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 Town of Mammoth Lakes )  
 Community & Economic Development Department )  
 P.O. Box 1609 )  
 Mammoth Lakes, CA 93546 )

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**RESOLUTION NO. PEDC 2024-09**

**A RESOLUTION OF THE MAMMOTH LAKES PLANNING AND  
 ECONOMIC DEVELOPMENT COMMISSION APPROVING  
 VARIANCE 24-001**

**TO ALLOW A 62% REDUCTION OF THE EAST SIDE YARD SETBACK  
 FOR CONSTRUCTION OF AN ENCLOSED ACCESS STAIRWAY  
 FOR AN EXISTING SINGLE-FAMILY RESIDENCE  
 LOCATED AT 682 CANYON PLACE  
 (APN: 031-130-004-000)**

**WHEREAS**, a request for consideration of a Variance (VAR 24-001) was filed by the architect, Mike Britton, on behalf of the property owner, Richard David, to allow a 3-foot, 10-inch east side yard setback for the construction an enclosed access stairway to replace the existing unenclosed access stairway for an existing single-family residence, in accordance with Chapter 17.72 (Variances) of the Town of Mammoth Lakes Municipal Code, for property located at 682 Canyon Place; and

**WHEREAS**, the Planning and Economic Development Commission conducted a duly noticed public hearing on the application request on May 8, 2024, at which time all those desiring to be heard were heard; and

**WHEREAS**, the Planning and Economic Development Commission considered, without limitation:

1. The staff report to the Planning and Economic Development Commission with attachments;
2. The General Plan, Municipal Code, and associated Land Use Maps;
3. Oral evidence submitted at the hearing;
4. Written evidence submitted at the hearing; and
5. Project plans consisting of: twelve (12) sheets, dated March 13, 2024, and dated received by the Town on March 18, 2024.

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

## SECTION 1. FINDINGS.

### I. CEQA.

The Project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §15301, *Existing Facilities (Class 1)*, of Title 14 of the CA Code of Regulations. The Class 1 categorical exemption (CEQA Guidelines §15301) applies to projects that “consist of the...minor alteration of existing public or private structures..., involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.” The State has determined that projects that meet the criteria for the exemption are a class of projects that will not have a significant effect on the environment. 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. Additionally, 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, the project is exempt from further CEQA review pursuant to CEQA Guidelines §15061(b)(2) since the project meets all the criteria to qualify for the Class 1 categorical exemption (CEQA Guidelines §15301, Existing Facilities) and the application of that categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines §15300.2. No additional environmental review is warranted or necessary and the CEQA exemption is appropriate.

### II. MUNICIPAL CODE FINDINGS.

#### A. FINDINGS FOR VARIANCE (Municipal Code Section 17.72.040)

- 1. There are special circumstances applicable to the property , including size, shape, topography, location, or surroundings, so that the strict application of this Zoning Code deprives the property of privileges enjoyed by other property in the vicinity and under the identical zoning district;**

There are special circumstances applicable to the property including the 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 two required garage parking spaces.

- 2. The approval of the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zone;**

The Variance is necessary to provide the property with land use privileges enjoyed by other properties in the vicinity and under identical zoning classification, because the existing single-family residence was not originally built with 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.

**3. Granting the variance would not authorize a use or activity which is not otherwise expressly authorized by the zone governing the property for which the application is made;**

The use authorized by this variance consists of 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.

**4. Granting the variance would not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and zoning district in which the property is located;**

Granting the requested variance would not be detrimental to public health, safety, or welfare because the proposed 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.

**5. The variance is consistent with the General Plan and any applicable Specific Plan;**

The variance is consistent with the Town's General Plan, as the land use designation for the subject property is Low-Density Residential 2 (LDR-2). This land use designation allows for single-family detached residential development, and therefore the use is consistent since it is a detached single-family residence.

Additionally, the variance is consistent with the General Plan because the 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.

**6. The variance is the minimum departure from the requirements of this Zoning Code necessary to grant relief to the applicant, consistent with Subsections A and B, above; and**

The proposed 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.

**7. The approval of the variance is in compliance with the requirements of the California Environmental Quality Act.**

The project was found to be categorically exempt from CEQA pursuant to CEQA guidelines §15301, 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).

**SECTION 2. PLANNING AND ECONOMIC DEVELOPMENT COMMISSION ACTIONS.**

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

1. Finds that this project is categorically exempt pursuant to Section 15301, Existing Facilities pursuant to the California Environmental Quality Act (CEQA) Guidelines; and
2. Approves Variance 24-001 subject to the following conditions:  
(SEE EXHIBIT “A”); and
3. Directs staff to file a Notice of Exemption.

**PASSED AND ADOPTED** this 8<sup>th</sup> day of May 2024, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

\_\_\_\_\_  
Nolan Bobroff,  
Community and Economic Development  
Director

\_\_\_\_\_  
Michael Vanderhurst  
Chair of the Mammoth Lakes Planning  
and Economic Development Commission

**NOTE:** This action is subject to Chapter 17.104 of the Municipal Code, which specifies time limits for legal challenges.

**OWNER/APPLICANT:**

We, Richard and Julie David, are the property owners and we do hereby attest that we have read, and agree to, the conditions of approval stipulated within this Resolution.

\_\_\_\_\_  
Richard David  
Property Owner (Notary Required)

Date: \_\_\_\_\_

\_\_\_\_\_  
Julie David  
Property Owner (Notary Required)

Date: \_\_\_\_\_

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Mono }

On \_\_\_\_\_, before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

**WITNESS my hand and official seal.**

\_\_\_\_\_  
Signature of Notary

**EXHIBIT “A”**  
**Resolution No. PEDC 2024-09**  
**Case No. VAR 24-001**  
**CONDITIONS OF APPROVAL**

**STANDARD PLANNING CONDITIONS**

1. This approval authorizes the following: A reduced east side yard setback of 3-feet, 10-inches (a 62% reduction of the required 10-foot east side yard setback), to allow the construction of an enclosed access stairway for an existing single-family residence located at 682 Canyon Place.
2. The approved site and building plans consisting of twelve (12) sheets dated March 13, 2024 (dated received by the Town on March 18, 2024), and maintained for the duration of the permit.
3. This permit and all rights hereunder shall automatically terminate unless the site preparation or construction has been commenced within two years after the issuance of this approval and such work is diligently carried on until completion, or an extension of time has been granted in accordance with Municipal Code §17.60.060.B.
4. All new improvements constructed on the site shall be in compliance with all Town of Mammoth Lakes, County of Mono, Mammoth Community Water District, the Mammoth Lakes Fire Protection District, the CRWQCB Lahontan District, Great Basin Air Pollution Control District, OSHA, State of California and United States of America laws, statutes, ordinances, regulations, directives, orders, and the like applicable thereto and in force at the time thereof. Any violation of the above may constitute grounds for revocation under Chapter 17.128 of the Mammoth Lakes Municipal Code.
5. This resolution of approval, as conditioned herein, shall be recorded for the subject property by the Mono County Recorder’s Office to commence the approved use on the property or the issuance of any building permits for new or remodeled structures.
6. The site shall be maintained in a neat, clean and orderly manner. All improvements shall be maintained in a condition of good repair and appearance. Outdoor storage of equipment and other materials, except for firewood, is prohibited. Non-operating vehicles, equipment and materials inappropriate to the site and its use shall not be stored within outdoor areas on the site.
7. Storage of construction materials and equipment off-site shall not be permitted without a permit issued by the Community and Economic Development Department of the Town. Any public or private property altered, damaged or destroyed by site preparation, grading, construction or use shall be restored to its pre-existing condition by the permittee.
8. All conditions of this permit shall be met or secured prior to final occupancy approval of any tenant improvements or new structures.
9. All uses are subject to review by the Building Official of the Town of Mammoth Lakes and must conform to occupancy ratings of the structures to obtain occupancy.

10. Town staff shall have the right to enter the subject property to verify compliance with these conditions. The holder of any permit associated with this project shall make the premises available to Town staff during regular business hours and shall, upon request make records and documents available to Town staff as necessary to evidence compliance with the terms and conditions of the permit.
11. Prior to the issuance of a building permit, the applicant shall pay all applicable fees as prescribed by ordinance and/or resolution and pay any fees due on the project processing account.
12. Where compliance with the conditions of approval or applicant initiated changes to the plans require additional staff review, that review time shall be billed at the Town's established billing rates. Prior to the issuance of a building or grading permit, the applicant shall pay all outstanding costs for the processing of this application.
13. This action may be appealed to the Town Council within fifteen (15) calendar days from the date of Planning and Economic Development Commission approval in accordance with Municipal Code Chapter 17.104.
14. The applicant shall defend, indemnify, and hold harmless the Town and its agents, officers, and employees from any claim, action, or proceeding against the Town and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the Town, advisory agency, appeal board, or legislative body concerning this approval. The Town shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense.
15. All exterior lighting shall comply with Chapter 17.36.030 of the Town of Mammoth Lakes Municipal Code, Exterior Lighting. Exterior light fixtures having a total of over 400 lumens of output shall be equipped with shields that extend below the horizontal plane of the light source to direct the light downward onto the structure or surrounding grounds. Accent lighting is permitted as described in Municipal Code Section 17.36.030.F.6. This shall be verified prior to issuance of a certificate of occupancy.
16. A valid building permit and a permit from the Mammoth Lakes Fire Protection District are required before any building can begin on-site.
17. If necessary, water and sewer connections require a Connection Permit from Mammoth Community Water District. Prior to the Town authorizing any construction, the applicant shall obtain water and sewer permits from Mammoth Community Water district and pay applicable fees to the District.
18. All conditions of approval shall be printed verbatim on all of the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the index.

#### **SPECIAL PLANNING CONDITIONS**

19. The Building Division will require that a string line be run between the property monuments on the south (front property line), and the east (side property line), at the time of foundation inspection to verify the actual field distance from the structure to the property line.
20. No snow shall shed or be deposited onto adjacent properties or Town right-of-way. This shall include snow that is removed from any portion of the property, including, but not limited to, the structure, driveway, and/or common areas. All

interim snow storage areas shall be on the subject property. The property owner shall be subject to fines pursuant to Municipal Code §12.16.030 (*Snow Removal – Violation/Penalty*) if found to be in violation of this condition.

21. The parking requirements of the Town of Mammoth Lakes for parking within the right-of-way or on Town streets shall be adhered to at all times, including, but not limited to, Municipal Code §10.12.10 (winter parking prohibition) and Municipal Code §10.12.106 (Obstructing snow removal), which prohibits the parking of vehicles within any town right-of-way at any time which will obstruct, hinder, or delay Town snow removal operations or leave vehicles in such a position that they are subject to damage from Town snow removal operations.
22. Pursuant to Municipal Code §17.64.040, the approval of the Variance shall run with the land through any change of ownership of the subject site, from the effective date of the permit. All applicable conditions of approval, as specified in this resolution of approval, shall continue to apply after a change in property ownership.

#### **ENGINEERING DIVISION CONDITIONS**

23. Property owner shall execute a "hold harmless" (HH) agreement with the Town, releasing the Town from any liability for damage to vehicles parked in the right of way (including area of IOD) as a result of snow removal operations or any other construction or maintenance of the ROW. Property Owner shall submit a copy of the most recent grant deed for the property for the Town's use in preparation of the HH document. This will need to be executed prior to obtaining certificate of occupancy.