



Town of Mammoth Lakes

Planning & Economic Development Commission Staff Report

Meeting Date: February 14, 2023

AGENDA TITLE: Zoning Code Amendment 23-001 to update Municipal Code Section 17.52.055, *Accessory Dwelling Units*, Section 17.52.100 *Child Day Care Facilities*, and Municipal Code Chapter 17.40, *Water Efficient Landscape Regulations*. The proposed Zoning Code Amendment includes finding the project is exempt from additional environmental analysis pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

REQUESTING DEPARTMENT:

Community & Economic Development Department

Report Prepared By: Kim Cooke, Senior Planner

Report Approved By: Sandra Moberly, Community and Economic Development Director

OBJECTIVE:

1. Receive Staff presentation
2. Planning & Economic Development Commission (PEDC) discussion
3. PEDC action options:
 - a. Adopt the attached Planning and Economic Development Commission Resolution, making the required CEQA and Municipal Code findings, and recommend to the Town Council approval of Zoning Code Amendment 23-001 as recommended by staff;
 - b. Adopt the Resolution with modifications; or
 - c. Deny the Resolution

SUMMARY:

Proposal: The proposed update includes the following amendments to 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.

Project Name: Zoning Code Amendment ZCA 23-001

Location: Town-Wide

Zoning: All Zones

Applicant: Town of Mammoth Lakes

Environmental Review: Pursuant to Public Resources Code section 21083.3 and State CEQA Guidelines section 15183(c), no additional environmental analysis is required for the proposed zoning code amendment.

KEY ISSUES:

1. Can the findings be made for approval of a Zoning Code Amendment pursuant to Municipal Code (MC) Chapter 17.112?
2. Is the proposed project consistent with the California Environmental Quality Act (CEQA)?

I. Introduction and Background

Over the past few years, the California Legislature has enacted a series of bills aimed at easing a State-wide housing shortage as well as a shortage of regulated childcare options. To comply with new State requirements applicable to accessory dwelling units (ADUs) and child daycare facilities, local ordinances must be updated as needed to maintain consistency with State Law.

The proposed Zoning Code Amendment achieves consistency with recent changes to State law applicable to ADUs and State licensed family child care homes. This zoning code amendment process also provides an opportunity for the Town to implement three action items of the General Plan Public Health and Safety Element, which calls for an update to the Town’s landscape regulations to incorporate defensible space standards applicable to new and rehabilitated landscape projects.

The Zoning Code is an evolving document that may be updated as necessary, following the amendment procedures outlined in [Section 17.112](#) of the Municipal Code. The Zoning Code Amendment described in this staff report is not a comprehensive update, so the proposed text amendments are updates that clarify existing regulations and include the addition of defensible space standards for landscape projects.

Project Proposal:

The key components of the proposed Zoning Code amendment are described below along with a brief explanation of the rationale. For the complete text of the Zoning Code Amendments (**additions shown in blue underlined text and deletions shown in red strikeout text**), see **Attachment 1 – Exhibits “A, B, and C”** respectively.

M.C. [Section 17.52.055](#) - Accessory Dwelling Units

The proposed revisions to the Zoning Code will achieve compliance with state legislative requirements imposed by SB 897 and AB 2221. These recent legislative requirements enact development standards that all local jurisdictions must utilize when evaluating applications for accessory dwelling units (ADUs).

The amendment will increase the allowed height of detached and attached ADUs that are located within a side or rear setback area, up to four (4) feet from the property line. The permitted height for detached ADUs will increase from 16 to 18 feet with an allowance for an additional two feet to accommodate a roof pitch that aligns with the primary dwelling unit. The permitted height of detached ADUs on a lot with an existing or proposed multi-family dwelling will also increase from 16 to 18 feet. The permitted height of an ADU attached to a primary dwelling will increase from 16 feet to 25 feet. Additionally, front setback requirements cannot preclude the construction of an 800 square foot ADU that meets height limits and complies with four-foot side and rear setbacks.

Rationale: This amendment is limited to incorporating the mandated ADU standards described above, which will bring the Accessory Dwelling Unit standards into compliance with State law.

M.C. [Section 17.52.100](#) - Child Day Care Facilities

Senate Bill 234 enacted *the Keeping Kids Close to Home Act*, which prohibits cities and counties from requiring any small or large family day care home licensed by the Department of Social Services, from having to obtain a land use/zoning permit and/or business license for their operation. Health and Safety Code section 1597.45, states that Large Family Child Care Homes (caring for up to 14 children) shall be treated the same as Small Family Child Care Homes (caring for up to 8 children) under all local laws. The law states that cities and counties must consider the operation of a Large Family Child Care Home to be the same as a residential use of property as is the case with Small Family Child Care Homes.

Rationale: Section 17.52.100.A.1, is amended to provide clarification of the applicable State licensing division and briefly describes the role of that agency has in oversight of all licensed child care facilities. Standards of section 17.52.100.B specific to large family day care homes has been deleted because large family day care homes are required to be treated the same as small family day care homes. The new section 17.52.100.B. combines land use standards for small and large family day care homes, and clarifies that a single dwelling includes single-family homes, apartments, condos, townhouses, duplexes, and other multi-family buildings.

Currently, Section 17.52.100.C - *Standards for Child Day Care Centers*, incorporates the land use standards applicable large family day care homes by reference. Since the standards specific to large family day care homes are proposed to be deleted, the standards applicable to Child Care Centers will be modified to add the relevant land use standards that were previously required of large family day care centers. These standards include the fire protection and outdoor activity areas and snowshed standards.

Allowable land use Table [17.24.020](#) – Allowed uses and permit requirements for commercial zoning districts has been updated to add large family day care homes to the small family day care homes land use category. Large family daycare homes were previously excluded. A reference to the applicable Code Section for the specific use regulations has been added for reference, as this was inadvertently omitted in the allowable land use table. The updated table also strikes the footnote which limits specific uses on the ground floor on primary or secondary active frontages. This footnote would not apply to the establishment of a small or large family day care home in an existing residence and should be deleted for clarity.

M.C. [Chapter 17.40](#) - Water Efficient Landscape Regulations

The purpose of the proposed amendment to Chapter 17.40 is to integrate risk-reduction strategies into the design and implementation of new and rehabilitated landscape projects on private property. In 2019, the Town updated its Public Health and Safety Element of the General Plan, to adopt climate adaptation strategies and action items that are aimed at implementing actionable strategies that can reduce the Town’s vulnerability to specific climate related hazards, including wildfire.

The Three specific General Plan Action Items that are addressed by the proposed Zoning Code Amendment are referenced below:

- S.5.A.2. **Action:** Prepare wildfire mitigation landscape standards to address wildfire hazard within the Structure Ignition Zone.
- S.5.A.3. **Action:** Review the Zoning Code to ensure compatibility with wildfire mitigation landscape standards and modify if necessary.
- S.6.F.2. **Action:** Update building and landscaping requirements and protocols that integrate Cal Fire and MLFPD regulations and procedures.

Rationale: There is no current requirement to address wildfire hazard mitigation as part of the Town’s landscape or screening requirements. The proposed zoning code amendment proposes standards for defensible space and fuels reduction that would be implemented for new and rehabilitated landscape projects. The proposed landscape standards are primarily taken from the final recommendations report that was prepared for the Town by the Community Planning Assistance for Wildfire (CPAW) team.

II. Analysis of Key Issues

KEY ISSUE #1: Can the findings be made for approval of a Zoning Code Amendment pursuant to Municipal Code Chapter 17.112?

Pursuant to MC Chapter 17.112, amendments to the Zoning Code may be approved only after all of the findings required by MC Section 17.112.060 are made. Below is staff’s analysis of the proposed amendment’s consistency with each required finding.

A. Mandatory findings required for all amendments:

1. 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.

2. 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 the 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.

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

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.

B. 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.

KEY ISSUES #2: Is the proposed project consistent with the California Environmental Quality Act (CEQA)?

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 proposed Zoning Code Amendment, 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) does 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.

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

Public Notice

Public Notice for this application was published as a ¼ page advertisement in The Sheet on February 4, 2023 and February 11, 2023.

Financial and Staffing Considerations

Staff time for processing ZCA 23-001 is funded through the Town’s General Fund.

III. Staff Findings and Recommendation

Based on the analysis provided in this report, staff has made the determination that the required findings to support the approval of the project can be made and recommends that the Planning and Economic Development Commission adopt the attached Planning and Economic Development Commission Resolution, making the required CEQA findings and Municipal Code findings, and recommending that the Town Council take the following actions:

- (1) Adopt the required CEQA findings pursuant to Public Resources Code section 21083.3 and State CEQA Guidelines section 15183(c) that no additional EIR or other environmental analysis is required;
- (2) Adopt the required Municipal Code findings; and
- (3) Approve Zoning Code Amendment 23-001 as recommended by staff.

Attachments

Attachment 1: Planning and Economic Development Commission Resolution No. 2023-02

Exhibit “A” – Proposed Zoning Code Amendments to Section 17.52.055 – Accessory Dwelling Units

Exhibit “B” – Proposed Zoning Code Amendments to Section 17.52.100 – Child Care Facilities

Exhibit “C” - Proposed Zoning Code Amendments to Section 17.52.100 – Water Efficient Landscape Regulations.