

Recording Requested by and
When Recorded Mail To:

Town of Mammoth Lakes
Community & 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 2022-14

**A RESOLUTION OF THE MAMMOTH LAKES PLANNING AND
ECONOMIC DEVELOPMENT COMMISSION APPROVING
VARIANCE 22-001
TO ALLOW A ZERO-FOOT FRONT YARD SETBACK
FOR CONSTRUCTION OF A DETACHED SINGLE-CAR GARAGE
FOR AN EXISTING SINGLE-FAMILY RESIDENCE
LOCATED AT 31 MALA ULICE
(APN: 031-080-026-000)**

WHEREAS, a request for consideration of a Variance (VAR 22-001) was filed by the property owner, Dotan Saguy, to allow a zero-foot front yard setback for the construction of a detached, single-car garage 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 31 Mala Ulice; and

WHEREAS, the Planning and Economic Development Commission conducted a noticed public hearing on the application request on May 11, 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: five (5) sheets labeled A001, A004, A102, A102, A201, and A202, dated April 26, 2022.

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 15301(e), Existing Facilities, because the project qualifies under subsection (e)(1) which exempts projects consisting of an addition to an existing structure that will not result in an increase of more than 50% of the floor area of the structure before the addition, or a total of 2,500 square feet, whichever is less. The size of the proposed single-car garage is 328 square feet total, and the existing structure is 1,546 square feet.

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 topography of the site, which slopes upward from the roadway at a roughly 32% slope. The slope of the property is 6-inches shy of meeting 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*. The elevation gain required for a reduced front setback is 7-feet above the elevation at the centerline of the street for all points measured twenty feet from the property line adjacent to the street. The subject site features an elevation gain of 6.5-feet and is not eligible for a reduced front setback of 5-feet. The adjacent property to the west of the site features similar topography and was able to utilize the reduced 5-foot setback for a residential garage.

The project narrative provides information regarding the reason a 0-foot setback is requested, including a description of specific development challenges that would result from moving the garage closer to the existing home in order to increase the front setback dimension. The primary reason is to avoid having to shore up the house to demolish the existing foundation and install a new retaining/foundation that extends down to the driveway level. The architect has indicated that this is a possible option, but the costs associated with that additional work are not in line with the value of the single-car garage and would make the project financially impractical.

Additionally, the existing driveway features a significant retaining wall system, and single-family residential properties are permitted one driveway, so it is preferable to utilize the existing driveway and limit the area of new site disturbance. Placement of the garage on the west side of the existing home could provide the required minimum setbacks, but it would require extensive grading, tree removal, construction of new retaining walls, relocation of a transformer and utility pedestal, and removal of the existing driveway.

- 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 a garage and the steep slope of the property, as well as the location of the existing driveway and retaining walls limit the area of the site where a new garage can be located. Therefore, allowing the proposed garage to be placed closer to the roadway does not constitute a grant of special privilege for the subject property. While the proposed variance would result in a 0-foot front setback, the existing driveway will maintain one 10' x 20' foot exterior parking space and a minimum distance of 12.3-feet between the proposed structure and the edge of roadway pavement, which is acceptable to the Public Works Department with adherence to the Conditions of Approval.

- 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 an attached two-car garage for an existing single-family residence that does not currently have enclosed parking. 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 garage construction does not include any hazardous uses or activities and the addition is consistent with what would be permitted on similar single-family residential lots. Additionally, the variance provides a more functional parking configuration for the site by providing enclosed parking with one 10' x 20' foot exterior parking space within the existing driveway. The proposed location of the garage in front of the existing structure will enable the use of the existing driveway and retaining walls resulting in preservation of a group of Jeffrey Pine trees located at the front of the property.

- 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 project will rehabilitate an existing residence by making the proposed improvements including enclosed and exterior parking that conforms to current parking requirements (*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 garage structure is a single-car garage with minimum dimensions necessary for a functional garage. The primary reason for the requested 0-foot front setback is to avoid having to shore up the house to demolish the existing foundation and install a new retaining/foundation that would extend down to the driveway level. The architect has indicated that while this option is possible, the cost of the additional work would make the project financially impractical.

Additionally, the proposed 0-foot front setback requested through this Variance application would result in a 12.36-foot distance between the edge of roadway pavement and the proposed garage structure. This distance from the edge of pavement is similar to, and in some cases, greater than other properties that have been granted a reduced 5-foot front setback for a residential garage including several examples located on John Muir Road.

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(e), Existing Facilities, because the size of the garage addition is 328 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 22-001 subject to the following conditions:
(SEE EXHIBIT “A”); and
3. Directs staff to file a Notice of Exemption.

PASSED AND ADOPTED this 11th day of May 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, Dotan Saguy, am the property owner and I do hereby attest that I have read, and agree to, the conditions of approval stipulated within this Resolution.

Dotan Saguy
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 2022-14
Case No. VAR 22-001
CONDITIONS OF APPROVAL

STANDARD PLANNING CONDITIONS

1. This approval authorizes the following: A reduced front setback of 0-feet (a 100% reduction of the required 20-foot front setback), to allow the construction of a detached single-car garage for an existing single-family residence located at 31 Mala Ulice.
2. The approved site and building plans consisting of five (5) labeled A001, A004, A102, A102, A201, and A202, dated April 26, 2022, 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. 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.
21. The grouping of three Jeffrey Pine trees identified on the site plan shall be preserved and required tree protection measures pursuant to Municipal Code Section 17.36.140.G.1.b shall be implemented prior to commencing grading or construction activities at the site.
22. 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.
23. 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.
24. 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

25. The property owner shall execute a "hold harmless" agreement with the Town, releasing the Town from any liability for damage to vehicles parked in the right of way as a result of snow removal operations or any other construction or maintenance of the ROW. At the time of application for building permit, please provide a copy of the most recent grant deed for the property to assist the Town in preparing the document. The agreement will need to be executed prior to obtaining final inspection/certificate of occupancy.
26. A 10-foot-wide non-exclusive easement to the Town for the purposes of snow storage will be required along the southerly property line adjacent to Mala Ulice, west of the building footprint. This will need to be executed prior to final inspection or certificate of occupancy.
27. Drip line trenches are required below all eaves (which do not have roof gutters or downspouts) that receive direct runoff from rooftops. See Storm Drainage Design Manual p 2-24.
28. Existing drainage patterns across the property shall be maintained.