



## Town of Mammoth Lakes

### Planning & Economic Development Commission Staff Report

**Meeting Date: February 9, 2022**

**AGENDA TITLE:** Consideration of a Use Permit (UPA), Design Review (DR) and Adjustment (ADJ) application to permit the construction of a new 4,162 square foot single-family residence with an 874 square foot garage located within the Snow Deposition Design Overlay (SDD) zone of the Bluffs Subdivision. An Adjustment is requested to allow a 20% reduction of the required 25-foot front setback, to permit a 20-foot front setback.

The project is reviewed under Application no. UPA 21-006, DR 21-006, and ADJ 21-005, and is categorically exempt from CEQA pursuant to Guidelines §15303(a), New Construction or Conversion of Small Structures.

Applicant/ Property Owner: Steven Johnson

#### **REQUESTING DEPARTMENT:**

##### **Community & Economic Development**

Sandra Moberly, Director

Kimberly Cooke, Associate Planner

#### **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 Use Permit #UPA 21-006, Design Review #DR 21-006, and Adjustment #ADJ 21-005, with conditions as recommended by staff;
  - b. Adopt the Resolution with modifications; or
  - c. Deny the Resolution

#### **SUMMARY:**

##### **Proposal:**

Request for approval of a Use Permit, Design Review, and Adjustment application, for the construction of a 4,162 square foot single-family residence with an attached 874 square foot garage, to be constructed within the Bluffs Subdivision. A Use Permit is required because the property is located within the Snow Deposition Design Overlay (SDD) zone and an Adjustment is requested to allow a five-foot reduction of the required 25-foot front setback.

##### **Location:**

365 Fir Street

Size of Property:	0.74 acres (32,346 sq. ft.)
Zoning:	Rural Residential (RR)
General Plan:	Low Density Residential (LDR-1)
Environmental Review:	Categorically Exempt (CEQA Guidelines Section 15303 - <i>New Construction or Conversion of Small Structures</i> )

#### KEY ISSUES:

1. Can the findings be made for approval of a Use Permit to permit the construction of a new single-family residence located within the Snow Deposition Design Overlay zone pursuant to Municipal Code (MC) Chapter 17.68 and 17.32.050?
2. Can the findings be made for approval of a Design Review pursuant to Municipal Code (MC) Chapter 17.88?
3. Can the findings be made for approval of an Adjustment pursuant to Municipal Code (MC) Chapter 17.76?
4. Is the proposed project consistent with the California Environmental Quality Act (CEQA)?

### I. INTRODUCTION AND BACKGROUND

The subject property is a .74-acre vacant lot located on the ridgeline of the Bluffs Subdivision at 365 Fir Street. The site is zoned Rural Residential (RR) and is located within the Town's Snow Deposition Design overlay (SDD) zone, which applies to properties that are situated along the northern edge of the Bluffs Subdivision, within 150 feet of an avalanche starting zone.

Municipal Code Section 17.32.050 *Snow Deposition Design Overlay (SDD) Zone* requires Use Permit approval for all proposed development on lots within the SDD zone for the purpose of evaluating changes to avalanche potential with the proposed development. The use permit application process for development within the SDD zone requires an analysis by a recognized expert in the field of avalanche occurrence, to assure that the proposed development will not result in greater snow deposition in the related avalanche starting zone, nor result in an increase in avalanche hazard.

A Snow Deposition and Avalanche Hazard Survey prepared by Larry Heywood, a Snow and Ski Safety Consultant, was submitted with the use permit application (**Attachment 2**). The report concludes that the proposed structure on the subject site (Lot 40) would result in snow which may have been transported to and deposited on the steep slopes and cliffs to the north, to instead be deposited upwind in the immediate vicinity of the structure. The report states that this would result in a net reduction in the amount of snow available for transport and deposition onto the steep slope on lot 40, which results in less snow accumulation and an overall reduction in avalanche potential.

An Adjustment is requested as part of the project for a 20% reduction of the front setback (20 feet instead of 25 feet) in order to place the structure as far as possible off the 30-foot setback from the 30° "starting zone," while providing the minimum 20-foot depth for exterior parking spaces at the front of the property.

Additionally, the property owner submitted a Lot Line Adjustment (LLA) #21-007 application on November 18, 2021, prior to submitting a Use Permit application for the proposed development. The lot line adjustment was approved on February 4, 2022, (**Attachment D**) and results in an additional 15-feet in width for the developable area of the site. The resulting lot width is 115 feet at the south property line and extends north for a depth of 110 feet. The total lot area with the approved Lot Line Adjustment is 32,346 square feet (.74 acres). The proposed plans reflect the adjusted property line and the approved lot dimensions exceed the minimum dimensions required for the Rural Residential (RR) zoning district.

The public notice for this item was published in The Sheet on Saturday, January 29<sup>th</sup> and Saturday, February 5<sup>th</sup>. Notices were mailed on Wednesday, January 26<sup>th</sup> to a total of eighteen (18) property owners within a 300-foot radius of the project site. Staff received two email requests for the PEDC packet and project information from individuals that own property in the Bluffs Subdivision.

### Project Proposal:

The proposed single-family residence features 4,162 square feet of living space and an 874 square foot garage, that accommodates four enclosed parking spaces. The structure is primarily two-stories, with 4 bedrooms, 4.5 bathrooms, and a small 260 square foot third-story loft.

The slope of the site is greater than 10 percent, so building height is measured as an average height calculated by measuring the height at the four outermost corners of the structure from finished grade to a horizontal plane which intersects the topmost point of the building and dividing that total by four. The average building height calculation allows structures to be 35 feet in “average” height with no portion of the structure exceeding 45 feet. The average building height for the proposed residence is 33.6 feet and the tallest corner of the structure measures 40.5 feet in height.

The site design conforms to, or exceeds, the applicable development standards including setback requirements for the Rural Residential (RR) Zoning District, except for the adjustment requested for a reduced front yard setback of 20 feet. Consistent with Municipal Code Chapter 17.76, the PEDC may approve a 20% adjustment to the 25-foot Front Yard Setback requirement if “Increased safety of the occupants or public would result.” In this case, a reduction of the front setback allows the footprint of the rear balcony of the structure to be completely outside of the 30-foot setback from the 30° slope. The additional distance provided between the structure and the “avalanche starting zone” will serve to provide greater assurance that activities on the property would not artificially trigger an avalanche, which results in increased safety for both the occupants and the public.

The primary siding materials for the residence include cedar lap siding, cedar board and batten siding, corrugated metal with a raw/patina finish, and natural stone base material. The proposed roof material is a charcoal grey or black heavy asphalt shingle. Roof-mounted solar panels are proposed on the south facing slope of the roof, which will not visible to areas below the Bluffs Subdivision. Windows and doors feature matte black frames and wood trim work. The roof eaves are layered, and exposed rafters are constructed of heavy timber to provide sturdy architectural detail. As shown in **Figure 1** below, the colors selected for the exterior siding and trim are compatible with the neighborhood and blend well with the surrounding natural environment.

**Figure 1: Color Elevation and Materials Board**

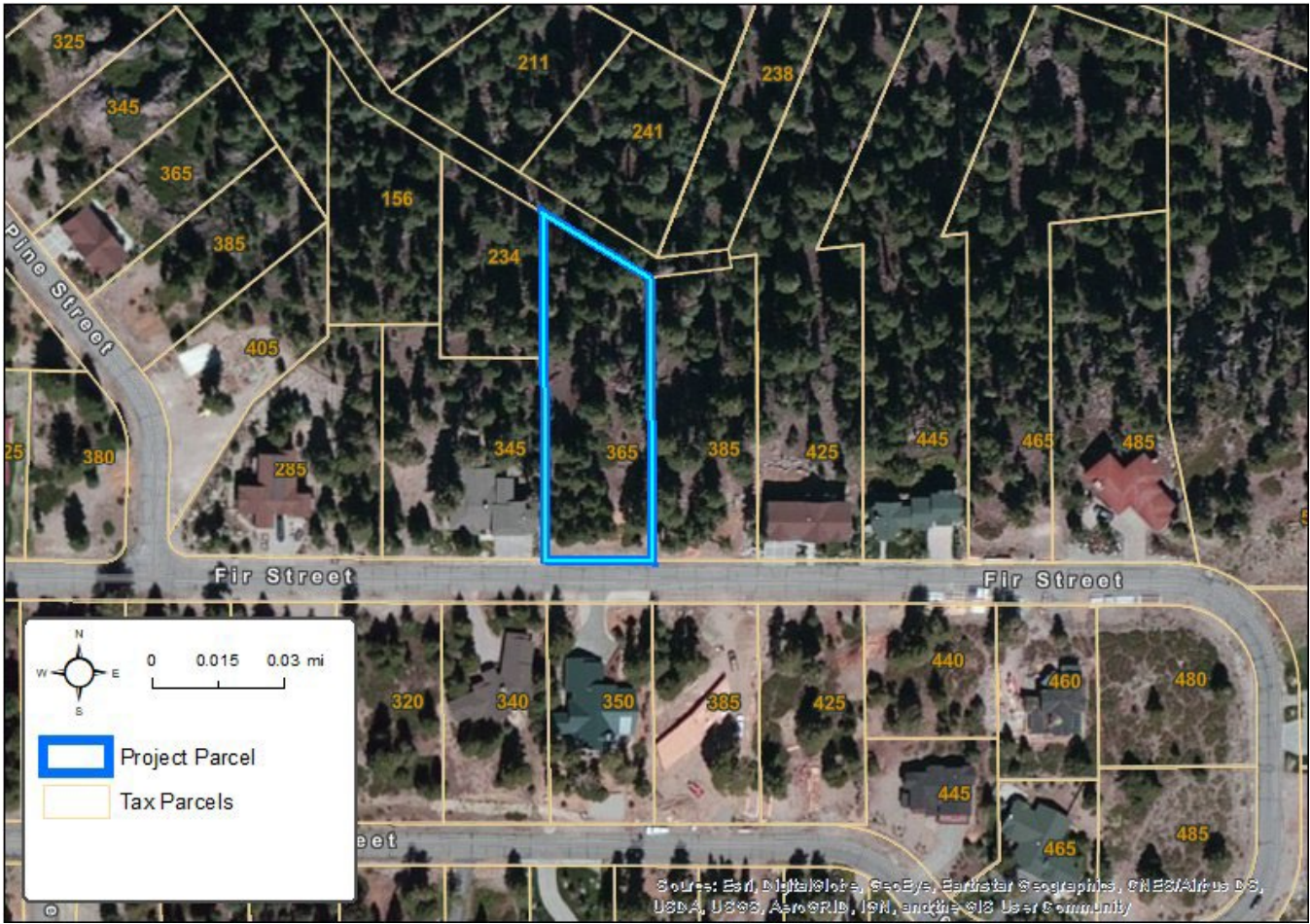


**Existing Site and Surrounding Land Uses**

The site is a 32,326 square foot vacant lot with a steep downward slope and numerous native fir trees. Adjacent properties to the north and east of the site are also vacant, and properties to the south and west of the site are developed with similarly sized single-family homes.

See **Figure 2** below for a map showing the site location and surrounding context. **Table 1** further describes the surrounding land uses and zoning.

**Figure 2: Project Site Location Map**



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

Location	Zoning*	Land Use	Special Considerations
North	RR	Vacant Parcel	Downslope
South	RR	Single-family residence	None
East	RR	Vacant Parcel	Part of LLA 21-007
West	RR	Single-family residence	None

\*RR = Rural Residential





## General Plan

The General Plan land use designation for the site is Low-Density Residential 1 (LDR-1) which allows single-family detached residential development at a maximum density of two (2) dwelling units per gross acre. This density range is typical of residential subdivisions in the Old Mammoth District and is intended to protect their existing densities and character. Lots within this designation are typically larger, have increased setbacks, and lower lot coverage. (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>"Sustainability and continuity of our unique relationship with the natural environment"</i>	The location and size of the proposed single-family residence preserves a majority of native vegetation on the site which will remain in a natural state. The overall lot coverage with the proposed development is approximately 10%, which provides an appropriate balance of developed area with the surrounding natural environment.
<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 design of the single-family home evokes mountain style architecture as well as historic mining town elements. The design incorporates materials such as heavy timber, raw/patina corrugated steel, and natural stone, which is in keeping with the mountain resort community character.
<i>"Protecting the surrounding natural environment and supporting our small-town atmosphere by limiting the urbanized area."</i>	The project is located within the Urban Growth Boundary and the density is consistent with that allowed by the LDR-2 land use designation.

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 provides a high-quality appearance and incorporates thoughtful site planning to maintain adequate driveway size to accommodate exterior parking as well as to preserve a significant Jeffrey Pine tree.
Policy C.2.T. Policy: Use natural, high quality building materials to reflect Mammoth Lakes' character and mountain setting.	The proposed materials are high quality and durable, and provide a good variation to achieve cohesive architectural detail and character to the design of the home.

Policy C.2.V: Building height, massing and scale shall complement neighboring land uses and preserve views to the surrounding mountains.	Building height and massing are similar to the heights and massing of surrounding single-family homes in the neighborhood. The average height of the single-family residence is 33.6, which is below the permitted height of 35 feet in the RR zone. The roof line of the home incorporates varying ridge height and adequate articulation to provide appropriate human scale to the appearance of the structure.
C.5. GOAL: Eliminate glare to improve public safety. Minimize light pollution to preserve views of stars and the night sky.”	The proposed single-family home proposes to install Low-E windows, which are intended to reduce nighttime glare from indoor lighting at night.
S.3.A. Policy: Design all structures in Mammoth Lakes to withstand snow loads and to reduce any additional hazards created by snow accumulation.	With approval of the Adjustment, the proposed single-family residence will have a conservative setback of 31 feet where 30 feet is required from the 30° slope (avalanche starting zone). This provides greater confidence in avoiding hazards created by snow accumulation on the bluff edge.

## II. ANALYSIS OF KEY ISSUES

### **KEY ISSUE #1: Can the findings be made for approval of a Use Permit pursuant to MC Section 17.68.040 (Use Permits) and MC Section 17.32.050 (Snow Deposition Design Overlay zone)?**

Use Permits are intended to evaluate proposed land use activities which may be desirable in the applicable zoning district and compatible with adjacent land uses, but whose effects on site and surroundings cannot be determined before being proposed for a particular location. In addition to the requirements of Chapter 17.68 (Use Permits), Chapter 17.32.050 (Snow Deposition Design Overlay (SDD) zone) requires a use permit application to contain certification by a recognized expert in the field of avalanche occurrence, force and behavior that there will be no greater snow deposition in the related avalanche starting zones and no overall increase in the avalanche hazard in the balance.

The following represents staff’s analysis of the required findings pursuant to MC §17.68 and 17.32.050:

#### **Use Permit Findings:**

##### **A. The proposed use is consistent with all applicable sections of the General Plan and Title 17 and is consistent with any applicable specific plan or master plan;**

The proposed use is consistent with the General Plan land use designation for the site because the property is located within the Low Density Residential-1 (LDR-1) land use designation, which is described as an area intended for single-family detached residential development at a maximum density of two (2) dwelling units per gross acre. The proposed single-family residence is consistent with the intended allowable land uses, and with approval of the requested Adjustment application, the project is consistent with the development standards applicable to the Rural Residential (RR) zoning district.

The proposed use is also consistent with requirements of Chapter 17.32.050 *Snow Deposition Design Overlay* (SDD) zone because the Use Permit application includes a report prepared by a recognized expert in the field of avalanche occurrence, as required by Chapter 17.32. The report concludes that the placement of the proposed single-family residence on the subject site (lot 40) would result in a net reduction in the amount of snow accumulation on the steep slopes and cliffs north of the proposed structure, and therefore, a net reduction in the potential for avalanche occurrence. The report confirms that the proposed design and location of the single-family structure conforms with the Town's Snow Deposition Design Overlay zone requirements.

**B. The proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health and safety nor materially injurious to properties or improvements in the vicinity; and**

The proposed use of the site as a single-family residence will not be detrimental to the public health and safety, nor would the use be materially injurious to properties or improvements in the vicinity because the proposed single-family residence is consistent with the surrounding single-family residential neighborhood and a specific review of the design and placement of the structure by an expert in the field of avalanche occurrence was conducted pursuant to the Snow Deposition Design Overlay (SDD) zone standards. The Snow Deposition and Avalanche Survey report prepared by Larry Heywood found that there would be no greater snow deposition in the related avalanche starting zones and no overall increase in the avalanche hazard as a result of the proposed development.

**C. The Commission shall make such other findings as deemed necessary to support approval or denial of the proposed use;**

The proposed location of the single-family residence is consistent with the objectives and purpose of the Rural Residential (RR) zone and the Snow Deposition Design Overlay (SDD) zone because the design and location of the single-family residence has been reviewed by staff for conformance with the applicable development standards of the RR zone and an additional review of the plans was conducted by an expert in the field of avalanche occurrence, and was found to be consistent with the specific requirements for the SDD Overlay zone in that the development will not adversely impact surrounding properties nor increase the potential for avalanche occurrence. Therefore, the project is in conformance with the purpose of the applicable zoning designations and approval of the Use Permit is warranted

**KEY ISSUE #2: Can the findings be made for approval of a Design Review pursuant to pursuant to Municipal Code (MC) Chapter 17.88?**

Design Review is required per MC Section 17.88.020. The purpose of Design Review is to implement the General Plan policies related to community design and character, to promote excellence in site planning and design to complement the natural environment and enhance the image of the town as a mountain resort community, and to ensure that the architectural design of structures and their materials and colors are appropriate to the function of the project and visually harmonious with surrounding development.

Staff finds that the proposed site layout and building design has met the overall intent of the Design Review criteria including the Adjustment request applicable to the front yard setback. Below is staff's analysis of project's consistency with the Design Review criteria.



## **Design Review Findings:**

### **A. The project is consistent with the applicable standards and requirements of the Municipal Code.**

The project is consistent with the applicable standards and requirements of the Mammoth Lakes Zoning Code because the project is located within the Rural Residential (RR) zone, which is intended as an area for single-family rural residential development on larger lots and at lower densities than the residential single-family zone. The project complies with the development standards applicable to the RR zone including standards for residential density, lot coverage, setbacks (with approval of Adjustment ADJ 21-005), building height, parking, and snow storage.

The proposed use is also consistent with requirements of Municipal Code Chapter 17.32.050, Snow Deposition Design Overlay (SDD) zone, because a Use Permit application was submitted for the project and includes a report prepared by a recognized expert in the field of avalanche occurrence. The Snow Deposition and Avalanche Hazard Survey report concludes that the proposed development will not result in greater snow deposition in the related avalanche starting zones and no overall increase in avalanche hazard in the balance.

### **B. The project is consistent with the General Plan and any applicable specific plan or master plan.**

The proposed construction of a new single-family residence located within the Bluffs subdivision is consistent with the General Plan in that the applicable land use designation for the Bluffs subdivision is (LDR-1) Low Density Residential-1, and the General Plan states that this land use designation allows single-family detached residential development at a maximum density of two (2) dwelling units per gross acre. One single-family dwelling is proposed, which is consistent with the LDR-1 designation of the site. The Bluffs subdivision is not located within a specific plan or master planned area.

### **C. The project is consistent with the Town of Mammoth Lakes Design Guidelines.**

The project is consistent with the Town's Design Guidelines because the site design works with the natural topography of the site and preserves existing native vegetation to the greatest extent possible. The exterior parking areas and driveway access have a south exposure, which minimizes shading and ice build-up on pavement areas.

Building forms, roofs, and facades provide variation in roof height and visual interest through the changes in roof pitch direction, changes in siding material and color, and incorporation of architectural details such as exposed beams, trim details, decorative treatments beneath pitched roof areas and layered fascia.

The proposed colors and materials are appropriate in the context of the surrounding neighborhood and consist of varying brown and tan earth tones that provide appropriate contrast between trim, fascia, and the primary siding materials while maintaining a neutral color palate that blends with the surrounding natural environment.

### **D. The project is consistent with the following additional Design Criteria (Zoning Code §17.88.050):**

- a. **The site design and building design elements including the architectural style, size, design quality, use of building materials, and similar elements, combine together in an attractive and visually cohesive manner that is compatible with and complements the desired architectural and/or aesthetic character of the area and a mountain resort community, encourages increased pedestrian activity, and promotes compatibility among neighboring land uses.**

The proposed single-family residence and site layout combine together in an attractive and visually cohesive manner that is compatible with and complements the character of the surrounding single-family residential neighborhood. The architectural design of the structure fits within the context of the mountain resort community and provides appropriate scale, architectural detail, and durable exterior building materials as recommended in the Town Design Guidelines.

- b. The design of streetscapes of streetscapes, including street trees, lighting, and pedestrian furniture, is consistent with the character of commercial districts and nearby residential neighborhoods.**

Not applicable, as the street network in this area is already established and no additional streetscape improvements are appropriate or required for the proposed project.

- c. Parking areas are located, designed and developed to foster and implement the planned mobility system for the area; buffer surrounding land uses; minimize visibility; prevent conflicts between vehicles and pedestrians and cyclists; minimize stormwater run-off and the heat-island effect; and achieve a safe, efficient, and harmonious development.**

The proposed parking for the single-family residence consists of an enclosed four-car garage with two spaces provided in tandem. The design and color of the garage door is compatible with the design of the home with a standard two-car garage door size. Two exterior 10-foot by 20-foot parking spaces are provided within the driveway, and do not encroach into the public right-of-way. Site access and exterior parking spaces feature a southern exposure, which helps limit ice build-up on pavement areas.

- d. Down-directed and shielded lighting and lighting fixtures are designed to complement buildings, be of appropriate scale, provide adequate light over walkways and parking areas to create a sense of pedestrian safety, minimize light pollution and trespass, and avoid creating glare.**

The proposed exterior light fixtures are screened and indicate use of 40-watt bulbs. While the proposed light fixtures likely meet the applicable standards, Condition of Approval #15 is included in this Resolution to require all exterior lighting to comply with Chapter 17.36.030 of the Town of Mammoth Lakes Municipal Code, and verification prior to issuance of a certificate of occupancy. All lighting for the project will therefore be consistent with existing Municipal Code lighting requirements.

- e. Landscaping is designed to conserve water resources, promotes a natural aesthetic, and be compatible with and enhance the architectural character and features of the buildings on site, and help relate the building to the surrounding landscape.**

The proposed landscape plan preserves existing native trees to the greatest extent possible and proposes to revegetate disturbed areas with native tree varieties including Aspen and Fir trees as well as shrubs and wildflowers. The landscape plan indicates no permanent irrigation will be installed.

Overall, the proposed landscaping promotes a natural aesthetic by utilizing native species that are appropriate to this region. Condition of Approval #21 is included to ensure that re-vegetation and landscape improvements are completed prior to issuance of a certificate of occupancy.

**E. The project is consistent with any approved tentative map, use permit, variance, or other planning or zoning approval that the project required.**

The proposed project is consistent with Lot Line Adjustment (LLA) 21-007, which was submitted prior to the subject application. The Lot Line Adjustment was approved on February 2, 2022, and results in an additional 15-feet in lot width for the first 110 feet in depth of the property. The resulting lot width is 115 feet at the south frontage of the property and the total lot area is 32,346 square feet (.74 acres). The approved lot dimensions meet the minimum lot dimensions required for the Rural Residential zoning district.

**KEY ISSUE #3: Can the findings be made for approval of an Adjustment pursuant to Municipal Code (MC) Chapter 17.76?**

Adjustments are intended to allow minor exceptions to certain development standards of the Zoning Code when such requests constitute a reasonable use of property but are not permissible under strict application of the Zoning Code. The following represents staff's analysis of the required findings pursuant to MC §17.76.040:

**Adjustment Findings:**

**A. Increased Safety of the Occupants or the Public would result.**

A 20% reduction of the front setback (20 feet instead of 25 feet) is requested so that the structure is located as far as possible off the 30-foot starting zone setback, while providing the minimum 20-foot depth for exterior parking spaces at the front of the property. A covered front porch is proposed and would be permitted a maximum 3-foot encroachment into the reduced 20-foot setback pursuant to Municipal Code Section 17.36.100 Permitted Projections into Setbacks.

The requested adjustment would increase the safety of the occupants and public in the vicinity of the SDD zone in that additional distance provided between the structure and the Avalanche starting zone will serve to provide greater assurance that activities on the property would not artificially trigger an avalanche.

For adjustments to setbacks an additional finding is required to be made that adequate snow storage and snow shedding areas are provided. The proposed reduction of the front setback will not negatively impact snow storage or shedding areas because more than adequate snow storage area is identified on the site plan and standard side setbacks from adjacent properties will not be reduced by the requested adjustment.

**KEY ISSUE #4: 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 §15303(a), New Construction or Conversion of Small Structures. The Project qualifies for this exemption because the project complies with subsection (a), which exempts the construction of one single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.

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 15303, 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**

The project application was routed to the following local agencies for review: Mammoth Lakes Fire Protection District (MLFPD), the Mammoth Community Water District (MCWD). No comments or requirements were provided by the reviewing agencies.

No public comments were received at the time this report was written.

### **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 Use Permit #UPA 21-006, Design Review #DR 21-006, and Adjustment #21-005 with conditions as recommended by staff or with modifications.

#### **Attachments:**

Attachment A: Planning and Economic Development Commission Resolution

Attachment B: Project Plans

Attachment C: Snow Deposition and Avalanche Hazard Survey Report

Attachment D: Associated Lot Line Adjustment Exhibit