

Attachment A

Recording Requested by and
When Recorded Mail To:

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

)
)
)
)
)
)
)
Recordation fee exempt per Government Code §27383
Space Above for Recorder's Use

RESOLUTION NO. PEDC 2025-07

**A RESOLUTION OF THE MAMMOTH LAKES PLANNING AND
ECONOMIC DEVELOPMENT COMMISSION APPROVING
VARIANCE 25-001**

**TO ALLOW A REDUCTION OF ONE EXTERIOR PARKING SPACE AND
A 20 PERCENT REDUCTION OF THE FRONT YARD SETBACK AND SOUTH SIDE
YARD STBACK FOR THE CONSTRUCTION OF A SINGLE-FAMILY HOME
ON A STEEP UPSLOPING LOT
LOCATED AT 307 JOHN MUIR ROAD
(APN: 031-053-008-000)**

WHEREAS, a request for consideration of a Variance (VAR 25-001) was filed by the applicant, Craig Tapley, on behalf of the property owners, Karen and Mike Gutt, to allow for a reduction of one (1) exterior parking space and a 20 percent reduction of the front yard setback (4-feet instead of 5-feet) and south side yard setback (8-feet instead of 10-feet) for the construction of a new single-family residence on a steep upsloping vacant lot, in accordance with Chapter 17.72 (Variances) of the Town of Mammoth Lakes Municipal Code, for property located at 307 John Muir Road; and

WHEREAS, the Planning and Economic Development Commission conducted a duly noticed public hearing on the application request on May 14, 2025, 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 fourteen (14) sheets dated received by the Town on March 18, 2025.

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 is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures, of Title 14 of the California Code of Regulations. CEQA Guidelines Section 15303 applies to the construction of new, small facilities or structures, such as the construction of one single-family residence in a residential zone, which the State has determined to be a class of projects that will not have significant environmental impacts. The project consists of the construction of one (1) new single-family residence in a residential zone and therefore is eligible for use of the Section 15303 categorical exemption. In addition, none of the exceptions set forth in CEQA Guidelines Section 15300.2 are present.

Therefore, because the project meets the criteria for use of the above-described categorical exemption, and the application of that categorical exemptions is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2, the project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(2).

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 topography of the site, which slopes upward from the roadway at a roughly 59% slope within the front 50-feet of the property. The slope of the property qualifies for a reduced front setback of 5-feet pursuant to MC Section 17.20.030.B – *Residential Front Yard Setbacks on Steep Upsloping Lots*.

While the steep slope of the lot allows for a reduced 5-foot front setback, the proposed structure cannot be located within 5-feet of the front property line because the property owner is required to provide the Town an Irrevocable Offer of Dedication (IOD) for a 10-foot-wide strip along the street frontage. The IOD is required because the roadway width along John Muir Road is substandard. Additionally, Engineering Division staff cannot allow any required exterior parking space to encroach into the 10-foot-wide IOD area. Adherence to the Town's IOD requirement results in an area that is too small to accommodate an exterior parking space within the proposed driveway.

The width of the property is also substandard at approximately 55-feet-wide, where new lots created within the Residential Single-Family (RSF) zoning district are required to have a minimum lot width of 75-feet. The smaller lot width combined with the extensive retaining wall system proposed for the site creates a hardship for the

property owner to adhere to the 10-foot side yard setback along the south property line for the enclosed access stairway.

Due to the special circumstances described above, the strict application of the zoning code deprives the property of privileges enjoyed by other property in the vicinity and under the identical zoning district.

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 since the variance will allow for a single-family residential use consistent with the land use privileges enjoyed by others in the vicinity. Despite the request for a 1-foot reduction of the front setback (20% reduction), the property will ultimately have a larger setback than other single-family homes along John Muir Road since the requirement for the property owner to provide a 10-foot-wide strip of land along the property frontage via an irrevocable offer of dedication (IOD) was not required of previously developed properties located on John Muir Road. The subject property will effectively have a 14-foot setback (10-foot IOD + 4-foot setback) from the property line. The reduced south side yard setback will allow for a covered entry stairway located along the south side of the garage which provides a layout that is similar to other steep upsloping residential properties on the same street.

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 a new single-family residence with an attached two-car garage, which is a permitted use in the RSF zone and is consistent with neighboring properties and uses in the vicinity of the site.

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 single-family residence is consistent with what would be permitted on similar single-family residential lots and the development intensity is consistent with what was envisioned for the subject zone. The significant retaining wall system proposed for the new single-family home will improve roadway safety by stabilizing the slope and preventing dirt and rocks from falling onto the roadway.

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 new detached single-family residence.

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 variance is the minimum departure from the requirements of the zoning code necessary to grant relief to the applicant because one exterior parking space was originally proposed within the new driveway area, but this layout could not be approved because the parking space would encroach into the 10-foot IOD required by the Engineering Division. Other properties on the same street have a similar parking arrangement with two enclosed parking spaces and no exterior parking space.

The additional request for a 20 percent reduction to the front setback and south side yard setback are consistent with the allowable range of setback reductions that would typically be processed administratively via an adjustment application. Since a Variance application was required for this project in order to allow the elimination of the required exterior parking space, the setback reduction request was included with this application to enable concurrent review and approval.

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

The project is in compliance with the requirements of the California Environmental Quality Act (CEQA) because it is categorically exempt from CEQA pursuant to CEQA Guidelines §15303, *New construction or conversion of small structures*. The Project qualifies for this exemption because the exemption allows for the construction of small new structures, including a single-family residence in a residential zone, to not be subject to additional environmental review. The proposed project consists of the construction of one single-family residence located within a residential zone, and is therefore consistent with the types of projects that qualify for this exemption.

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 15303, New Construction or Conversion of Small Structures pursuant to the California Environmental Quality Act (CEQA) Guidelines; and
2. Approves Variance 25-001 subject to the following conditions:
(SEE EXHIBIT “A”); and
3. Directs staff to file a Notice of Exemption.

PASSED AND ADOPTED this 14th day of May 2025, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

RECUSED:

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.

PROPERTY OWNER:

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

Karen Gutt
Property Owner
(Notary Required)

Date: _____

Mike Gutt
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 2025-07
Case No. VAR 25-001
CONDITIONS OF APPROVAL

STANDARD PLANNING CONDITIONS

1. This approval authorizes the following: Reduction of one exterior parking space and a 20% reduction of the 5-foot front setback and 10-foot south side yard setback, to permit the construction of a new single-family residence with attached two-car garage located at 307 John Muir Road.
2. The approved site and building plans consisting of fourteen (14) sheets, dated received by the Town on March 18, 2025, shall be adhered to 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, with counsel selected by the Town, 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 be entitled to control the defense of any action.
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. If the aggregate landscaped area exceeds 500 sq. ft., a landscape documentation package shall be required prior to final sign-off of the Building Permit from the Planning Division. Said landscape documentation package shall conform with the requirements identified in Municipal Code Chapter 17.40 (Water Efficient Landscape Regulations). The aggregate landscape area is defined as the total horizontal surface area dedicated to plant installation and irrigation plus the wet surface of any decorative water features. The landscape area for shrubs and trees shall be determined using the shrub/tree mature growth diameter or drip line. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, or other pervious or non-pervious hardscapes outside of planted areas. Landscape area does not include undisturbed areas with established non-irrigated vegetation, or landscaping that is exempt pursuant to Municipal Code Section 17.40.020.D.
17. A valid building permit and a permit from the Mammoth Lakes Fire Protection District are required before any building can begin on-site.
18. 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.

19. 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

20. The Building Division will require that a string line be run between the property monuments along the front property line and the south side property line at the time of foundation inspection to verify the actual field distance from the structure to the property line.
21. Soil shall be brought back to cover the garage roof structure. The fill area shall provide the appearance of a gentle slope between the garage and the new single-family home. This area shall be re-vegetated with a native seed mix and/or planted with various grasses and shrubs.
22. 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.
23. 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.
24. 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

25. The property owner shall execute a "hold harmless" agreement with the Town, releasing the Town from any liability for damage to vehicles parked in the right of way as a result of snow removal operations or any other construction or maintenance of the ROW. At the time of application for building permit, please provide a copy of the most recent grant deed for the property to assist the Town in preparing the document. The agreement will need to be executed prior to obtaining final inspection/certificate of occupancy.
26. Drip line trenches are required below all eaves (which do not have roof gutters or downspouts) that receive direct runoff from rooftops. See Storm Drainage Design Manual p 2-24.
27. Existing drainage patterns across the property shall be maintained.
28. Prior to building permit issuance, the applicant shall execute an Irrevocable Offer of Dedication (IOD) for the easterly 10 feet of the subject property adjacent to John

Muir Road. The IOD shall be for street, pedestrian infrastructure, and snow storage purposes.

29. Temporary and permanent erosion control plans shall be included with the grading, improvement, and building plans. Continuous water spraying or other approved methods shall be used during grading operations to control fugitive dust. Drop inlet filters and other temporary Best Management Practices shall be employed to filter nuisance water from storm drain inlets affected by construction, on-site and off-site. Groundwater pollution from urban run-off water generated by the project shall be mitigated using best management practices (BMPs), per the requirements of the California Regional Water Quality Control Board, Lahontan District, and as indicated in the "New Development and Redevelopment Guidelines". The applicant shall apply for and obtain all required permits, written clearances or exemptions from the Lahontan District prior to any grading. All BMPs shall be shown on the erosion control plans. If the Town inspector determines that the BMPs in place are not adequate, then additional BMPs shall be installed at the discretion of the Town inspector or a revised erosion control plan shall be prepared for approval by the engineering services division. Gravel bags shall be used in lieu of sandbags. All permanent erosion control measures shall be irrigated for at least one season. Permanent BMPs shall include sediment traps upstream of infiltrators and oil water separators for parking areas consistent with the General Plan.