

ATTACHMENT A

**Planning and Economic Development
Commission Resolution No. 2022-04**

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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Space Above for Recorder's Use

RESOLUTION NO. PEDC 2022-04

**A RESOLUTION OF THE MAMMOTH LAKES PLANNING AND
ECONOMIC DEVELOPMENT COMMISSION APPROVING A
USE PERMIT, DESIGN REVIEW AND ADJUSTMENT APPLICATION
TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE
WITH A REDUCED FRONT SETBACK IN THE SNOW DEPOSITION DESIGN
OVERLAY ZONE OF THE BLUFFS SUBDIVISION
LOCATED AT 365 FIR STREET
(APN: 022-392-013-000)**

WHEREAS, a request for consideration of a Use Permit (UPA 21-006), Design Review (DR 21-006), and Adjustment (ADJ 21-005) was filed by the property owner, Steven Johnson, to permit the construction of a 4,162 square foot, single-family residence with an 874 square foot attached garage, and a reduced front setback of 20 feet, in accordance with Chapter 17.68 (Use Permits), 17.88 (Design Review), and 17.76 (Adjustments) of the Town of Mammoth Lakes Municipal Code, for property located at 365 Fir Street; and

WHEREAS, the Planning and Economic Development Commission conducted a noticed public hearing on the application request on February 9, 2022, 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: Nine (9) total sheets including eight sheets labeled A1-A8, a color elevation, and a physical color and material board dated received by the Town of Mammoth Lakes on December 6, 2021.

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 is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, *New Construction or Conversion of Small Structures*, because the project qualifies under subsection (a), which exempts projects consisting of one single-family residence, or a second dwelling unit in a residential zone. The proposed project consists of the construction of one single-family residence located in the Town's Rural Residential (RR) zoning district.

II. MUNICIPAL CODE FINDINGS.

A. FINDINGS FOR USE PERMIT (Municipal Code Section 17.68.050 and 17.32.050.C.1)

1. 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.

2. 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.

3. 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.

B. FINDINGS FOR DESIGN REVIEW PERMIT (Municipal Code Section 17.88.060)

1. 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.

2. 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.

3. 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.

4. 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 and is 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.

- 5. 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.

C. FINDINGS FOR ADJUSTMENT (Municipal Code Section 17.76.040)

- 1. 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 can be 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.

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 15303(a), *New Construction or Conversion of Small Structures* pursuant to the California Environmental Quality Act (CEQA) Guidelines; and
2. Approves Use Permit 21-006, Design Review 21-006, and Adjustment 21-005 subject to the following conditions:

(SEE EXHIBIT “A”); and

3. Directs staff to file a Notice of Exemption.

PASSED AND ADOPTED this 9th day of February 2022, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

RECUSED:

ATTEST:

Sandra Moberly,
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:

I, Steven Johnson, am the property owner and I do hereby attest that I have read, and agree to, the conditions of approval stipulated within this Resolution.

Steven Johnson
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, _____
personally appeared _____
who proved to me on the basis of satisfactory evidence to be the persons whose
name(s) is subscribed to the within instrument and acknowledged to me that he
executed the same in his authorized capacity (ies), and that by his 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 2022-04
Case No. UPA 21-006, DR 21-006, ADJ 21-005
CONDITIONS OF APPROVAL

STANDARD PLANNING CONDITIONS

1. This approval authorizes the following: Construction of a new 4,162 square foot single-family residence with an 874 square foot attached garage with a reduced front setback of 20 feet (20% reduction of the required 25-foot front setback), on property located within the Bluffs Subdivision at 365 Fir Street.
2. The approved site and building plans consisting of nine (9) sheets including eight sheets labeled A1-A8, a color elevation sheet, and a physical color and material board dated received by the Town of Mammoth Lakes on December 6, 2021, shall be adhered to 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. If the aggregate landscaped area exceeds 500 sq. ft., a landscape documentation package shall be required prior to final sign-off of the Building Permit from the Planning Division. Said landscape documentation package shall conform with the requirements identified in Municipal Code Chapter 17.40 (Water Efficient Landscape Regulations). The aggregate landscape area is defined as the total horizontal surface area dedicated to plant installation and irrigation plus the wet surface of any decorative water features. The landscape area for shrubs and trees shall be determined using the shrub/tree mature growth diameter or drip line. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, or other pervious or non-pervious hardscapes outside of planted areas. Landscape area does not include undisturbed areas with established non-irrigated vegetation, or landscaping that is exempt pursuant to Municipal Code Section 17.40.020.D.
17. A valid building permit and a permit from the Mammoth Lakes Fire Protection District are required before any building can begin on-site.
18. 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.

19. 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

20. Prior to issuance of a building permit for the project, the associated Lot Line Adjustment LLA-21-007 shall be recorded with the Mono County Recorder's office.
21. Revegetation of the disturbed areas of the site as shown on the proposed landscape plan (Sheet A7) shall be completed prior to issuance of a certificate of occupancy for the approved structure.
22. The applicant shall specify the use of Low E - 340 (or comparable) window and door glass to provide effective solar and glare control. This shall be verified prior to issuance of a Building Permit.
23. No snow shall not shed or be deposited within areas on north side of the structure, 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 as indicated on the approved site plan. 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.