval authorizes the following: A reduced east side yard setback of 3-feet, 10-inches (a 62% reduction of the required 10-foot east side yard setback), to allow the construction of an enclosed access stairway for an existing single-family residence located at 682 Canyon Place.
2. The approved site and building plans consisting of twelve (12) sheets dated March 13, 2024 (dated received by the Town on March 18, 2024), and maintained for the duration of the permit.
3. This permit and all rights hereunder shall automatically terminate unless the site preparation or construction has been commenced within two years after the issuance of this approval and such work is diligently carried on until completion, or an extension of time has been granted in accordance with Municipal Code §17.60.060.B.
4. All new improvements constructed on the site shall be in compliance with all Town of Mammoth Lakes, County of Mono, Mammoth Community Water District, the Mammoth Lakes Fire Protection District, the CRWQCB Lahontan District, Great Basin Air Pollution Control District, OSHA, State of California and United States of America laws, statutes, ordinances, regulations, directives, orders, and the like applicable thereto and in force at the time thereof. Any violation of the above may constitute grounds for revocation under Chapter 17.128 of the Mammoth Lakes Municipal Code.
5. This resolution of approval, as conditioned herein, shall be recorded for the subject property by the Mono County Recorder’s Office to commence the approved use on the property or the issuance of any building permits for new or remodeled structures.
6. The site shall be maintained in a neat, clean and orderly manner. All improvements shall be maintained in a condition of good repair and appearance. Outdoor storage of equipment and other materials, except for firewood, is prohibited. Non-operating vehicles, equipment and materials inappropriate to the site and its use shall not be stored within outdoor areas on the site.
7. Storage of construction materials and equipment off-site shall not be permitted without a permit issued by the Community and Economic Development Department of the Town. Any public or private property altered, damaged or destroyed by site preparation, grading, construction or use shall be restored to its pre-existing condition by the permittee.
8. All conditions of this permit shall be met or secured prior to final occupancy approval of any tenant improvements or new structures.
9. All uses are subject to review by the Building Official of the Town of Mammoth Lakes and must conform to occupancy ratings of the structures to obtain occupancy.

10. Town staff shall have the right to enter the subject property to verify compliance with these conditions. The holder of any permit associated with this project shall make the premises available to Town staff during regular business hours and shall, upon request make records and documents available to Town staff as necessary to evidence compliance with the terms and conditions of the permit.
11. Prior to the issuance of a building permit, the applicant shall pay all applicable fees as prescribed by ordinance and/or resolution and pay any fees due on the project processing account.
12. Where compliance with the conditions of approval or applicant initiated changes to the plans require additional staff review, that review time shall be billed at the Town's established billing rates. Prior to the issuance of a building or grading permit, the applicant shall pay all outstanding costs for the processing of this application.
13. This action may be appealed to the Town Council within fifteen (15) calendar days from the date of Planning and Economic Development Commission approval in accordance with Municipal Code Chapter 17.104.
14. The applicant shall defend, indemnify, and hold harmless the Town and its agents, officers, and employees from any claim, action, or proceeding against the Town and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the Town, advisory agency, appeal board, or legislative body concerning this approval. The Town shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense.
15. All exterior lighting shall comply with Chapter 17.36.030 of the Town of Mammoth Lakes Municipal Code, Exterior Lighting. Exterior light fixtures having a total of over 400 lumens of output shall be equipped with shields that extend below the horizontal plane of the light source to direct the light downward onto the structure or surrounding grounds. Accent lighting is permitted as described in Municipal Code Section 17.36.030.F.6. This shall be verified prior to issuance of a certificate of occupancy.
16. A valid building permit and a permit from the Mammoth Lakes Fire Protection District are required before any building can begin on-site.
17. If necessary, water and sewer connections require a Connection Permit from Mammoth Community Water District. Prior to the Town authorizing any construction, the applicant shall obtain water and sewer permits from Mammoth Community Water district and pay applicable fees to the District.
18. All conditions of approval shall be printed verbatim on all of the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the index.

#### **SPECIAL PLANNING CONDITIONS**

19. The Building Division will require that a string line be run between the property monuments on the south (front property line), and the east (side property line), at the time of foundation inspection to verify the actual field distance from the structure to the property line.
20. No snow shall shed or be deposited onto adjacent properties or Town right-of-way. This shall include snow that is removed from any portion of the property, including, but not limited to, the structure, driveway, and/or common areas. All



interim snow storage areas shall be on the subject property. The property owner shall be subject to fines pursuant to Municipal Code §12.16.030 (*Snow Removal – Violation/Penalty*) if found to be in violation of this condition.

21. The parking requirements of the Town of Mammoth Lakes for parking within the right-of-way or on Town streets shall be adhered to at all times, including, but not limited to, Municipal Code §10.12.10 (winter parking prohibition) and Municipal Code §10.12.106 (Obstructing snow removal), which prohibits the parking of vehicles within any town right-of-way at any time which will obstruct, hinder, or delay Town snow removal operations or leave vehicles in such a position that they are subject to damage from Town snow removal operations.
22. Pursuant to Municipal Code §17.64.040, the approval of the Variance shall run with the land through any change of ownership of the subject site, from the effective date of the permit. All applicable conditions of approval, as specified in this resolution of approval, shall continue to apply after a change in property ownership.

#### **ENGINEERING DIVISION CONDITIONS**

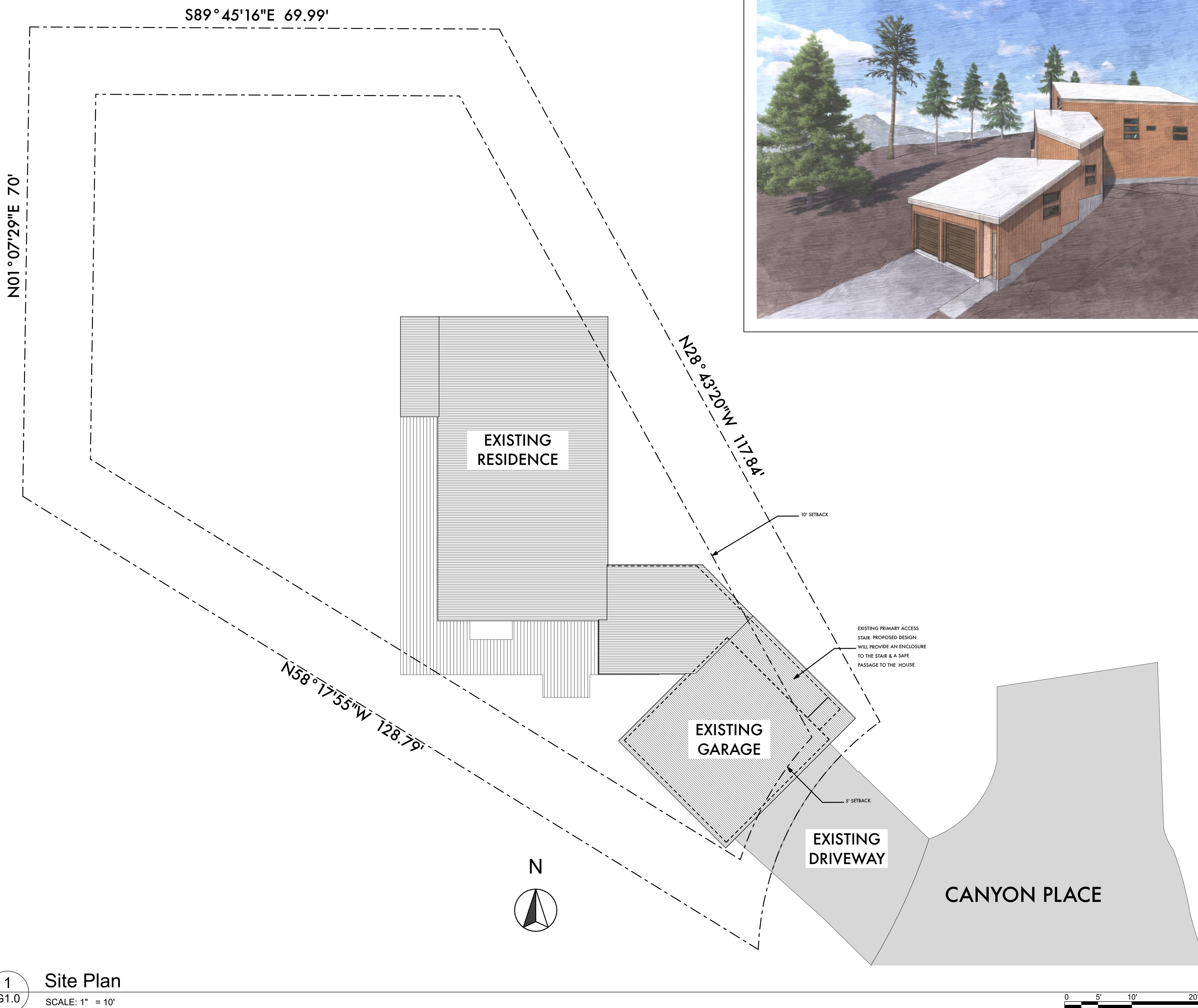
23. Property owner shall execute a "hold harmless" (HH) agreement with the Town, releasing the Town from any liability for damage to vehicles parked in the right of way (including area of IOD) as a result of snow removal operations or any other construction or maintenance of the ROW. Property Owner shall submit a copy of the most recent grant deed for the property for the Town's use in preparation of the HH document. This will need to be executed prior to obtaining certificate of occupancy.



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1  
G1.0

Site Plan  
SCALE: 1" = 10'



# AN ADDITION TO THE David Residence

682 Canyon Place  
APN# 031-130-004  
CURRENT ZONING CLASSIFICATION: RSF  
(RESIDENTIAL SINGLE FAMILY )  
LOT SIZE: 10,453 SF  
(.24 ACRES)  
FRONT SETBACK: 5 FT  
SIDE/REAR SETBACKS: 10 FT

**CODE COMPLIANCE-** 2022 CBC  
2022 CRC  
2022 CPC  
2022 CMC  
2022 CEC  
2022 CA ENERGY CODE  
2022 CA GREEN BUILDING CODE  
TOML MUNICIPAL CODE  
CONSTRUCTION TYPE VB  
(NON-SPRINKLERED)  
OCCUPANCY TYPE R-3/U  
# OF STORIES TWO  
JURISDICTION MAMMOTH LAKES BLDG. DIV.  
(760)965-3630

**GROUND COVER CALCULATIONS**  
EXISTING LOT SIZE: 10,453 SF  
ALLOWABLE GROUND COVER: (40%) 4,181 SF  
EXISTING GROUND COVER: (DWELLING) 1,100 SF  
EXISTING GROUND COVER: (GARAGE) 466 SF  
EXISTING GROUND COVER: (DECKS >8') 550 SF  
STORAGE SHED: ATTACHED, UNCOND. 100SF  
EXISTING GROUND COVER: (DRIVEWAY) 90 SF  
EXISTING GROUND COVER: (TOTAL) 2,306 SF  
PROPOSED GROUND COVER: (DWELLING) 360 SF  
PROPOSED GROUND COVER: (DECKS) -210 SF  
PROPOSED GROUND COVER: (TOTAL) 2,456 SF  
(23%)

**BUILDING AREA CALCULATIONS**  
LOWER LEVEL CONDITIONED AREA 1,100 SF  
UPPER LEVEL CONDITIONED AREA 804 SF  
**TOTAL CONDITIONED AREA 1,904 SF**

GARAGE AREA- UNCONDITIONED 466 SF  
STORAGE SHED- UNCONDITIONED 100SF  
DECKS- 550 SF  
TOTAL BUILDING AREA 3,020 SF

**PROPOSED BUILDING AREA**  
DECKS -210 SF  
CONDITIONED SPACE 360 SF

**TOTAL PROPOSED BUILDING AREA 3,170 SF**

**SCOPE OF WORK**  
PROVIDE AN ENCLOSED PRIMARY ACCESS STAIR TO THE DWELLING.

**SNOW STORAGE**  
(75% OF 90 SF DRIVEWAY) 67.5 SF

## Sheet Index

### Cover Sheet, Site Plan, Permit Requirements

G1.0 Cover Sheet and Site Plan  
G1.0A Survey

### Variance

V1.1 Lower Level Plan  
V1.2 Photos

### Existing and Demo Plans and Elevations

A1.1 Existing Foundation and 1st Floor Plans

A1.4 Existing Elevations  
A1.5 Existing Elevations

### Plans

A2.1 Lower Level Plan  
A2.2 1st + 2nd Floor Plans  
A2.3 Roof Plan

### Elevations

A3.1 South & West Elevations  
A3.2 North & East Elevation

ISSUES/REVISION DATE  
VARIANCE APP 3/13/24

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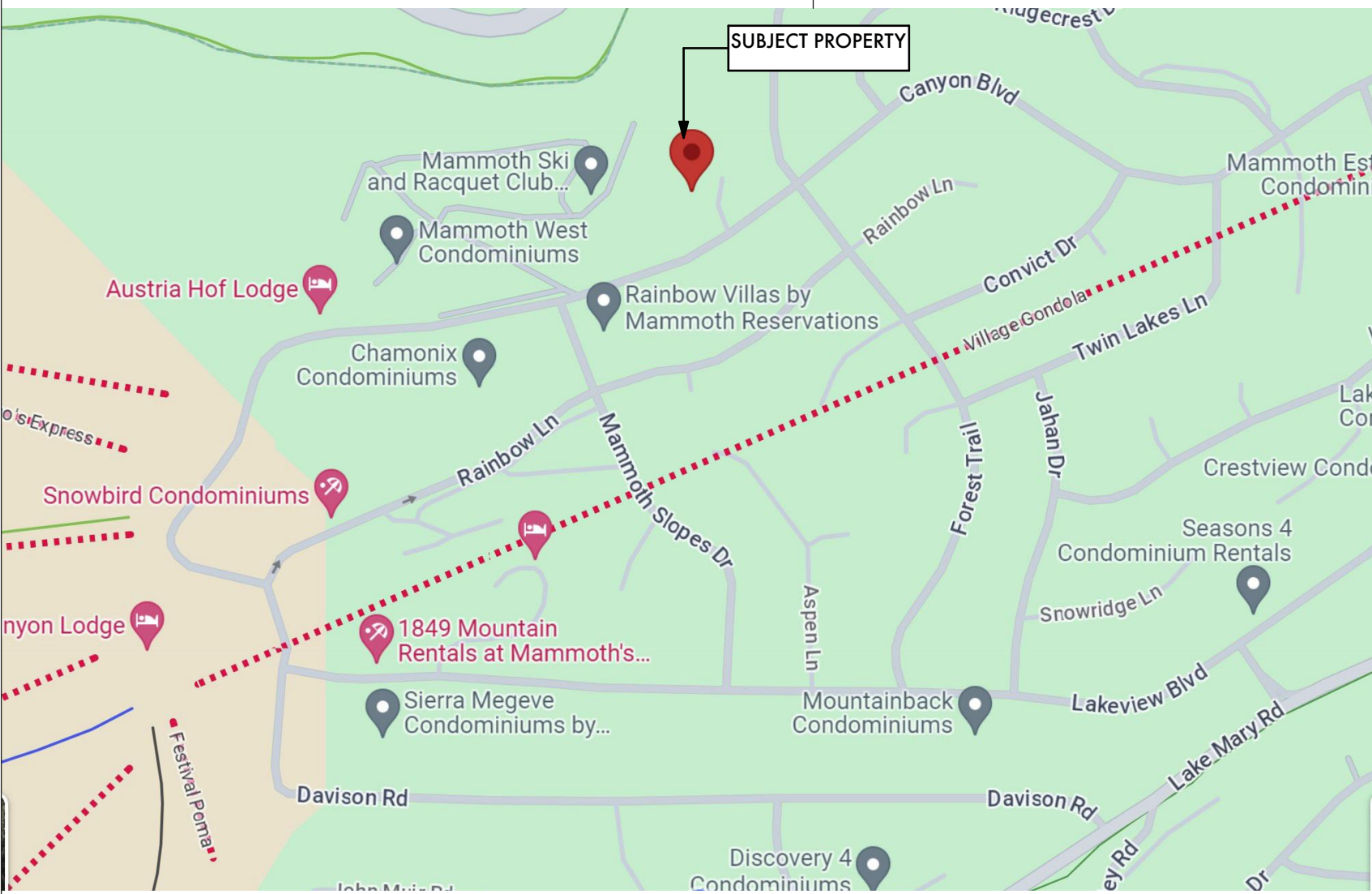
**David Residence**

682 Canyon Place  
Mammoth Lakes, CA 93546

Project No: 33-23  
Designed by: MB  
Drawn by: DW  
Checked by: MB

**G1.0**

Contents: Cover Sheet and Site Plan



682 Canyon Pl. Location Map

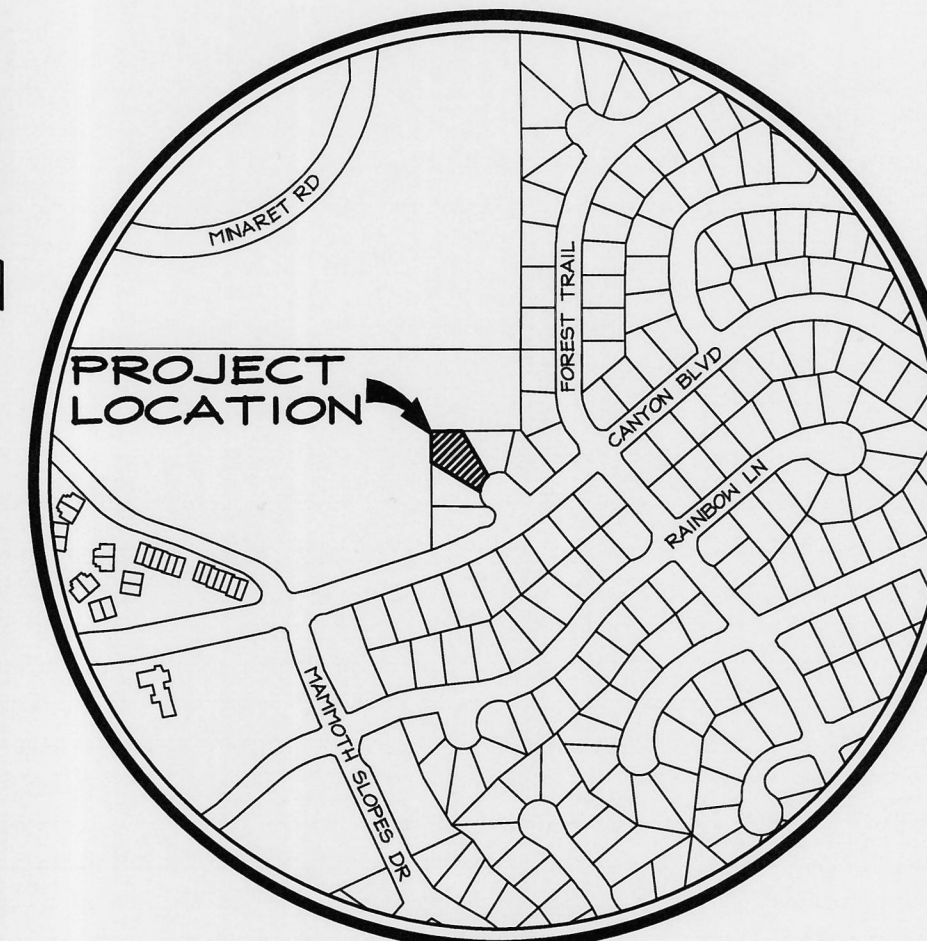


APN: 031-130-005  
MAMMOTH SKI &  
RACQUET CLUB

APN: 031-130-004  
RICHARD & JULIE DAVID  
DOC. NO. 2021008803

APN: 031-130-003  
HARDEST FAMILY TRUST

APN: 031-130-005  
NAUMAN FAMILY TRUST



VICINITY MAP  
NO SCALE

#### LEGEND

○	FOUND MONUMENT AS INDICATED	ASPHALT SURFACE
⊙	SET ROA CONTROL AS NOTED	CONCRETE SURFACE
⊗	CONIFEROUS TREE	DECKING
⊕	WATER METER	BUILDING LINE
⊖	GAS VALVE	CONTOUR
⊙	UTILITY POLE	ADJACENT PROPERTY LINE
⊕	UTILITY RISER OR BOX	SUBJECT PROPERTY LINE
⊖	POWER BOX	

#### BASIS OF BEARING

N58°17'55"W -- THE SOUTHWEST LINE OF LOT 91 AS SHOWN ON THE MAP OF MAMMOTH SLOPES UNIT NO. 3, FILED FOR RECORD JUNE 20, 1967 FILED FOR RECORD JUNE 20, 1967 IN BOOK 5 OF MAPS PAGES 85-85E, OFFICIAL RECORDS OF MONO COUNTY.

#### DATUM

VERTICAL DATUM FOR THIS PROJECT IS NAVD 88 BASED UPON AN NGS OPUS SOLUTION OF ROA NO. 300

ELEVATION: 8235.09'

#### PROJECT CONTROL

CONTROL POINT	NORTHING	EASTING	ELEVATION	DESCRIPTION
ROA NO. 300	2062971.40'	7000276.33'	8235.09'	FOUND METAL BAR
ROA NO. 305	2063077.39'	7000175.97'	8261.33'	SET 60D NAIL

#### NOTES

THIS TOPOGRAPHICAL SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY. THE BOUNDARIES SHOWN HEREON ARE FROM RECORD INFORMATION PER THE MAP OF MAMMOTH SLOPES UNIT NO. 3, FILED FOR RECORD JUNE 20, 1967 FILED FOR RECORD JUNE 20, 1967 IN BOOK 5 OF MAPS PAGES 85-85E, OFFICIAL RECORDS OF MONO COUNTY.

NO REVIEW OF A TITLE REPORT WAS COMPLETED AS PART OF THIS SURVEY AND THE MAP MAY NOT REFLECT ALL EASEMENTS OF RECORD.

#### SURVEYOR'S CERTIFICATE

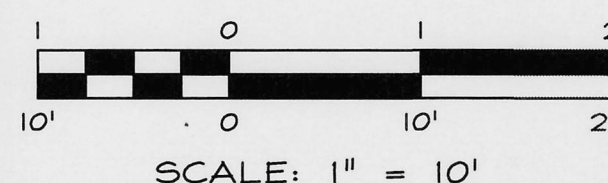
I HEREBY CERTIFY THAT I AM LICENSED BY THE STATE OF TO PRACTICE LAND SURVEYING, AND THIS MAP REPRESENTS A SURVEY MADE BY ME OR UNDER MY SUPERVISION, SUBJECT TO EXCEPTIONS NOTED HEREON.

THADDEUS E. REYES, P.L.S. 9784  
12/06/23



Y:\Client\Files\3592-001\CAD\Survey\Topo\3592-001\_Topo.dwg 12/6/2023 10:16:31 AM Tsd Reyes

NO.	DATE	REVISION BLOCK	BY



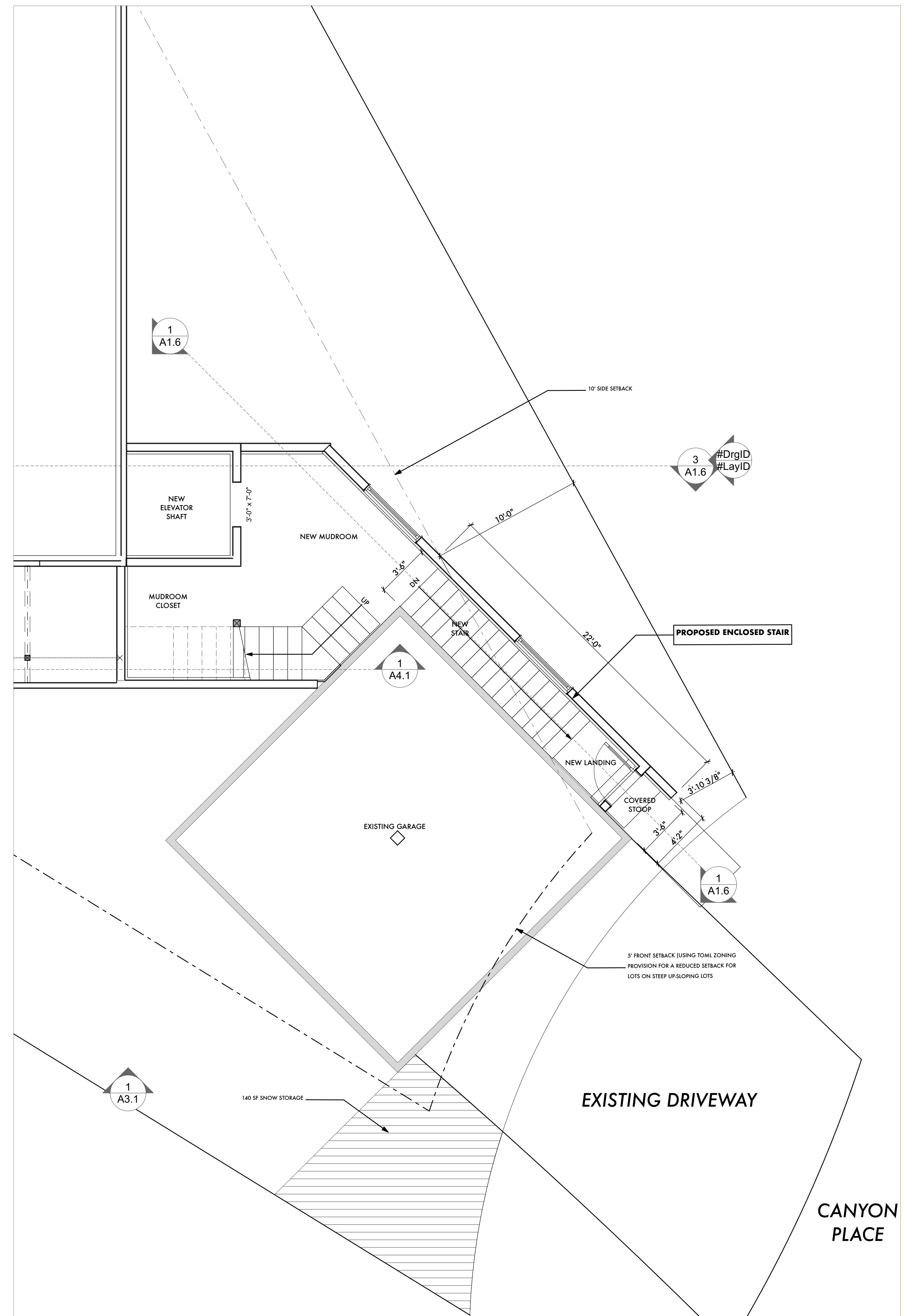
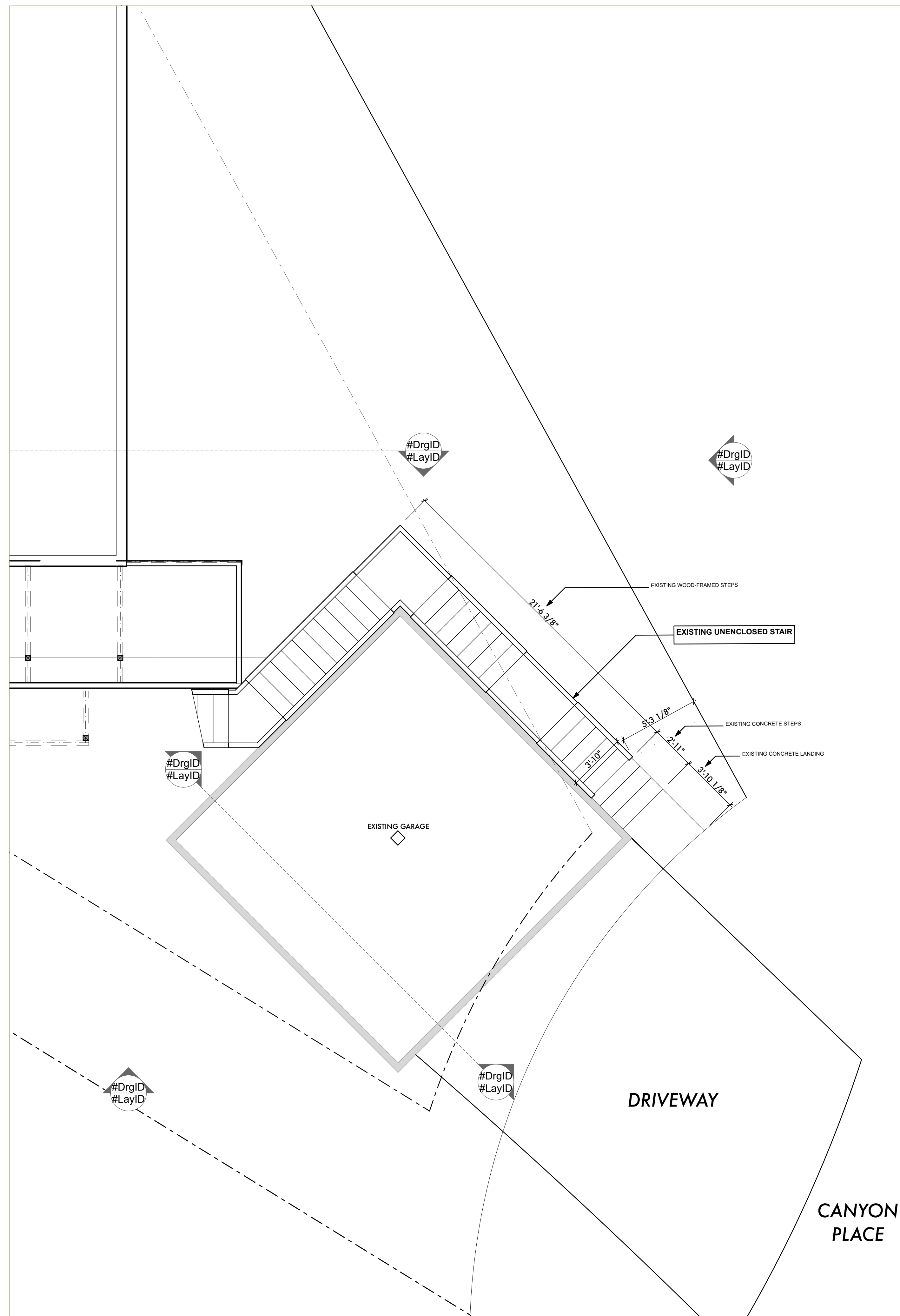
**R/O Anderson**  
MINDEN 1609 Emerald Ave P.O. Box 27281 Minden, NV 89423 P 775.782.2322 F 775.782.7084  
RENO 1060 Double Diamond Pkwy, Unit 1B Reno, NV 89521 P 775.782.2322 F 775.782.7084

682 CANYON PLACE  
MAMMOTH LAKES, CALIFORNIA  
RICHARD DAVID

TOPOGRAPHICAL  
SURVEY

DRAWN: TER	JOB: 3592-001
SURVEYOR: TER	DRAWING: SEE PLOT STAMP
SCALE: 1" = 10'	SHEET: 1
DATE: 12/04/23	OF: 1 SHEETS



[illegible]

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**David Residence**  
682 Canyon Place  
Mammoth Lakes, CA 93546

Project No: 35-23

Designed by: MB

Drawn by: DW

Checked by: MB

V1.1

Contents:	Lower Level Plan
-----------	------------------





3  
V1.2

IMG\_0534

SCALE: 1:6.22



2  
V1.2

IMG\_0478

SCALE: 1:6.22



1  
V1.2

IMG\_9767

SCALE: 1:6.22

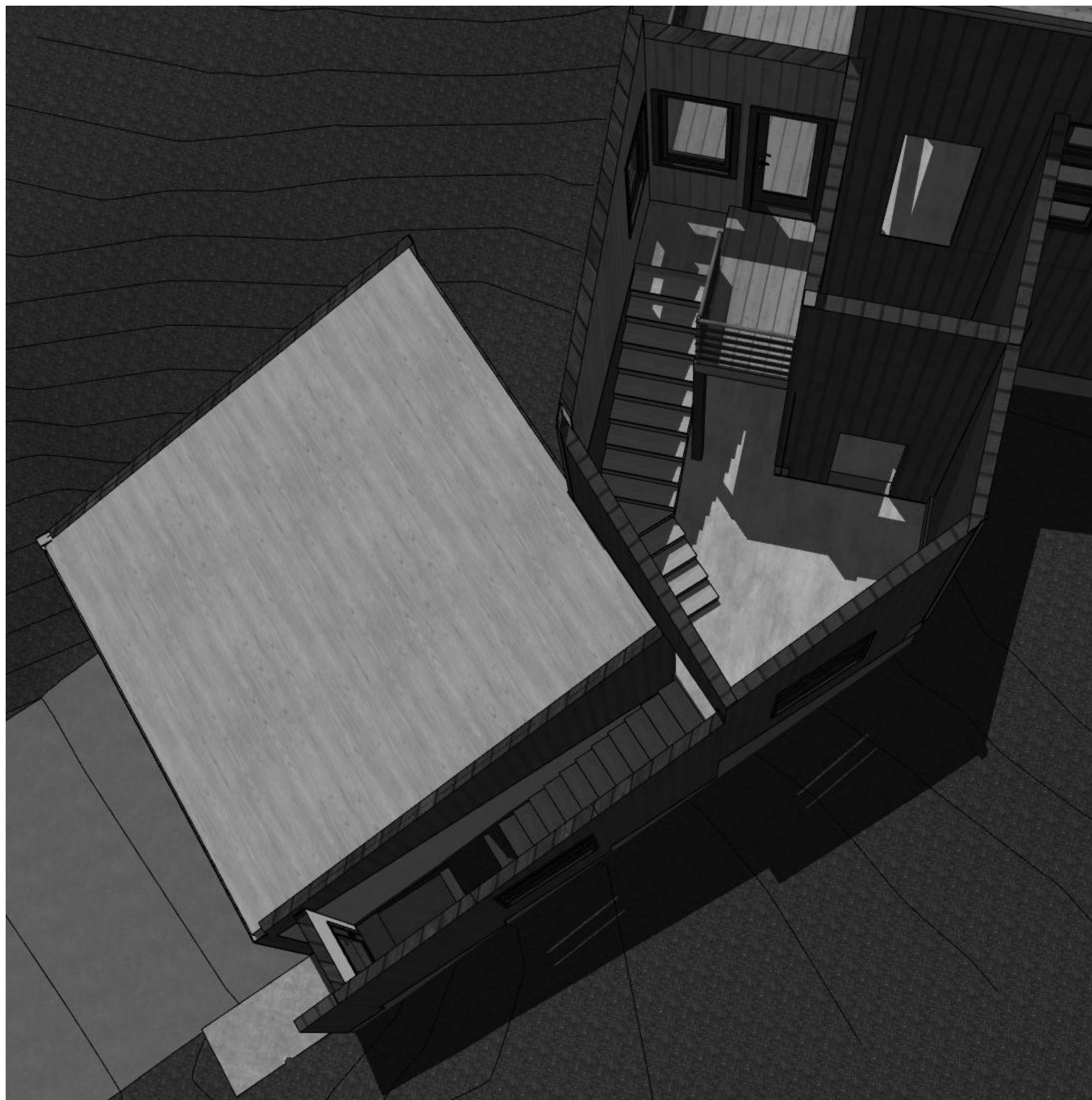
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5  
V1.2

Camera

SCALE: 1:160.96



6  
V1.2

Camera

SCALE: 1:161.15



4  
V1.2

Camera

SCALE: 1:154.75

# PROPOSED

ISSUES/REVISION	DATE
VARIANCE APP	3/13/24

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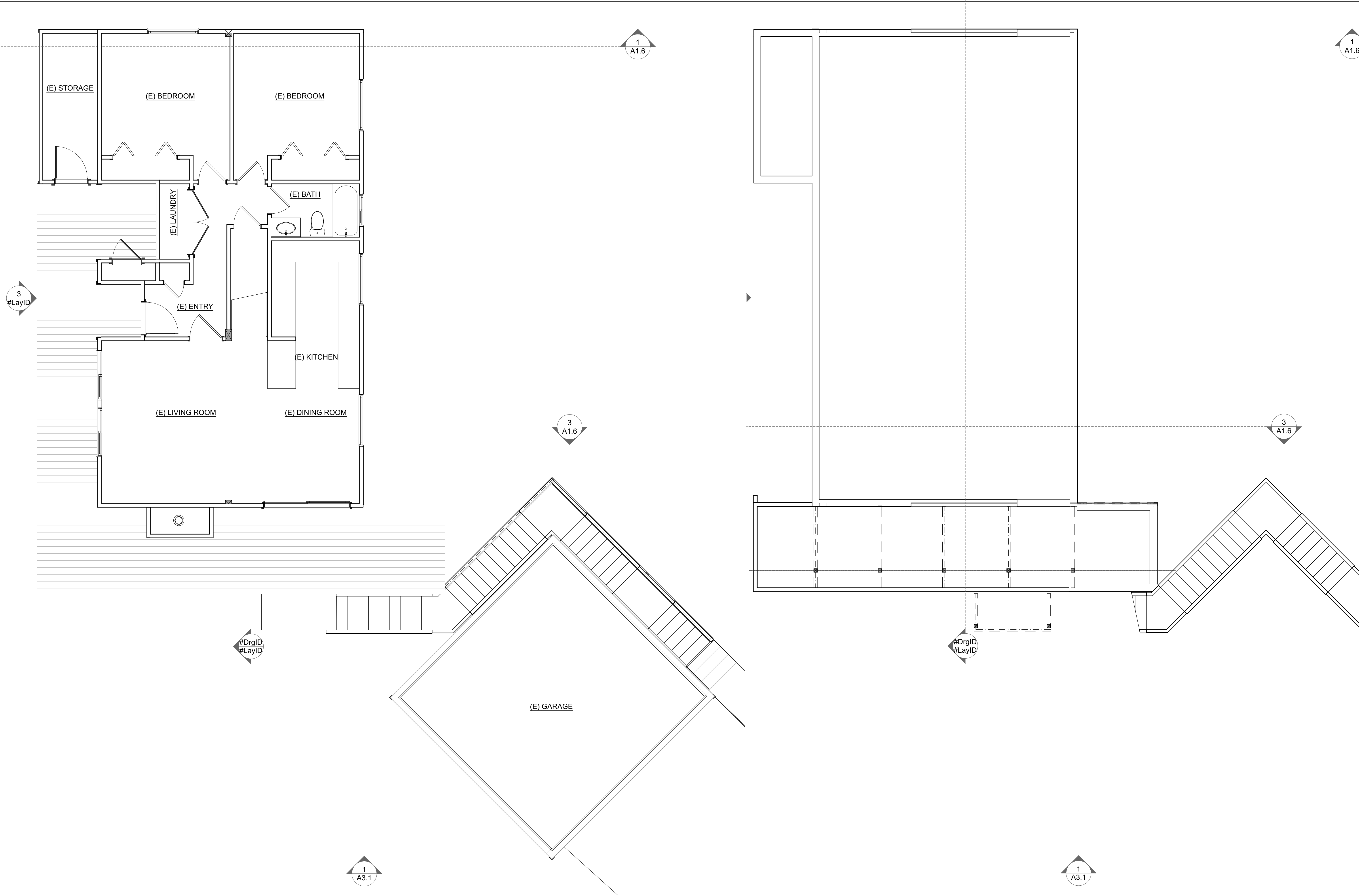
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Designed by: MB  
Drawn by: DW  
Checked by: MB

V1.2

Contents: Photos



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1  
A1.1  
Existing 1st Floor Plan  
SCALE: 1/4" = 1'-0"

2  
A1.1  
Existing Foundation Plan  
SCALE: 1/4" = 1'-0"

ISSUES/REVISION	DATE
VARIANCE APP	3/13/24

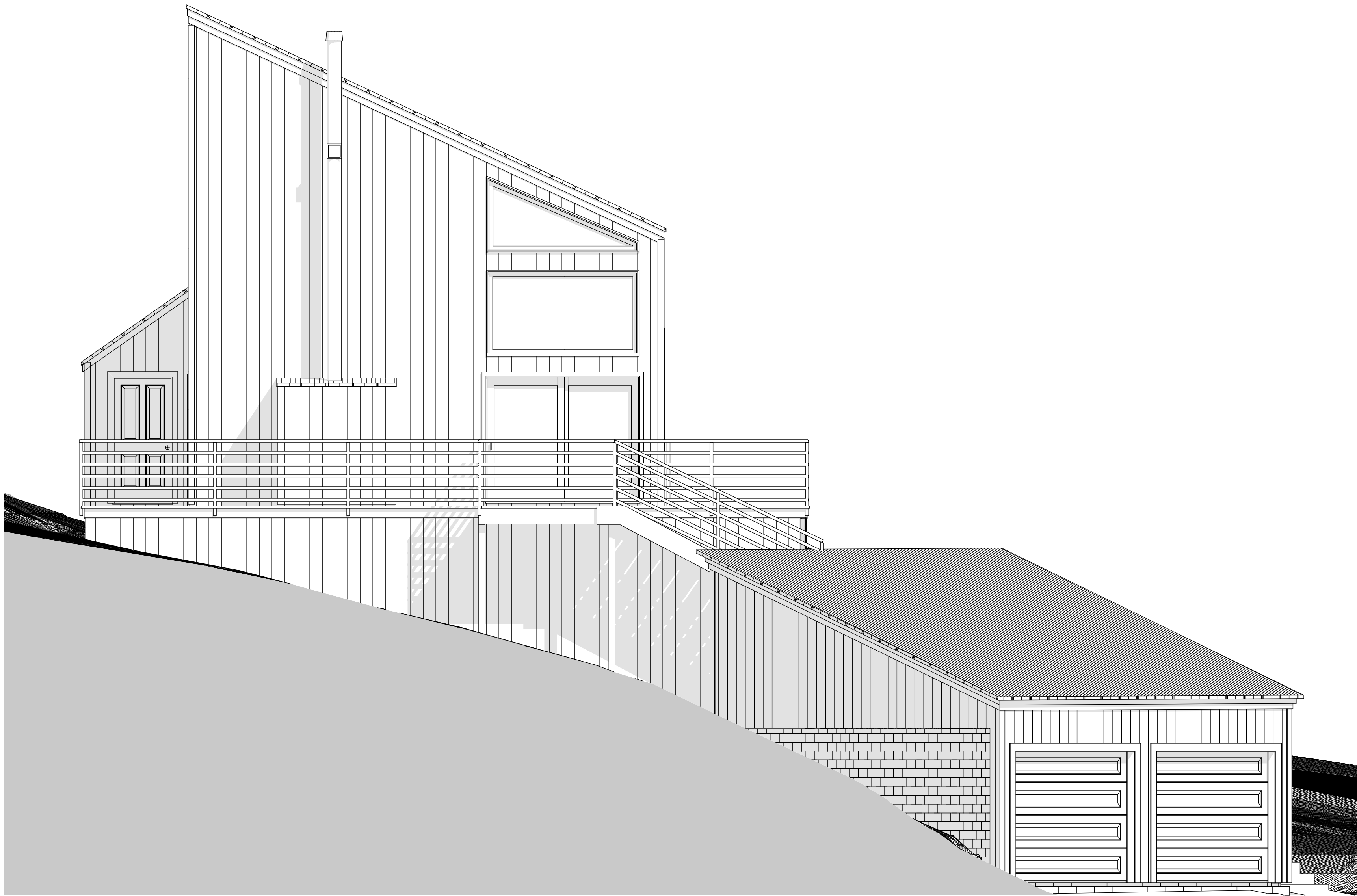
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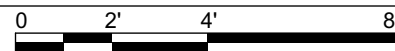
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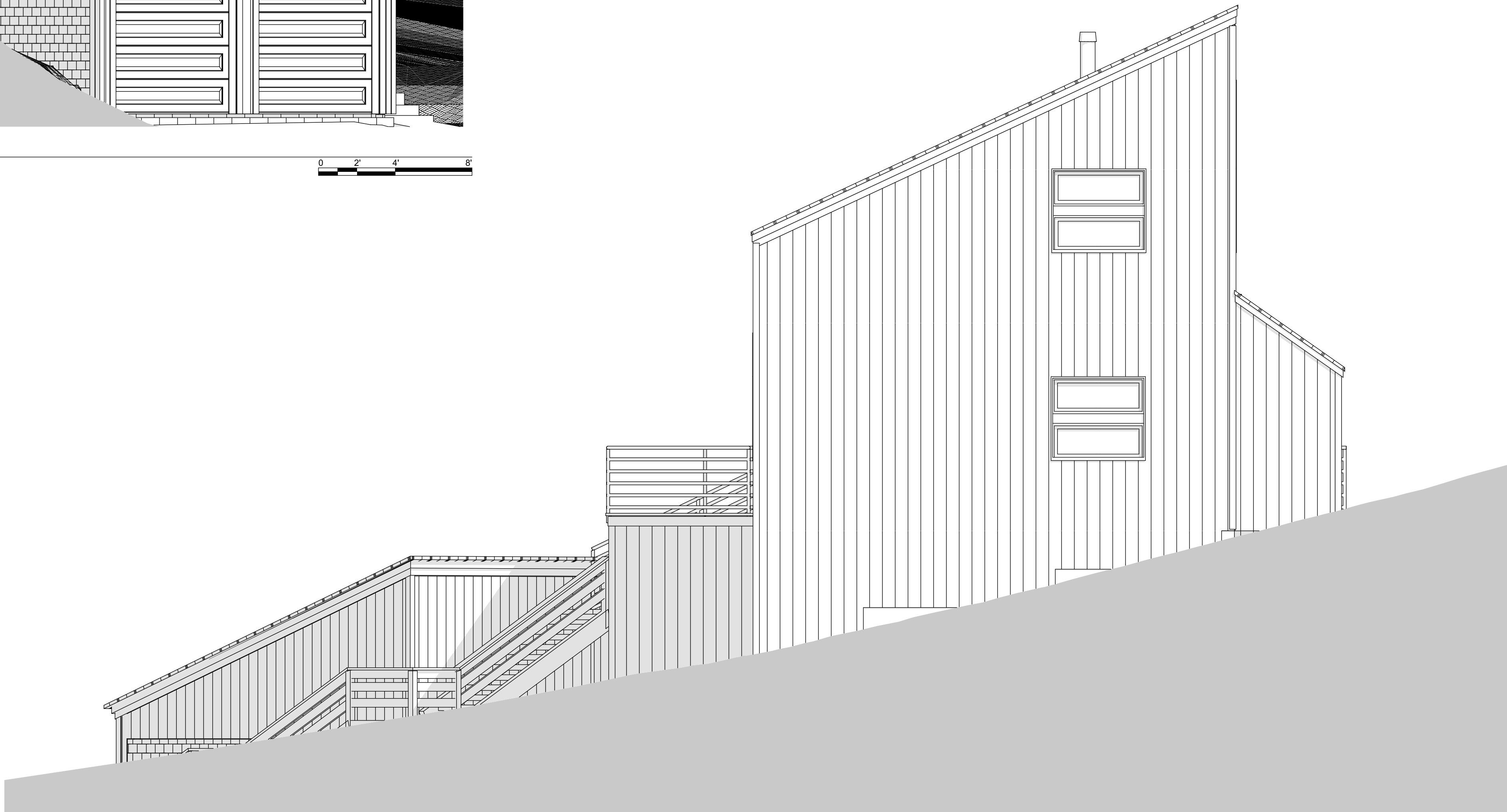
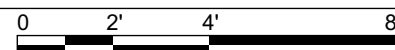
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Contents\Existing Foundation and 1st Floor Plans



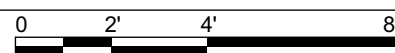
1 Existing South Elevation  
A1.4 SCALE: 1/4" = 1'-0"



2 Existing West Elevation  
A1.4 SCALE: 1/4" = 1'-0"



3 Existing North Elevation  
A1.4 SCALE: 1/4" = 1'-0"



ISSUES/REVISION	DATE
VARIANCE APP	3/13/24

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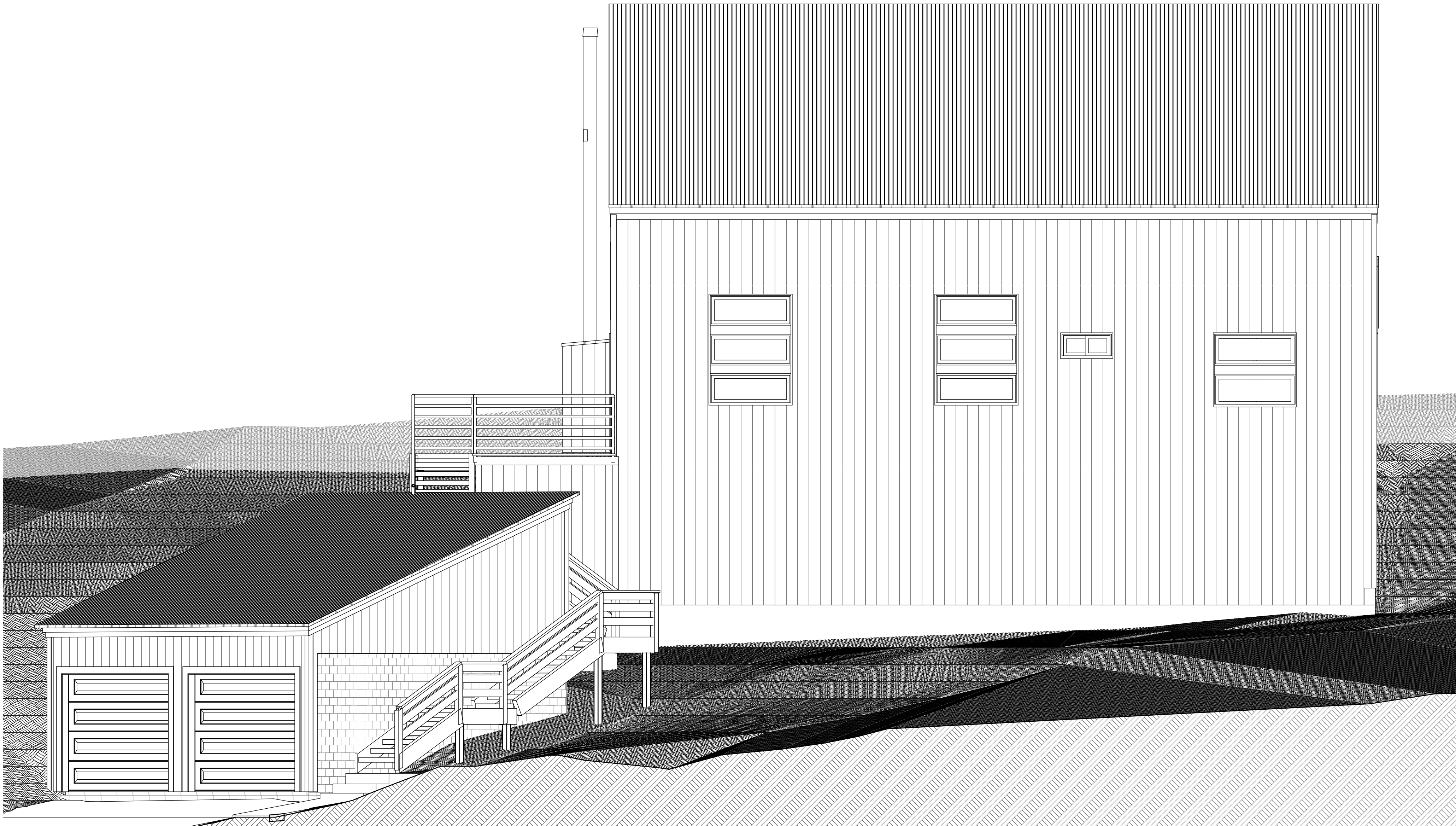
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Drawn by: DW  
Checked by: MB

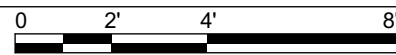
A1.4

Contents: Existing Elevations

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1  
A1.5 Existing East Elevation  
SCALE: 1/4" = 1'-0"



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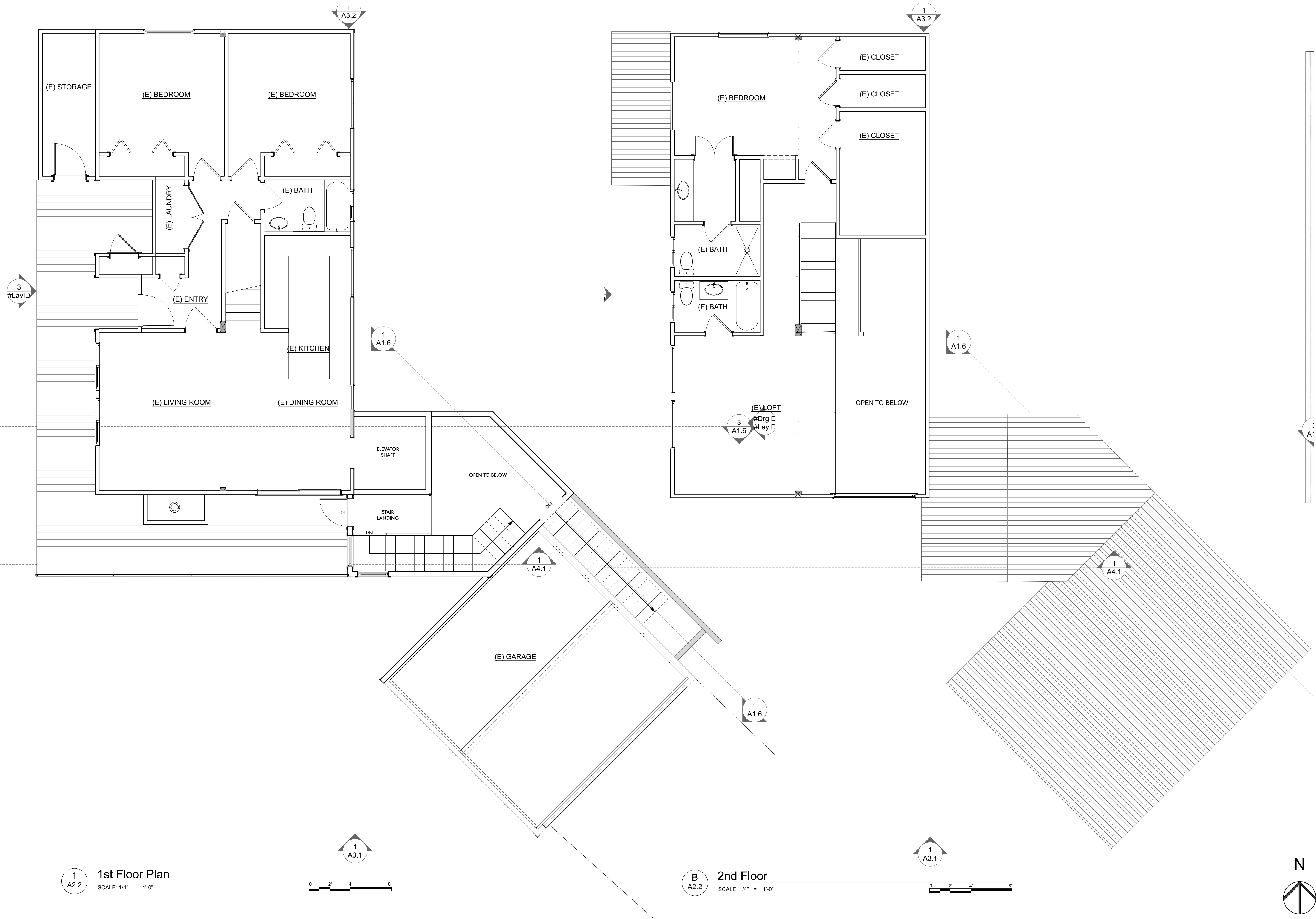
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Designed by: MB  
Drawn by: DW  
Checked by: MB

**A1.5**  
Contents: Existing Elevations





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1  
A2.2  
1st Floor Plan  
SCALE: 1/4" = 1'-0"

B  
A2.2  
2nd Floor  
SCALE: 1/4" = 1'-0"

ISSUES/REVISION	DATE
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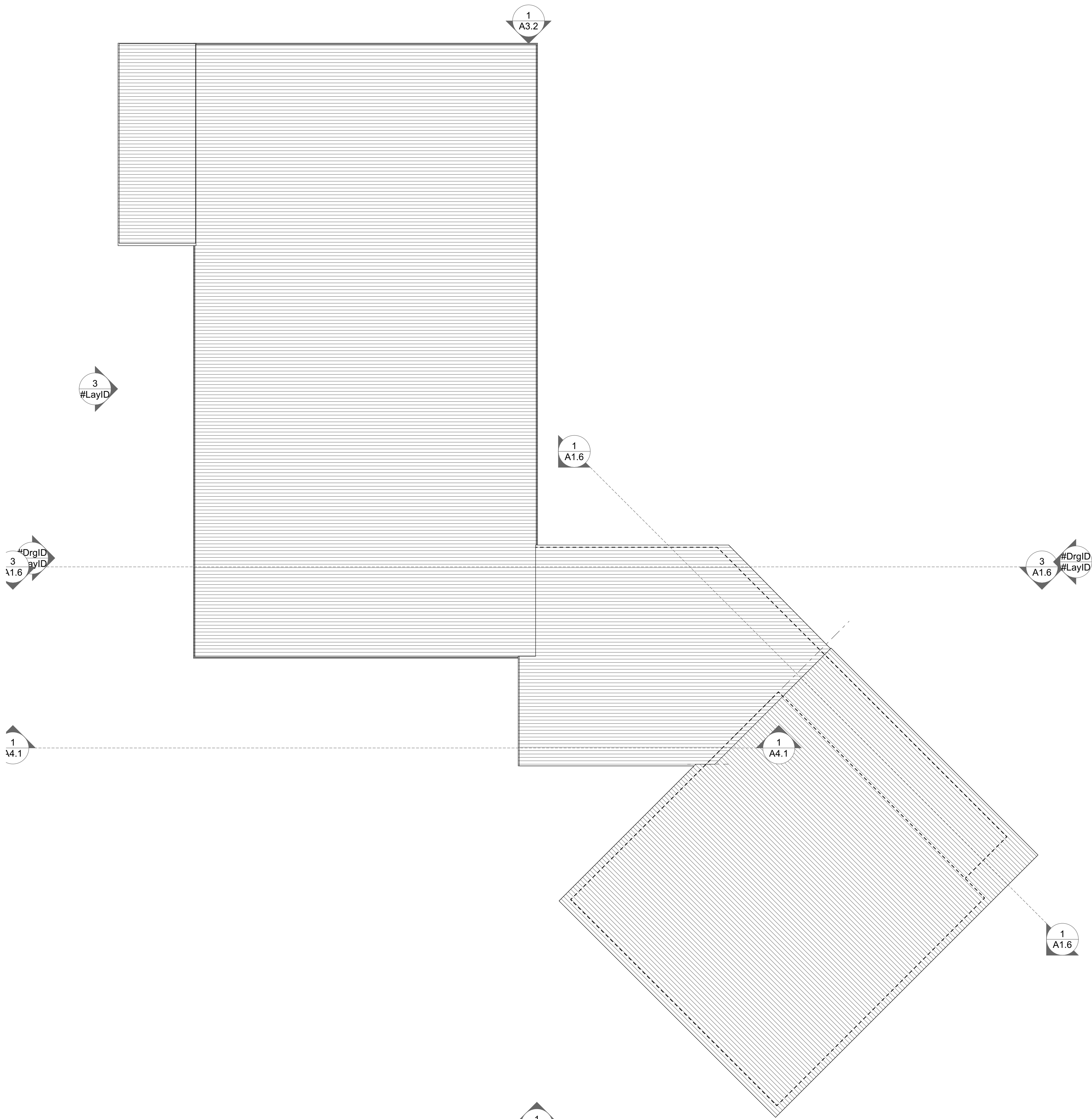
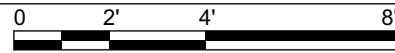
**A2.2**  
Contents: 1st + 2nd Floor Plans

\\users\britton\Documents\BRITTON ARCHITECTURE\BA PROJECTS\BA\_2023\03-23 DAVID\DAVID - PLAN\David Residence Variance Set\_03\_12\_24.pln

1  
A2.3

Roof Plan

SCALE: 1/4" = 1'-0"



ISSUES/REVISION	DATE
VARIANCE APP	3/13/24

USE OF DRAWING  
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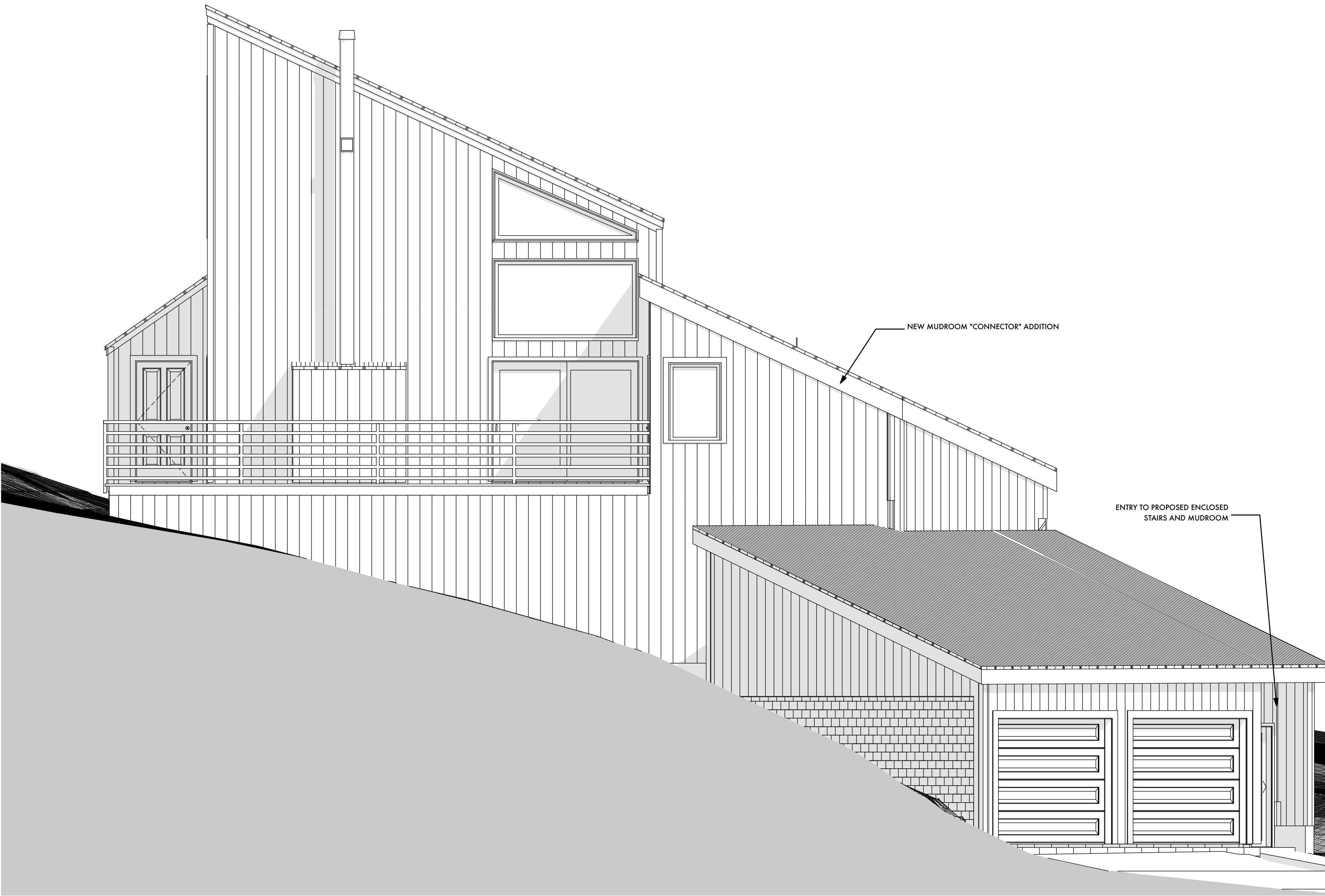
**BRITTON**  
**ARCHITECTURE**  
PO BOX 7749  
721 FOREST TRAIL  
MAMMOTH LAKES, CA 93546  
(760) 789-6567  
mike@brittonarchitecture.com

**David Residence**  
682 Canyon Place  
Mammoth Lakes, CA 93546

Project No: 33-23  
Designed by: MB  
Drawn by: DW  
Checked by: MB

**A2.3**  
Contents: Roof Plan

\\users\britton\Documents\BRITTON ARCHITECTURE\BA PROJECTS\BA\_2023\03-23 DAVID\DAVID - PLAN\David Residence Variance Set\_03\_12\_24.pln



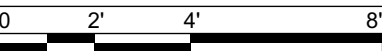
1 South Elevation  
A3.1 SCALE: 1/4" = 1'-0"



**PROPOSED**



3 West Elevation  
A3.1 SCALE: 1/4" = 1'-0"



ISSUES/REVISION	DATE
VARIANCE APP	3/13/24

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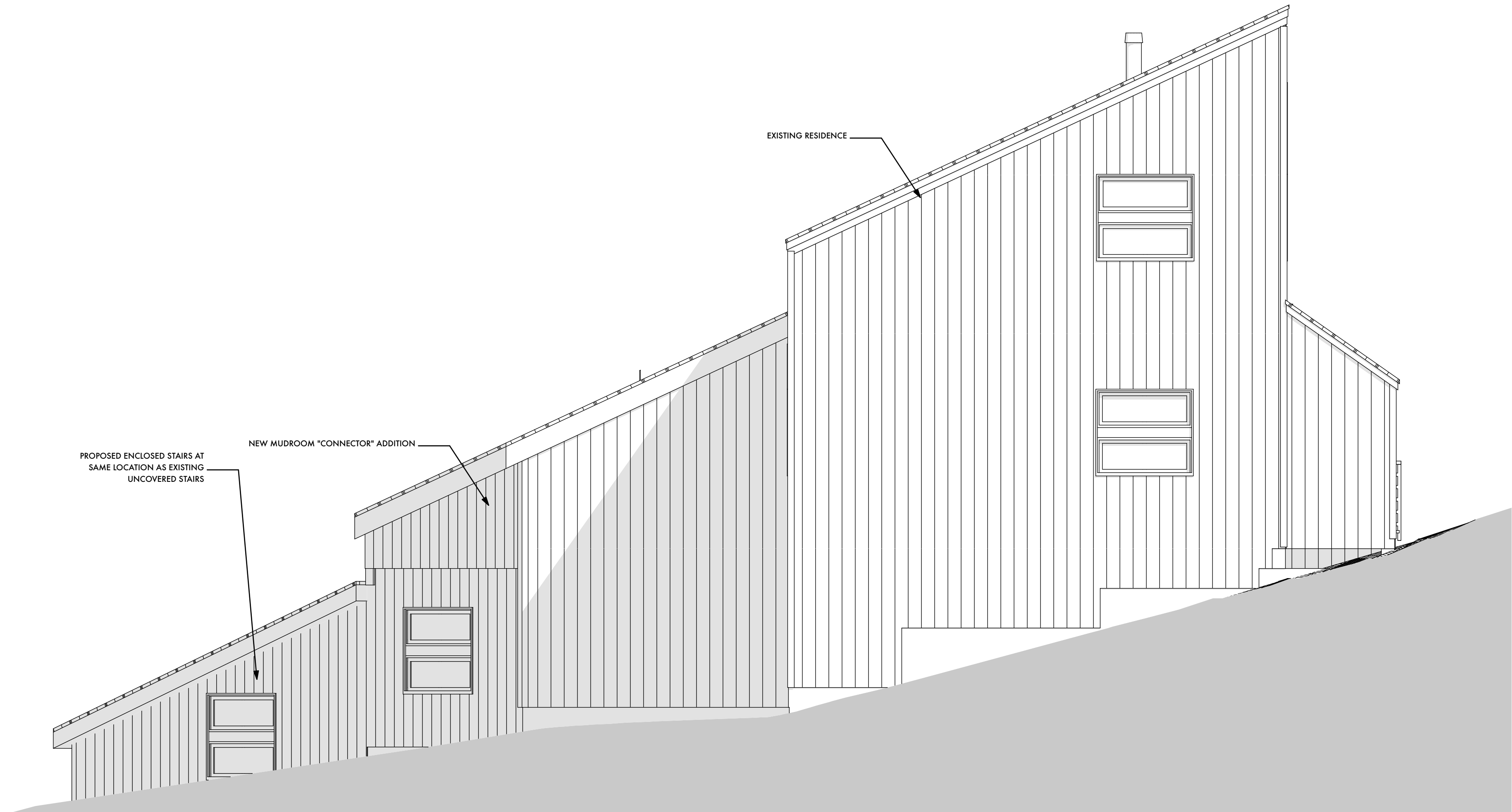
**BRITTON**  
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(760) 789-6567  
mike@brittonarchitecture.com

**David Residence**  
682 Canyon Place  
Mammoth Lakes, CA 93546

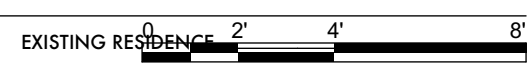
Project No: 33-23  
Designed by: MB  
Drawn by: DW  
Checked by: MB

**A3.1**  
Contents: South & West Elevations

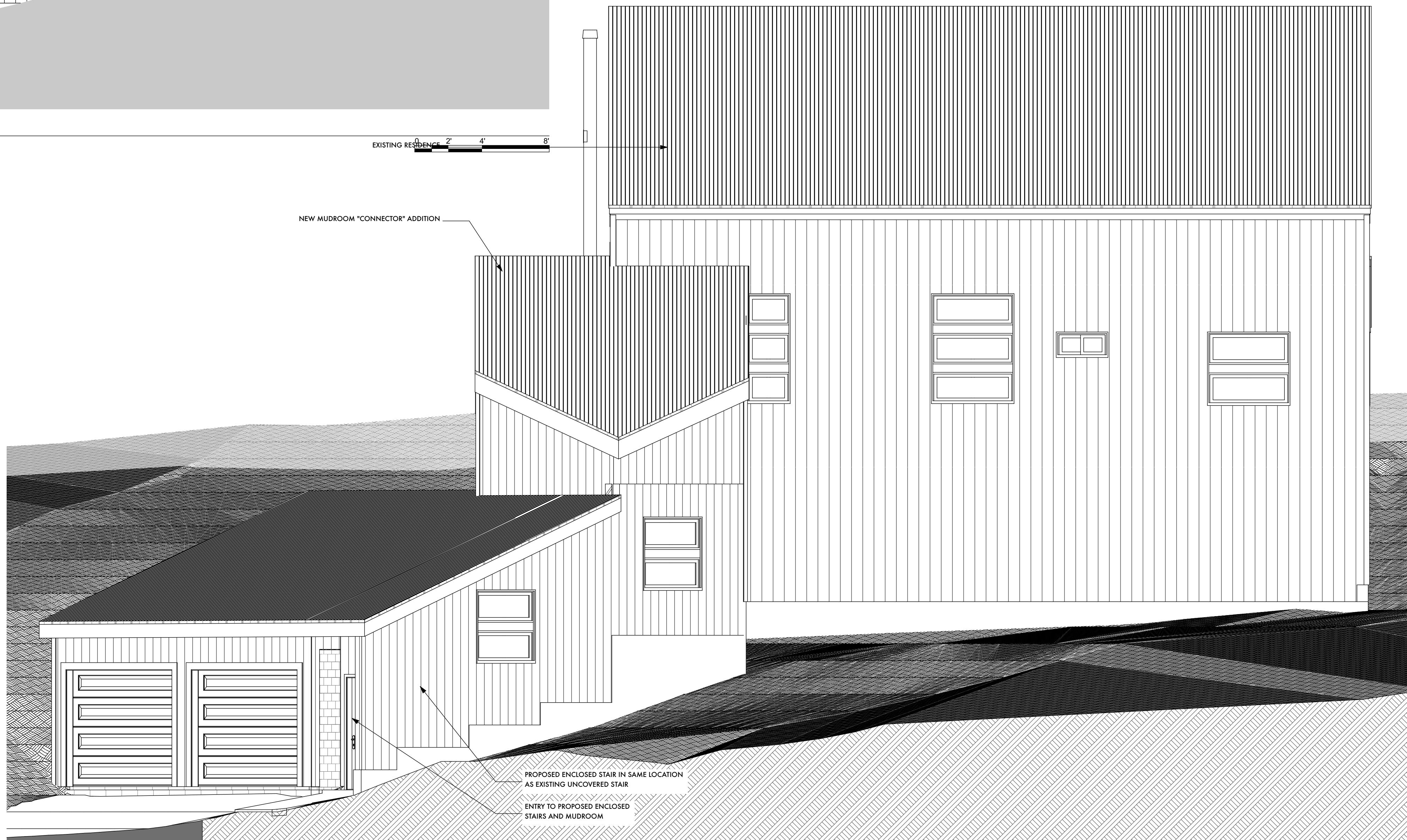
\\users\britton\Documents\BRITTON ARCHITECTURE\BA PROJECTS\BA\_2023\03-23 DAVID\DAVID - PLAN\David Residence Variance Set\_03\_12\_24.pln



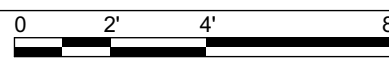
1 North Elevation  
A3.2 SCALE: 1/4" = 1'-0"



**PROPOSED**



2 East Elevation  
A3.2 SCALE: 1/4" = 1'-0"



ISSUES/REVISION	DATE
VARIANCE APP	3/13/24

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(760) 789-6567  
mike@brittonarchitecture.com

**David Residence**  
682 Canyon Place  
Mammoth Lakes, CA 93546

Project No: 33-23  
Designed by: MB  
Drawn by: DW  
Checked by: MB

**A3.2**  
Contents: North & East Elevation



***NARRATIVE FOR ADMINISTRATIVE ADJUSTMENT***

March 13, 2024

Britton Architecture  
Mike Britton  
PO Box 7749  
Mammoth Lakes, CA 93546  
(760) 709-6567  
License #: C-35688

**Owner:** Richard & Julie David  
705 Via Del Monte  
Palos Verdes Estates, CA 90274

**Project**  
**Address:** 682 Canyon Place  
Mammoth Lakes, CA 93546

TOML Planning Staff & PEDC,

I am including the following narrative as a component of the application for a variance.

This single-family residential project is seeking to construct an enclosed primary access stair from the driveway & garage up to the residence. The ingress/egress to & from the residence is impassable during times of decent snowfalls and provides a serious life safety issue. The occupants could find themselves unable to egress to the road if the need for an emergency escape was needed, and the response time of first responders would be significantly hampered if emergency access to the house was necessary. This could be for emergency medical reasons or for life/safety issues such as LPG leaks. The proposed project already contains existing-non-conforming elements such as the garage and the adjacent primary access stair to the house. The proposed project would be of minimal additional non-conformance. The goal would be to reconstruct the existing primary access stair in the same location, however it would be enclosed by a structure that will ensure unobstructed ingress and egress. The request for the variance only pertains to the lower run of stairs, as the rest of the project is conforming to all zoning codes.

Thank you for your consideration in the granting of this variance.

Sincerely,

Mike Britton, AIA

A handwritten signature in black ink, appearing to read "ML Britton".

Britton Architecture



## **Mammoth Lakes PEDC Agenda Action Sheet**

**Title:** General Plan consistency determination for Town acceptance of donated property located at 156 Lost Lane within the Town's Rural Residential Zoning District.

**Council Meeting Date:** 5/8/2024

**Prepared by:** Tess Houseman, Assistant Planner

**Recommended Motion:** Staff recommends that the Planning and Economic Development Commission adopt the Planning and Economic Development Commission Resolution, making the required Government Code findings and CEQA findings, and determining that the Town's acceptance of donated vacant property located at 156 Lost is consistent with the General Plan.

**Summary:** The owners of 156 Lost Lane submitted a letter on February 7, 2024, indicating their desire to donate the property to the Town (Attachment 2). The property that is being offered to the Town is approximately 0.50 acres in size. The parcel is just north of (below) The Bluff's Snow Deposition Design Overlay Zone and is within a documented avalanche runoff zone. The property is vacant and features steep terrain and dense forest.



## Town of Mammoth Lakes

### Planning & Economic Development Commission Staff Report

Meeting Date: May 8, 2024

**AGENDA TITLE:** General Plan consistency determination for Town acceptance of donated property located at 156 Lost Lane within the Town's Rural Residential Zoning District.

Applicant / Property Owner: Nelson Family Trust 01-23-96 and 285 Fir Street LLC

**REQUESTING DEPARTMENT:**

**Community & Economic Development**

Tess Houseman, Assistant Planner

Nolan Bobroff, Community and Economic Development Director

**OBJECTIVE:**

1. Hear Applicant and Staff presentations
2. Planning & Economic Development Commission (PEDC) discussion
3. PEDC action to:
  - a. Adopt the attached Planning and Economic Development Commission Resolution, making the required Government Code findings and CEQA findings, and determine that the Town's acceptance of donated vacant property located at 156 Lost Lane is consistent with the General Plan;
  - b. Adopt the Resolution with modifications; or
  - c. Deny the Resolution

Proposal: Land Donation Request – 156 Lost Lane  
Location: 156 Lost Lane (APN: [022-300-002-000](#))  
General Plan: Low Density Residential 1 (LDR-1)  
Zoning: Rural Residential (RR)  
Environmental Review: Categorically exempt pursuant to CEQA Guidelines Section 15325

**KEY ISSUES:**

1. Is the donation of the property to the Town consistent with the General Plan in terms of location, purpose, and extent of the proposed land donation?
2. Is acceptance of the proposed land donation consistent with California Environmental Quality Act (CEQA)?

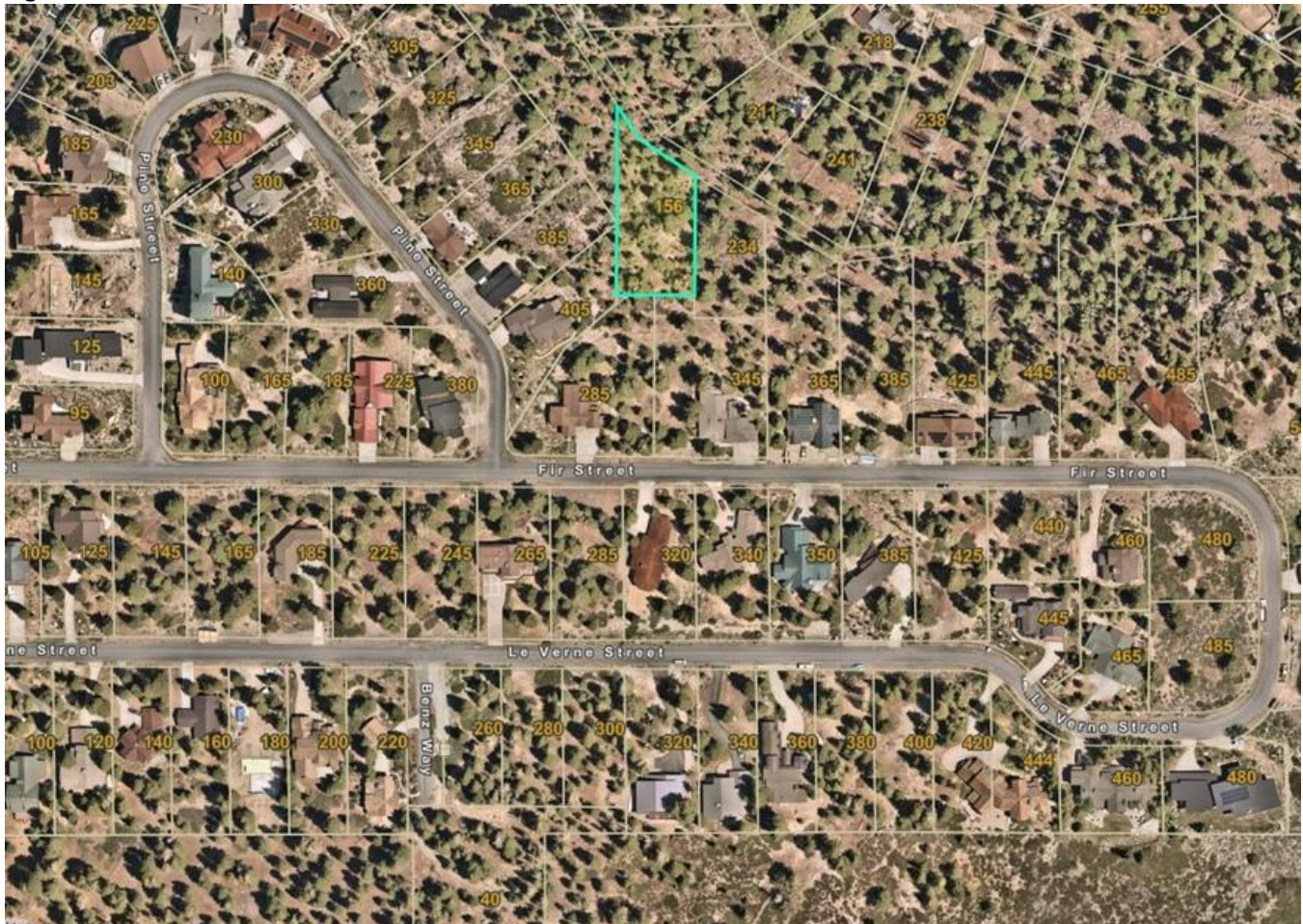
**I. INTRODUCTION AND BACKGROUND**

The owners of 156 Lost Lane submitted a letter on February 7, 2024, indicating their desire to donate the property to the Town (Attachment 2). The property that is being offered to the Town is approximately 0.50 acres in size. The parcel is just north of (below) The Bluffs' Snow Deposition Design Overlay Zone and is within a documented avalanche runoff zone. The property is vacant and features steep terrain and dense forest.



Pursuant to Government Code Section 65402(a), no real property shall be acquired by a public agency until the location, purpose, and extent of such acquisition or disposition has been reviewed by the planning agency for conformity with the general plan.

Figure 1 - Site Location



## II. ANALYSIS OF KEY ISSUES

**Key Issue #1: Can the findings be made that acceptance of the property is consistent with the General Plan in terms of location, purpose, and extent of the proposed land donation?**

The owners of 156 Lost Lane have proposed to donate the subject vacant property to the Town by grant deed. The property is valuable to the Town in that it provides the ability to maintain the property as open space which will ensure that the existing, natural vegetation is not removed and can continue to stabilize the slope and slow any snowslides. The site could also provide additional snow storage capacity in the event that the right-of-way for Lost Lane is improved to provide access to the privately owned parcels located along the east side of Lost Lane.

Based on the analysis provided in this report, the donation of property would be consistent with the General Plan. Staff recommends the Planning and Economic Development Commission finds that the Town's acceptance of donated vacant property located at 156 Lost Lane is consistent with the General Plan.

Table 1: General Plan Consistency Analysis

Goal, Policy, or Action	Explanation of Conformance with Goal, Policy, or Action
<p>P.5.G. Policy: identify, zone, and procure land for new and expanded parklands including:</p> <ul style="list-style-type: none"> <li>• natural pockets of forest</li> <li>• greenbelts</li> <li>• open space</li> </ul>	<p>The property is vacant and features steep terrain and dense forest. The proposed land donation will be preserved and maintained as open space.</p>
<p>R.2.E. Policy: Require open space in the following areas:</p> <ul style="list-style-type: none"> <li>• lands with slopes in excess of 20-25 percent</li> </ul>	<p>The property consists of a slope that is greater than 20-25 percent.</p>
<p>S.3.I. Policy: Only open space or low-density seasonal occupancy uses may be permitted in high avalanche hazard zones, unless adequate mitigation is provided.</p>	<p>The subject vacant property is in a documented avalanche runoff zone. The parcel will be preserved and maintained as open space which will ensure that the existing, natural vegetation is not removed and can continue to stabilize the slope and slow any snowslides.</p>
<p>S.3.F.1. Adaptation Action: Improve snow removal and storage systems, modeling after specific needs of residents. Look to community-based snow management systems already used by condominiums, Town programs, and private snow storage.</p>	<p>The site could contribute to snow storage capacity if properties on Lost Lane are developed, and the street is improved to be a private road.</p>

**Key Issue #2: Is acceptance of the proposed land donation consistent with California Environmental Quality Act (CEQA)?**

The proposed land donation of 156 Lost Lane to the Town is categorically exempt from CEQA review pursuant to CEQA Guidelines Section 15325 since the project consists of the transfer of ownership of land in order to preserve open space.

**Legal Considerations**

Government Code Section 65402(a) requires a General Plan consistency determination prior to the Town acquiring any real property. The General Plan consistency determination must consider location, purpose, and extent of the proposed land acquisition. The General Plan consistency analysis is described in Section II of this report.

**III. STAFF FINDINGS AND RECOMMENDATION**

Staff finds the proposed land donation meets the General Plan consistency requirement and recommends that the Planning and Economic Development Commission adopt the attached Planning and Economic Development Commission Resolution, making the required Government Code findings and CEQA findings, and determine that the Town's acceptance of donated vacant property located at 156 Lost Lane is consistent with the General Plan.

**Attachments**

Attachment 1: Planning and Economic Development Commission Resolution

Attachment 2: Property Owner Letter

Recording Requested by and )  
When Recorded Mail To: )  
 )  
Town of Mammoth Lakes )  
Community and Economic )  
Development Department )  
P.O. Box 1609 )  
Mammoth Lakes, CA 93546 )

Recordation fee exempt per Government Code § 27383  
Space Above for Recorder's Use

**RESOLUTION NO. PEDC 2024-08**

**A RESOLUTION OF THE MAMMOTH LAKES**

**PLANNING AND ECONOMIC DEVELOPMENT COMMISSION FINDING THAT  
THE TOWN'S ACCEPTANCE OF A DONATED VACANT PARCEL LOCATED AT  
156 LOST LANE WITHIN THE TOWN'S RURAL RESIDENTIAL ZONING DISTRICT  
IS CONSISTENT WITH THE GENERAL PLAN  
(APN: 022-300-002-000)**

**WHEREAS**, the owners of 156 Lost Lane, Nelson Family Trust 01-23-96 and 285 Fir Street LLC, have requested the Town accept the donation of real property located at 156 Lost Lane; and

**WHEREAS**, the subject vacant property is just north of The Bluffs' Snow Deposition Design Zone and is within a documented avalanche runoff zone identified within The Bluffs EIR; and

**WHEREAS**, if the property is accepted by the Town, the Town would maintain the parcel in its natural, forested condition, which provides wildlife habitat, and could allow the site to be used for snow storage in the event that Lost Lane is improved to be a private road; and

**WHEREAS**, Government Code Section 65402(a) requires a General Plan consistency determination prior to the Town acquiring any land; and

**WHEREAS**, the Planning and Economic Development Commission conducted an administrative hearing on the consistency analysis on May 8, 2024, at which time all those desiring to be heard were heard; and

**WHEREAS**, the Planning and Economic Development Commission considered without limitation:

1. The staff report to the Planning and Economic Development Commission with exhibits;
2. The Municipal Code, General Plan, Government Code, and associated Land Use Maps;
3. Oral evidence submitted at the hearing; and

4. Written evidence submitted at the hearing.

**NOW THEREFORE, THE PLANNING AND ECONOMIC DEVELOPMENT COMMISSION OF THE TOWN OF MAMMOTH LAKES DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:**

## **SECTION 1. FINDINGS.**

### **1. CEQA FINDINGS.**

The project was determined to be categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15325, *Transfers of Ownership of Interest in Land to Preserve Existing, Natural Conditions and Historical Resources (Class 25)*, of Title 14 of the California Code of Regulations. Class 25 categorical exemptions (CEQA Guidelines Section 15325) applies to projects that consist of the transfers of ownership of interests in land in order to preserve open space, habitat, or historical resources, including acquisition, sale, or other transfer of areas to preserve the existing, natural conditions, including plant or animal habitats. The State has determined that projects that meet the criteria for the exemption are a class of projects that will not have a significant effect on the environment. The project consists of the transfer of ownership of land to the Town (*donated via grant deed to the Town*) and the area will be preserved in a natural, open space condition, and therefore meets the criteria for the Class 25 categorical exemption. Additionally, none of the exceptions set forth in CEQA Guidelines Section 15300.2 are present, which would disqualify the project from using a categorical exemption.

Therefore, the project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(2), since the project meets the criteria for use of the Class 25 categorical exemption (*Transfers of Land to Preserve Existing, Natural Conditions*) and the application of that categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2. No additional environmental review is warranted or necessary.

### **2. GOVERNMENT CODE FINDINGS.**

The Town's acceptance of donated property located at 156 Lost Lane is consistent with the General Plan in terms of location, purpose, and extent of the donation pursuant to Government Code Section 65402(a). The location and the purpose of the donation is consistent with the General Plan because the Town would maintain the property in its natural, forested condition, consistent with the following General Plan Policies:

P.5.G. Policy: identify, zone, and procure land for new and expanded parklands including:

- natural pockets of forest
- greenbelts
- open space

R.2.E. Policy: Require open space in the following areas:

- lands with slopes in excess of 20-25 percent

S.3.I. Policy: Only open space or low-density seasonal occupancy uses may be permitted in high avalanche hazard zones, unless adequate mitigation is provided.

S.3.F.1. Adaptation Action: Improve snow removal and storage systems, modeling after specific needs of residents. Look to community-based snow management systems already used by condominiums, Town programs, and private snow storage.

The subject vacant property, 156 Lost Lane, is within an identified avalanche runout zone, which the General Plan Safety Element Policy recommends the Town limit to open space or limited occupancy uses. The Town would maintain the property as open space, which is consistent with this policy as well as other General Plan policies that encourage procuring land for open space and natural pockets of forest and designating open space areas on lands with slopes in excess of 20-25 percent. An additional possible use of the property could provide snow storage capacity if the privately owned properties on Lost Lane are developed, and the street is improved to be a private road.

The extent of the donation is consistent with the General Plan because the property would be donated through a grant deed to the Town.

**SECTION 2. PLANNING AND ECONOMIC DEVELOPMENT COMMISSION ACTIONS.** The Planning and Economic Development Commission hereby takes the following action:

1. Finds that the Town's acceptance of donated property located at 156 Lost Lane is consistent with the General Plan.

**PASSED AND ADOPTED** this 8<sup>th</sup> day of May 2024, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

---

Nolan Bobroff  
Community and Economic  
Development Director

---

Michael Vanderhurst  
Chair of Mammoth Lakes  
Planning and Economic Development  
Commission

**NOTE:** This action is subject to Chapter 17.104 of the Municipal Code, which specifies time limits for legal challenges.



December 21, 2023

To: City of Mammoth Lakes

From: The owners of 156 Lost Lane

Re: Proposed Donation of 156 Lost Lane to the City

For the record, the two signers below are the legal owners of 156 Lost Lane. This is our official notification that we acknowledge that it is our intent to donate the vacant lot at 156 Lost Lane to the City of Mammoth Lakes. We have included the 156 Lost Lane Title Report.

Please let us know if you need anything else from us to expedite this donation.



Chris Nelson, Trustee

NELSON FAMILY TRUST DTD 01-23-96



Kiah Jordan, Manager  
285 FIR STREET LLC

**RECEIVED**

**FEB 07 2024**

**Town of Mammoth Lakes**



**Town of Mammoth Lakes Planning and Economic Development Commission**  
**Minutes of Regular Meeting**

**April 10, 2024, 9:00 a.m.**  
**437 Old Mammoth Road, Suite Z, Mammoth Lakes**

Members Present: Chair Michael Vanderhurst, Vice Chair Jennifer Burrows,  
Commissioner Jessica Kennedy, Commissioner Greg Eckert

Members Absent: Commissioner Paul Chang

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**1. CALL TO ORDER**

The Chair called the meeting to order at 9:00 a.m. in the Council Chamber, 437 Old Mammoth Road, Suite Z, Mammoth Lakes.

**2. PLEDGE OF ALLEGIANCE**

Public Works Director Haislip Hayes led the flag salute.

**3. PUBLIC COMMENTS**

Community and Economic Development Director Nolan Bobroff announced that Agenda Item 6.1 would be moved to the end of business matters.

**4. PRESENTATION**

**4.1 Receive Mammoth Main Base Redevelopment Project (“Evolving Main”) Update (Mammoth Mountain Main Lodge Area)**

Community and Economic Development Director Nolan Bobroff noted that Chair Vanderhurst had a conflict with this item so he could not participate on this matter but was able to hear the update.

Jen Murillo, Lisa Wise Consulting, gave an update regarding the Mammoth Main Base Redevelopment Project. There was discussion among members of the Commission and staff.

## **5. PUBLIC HEARINGS**

### **5.1 Consideration of Unmet Transit Needs within the Town of Mammoth Lakes**

Public Works Director Haislip Hayes and Executive Director of the Eastern Sierra Transit Authority Phil Moores outlined the information in the staff report. There was discussion among members of the Commission and staff.

The Chair opened the public hearing at 9:22 a.m.

With no members of the public coming forward to speak, the Chair closed the public hearing at 9:23 a.m.

### **5.2 Consideration of Tentative Tract Map 24-002, Use Permit 24-001, and Major Design Review 24-001 for approval of the “Rockspring” resort condominium development project located in the “Resort General” zone of the North Village Specific Plan (NVSP) at the northeast corner of Main Street and Minaret Road. A CEQA conformance analysis was prepared pursuant to the California Environmental Quality Act (CEQA) Guidelines, which finds the project to be in conformance with the certified 1999 North Village Specific Plan Subsequent Program Environmental Impact Report (SPEIR). Applicant/ Property Owner: Mark Rafeh / 6060 Minaret LL**

Senior Planner Kim Cooke gave a presentation outlining the information in the staff report.

Neil Kaye, applicant architect, gave a presentation outlining the proposed project. Mark Rafeh, applicant, thanked Town staff for their efforts on this project.

There was discussion among members of the Commission, Mr. Rafeh, Mr. Kaye, and staff.

The Chair opened the public hearing at 10:05 a.m.



PUBLIC COMMENT:

Andy Ott, representing Viewpoint Condominiums, spoke in support of his collaboration on the development process with Mr. Rafeh. He outlined his concerns with the proposed project.

Craig Gibson, resident of Viewpoint Condominiums, asked questions about the proposed project.

Robert Schaubmayer, representing the Alpenhof Lodge, outlined his concerns with the proposed project. There was discussion among members of the Commission and Mr. Schaubmayer.

Kirk Schaubmayer, Alpenhof Lodge, said that he was in support of the development and outlined his concerns with the proposed project.

The Chair closed the public hearing at 10:34 a.m.

Town staff and the applicant responded to the questions raised during public comment.

There was discussion among members of the Commission.

Moved by Commissioner Jessica Kennedy

Seconded by Commissioner Greg Eckert

Adopt the Planning and Economic Development Commission Resolution, making the required CEQA and Municipal Code findings, and approving Tentative Tract Map 24-002, Use Permit 24-001, and Major Design Review 24-001 with conditions as recommended by staff. The Commission approval of the conditions of approval specified in Exhibit "A" includes a modification of Condition of Approval #3 which was added at the public hearing for the project:

1. Exhibit "A" – Condition of Approval #3:

Prior to issuance of a building permit, the applicant shall incorporate larger windows or a transparent design for the pedestrian corridors between buildings for approval by the Community Development Director.

For (4): Chair Michael Vanderhurst, Vice Chair Jennifer Burrows, Commissioner Jessica Kennedy, and Commissioner Greg Eckert

Absent (1): Commissioner Paul Chang

Carried (4 to 0)

**6. BUSINESS MATTERS**

**6.1 Consideration of Design Review (DR) 23-006 for the Town of Mammoth Lakes Civic Center project located at 1344 Tavern Road in the Public and Quasi-Public Zone. The project was determined to be exempt from further environmental review under CEQA pursuant to Public Resources Code section 21083.3 and State CEQA Guidelines §15183.**

**Applicant/ Property Owner: Town of Mammoth Lakes**

This item was taken out of order.

Commissioner Eckert recused himself and left the meeting at 11:43 a.m.

Community and Economic Development Director Nolan Bobroff noted minor adjustments to the site design.

Associate Planner Michael Peterka outlined the information in the staff report. Jeffrey Lennox, HMC Architects, gave a presentation outlining the design of the project. There was discussion among members of the Commission and staff.

Moved by Vice Chair Jennifer Burrows

Seconded by Commissioner Jessica Kennedy

Adopt the Planning and Economic Development Commission Resolution, making the required CEQA and Municipal Code findings, and approving Design Review 23-006 with conditions as recommended by staff.

For (3): Chair Michael Vanderhurst, Vice Chair Jennifer Burrows, and Commissioner Jessica Kennedy

Abstain (1): Commissioner Greg Eckert

Absent (1): Commissioner Paul Chang

Carried (3 to 0)

**6.2 Consideration of Design Review 23-005 and Administrative Permit 23-004 to allow for the renovation of the existing Mammoth Mall property located within the Downtown (D) zoning district at 126 Old Mammoth Road. The project was found to be categorically exempt**

**from CEQA pursuant to CEQA Guidelines §15301, Existing Facilities.**  
**Applicant/ Property Owner: Philip Voorhees (Bison Partners) /**  
**Mammoth Mall Owners, LLC**

Assistant Planner Gina Montecallo gave a presentation outlining the information in the staff report.

Phil Voorhees, applicant, thanked Town staff for their efforts on this project.

There was discussion among members of the Commission, Mr. Voorhees, and staff.

Moved by Commissioner Jessica Kennedy  
Seconded by Vice Chair Jennifer Burrows

Adopt the Planning and Economic Development Commission Resolution, making the required CEQA and Municipal Code findings, and approving Design Review 23-005 and Administrative Permit 23-004 with conditions as recommended by staff.

For (4): Chair Michael Vanderhurst, Vice Chair Jennifer Burrows, Commissioner Jessica Kennedy, and Commissioner Greg Eckert

Absent (1): Commissioner Paul Chang

Carried (4 to 0)

**6.3** **Consideration of Master Sign Program 23-001 for the Outbound Mammoth signage located at 164 Old Mammoth Road in the Clearwater Specific Plan zoning district. The proposed action includes finding the project categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301, Existing Facilities.**  
**Applicant/ Property Owner: WH SN Mammoth, L.L.C.**

The Chair called a recess at 11:28 a.m. and the Commission reconvened at 11:31 a.m.

Commissioner Kennedy recused herself and left the meeting at 11:31 a.m. due to her ownership of property near the project.

Assistant Planner Gina Montecallo gave a presentation outlining the information in the staff report.

John Daly, applicant's head of design and construction, and Brent Truax, representing applicant, outlined the proposed project.

Moved by Vice Chair Jennifer Burrows  
Seconded by Commissioner Greg Eckert

Adopt the Planning and Economic Development Commission Resolution, making the required CEQA and Municipal Code findings, and approving Master Sign Program 23-001 with conditions as recommended by staff.

For (3): Chair Michael Vanderhurst, Vice Chair Jennifer Burrows, and Commissioner Greg Eckert

Abstain (1): Commissioner Jessica Kennedy

Absent (1): Commissioner Paul Chang

Carried (3 to 0)

Commissioner Kennedy returned to the meeting at 11:43 a.m.

**7. CONSENT AGENDA**

Moved by Commissioner Jessica Kennedy  
Seconded by Vice Chair Jennifer Burrows

Approve the Consent Agenda.

For (3): Chair Michael Vanderhurst, Vice Chair Jennifer Burrows, and Commissioner Jessica Kennedy

Absent (2): Commissioner Paul Chang, and Commissioner Greg Eckert

Carried (3 to 0)

**7.1 Approve the minutes of the regular meeting of February 14, 2024.**

**8. COMMISSIONER REPORTS**

Chair Vanderhurst requested a tour of the inside of a Parcel unit. There was discussion regarding expiring terms occurring on the Commission this year.

**9. DIRECTORS REPORT**

Community and Economic Development Director Nolan Bobroff reported on the status of The Parcel, announced the upcoming Town Clean Up Days on May 17 and 18, and reported that the Town Council denied the cell tower appeal and affirmed the Commission's approval.

**10. ADJOURNMENT**

The Commission adjourned the meeting at 12:25 p.m.

---

Jamie Gray, Town Clerk