



## Town of Mammoth Lakes

### Planning & Economic Development Commission Staff Report

Meeting Date: May 11, 2022

**AGENDA TITLE:** Public hearing and consideration of a Variance (VAR) request to permit a 0-foot front yard setback, a 100% reduction of the 20-foot front setback requirement, for the construction of a detached single-car garage located in front of an existing single-family residence at 31 Mala Ulice. The project is reviewed under Application no. VAR 22-001 and is categorically exempt from CEQA pursuant to Guidelines §15301(e), Existing Facilities.

Applicant/ Property Owner: Dotan Saguy

**REQUESTING DEPARTMENT:**

**Community & Economic Development**

Sandra Moberly, Director

Kimberly Cooke, Senior 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 Variance #VAR 22-001 with conditions as recommended by staff;
  - b. Adopt the Resolution with modifications; or
  - c. Deny the Resolution

**SUMMARY:**

Proposal:	Variance request for a 100% reduction of the required 20-foot front setback to permit the construction of a detached single-car garage located in front of an existing single-family residence on a property with a roughly 32% upward slope from the street, and where no enclosed parking currently exists.
Location:	31 Mala Ulice
Size of Property:	0.18 acre (7,863 sq. ft.)
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 31 Mala Ulice in the Residential Single-Family (RSF) zoning district. The current assessor's record indicates the existing single-family residence is approximately 1,546 square feet and was originally built in 1964. The residence does not have enclosed parking however, two exterior parking spaces are provided in a tandem configuration within an approximately 40-foot-long paved driveway along the east property line. The existing driveway was constructed on the east property line and the retaining wall on the east side of the driveway encroaches approximately 2-feet into the adjacent property.

The applicant's architect requested a site visit with Planning and Engineering staff on June 7, 2021, to discuss the possible placement of a garage on the site. The purpose of the site visit was intended to give staff a better understanding of the slope of the site, the layout of existing structures and retaining walls, and to narrow down the options for construction of a garage on the property. During the site visit, the project architect demonstrated to staff that the slope of the site is 6-inches shy of meeting the minimum slope to permit 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 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, so it was determined that a Variance application would be required for a reduction of the front setback.

The Variance application (VAR 22-001) was submitted on January 4, 2022, requesting a 100% reduction in the required 20-foot front setback for the proposed detached single-car garage.

The public notice for this item was published in The Sheet on Saturday, April 30<sup>th</sup> and Saturday, May 7<sup>th</sup>. Notices were mailed on Tuesday, April 26<sup>th</sup> to a total of 82 property owners within a 300-foot radius of the site.

### Project Proposal:

As described above, the Variance application requests a 100% reduction of the front setback to allow a 0-foot front setback for a detached single-car garage located in front of the existing single-family home. The interior dimensions of the proposed garage are 22-feet 9-inches in depth and 13-feet in width. The total size of the garage structure is 328 square feet (See **Attachment B** for proposed site plan).

The placement of the proposed garage on the site utilizes the existing retaining wall system located on the east and north sides of the driveway. The existing retaining wall located on the west side of the driveway would be removed in conjunction with the garage construction. The architect for the project provided an explanation of specific development challenges that would result from moving the garage closer to the existing home, which would include the need to shore up the house to demolish the existing foundation and install a new retaining/foundation that extends to the driveway level. The architect indicated that this is a possible option, but the costs associated with that additional work are not in line with the value of a single-car garage and would be financially impractical.

The project narrative indicates that the slope of the lot is 6-inches shy of the minimum elevation gain required to allow a reduced front setback of 5-feet for a residential garage (per M.C. §17.20.030.B). 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.

Engineering staff has reviewed the application and is supportive of the Variance with the incorporation of Conditions of approval that require the property owner execute a “hold harmless” agreement with the Town, releasing the Town from any liability for damage to vehicles parked within the right-of-way (ROW) as a result of snow removal operations or any other construction or maintenance of the ROW. Additionally, a 10-foot-wide nonexclusive easement to the Town would be required for purposes of snow storage along the southerly property line adjacent to Mala Ulice, west of the building footprint. (Please see Condition of Approval #25 and 26 in the PEDC Resolution included as **Attachment A**).

The garage footprint was shifted 2-feet to the west on the site in response to review comments provided to the architect, to ensure that an exterior 10-foot by 20-foot parking space would be maintained on the property in the event that the retaining wall on the east side of the driveway was removed. Currently the retaining wall encroaches 2-feet into the neighboring property, so staff could not consider the area on that property into the overall width of the required exterior parking space.

The proposed design of the garage is compatible with the design of the existing home and is similar to the garage design on the adjacent property to the west, in that the garage features a flat roof with a roof deck that is incorporated into the existing front deck of the home (**Figures 1 and 2**). The garage design features a single-car garage door, one pedestrian door, and rock siding on the east facing wall. The overall height of the garage is 15 feet including the height of the proposed deck railing.

FIGURE 1

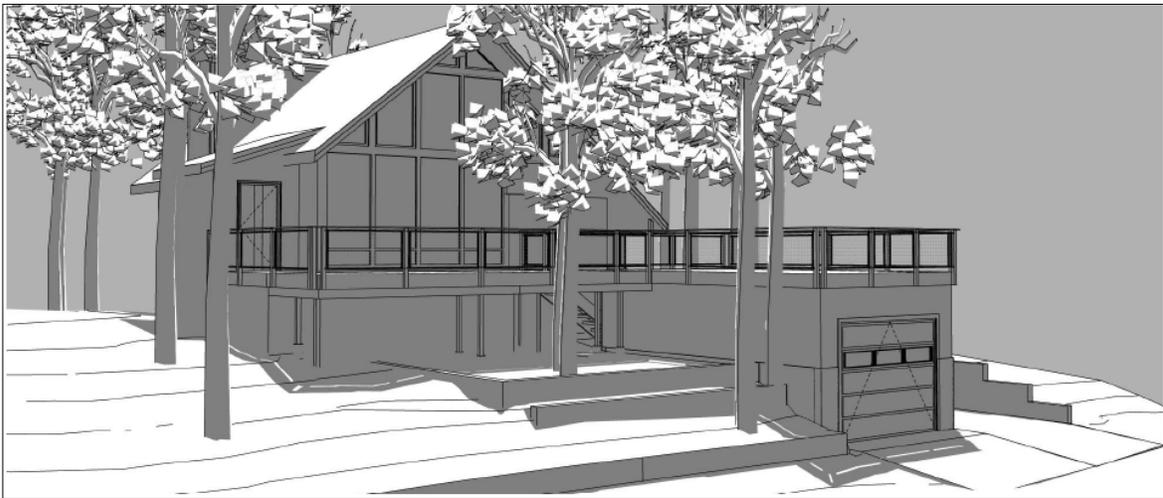
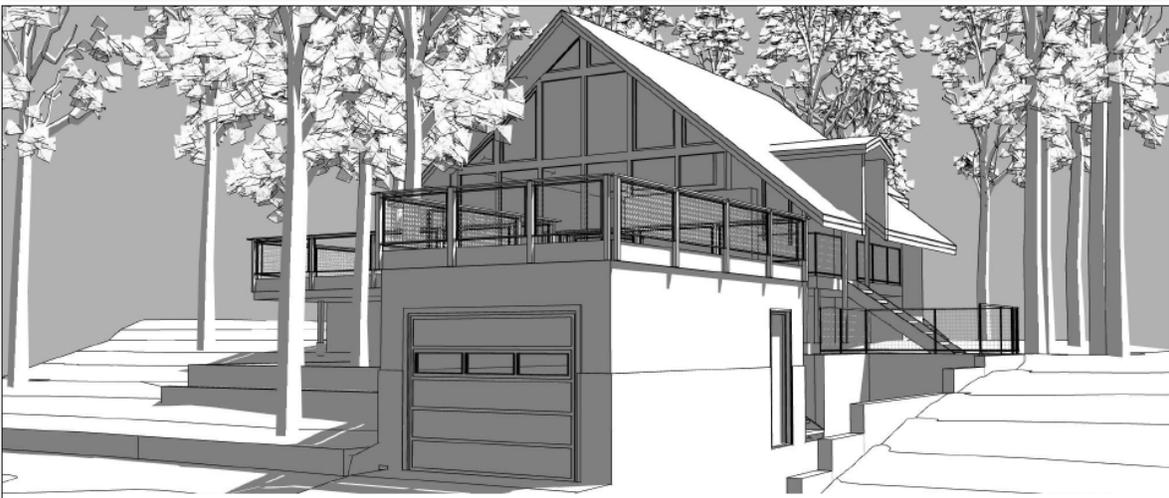


FIGURE 2



Additionally, the proposed location of the garage enables the preservation of the greatest number of existing Jeffrey Pine trees on the site, in that one tree would be removed but three others would be preserved. Condition of Approval #21 requires that the Jeffrey Pine trees located on the west side of the structure be protected during construction of the proposed garage.

### 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. See **Figure 3** below for a map showing the site location and surrounding context. **Table 1** further describes the surrounding land uses and zoning.

**FIGURE 3 – PROJECT SITE**



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

Location	Zoning*	Land Use	Special Considerations
North	RSF	Single-family residence	None
South	RSF	Single-family residence	Across the Street
East	RSF	Single-family residence	None
West	RSF	Single-family residence	Reduced front setback of 5-feet for garage

\*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 quarters 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 a garage addition 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: Existing Land Use: Single-family residence		Permits Required: Variance for a 100% reduction of the 20-foot front setback	
Development Standards			
Standard	Required/Allowed	Proposed/Provided	Complies?
Setbacks			
Front yard (feet)	20 feet	0-Feet	Variance Requested (See analysis below)
East side yard (feet)	10 feet	10 feet	Yes
West side yard (feet)	10 feet	18 feet	Yes
Rear yard (feet)	10 feet	26 feet	Yes

Lot Coverage	40%	32%	Yes
Building Height	35 feet	11-feet 2-inches	Yes
Snow Storage	75% of driveway area (300 sq.ft.)	100% of driveway area (400 sq.ft.)	Yes
Parking Spaces	2 enclosed 1 exterior	1 enclosed 1 exterior	Existing nonconforming parking condition reduced with garage addition

**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>“Sustainability and continuity of our unique relationship with the natural environment”</i>	The location of the proposed garage requires the removal of one tree. Three other mature trees within the cluster will be preserved. The proposed garage location results in the fewest number of trees removed and utilizes an area of the site that has previously been graded.
<i>“Adequate and appropriate housing that residents and workers can afford”</i>	Approval of the requested Variance application would enable the property owner to add an enclosed parking space for the property without requiring more extensive shoring up of the house in order to demolish the existing foundation and install a new retaining/foundation. The proposed Variance would enable the property owner to build an enclosed parking space without excessive costs associated with shoring up the existing house.
<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 in that the existing retained driveway is utilized, and a grouping of native Jeffrey Pine trees can be preserved within the front yard.
Policy C.2.O: Site development adjustments may be considered to preserve significant groups of trees or individual specimens.	The Variance request and proposed garage placement results in the preservation of the greatest number of existing Jeffrey Pine trees on the site compared with alternative locations.
Policy C.2.V: Building height, massing and scale shall complement neighboring land uses and preserve views to the surrounding mountains.	Proposed building height and massing are similar to the heights and massing of surrounding single-family homes in the neighborhood. The tallest point on the addition is 15 feet in height including the deck railing. This overall height complies with the 15-foot building height limitation for garages that are granted a reduced front setback on steep upsloping lots.
Policy L.2.C. Rehabilitate existing housing.	With approval of the variance, the proposed garage addition will provide the existing home a functional single-car garage and one exterior parking space that conforms to the Town Standards for both interior and exterior parking space dimensions.

**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?**

Variations 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 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, 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.

**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 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.

**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 an attached single-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.

**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 garage construction does not include any hazardous uses or activities and a garage

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, which results in the preservation of a group of Jeffrey Pine trees located at the front of the property.

**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 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.

**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 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 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.

**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(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).

**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(e), 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), the Mammoth Community Water District (MCWD). No comments were received that result in any additional conditions of approval for the project.

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 Variance #VAR 22-001 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