

RESOLUTION NO. PEDC 2023-02

**A RESOLUTION OF THE MAMMOTH LAKES PLANNING AND
ECONOMIC DEVELOPMENT COMMISSION
RECOMMENDING TO THE TOWN COUNCIL APPROVAL OF
ZONING CODE AMENDMENT 23-001 TO MODIFY THE
ZONING CODE STANDARDS FOR ACCESSORY DWELLING UNITS,
CHILD DAY CARE FACILITIES, AND WATER EFFICIENT LANDSCAPE
REGULATIONS**

WHEREAS, a request for consideration of a Zoning Code Amendment was filed by the Town of Mammoth Lakes to amend the development and land use standards applicable to the following sections of the zoning code:

- Section 17.52.055 (Accessory Dwelling Units) to revise height limits and reduce front setback requirements for accessory dwelling units (ADUs). This amendment will achieve compliance with State Legislative requirements imposed by Senate Bill 897 and Assembly Bill 2221.
- Section 17.52.100 (Child Day Care Facilities) to achieve compliance with the State legislative requirements imposed by Senate Bill SB 234 and clarify the standards applicable to the different categories of Child Care Facilities.
- Chapter 17.40 (Water Efficient Landscape Regulations), to incorporate wildfire mitigation landscape standards applicable to new and rehabilitated landscape projects in accordance with General Plan Health and Safety Element Action Items S.5.A.2, S.5.A.3, and S.6.F.2.; and

WHEREAS, the proposed amendments to Municipal Code Title 17, are in accordance with Chapter 17.112 of the Town of Mammoth Lakes Municipal Code; and

WHEREAS, the Planning and Economic Development Commission conducted a duly noticed public hearing on the application request on February 14, 2023, at which time the public hearing was opened and 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 Municipal Code;
3. Oral evidence submitted at the hearing; and
4. Written evidence submitted at the hearing.

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

SECTION 1. FINDINGS.

1. CEQA.

- a. Public Resources Code section 21083.3 and State CEQA Guidelines section 15183(c) mandate that projects consistent with the development densities established by existing zoning, community plan or General Plan policies for which an environmental impact report was certified shall not require additional environmental review except as might be necessary to examine whether there are significant environmental impacts peculiar to the project or otherwise not previously analyzed.

Based on the staff report, which is incorporated by reference including its attachments, the General Plan, the Zoning Code, and all other evidence contained in the administrative record for this project, the PEDC finds that the amendments to the Zoning Code are: (1) consistent with the development densities established by the General Plan; (2) do not have the potential to result in impacts peculiar to the project; (3) there are no other potential impacts of this amendment to the Zoning Code that were not addressed in the General Plan EIR; (4) there are no potentially significant off-site or cumulative impacts posed by this amendment to the Zoning Code that were not addressed in the General Plan EIR; and (5) substantial new information has not come to light that shows that impacts previously addressed will be more significant than described in the General Plan EIR.

Therefore, under Public Resources Code section 21083.3 and State CEQA Guidelines section 15183(c), no additional EIR or other environmental analysis is required.

2. MUNICIPAL CODE FINDINGS.

FINDINGS FOR ZONING CODE AMENDMENT

(Municipal Code Section 17.112.060)

- a. **The proposed amendment is internally consistent with all other provisions of the General Plan and any applicable specific plan or master plan;**

The proposed zoning code amendment maintains consistency with the General Plan because the scope of the proposed amendments are intended to update existing standards applicable to accessory dwelling units and child day care facilities, to reflect changes in State Law. The proposed amendments to these sections of the zoning code also include the addition of clarifications where appropriate.

The proposed amendments to Chapter 17.40 - Water Efficient Landscape Regulations, implement three action items of the General Plan Public Health and Safety Element, which results in improved consistency between the Zoning Code and the General Plan.

- b. **The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the town; and**

The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town because the proposed amendment does not substantively alter the policies and intent of the General Plan or the Zoning Code

and will provide increased transparency, for the public in understanding the standards that apply to accessory dwelling units, child day care facilities, as well as new and rehabilitated landscape projects.

The proposed amendments implement improvements to the public health and safety by providing greater flexibility in establishing or expanding State licensed child day care homes, and by adopting more flexible standards that promote the development of accessory dwelling units. The amendments to the water efficient landscape regulations also result in better implementation of wildfire risk-reduction strategies applicable to new and rehabilitated landscape areas on private property.

c. The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA); and

The Public Resources Code section 21083.3 and State CEQA Guidelines section 15183 mandate that projects consistent with the development densities established by existing zoning, community plan or General Plan policies for which an environmental impact report was certified shall not require additional environmental review except as might be necessary to examine whether there are significant environmental impacts peculiar to the project or otherwise not previously analyzed.

Based on this staff report, including its attachments, the General Plan, the Zoning Code, and all other evidence contained in the administrative record for this project, the PEDC Resolution (Attachment 1) finds that the amendments to the Zoning Code are: (1) consistent with the development densities established by the General Plan; (2) do not have the potential to result in impacts peculiar to the project; (3) there are no other potential impacts of this amendment to the Zoning Code that was not addressed in the General Plan EIR; (4) there are no potentially significant off-site or cumulative impacts posed by this amendment to the Zoning Code that were not addressed in the General Plan EIR; and (5) substantial new information has not come to light that shows that impacts previously addressed will be more significant than described in the General Plan EIR.

Therefore, under Public Resources Code section 21083.3 and State CEQA Guidelines section 15183(c), no additional EIR or other environmental analysis is required.

d. Additional finding for Zoning Code Amendments: The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

The proposed zoning code amendment is intended to incorporate State mandated changes to specific development standards that may be applied to accessory dwelling units, as well as State mandated changes to land use standards that may be applied to child day care facilities. The scope of the text amendments results in clarification of existing standards, corrects minor errors and omissions, and increases flexibility within Sections 17.52.055, "Accessory Dwelling Units," and 17.52.100, "Child Care Facilities." The changes to these sections do not result in a conflict with any other provision of the Zoning Code.

The proposed amendment to the water efficient landscape regulations more clearly defines application and review requirements, and applicable landscape design standards which includes defensible space requirements within Chapter 17.40, "Water Efficient Landscape Regulations" in accordance with existing goals, policies and actions included in the Public Health and Safety Element of the General Plan. This proposed amendment improves the Town's ability to ensure that wildfire risk reduction

strategies are incorporated into new and rehabilitated landscape projects on private property, which works in tandem with other applicable provisions of the Zoning Code.

SECTION 2. PLANNING AND ECONOMIC DEVELOPMENT COMMISSION ACTIONS.

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

1. Recommends that the Town Council finds that this project is exempt pursuant to Public Resources Code Section 21083.3 and State CEQA Guidelines Section 15183(c) and directs staff to file a Notice of Exemption; and
2. Recommends to the Town Council approval of Zoning Code Amendment 23-001 as described in Exhibits “A”, “B” and “C”.

PASSED AND ADOPTED this 14th day of February 2023, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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.

EXHIBIT “A”

Resolution No. PEDC 2023-02

Case No. ZCA 23-001

Amendments to the Zoning Code

(Additions are shown in Blue Underline text and deletions are shown in ~~Red-Strikeout text~~)

17.52.055 Accessory Dwelling Units (ADUs)

- A. **Purpose and Applicability.** This Section establishes standards for the development and operation of Accessory Dwelling Units (*previously known as second dwelling units and hereafter referred to as “ADUs”*) where allowed by Article II (Zoning Districts and Allowable Land Uses) and consistent with Government Code Section 65852.2 and 65852.22. An ADU that conforms to the development standards described herein is deemed to be an accessory use and the accessory dwelling unit(s) shall not count towards the overall density for the lot upon which it is located.
- B. **General Requirements.** All ADUs shall be subject to the following requirements:
1. **Primary Dwelling.** ADUs are permitted as an accessory use only on lots or parcels containing a primary dwelling unit. If being constructed simultaneously with the primary dwelling unit, a certificate of occupancy for the ADU shall not be issued prior to the issuance of a certificate of occupancy for the primary dwelling unit.
 2. **Types of ADUs**
 - a. **Attached ADU.** An ADU that is constructed as a physical expansion of an existing single-family dwelling and maintains at least one (1) wall in common with the existing single-family dwelling.
 - b. **Interior ADU.** An ADU that is either: (a) constructed within a new single-family dwelling unit; or (b) converted from existing space within the structure of an existing single-family or multi-family dwelling.
 - c. **Detached ADU.** An ADU that is located in a separate structure from the primary dwelling and does not share a common wall with the primary dwelling.
 - d. **Junior ADU (JADU).** An ADU that is restricted to no more than five hundred (500) square feet in size and is contained entirely within a single-family dwelling.
 3. **Occupancy and Rental Requirements.**
 - a. **Short-term rental restriction.** The short-term rental of an ADU for a period of thirty consecutive days or less is prohibited for all ADUs.
 - b. **Owner occupancy.** There are no owner-occupancy restrictions for long-term rentals of either the primary dwelling or the ADU for terms longer than 30 days. On a parcel with a primary dwelling unit and a JADU, the owner-occupancy restrictions specified in Subsection C.5.d (JADU Occupancy Requirements) shall apply.

4. ***Sale of Unit Prohibited.*** No ADU shall be sold or otherwise conveyed separately from the primary dwelling unit.
5. ***Minimum Floor Area.*** An ADU shall have a minimum gross floor area of 150 square feet or the minimum required for an efficiency dwelling unit as defined in Section 17958.1 of the Health and Safety Code.
6. ***Required Facilities.*** All ADUs shall contain the following:
 - a. ***Kitchen.*** A kitchen separate from the primary dwelling unit, consistent with the definition of a kitchen specified in Chapter 17.148 of this Code; and
 - b. ***Bathroom.*** A bathroom separate from the primary dwelling unit. JADUs may share bathroom facilities with the primary dwelling unit, so long as unrestricted interior access to the bathroom facility is always available.
7. ***Design Standards***
 - a. ***Roof design and materials.*** When an ADU is constructed with reduced side or rear yard setbacks, where allowed by this Section, the pitch of any portion of the roof within the reduced setback area shall not be directed towards the side or rear property line(s), or the structure shall have a non-shedding roof material and/or an engineered snowslide restraint device for the life of the structure.
 - b. ***Architectural Projections.*** When an ADU is constructed with reduced side or rear yard setbacks, where allowed by this Section, no portion of the structure, including the architectural features specified in Table 17.36.100 (Allowed Projections into Setbacks), shall be located closer than four (4) feet to the side and rear property lines.
8. ***Parking.***
 - a. No parking is required for an ADU.
 - b. If a garage, carport, or covered parking structure providing required parking for a primary dwelling unit is demolished in conjunction with the construction of an ADU, or converted to an ADU, replacement parking for the lost off-street parking is not required.
 - c. To encourage the provision of parking for ADUs, one (1) additional on-site parking space for properties with an ADU may be located within a setback area, provided that the following criteria are met:
 - i. The maximum lot coverage allowance for the applicable zoning district is not exceeded;
 - ii. Snow storage on the property complies with the size and location requirements specified in Section 17.36.110 (Snow Storage);
 - iii. The additional parking area is setback a minimum of five (5) feet from side property lines;

- iv. The additional parking area shall be accessed by the same driveway as the primary dwelling unless a second driveway is approved pursuant to the “Residential Driveway Standards” for a second driveway specified in the Public Works Town Standards; and
 - v. Use of the setback to provide additional parking for an ADU shall require the property owner to indemnify and hold harmless the Town from any action or expense, including damage to vehicles as a result of snow removal, that may occur as a result of the use of the setback for parking.
 - d. Nothing within this Section shall be deemed to permit on-street parking during any time when such parking is prohibited, including the on-street winter parking prohibition throughout Town from November 1 to April 30 (Section 10.12.100).
 - 9. ***Building Code Requirements.*** Each ADU shall obtain a building permit from the Town and shall be constructed in compliance with all applicable California Building Standards Code and Mammoth Lakes Fire Protection District Code requirements.
 - a. *Fire sprinklers.* An ADU is not required to have fire sprinklers if sprinklers are not required for the primary dwelling unit.
 - b. *Manufactured home.* A manufactured or modular unit that is permanently attached to a foundation and that complies with the California Building Standards Code may be used as an ADU in compliance with this section. A mobile home, recreational vehicle, or other movable habitable space (e.g., park model home, tiny home, etc.) that does not comply with the California Building Standards Code shall not be used as an ADU, unless it is modified to meet the aforementioned standards.
 - 10. ***Illegal ADUs.*** This Section shall not validate any existing illegal ADUs, including unpermitted ADUs. To convert an illegal ADU to a legal, conforming unit, the standards and requirements for the conversion shall be the same as for a new ADU. For any illegal ADU built before January 1, 2020, upon an owner’s request, the city’s building official shall delay enforcing any building standards if the building official determines that correcting the violation is not necessary to protect health and safety. This provision shall sunset on January 1, 2025.
 - 11. ***Deed restriction.*** Prior to issuance of a temporary or final certificate of occupancy for the ADU, recordation of a deed restriction in a form approved by the Town ensuring ongoing compliance with the applicable provisions of this Section shall occur.
 - 12. ***ADU Removal.*** If an ADU is removed or converted to another use after a certificate of occupancy has been issued for the ADU, any deviations from development standards (e.g., setbacks, lot coverage, parking) or exemptions granted specific to the ADU use (e.g., reduced or exempt fees) shall be brought into compliance with the standards and regulations in effect at the time. Upon approval of the reversion request by the Town, the deed restriction applicable to the ADU shall be rescinded from title.
- C. **Requirements for ADUs Constructed on Lots with Single-Family Dwellings.** In Zoning Districts where single-family residential uses are permitted and where an ADU is constructed on a lot or parcel containing an existing or proposed single-family dwelling, the following requirements shall apply in addition to the General Requirements specified in Section B above.

1. ***Number of Accessory Dwelling Units (ADUs) Allowed.***
 - a. Where ADUs are permitted, in addition to the primary unit a property owner may construct one (1) ADU that is either Interior, Attached, or Detached.
 - b. On properties with either a primary single-family dwelling or a primary single-family dwelling and a detached ADU not exceeding 800 square feet in size, one additional Junior Accessory Dwelling Unit (JADU) is permitted consistent with Section C.5 below.

2. ***Interior Accessory Dwelling Units***

- a. *Access.*
 - i. Interior ADUs shall have exterior access separate from the main entrance to the primary dwelling unit.
 - ii. Interior access between the Interior ADU and the primary dwelling unit shall be prohibited. An Interior ADU may have access to an attached garage only if the garage is entirely dedicated for use by residents of the ADU and if the garage is not accessible to the primary dwelling unit.

In the event practical difficulties and/or hardships result from the strict enforcement of the interior access prohibition, the Director may grant an exception to this requirement if it is determined that:

- (1) The existing building design makes it impractical to close off the interior access or there is a substantial cost or other hardship associated with closing off the interior access; and
- (2) It can be demonstrated that the unit will function as a complete independent living facility regardless of the provision of interior access.

The exemption request shall include any information determined necessary by the Director to make those determinations.

- b. *Maximum Size.* The gross floor area of the Interior ADU shall not exceed the greater of 50 percent of the primary dwelling habitable space or 850 square feet for a studio or one-bedroom unit or 1,000 square feet for a unit with more than one-bedroom, not to exceed 1,200 square feet.
- c. *Expansion for Ingress/Egress.* Interior ADUs located within an existing single-family dwelling may include an expansion of the existing structure of up to 150 square feet for the purpose of accommodating ingress or egress to/from the ADU, provided that the expansion area is non-habitable space and not fully enclosed (e.g., front porch, covered stairway, breezeway, wheelchair ramp). This space:
 - i. shall be excluded from lot coverage limitations applicable to the property; and
 - ii. may encroach into required side or rear yard setbacks, but shall maintain a minimum setback of four (4) feet from the side and rear property lines.

- d. *New Construction.* When an Interior ADU is constructed concurrently with a new single-family dwelling, the following shall apply in addition to the other standards in this Section:
 - i. lot coverage limitations shall not preclude the development of a maximum 800 square foot ADU; and
 - ii. portions of an Interior ADU constructed as part of a new single-family dwelling that do not exceed 16 feet in exterior building height may encroach into required side or rear yard setbacks, but shall maintain a minimum setback of four (4) feet from the side and rear property lines. Any portion of an Interior ADU that exceeds 16 feet in exterior building height shall comply with the standard side and rear yard setbacks applicable to the property.

3. ***Attached Accessory Dwelling Units***

- a. *Access.*
 - i. Attached ADUs shall have exterior access separate from the main entrance to the primary dwelling unit.
 - ii. Interior access between the Attached ADU and the primary dwelling unit shall be prohibited. An Attached ADU may have access to an attached garage only if the garage is entirely dedicated for use by residents of the ADU and if the garage is not accessible to the primary dwelling unit.

In the event practical difficulties and/or hardships result from the strict enforcement of the interior access prohibition, the Director may grant an exception to this requirement if it is determined that:

- (1) The existing building design makes it impractical to close off the interior access or there is a substantial cost or other hardship associated with closing off the interior access; and
- (2) It can be demonstrated that the unit will function as a complete independent living facility regardless of the provision of interior access.

The exemption request shall include any information determined necessary by the Director to make those determinations.

- b. *Maximum Size.* The gross floor area of the Attached ADU shall not exceed the greater of 50 percent of the primary dwelling habitable space or 850 square feet for a studio or one-bedroom unit or 1,000 square feet for a unit with more than one-bedroom, not to exceed 1,200 square feet.
- c. *Rear and Side Setbacks and Height.* Portions of an Attached ADU that do not exceed ~~25~~¹⁶ feet in exterior building height may encroach into required side or rear yard setbacks but shall maintain a minimum setback of four (4) feet from the side and rear property lines. Any portion of an Attached ADU that exceeds ~~25~~¹⁶ feet in exterior building height shall comply with the standard side and rear yard setbacks applicable to the property.

- d. [Front Setback. A minimum front setback standard shall not be applied if it would prohibit construction of an ADU, where there is no other feasible location on a parcel to allow for construction of an 800 square foot ADU that meets height limits and complies with four-foot side and rear setbacks.](#)
- e. *Lot Coverage.* Lot coverage limitations shall not preclude the development of a maximum 800 square foot Attached ADU. Attached ADUs that exceed 800 square feet in gross floor area shall comply with the lot coverage limitation applicable to the property.

4. ***Detached Accessory Dwelling Units***

- a. *Maximum Size.* A Detached ADU shall not exceed 1,200 square feet in gross floor area. Detached ADUs located on a lot that contains a JADU shall not exceed 800 square feet in gross floor area.
- b. [Side and Rear Setbacks and Height.](#) Portions of a Detached ADU that do not exceed 18~~6~~ feet in exterior building height may encroach into required side or rear yard setbacks, but shall maintain a minimum setback of four (4) feet from the side and rear property lines. Any portion of a Detached ADU that exceeds 18~~6~~-feet in exterior building height shall comply with the standard side and rear yard setbacks applicable to the property. [A Detached ADU can be up to two feet taller \(for a maximum of 20 feet\) if necessary to match the roof pitch of the ADU to that of the main house.](#)
- c. *Front Setback.* Front setback requirements cannot be used to prohibit construction of an ADU, where there is no other alternative to allow for construction of an 800 square foot ADU that meets height limits and complies with four foot side and rear setbacks.
- d. *Lot Coverage.* Lot coverage limitations shall not preclude the development of a maximum 800 square foot Detached ADU. Detached ADUs that exceed 800 square feet in gross floor area shall comply with the lot coverage limitation applicable to the property.
- e. *Legal Nonconforming Setbacks for Conversions of Existing Structures.* A legal nonconforming structure that is converted to a Detached ADU, or partially or completely demolished and replaced with a new Detached ADU structure, shall be in the same location and shall not exceed the dimensions of the original structure, including footprint, floor area, and height. The maximum gross floor area of the Detached ADU shall not exceed the size limitation specified above.

5. ***Junior Accessory Dwelling Units (JADU)***

- a. *Access.*
 - i. JADUs shall have exterior access separate from the main entrance to the primary dwelling unit.
 - ii. Interior Access from the JADU to the primary dwelling unit may be maintained; however, if the required bathroom facilities are shared with

the primary dwelling unit, unrestricted interior access to the bathroom facility is required at all times. If interior access is maintained, the tenant of the JADU shall be able to lock the shared door from the interior of the JADU for privacy.

- b. *Maximum Size.* The gross floor area of the JADU shall not exceed 500 square feet and must be contained entirely within a single-family dwelling. No expansion of the single-family dwelling is permitted for the purposes of accommodating a JADU, except in instances where the expansion area complies with all general development standards applicable to the property.
- c. *Owner Occupancy Restriction.* On a parcel with a primary dwelling unit and a JADU, only one (1) of the units may be rented on a long-term basis, and the owner must use the remaining portion of the primary dwelling or the JADU as their primary or seasonal residence. In instances when there is both a Detached ADU and a primary dwelling unit with a JADU, the owner occupancy requirement described herein shall only apply to the primary dwelling unit or the JADU.

D. **Requirements for ADUs Constructed on Lots with Multi-Family Dwellings.** In Zoning Districts where multi-family residential uses are permitted and where an ADU is constructed on a lot or parcel containing an existing multi-family residential use, the following requirements shall apply in addition to the General Requirements specified in Section B above.

1. ***Number of Accessory Dwelling Units (ADUs) Allowed.***

- a. A maximum of two (2) Detached ADUs; and/or
- b. One (1) Interior ADU per existing multi-family residential structure or a number of Interior ADUs equal to 25 percent of the existing multi-family dwelling unit count, whichever is greater.

2. ***Detached Accessory Dwelling Units (ADU)***

- a. *Maximum Size.* The gross floor area of a Detached ADU shall not exceed 1,200 square feet.
- b. *Rear and Side Setbacks and Height.* Portions of a Detached ADU on a parcel developed with one or more multi-family dwellings that do not exceed 186 feet in exterior building height may encroach into required side or rear yard setbacks, but shall maintain a minimum setback of four (4) feet from the side and rear property lines. Any portion of a Detached ADU that exceeds 186-feet in exterior building height shall comply with the standard side and rear yard setbacks applicable to the property.

b.c. *Front Setback. A minimum front setback standard shall not be applied if it would prohibit construction of an ADU, where there is no other feasible location to allow for construction of an 800 square foot ADU that meets height limits and complies with four foot side and rear setbacks.*

e.d. *Lot Coverage and Floor Area Ratio (FAR).* Lot coverage limitations or floor area ratio (FAR) limitations, where applicable, shall not preclude the development of a

maximum of two (2) 800 square foot Detached ADU units. Detached ADUs that exceed 800 square feet in gross floor area shall comply with the lot coverage limitation or the FAR limitation applicable to the property.

d.e. *Legal Nonconforming Setbacks for Conversions of Existing Structures.* A legal nonconforming structure that is converted to a Detached ADU or partially or completely demolished and replaced with a new Detached ADU structure shall be in the same location and shall not exceed the dimensions of the original structure, including footprint, floor area, and height. The maximum gross floor area of the Detached ADU shall not exceed the size limitation specified above.

3. ***Interior Accessory Dwelling Units (ADU)***

a. *Space Requirements.* Non-habitable spaces (e.g., storage rooms, boiler rooms, passageways, attics, basements, garages, etc.) within existing multi-family residential structures may be converted to Interior ADUs, provided that the size of the unit complies with the minimum floor area specified in Section B.5 above and the space complies with the State building standards for a dwelling. No expansion of the multi-family residential structure(s) is permitted for the purposes of accommodating an ADU.

EXHIBIT “B”

Resolution No. PEDC 2023-02

Case No. ZCA 23-001

Amendments to the Zoning Code

(Additions are shown in Blue Underline Text and deletions are shown in ~~Red Strikeout Text~~)

17.52.100 Child Day Care Facilities

Where allowed by Article II (Zoning Districts and Allowable Land Uses), child day care facilities shall comply with the standards in this section. This Section establishes standards for child day care facilities in compliance with State law (Health and Safety Code Sections 1596.70 et seq. and 1597.30 et seq.), in a manner that recognizes the needs of childcare operators and minimizes the effects on surrounding properties. These standards apply in addition to the other provisions of this Code and requirements imposed by the California State Department of Social Services. Child day care facilities shall meet all requirements of the California Building Standards Code and California Fire Code.

A. General requirements for all Child Day Care Facilities.

1. ***State licensing.*** Licensing by the California State Department of Social Services is required for all child day care facilities. The California Department of Social Services, Community Care Licensing Division (CCLD) evaluates family child care homes and determines whether they meet the health and safety requirements in order to be licensed by CCLD. CCLD also conducts ongoing, unannounced inspections of all family child care homes and ensures child care providers meet the training requirements to care for children.
2. ***Noise.*** Child day care facilities shall comply with interior and exterior noise standards specified in Chapter 8.16 (Noise Regulation). Additionally, child day care facilities in residential zones shall operate only from 6 a.m. to 8 p.m. and may only conduct outdoor activities between the hours of 7 a.m. and 7 p.m.
3. ***Signs.*** Signs advertising a child day care facility in any residential zone shall be prohibited. Signs advertising a child day care facility in zones other than residential zones shall be consistent with Chapter 17.48 (Signs).

~~**B. Standards for large family day care.** A large family day care is a facility in a single dwelling where an occupant of the residence provides family day care for seven to 14 children, including children under the age of 10 years who reside in the home.~~

1. ~~***Primary use as a residence required.*** The large family day care home shall be the principal residence of the day care provider, and the child care use shall be secondary to the use of the property as a residence.~~
2. ~~***On-site parking.*** In addition to the minimum on-site parking requirements for the residential use, one additional on-site parking space exclusively for the dropping off and picking up children, and one additional parking space for each employee not residing on the site shall be provided.~~

3. ~~**Fire protection.** The facility shall meet fire and life safety standards established by the State Fire Marshal for large family day care homes.~~
4. ~~**Outdoor activity areas.**~~
 - a. ~~**Location.** Outside activity areas shall not be located in the front or street side setback area.~~
 - b. ~~**Fencing.** Outside activity areas shall be fenced and equipped with a self-closing and latching gate.~~
 - c. ~~**Snowshed.** Outside activity areas used during winter conditions must be set back a minimum of 10 feet from snowshed impact areas of buildings on or off site as defined in Title 15 of the Municipal Code. No permitted reduction of snowshed impact areas will be considered in establishing this setback.~~

B. **Standards for small and large family day care homes.** A small family day care is a facility in a single dwelling-residence where an occupant of the residence provides family day care for eight or fewer children, including children under the age of 10 years who reside in the home. A large family day care is a facility is a single dwelling where an occupant of the residence provides family day care for seven to 14 children, including children under the age of 10 years who reside in the home. The following standards shall apply to small and large family day care facilities.

1. **Primary use as a residence required.** The small family day care home shall be the principal residence of the day care provider, and the child care use shall be secondary to the use of the property as a residence. A single dwelling includes single-family homes, apartments, condos, townhouses, duplexes, and all other multi-family buildings (Group R-2 & R-3 occupancies).
2. **Fire protection.** The facility shall meet fire and life safety standards established by the State Fire Marshal for small and large family day care homes.
3. **No Town license, land use/zoning permit, tax, or fee required.** The Town shall not impose any business license, land use or zoning permit, fee, or tax for the privilege of operating a State licensed small or large family day care home consistent with State law.

C. **Standards for child day care centers.** The following standards shall apply to child day care centers.

1. ~~**Large family day care standards apply.** The standards in Subsection 17.52.100.B. (Standards for large family day care), above, shall also apply to child day care centers.~~
1. **Fire protection.** The facility shall meet fire and life safety standards established by the State Fire Marshal for Child Day Care Centers.
2. **On-site parking.** On-site parking provided shall be a minimum of one on-site parking space per each full-time employee equivalent, plus one on-site parking space for each five children authorized by the State license.

3. *Outdoor Activity Areas and Snowshed.* Outside activity areas used during winter conditions must be set back a minimum of 10 feet from snowshed impact areas of buildings on or off-site as defined in Title 15 of the Municipal Code. No permitted reduction of snowshed impact areas will be considered in establishing this setback.
4. ***Separation.*** No child care center shall be located within 300 feet of an existing child care center.

TABLE 17.24.020: ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL ZONING DISTRICTS				
<i>P: Permitted Use; U: Use Permit Required; A: Administrative Permit Required; - : Use Not Allowed; (#) Limitation Applies, See Footnote</i>				
<i>Land Use</i>	<i>D</i>	<i>OMR</i>	<i>MLR</i>	<i>See Specific Use Regulations:</i>
Residential Use Classifications				
Single Family Dwelling	-	-	-	
Multi-family Residential	P(1)	P(1)	P	See 17.52.210 (Multi-Family Residential Projects) See 17.52.110 (Condominium Conversions)
Assisted Living Facility	-	P(1)	P	See 17.52.260 (Residential Care and Assisted Living Facilities)
Convalescent Home	-	U(1)	-	
Emergency Housing/Shelter	-	P(1)	-	
Family Day Care Home, Small and Large	P(†)	P(†)	P	See 17.52.100 (Child Daycare Facilities)
Live/Work Unit	P(1)	P(1)	P(1)	See 17.52.110 (Condominium Conversions) See 17.52.150 (Live Work Units)
Residential Care Facility	<i>See subclassifications below</i>			
<i>General</i>	-	A(1)	A	See 17.52.260 (Residential Care and Assisted Living Facilities)
<i>Limited</i>	P(1)	P(1)	P	
Second Dwelling Unit	P	P	P	See 17.52.270 (Second Dwelling Units)
Single Room Occupancy	-	U(1)	U	
Supportive Housing	See 17.52.290 (Transitional and Supportive Housing)			
Transitional Housing	See 17.52.290 (Transitional and Supportive Housing)			
<p>Specific Limitations:</p> <ol style="list-style-type: none"> Limited to no more than 75% of the ground floor area when located along Primary and Secondary Active frontages. A minimum of 25% of the ground floor area shall be occupied by uses permitted by right or by administrative permit (i.e. active uses) and shall occupy the building or structure's frontage for a minimum depth of 20 feet (Administrative Permit required for depths less than 20 feet). Limited to establishments with a gross floor area of 5,000 square feet or less when located on the ground floor along Designated Active Frontages. Administrative Permit required if greater than 5,000 square feet. Limited to establishments with a gross floor area of 1,200 square feet or less when located on the ground floor along Designated Active Frontages. Permitted if existing, no new fueling stations allowed. Use shall be completely enclosed in a building of soundproof construction. At least 50 percent of the ground floor Designated Active Frontages shall be occupied by retail or food service uses. Limited to walk-in clientele when located on the ground floor along Designated Active Frontages. Shall be located behind buildings or in structures where other uses are located in the portion of the structure along Designated Active Frontages. Limited to establishments with a gross floor area of 5,000 square feet or less. Allowed only as accessory to a hotel or motel or other lodging use. Administrative Permit required if primary use in OMR and MLR districts. 				

EXHIBIT “B”

Resolution No. PEDC 2023-02

Case No. ZCA 23-001

Amendments to the Zoning Code

(Additions are shown in Blue Underline Text and deletions are shown in ~~Red-Strikeout Text~~)

Chapter 17.40 Water Efficient Landscape Regulations

17.40.010	Purpose
17.40.020	Applicability
17.40.030	Landscape and Irrigation Plans
17.40.040	General Requirements
17.40.050	Water Efficient Design and Compliance Options
17.40.060	Installation and Completion
17.40.070	Maintenance
17.40.080	Reporting

17.40.010 Purpose

The specific purposes of the water efficient landscape regulations are to:

- A. Implement the Water Conservation in Landscaping Act and the 2015 California Model Water Efficient Landscape Ordinance (CA MWEL0);
- B. Reduce water waste in landscaping by promoting the use of alpine region-appropriate plants that require minimal supplemental irrigation, and by establishing standards for irrigation efficiency;
- C. Establish a structure for planning, designing, installing, maintaining, and managing water efficient landscapes in new construction and rehabilitation projects;
- D. Integrate “defensible space” into all new and rehabilitated landscape projects to reduce potential wildfire impacts on private property;
- ~~D.E.~~ Promote rainwater capture and graywater use; and
- ~~E.F.~~ Promote the effective and efficient irrigation of landscapes.

17.40.020 Applicability

- A. The standards of this section apply to all of the following projects:
 - 1. New construction projects with an aggregate landscape area equal to or greater than 500 square feet.
 - 2. Rehabilitation landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet.

3. Existing landscapes that were installed before December 1, 2015 and are over one acre in size shall be subject to the provisions for existing landscapes provided for in Section 17.40.040.H.
- B. Any landscape project with an aggregate landscape area of 500 – 2,500 square feet may comply with the performance requirements of this section or conform to the prescriptive measures contained in the Water Efficient Landscape Checklist.
- C. For projects using treated or untreated graywater or rainwater captured on-site, any lot or parcel within the project that has less than 2,500 square feet of landscape and meets the lot or parcel's landscape water requirement (Estimated Total Water Use) entirely with treated or untreated graywater or through rainwater captured on-site is subject only to the irrigation system requirements of the Water Efficient Landscape Checklist.
- D. The following are exempt from the standards of this section [when an applicant submits a WELO Exemption Form attesting to one of the following](#):
 1. New construction with an aggregate landscape area less than 500 square feet.
 - ~~2.~~ [Re](#)habilitated landscape projects with an aggregate landscape area of less than 2,500 square feet.
 - ~~23.~~ Registered local, state, or federal historic sites.
 - ~~34.~~ Temporary irrigation systems utilized for three full growing seasons or less for purposes of ecological restoration, erosion/sedimentation control, and mine reclamation projects.
 - ~~45.~~ Community gardens or plant collections, as part of botanical gardens and arboretums open to the public.
 - ~~46.~~ Commercial cultivation of agricultural products, including but not limited to products of farms, orchards, production nurseries and forests.

17.40.030 Landscape and Irrigation Plans

A Landscape Documentation Package that complies with the requirements described in Section 17.40.040 shall be submitted with the permit application for all applicable projects, except for projects that are exempt pursuant to Section 17.40.020.D. When landscaping is proposed or required as part of a discretionary permit (i.e., use permit, tentative map, etc.), the application shall include a statement on the plans or a condition of approval shall be included that indicates compliance with the Town's Water Efficient landscape Regulations shall be demonstrated at the building permit phase. For discretionary permits that will not entail subsequent building or grading permits, a fully compliant Landscape Documentation Package may be required as part of the discretionary permit process. The contents of the Landscape Documentation Package shall be drawn to scale and shall demonstrate landscape water efficiency pursuant to Section 17.40.050, Water Efficient Design and Compliance Options.

17.40.040 General Requirements

A. Defensible Space

1. All Landscape projects shall include a noncombustible area at least five-feet-wide that surrounds the base of structures. This noncombustible area may incorporate noncombustible materials such as crushed rock, steppingstones, gravel, stone pavers, bare earth, irrigated herbaceous plants, or a combination of these materials. This area shall be depicted and called out on all landscape plans. This noncombustible area shall be kept free of wood mulches.
2. Utilize boulders, stone, gravel, or other noncombustible materials within the landscape to create intermittent bare spaces (fire breaks). Noncombustible landscape features and materials shall be identified on all Landscape Plans.
3. Retained conifer trees located within 30-feet of a habitable structure shall be pruned to the highest roof deck height, or a maximum of 1/3 of the total tree crown height. Existing trees shall be pruned up and away from structures to provide at least 10-feet of separation from roofs and chimneys.
4. At least 10-feet of horizontal distance between individual tree crowns shall be maintained for retained conifer trees within 30 feet horizontal distance of a habitable structure.
5. Landscape materials that are listed on the Town's prohibited planting list shall not be approved in new or rehabilitated landscape projects.
6. New plantings located within 30-feet of a structure shall not include plants listed on the Town's high fire hazard plant list.
7. Plants on the recommended plant list should be used for required and desired landscape and screening; plants that are not on the list shall be submitted for review.

B. Plant Materials

1. Plants shall be selected appropriately based upon their adaptability to the climatic, geologic and topographical conditions of Mammoth Lakes. Native species and natural areas are to be protected and preserved to the extent possible. Generally, turf is discouraged. The planting of trees is encouraged wherever it is consistent with the other provisions of this chapter. Recommendations for plant materials that could meet the requirements of this section are included in the Mammoth Lakes Recommended Plant List found in the Making the Most of Every Drop users guide and methods to achieve water efficiency shall include one or more of the following:
 - a. Use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental influence on local climate;
 - b. Recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure (e.g., buildings, sidewalks, power lines) and allow for adequate soil volume for healthy root growth; and
 - c. Consider the solar orientation for plant placement to maximize winter solar gain.
2. Plants having similar water use should be grouped together by hydrozone (i.e. high, medium, low). Though not encouraged, plants of low and moderate water use may be planted in the same hydrozone, and plants of moderate and high water use may be planted

in the same hydrozone. Plants of low and high water use may not be planted in the same hydrozone. The Estimated Total Water Usage (Section 17.40.040. F) for these mixed areas shall assume a plant factor based on the proportions of the represented plant species or apply the plant factor of the least water efficient plant species (Refer to Making the Most of Every Drop user guide).

3. Plant materials and mulches will be in compliance with local Fire Codes. Fire prevention measures shall be addressed in areas that are fire prone as identified by The Mammoth Fire Severity Zone Map.
4. Turf shall not be planted on slopes greater than 25 percent.
5. No portions of turf areas shall be less than ten feet (10') wide to prevent overspray.
6. Noxious weeds as identified by the USDA and invasive plant species as identified in by the California Invasive Plant Inventory are prohibited.
7. The landscape area shall be the sum of all the landscaped areas on the site per the definition in Section 17.148.020.
8. The landscape area shall use efficient water conservation practices and shall generally separate areas of similar slope, sun exposure, soil, and other site conditions appropriate for the selected plants. Refer to the Making the Most of Every Drop user guide.
9. High water use plants (including turf), characterized by a plant factor of 0.7 to 1.0, are prohibited in street medians.
10. The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water plants as a group.

C. Soil Preparation and Mulch

1. Prior to the planting of any materials, compacted soils shall be transformed to a friable condition. On engineered slopes, only amended planting holes need meet this requirement.
2. For landscape installations, compost at a rate of minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six inches into the soil. Soils with greater than 6% organic matter in the top 6 inches of soil are exempts from adding compost and tilling.
3. A minimum three-inch (3") layer of mulch shall be applied on all exposed soil surfaces of non-turf planting areas, except for creeping or rooting groundcovers, direct seeding, and other applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, up to 5% of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such. Stabilizing mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.

4. Organic mulch materials made from recycled or post-consumer materials shall be used instead of inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local Fire Codes.
5. When a Soil Management Report is required pursuant to the application requirements, the soil analysis recommendations shall be implemented and soil amendments shall be incorporated according to the report and what is appropriate for the plants selected.

D. Irrigation Specifications

This section applies to landscape areas requiring permanent irrigation, not areas that require temporary irrigation solely for the plant establishment period.

1. The irrigation system and its related components shall be planned and designed to allow for proper installation, operation, management, and maintenance. An irrigation system is expected to meet or exceed 75.0% efficiency for overhead spray devices and 81.0% efficiency for drip system devices, and be installed in compliance with the manufacturers' recommendations.
2. All irrigation systems shall be designed to avoid runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures.
3. Automatic irrigation controllers and sensors are required. Controllers may either be weather-based or soil moisture-based controllers utilizing non-volatile memory that automatically adjust irrigation in response to changes in plants' needs as weather conditions change. Sensors (rain, freeze, wind, etc.), either integral or auxiliary, shall be required and shall function to suspend or alter irrigation operation during unfavorable weather conditions.
4. Proper irrigation equipment and schedules, including features such as repeat cycles, shall be used to closely match application rates with soil type and soil infiltration rates in order to minimize runoff.
5. Low-volume irrigation shall be required in mulched areas to maximize water infiltration into the root zone. Narrow or irregular shaped areas that are less than ten feet (10') in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray. In areas with slopes greater than 25 percent, the area shall not be irrigated with an irrigation system with an application rate exceeding 0.75 inches per hour unless the landscape designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.
6. Pressure regulation is a key component in efficient irrigation system operation. Static pressure throughout the Town of Mammoth varies greatly due to many factors (e.g., topography, time of year, time of day, location of project in relationship to water source, etc.). Pressure regulation shall be required on all projects and set to 60 pounds per square inch unless the landscape plan demonstrates a need for higher pressure. The system shall

be designed to ensure that the dynamic pressure at irrigation feature is within the manufacturer's recommended pressure range for optimal performance.

7. Overhead irrigation is prohibited within 24 inches of any non-permeable surface. If planted, only low-volume irrigation shall be allowed within the 24-inch setback.
8. Recirculating water shall be used for decorative water features. Surface area of a water feature shall be included in the high-water use hydrozone area of the water budget calculation.
9. Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system.
10. Irrigation systems for non-residential landscapes and residential landscapes of 5,000 square feet or larger shall include flow sensors that detect high flow conditions created by system damage or malfunction.
11. Master shut-off valves are required on all landscape projects except landscapes that make use of technologies that allow for the individual control of sprinklers that are individually pressurized in a system equipped with low pressure shut down features.
12. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency or routine repair.
13. Check valves or anti-drain valves are required on all sprinkler heads where low point drainage could occur.
14. The design of the irrigation system shall conform to the hydrozones of the landscape design plan and each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use. Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.
15. Sprinkler heads shall have matched precipitation rates within each control circuit valve and shall be selected for proper coverage and precipitation rate. Head to head coverage is recommended and sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacture's recommendations.
16. Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to hardscapes or located in high traffic areas.
17. Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone shall be considered when designing irrigation for the tree.
18. All irrigation emission devices must meet the requirements set in the American National Standards Institute (ANSI) standard, American Society of Agricultural and Biological Engineers/International Code Council's (ASABE /ICC) 802 -2014 "Landscape Irrigation Sprinkler and Emitter Standard." All sprinkler heads installed in the landscape must

document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in the ASABE/ICC 802-2014.

E. Mammoth Community Water District (MCWD) Served Connections

1. Separate landscape water meters, defined as either a dedicated water service meter or private submeter, shall be installed for all non-residential irrigated landscapes of 1,000 square feet, but not more than 5,000 square feet (the level at which Water Code 535 applies) and residential irrigated landscapes of 5,000 square feet or greater, or as required by MCWD Code if the MCWD Code has more stringent standards. A landscape water meter may be either a customer service meter dedicated to landscape use provided by the MCWD or a privately owned meter or submeter.
2. When a landscape has a separate water meter the irrigation system and decorative water features shall be designed to allow for the current and future use of recycled water and shall use recycled water. Compliance or exemption shall be documented via a written letter from the MCWD, that details compliance or states that recycled water meeting all public health codes and standards is not available and will not be available for the foreseeable future.
3. Program settings for irrigation controllers shall comply with MCWD watering regulations.
4. All irrigation shall be subject to regulations and restrictions put forth by the MCWD.

F. Maintenance. A regular maintenance schedule shall be submitted as part of the Landscape Documentation Package. Landscapes shall be maintained to ensure water efficiency. A regular maintenance schedule shall include, but not be limited to: testing, adjusting and repairing backflow prevention devices, pressure regulating devices and irrigation equipment; resetting the automatic controller; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning and weeding in all landscaped areas. Refer to Section 17.40.070.

G. Water Budget Worksheet. When a Landscape Documentation Package is required, the project applicant shall complete the Water Budget Worksheet contained within the Landscape Documentation Package application which contains information on the plant factor, irrigation method, irrigation efficiency, and area associated with each hydrozone. Calculations are then made to show that the evapotranspiration adjustment factor (ETAF) for the landscape project does not exceed a factor of 0.55 for residential areas and 0.45 for non-residential areas, exclusive of Special Landscape Areas (SLAs). The ETAF for a landscape project is based on the plant factors and irrigation methods selected. The Maximum Applied Water Allowance (MAWA) is calculated based on the maximum ETAF allowed (0.55 for residential areas and 0.45 for non-residential areas) and expressed as annual gallons required. The Estimated Total Water Use (ETWU) is calculated based on the plants used and irrigation method selected for the landscape design. ETWU must be below the MAWA.

1. In calculating the Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use (ETWU), a project applicant shall use the Evapotranspiration (ETo) value for Mammoth Lakes, which is thirty-three inches.
2. Water budget calculations shall adhere to the following requirements:

- a. The plant factor (PF) value may be found in the Making the Most of Every Drop users guide, or for more specific information the WUCOLS publication, or may be more precisely determined by a landscape professional, with consideration of site-specific soil and microclimate conditions. The PF ranges from 0 to 0.1 for very low water using plants, 0.1 to 0.3 for low water use plants, 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.
 - b. All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.
 - c. All Special Landscape Areas (SLAs) shall be identified and their water use calculated. ETAF for new and existing (non-rehabilitated) SLAs shall not exceed 1.0.
- H. **Graywater Systems.** Graywater systems are encouraged for on-site landscape irrigation. All gray water systems shall conform to the California Plumbing Code (Title 24, Part 5, Chapter 16) and any requirements of the town and/or MCWD.
- I. **Existing Landscapes Over One Acre in Size.** For existing landscapes over one acre in size that have a landscape water meter, the town and/or MCWD shall administer programs that may include, but not be limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the Maximum Applied Water Allowance for existing landscapes. The Maximum Applied Water Allowance for existing landscapes shall be calculated as: $MAWA = (0.8) (ET_o) (LA) (0.62)$. For existing landscapes over one acre in size that do not have a landscape water meter, the town and/or MCWD shall administer programs that may include, but not be limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.
- J. **Other Information.** Other information determined necessary by the Director.

END of Section 17.40.030 – Landscape and Irrigation Plans