



## Town of Mammoth Lakes

### Planning & Economic Development Commission Staff Report

Meeting Date: May 08, 2024

**AGENDA TITLE:** Public hearing and consideration of Variance 24-001 to permit a 62% reduction of the 10-foot east side yard setback requirement (3-foot, 10 inch setback) for the construction of an enclosed access stairway to replace the existing unenclosed access stairway for an existing single-family residence at 682 Canyon Place. The project was found to be categorically exempt from CEQA pursuant to Guidelines §15301, Existing Facilities.

Applicant/ Property Owner: Mike Britton / Richard and Julie David

**REQUESTING DEPARTMENT:**

**Community & Economic Development**

Kimberly Cooke, Senior Planner

Nolan Bobroff, Community and Economic Development Director

**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 24-001 with conditions as recommended by staff;
  - b. Adopt the Resolution with modifications; or
  - c. Deny the Resolution

**SUMMARY:**

Proposal: Variance request for a 62% reduction of the required 10-foot east side yard setback for construction of an enclosed access stairway on a steep upsloping lot.

Location: 682 Canyon Place (APN: [031-130-004-000](#))

Size of Property: 10,453 sq. ft. (0.24 acres)

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 682 Canyon Place in the Residential Single-Family (RSF) zoning district. The existing single-family residence was originally built in 1979 with approximately 1,904 square feet (sf) of conditioned living area and a 466 (sf) detached garage. The house is situated on a steep, upsloping lot and is accessed by a long-uncovered stairway beginning at the east side of the garage.

The existing garage was constructed with a reduced front setback of five-feet due to the steep slope of the property and encroaches an additional 2-feet into the front and east side yard setbacks which are existing nonconforming conditions on the property. The location of the property at the end of a cul-de-sac results in a front property line that curves into the property and is likely the reason that the front of the garage encroaches into the front setback.

A Variance application (VAR 24-001) was submitted on March 22, 2024, requesting a 62% reduction in the required 10-foot east side yard setback to allow the construction of an enclosed access stairway to replace the existing unenclosed access stairway at the same location.

Public notice for this item was published in The Sheet on Saturday, April 27<sup>th</sup> and Saturday, May 4<sup>th</sup>. Notices were mailed on Wednesday, April 24<sup>th</sup> to a total of 155 property owners within a 300-foot radius of the site.

FIGURE 1 – PROJECT SITE



### Proposal:

As described above, the Variance application requests a 62% reduction of the 10-foot east side yard setback for a reduced side yard setback of 3-feet, 10-inches (See **Attachment B** for proposed site plan). A reduction of the east side yard setback would allow for the construction of a fully enclosed access stairway along the east side of the garage that extends to the front entrance to the home.

The enclosed stairway is 3-feet, six-inches wide and leads up to an enclosed mudroom addition which results in a fully enclosed access up to the residence. The proposed design of the enclosed stairway addition extends the garage roofline over the stairway which maintains the existing garage height and appearance. A total area of approximately 59 square feet will encroach into the east side yard setback to varying degrees, with the closest point of the addition being 3-feet, 10-inches from the east property line. (See **Attachment B** for proposed site plan).

An application narrative was submitted with the variance application to describe the need for the requested Variance as well as the site characteristics that create the need for an enclosed entry stairway to improve accessibility to the home, safety of the homeowners, and reduced maintenance. The narrative explains that accessibility to the residence is limited during winter because the stairway becomes impassable due to snow accumulation, which creates a serious life safety issue. The property owners express concern that the existing conditions would negatively impact the response time of first responders if emergency access to the house is necessary during the winter.

A reduction to the front setback is not required in this case because the reduced 5-foot front setback applies to garages and covered entrances on steep upsloping lots, and while the existing garage structure encroaches approximately 2-feet into that reduced setback, only the roof eave and wing wall of the enclosed stairway addition encroach 2-feet into the front setback, where roof eaves and wing walls are permitted to project a maximum of 3-feet into a required setback area.

**FIGURE 2 – PROJECT SITE PLAN COMPARISON**

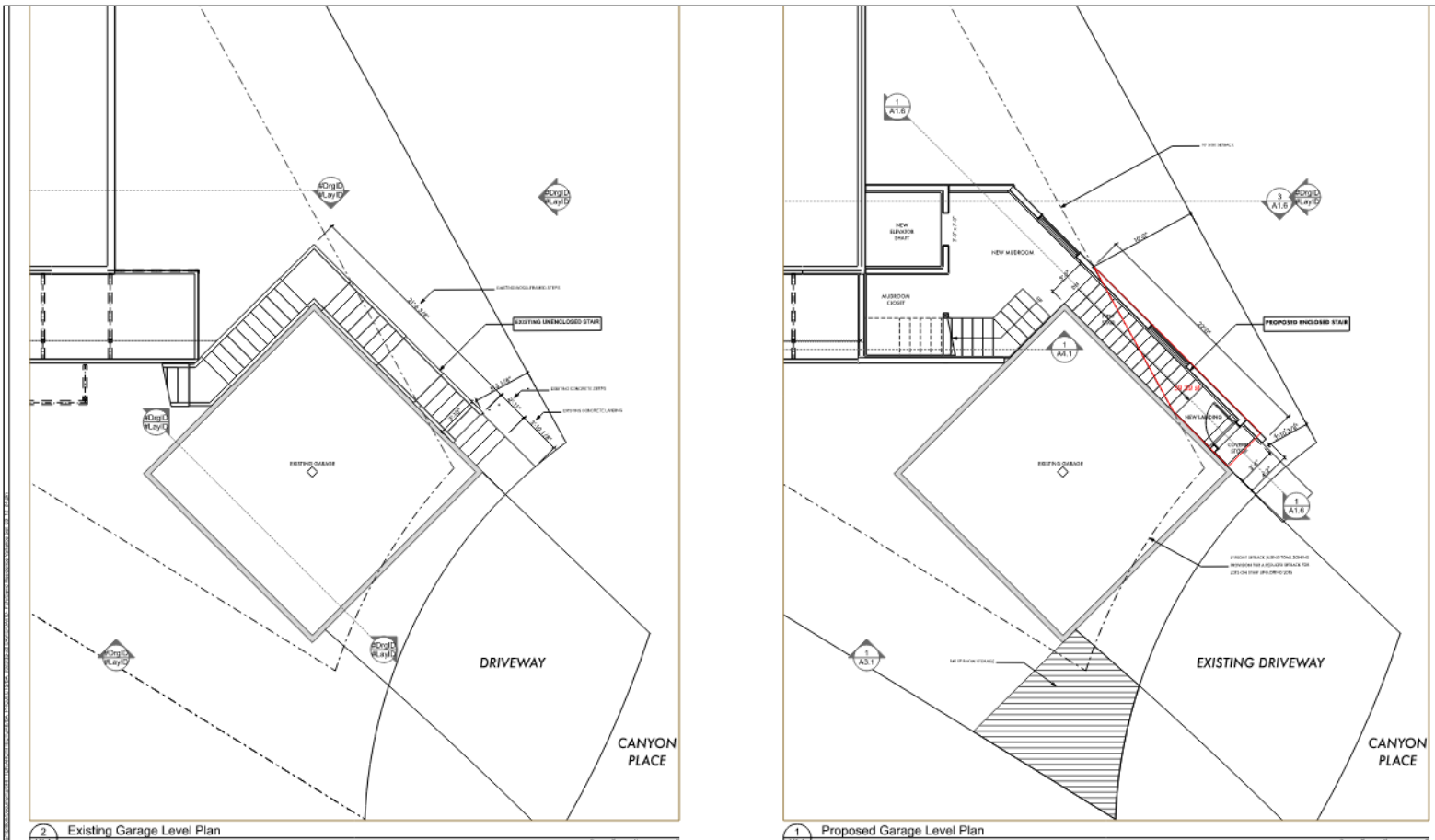
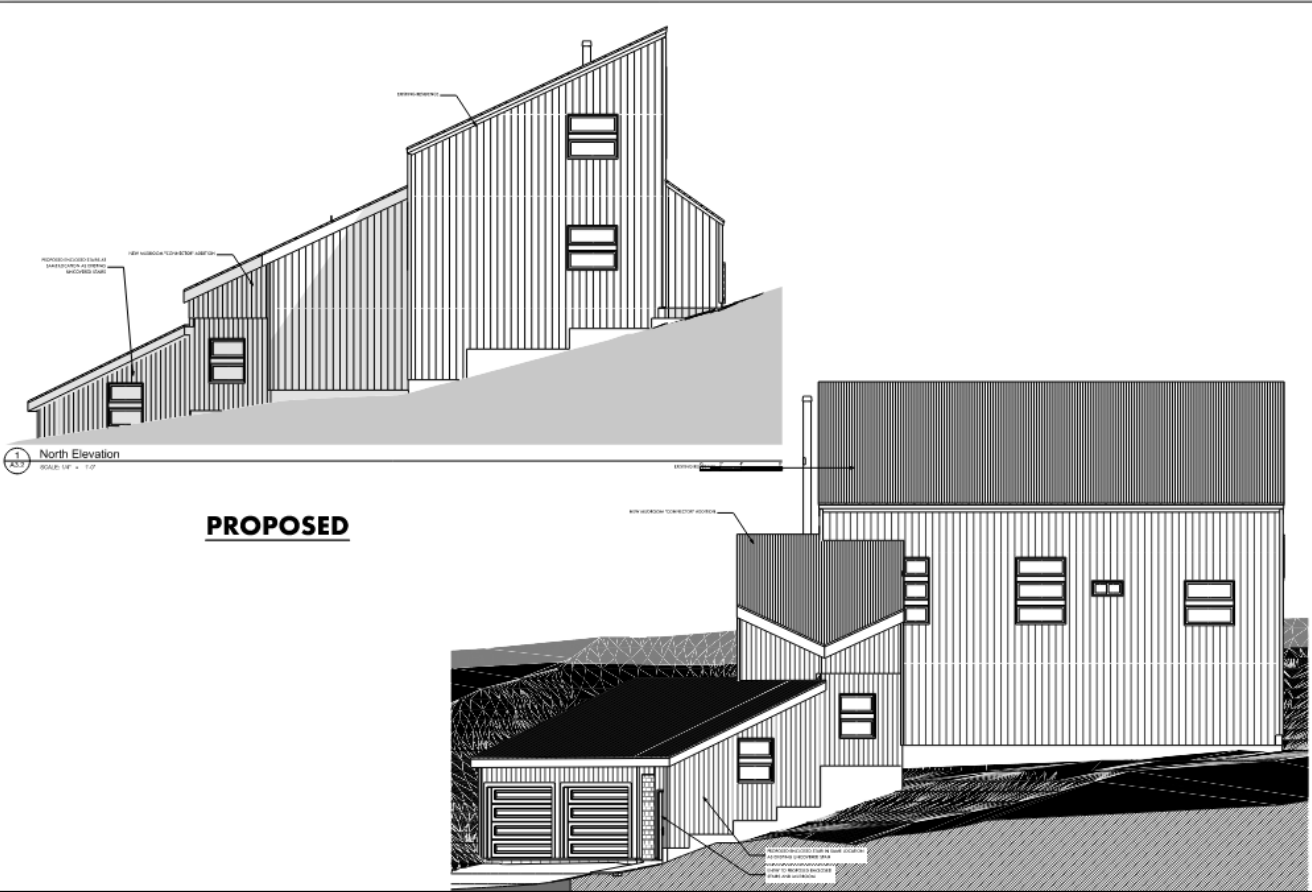
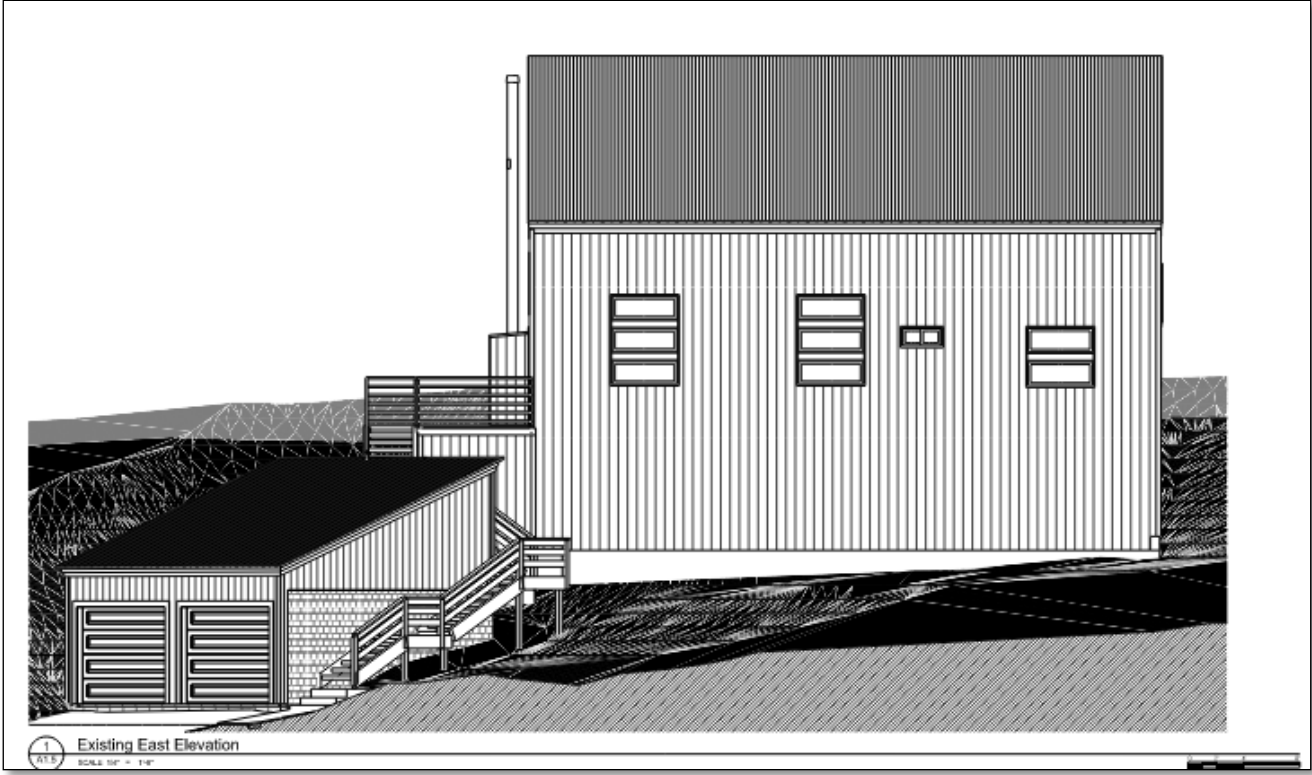


FIGURE 3 – RENDERINGS BEFORE AND AFTER



### 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. **Table 1** further describes the surrounding land uses and zoning.

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

Location	Zoning*	Land Use	Special Considerations
North	RMF-2	Mammoth Ski and Raquet Condominium Complex	None
South	RSF	Vacant lot	None
East	RSF	Single-family residence	Reduced side setback to property line shared with this property
West	RMF-2	Mammoth Ski and Raquet Condominium Complex	None

\*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 quarter 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 an addition of an enclosed entryway 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: Single-family residence		Permit Required: Variance for a 62% reduction of the 10-foot east side yard setback requirement	
Development Standards			
Standard	Required/Allowed	Proposed/Provided	Complies?
Setbacks			
Front yard (feet)	5 feet (Garage on Steep Upsloping Lot)	5-feet	Yes – with allowed projections up to 3-feet into a required setback

East side yard (feet)	10 feet	3-feet, 10-Inches	No (Variance Requested)
West side yard (feet)	10 feet	11-feet, 7-inches	Yes
Rear yard (feet)	10 feet	43-feet, 6-inches	Yes
Lot Coverage	40%	23%	Yes
Building Height	15-feet (Maximum height for garage and covered entries on steep upsloping lots)	15-feet	Yes
Snow Storage	75% of 90 sq.ft. driveway = 67.5 sq.ft.	140 sq.ft.	Yes
Parking Spaces	2 enclosed 1 exterior	2 enclosed 1 exterior	Yes

### 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>“Being a great place to live and work.”</i>	Improving the existing single-family home so that it is easier to live in on a year-round basis contributes to making the existing home and the Town a great place to live and work.
<i>“Adequate and appropriate housing that residents and workers can afford”</i>	Approval of the requested Variance application will allow a relatively modest addition to the existing home while making a significant improvement to the practical use and maintenance of the property by creating safer year-round access to and from the home.
<i>“Exceptional standards for design and development that complement and are appropriate to the Eastern Sierra Nevada mountain setting and our sense of a “village in the trees” with small town charm.”</i>	The proposed addition of an enclosed stairway access and mudroom for the existing single-family home is designed to be integrated into the unique architecture of the home so that while the addition is for practical use to improve access, it appears to be part of the original design.

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
<p>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.</p>	<p>The project incorporates design features and architectural detail that results in a high-quality appearance and incorporates thoughtful site planning that improves accessibility and livability of the home year-round.</p>
<p><i>Goal S.3.: Minimize loss of life, injury, property damage, and natural resource destruction from all public safety hazards.</i></p> <p><i>Policy S.3.A.: Design all structures in Mammoth Lakes to withstand snow loads and to reduce any additional hazards created by snow accumulation.</i></p>	<p>If approved, the Variance request will result in significant improvements to the accessibility of the property in winter due to replacement of the exterior stairway entrance for the home. The proposed improvements result in improved safety for the occupants and significantly less maintenance in terms of snow removal from the entrance stairway.</p>
<p><i>Goal H.3.: Maintain high quality, livable housing units and neighborhoods in Mammoth Lakes.</i></p>	<p>The proposed enclosed access stairway and mudroom design replaces existing exterior access stairway and landings which improves the livability of the property.</p>
<p>Policy L.2.C. Rehabilitate existing housing.</p>	<p>With approval of the variance, the proposed addition will provide the existing home a functional enclosed entry that significantly improves the functionality and appearance of the existing home.</p>

**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?**

Variances 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 steep topography of the site, which slopes upward from the end of the cul-de-sac and is steeper on the west side of the property than it is on the east side. The slope of the property meets 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*.

In addition to the steep topography of the property, the shape of the lot is irregular and features a substandard width of 40-feet at the front of the property, with the widest portion of the lot being located at the rear of the site. This condition combined with placement of the detached garage at the front of the property severely limits the area available to create a covered entryway while maintaining the required number of garage parking spaces.

**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 an enclosed entryway to the home from the garage which frequently results in winter conditions that are not safe for the occupants of the home.

Allowing the proposed addition to enclose the length of the stairway access eliminates a hardship for the property owner because the owner is currently burdened with significant snow removal and limited access in the winter. Therefore, allowing the proposed addition of an enclosed access stairway to be placed closer to the east side property line does not constitute a grant of special privilege for the subject property.

**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 the addition of an enclosed access stairway attached to the east side of the garage for an existing single-family residence that does not currently have an enclosed entryway to the home from the garage. 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 enclosed access stairway does not include any hazardous uses or activities and an enclosed entryway is consistent with what would be permitted on similar single-family residential lots. The adjacent residential property to the east is setback farther from the cul-de-sac and results in a significant separation from the proposed addition on the subject property. Additionally, the proposed addition with the requested variance will improve the safety of the occupants and livability of the property on a year-round basis.

**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 addition will rehabilitate an existing residence by making the proposed improvements including enclosed stairway access to the existing residence from the existing detached garage (*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 enclosed access stairway is designed to provide the minimum interior dimensions needed for access to the existing home and is the minimum departure from the zoning code necessary to provide relief to the property owner.

**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, Existing Facilities, because the size of the proposed enclosed access stairway and enclosed mudroom is 360 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, 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) and the Mammoth Community Water District (MCWD). No comments were received that result in any additional conditions of approval for the project.

Notice of the public hearing, including a project description, was mailed to property owners within 300 feet of the subject property on April 24, 2024. The notice was also posted in The Sheet newspaper on April 27, 2024 and May 4, 2024. No public comments had been received as of the time this report was published.

**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 24-001 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