

# ATTACHMENT A: PEDC RESOLUTION

Recording Requested by and )  
When Recorded Mail To: )  
 )  
Town of Mammoth Lakes )  
Community & Economic Development Department )  
P.O. Box 1609 )  
Mammoth Lakes, CA 93546 )

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**RESOLUTION NO. PEDC 2026-01**

**A RESOLUTION OF THE MAMMOTH LAKES PLANNING AND  
ECONOMIC DEVELOPMENT COMMISSION APPROVING  
VARIANCE 25-003 TO ALLOW A 60 PERCENT REDUCTION OF THE 10-FOOT  
EAST SIDE YARD STBACK FOR THE CONSTRUCTION OF AN ACCESSORY  
DWELLING UNIT AND TWO-CAR GARAGE ON A STEEP DOWNSLOPING LOT  
LOCATED AT 506 LAKEVIEW BOULEVARD  
(APN: 031-170-002-000)**

**WHEREAS**, a request for consideration of a Variance (VAR 25-001) was filed by the applicant, Mike Britton, on behalf of the property owners, Thomas Wetherald and Syndey Miller, requesting a 60% reduction of the required 10-foot east side yard setback to allow for construction of a new detached accessory dwelling unit and two-car garage on a lot with an existing single-family residence, in accordance with Chapter 17.72 (Variances) of the Town of Mammoth Lakes Municipal Code, for property located at 506 Lakeview Boulevard; and

**WHEREAS**, the Planning and Economic Development Commission conducted a duly noticed public hearing on the application request on February 11, 2026, 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 four (4) sheets dated received by the Town on December 5, 2025 and project narrative dated received by the Town on November 22, 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, or a second dwelling unit 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 a new accessory dwelling unit and detached garage on a lot with an existing single-family residence in a residential zone and therefore is eligible for use of the Section 15303 categorical exemption.

Additionally, none of the exceptions set forth in CEQA Guidelines Section 15300.2, which would preclude a project from using a categorical exemption, are applicable because:

- a) The project is not located in a sensitive environment. The project parcel is located on a developed and previously disturbed site that contains an existing single-family residence. Furthermore, the site is not located in an area that would be considered environmentally sensitive, as the site and surrounding contiguous parcels to the south and east are fully developed.

There are no designated scenic highways adjacent to or near the project site. There are no designated farmland areas within the Town boundaries, thus the site is not identified as farmland by the California Resources Agency as part of the Farmland Mapping and Monitoring Program, is not located on or near Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, and is not subject to any Williamson Act Contracts. Furthermore, no portion of the site is zoned for or developed as forest land or timberland as defined in Public Resources Code §12220(g) and Government Code §4526. There are no known sensitive biological resources in the project vicinity, and the project site is not located within the boundaries of a Habitat Conservation Plan or Natural Community Conservation Plan. The project site is currently developed with a single-family residential use. No classified or designated mineral deposits of statewide or regional significance are known to occur on the project site. The site is not located within a state-designated Alquist-Priolo Fault Hazard Zone, does not have any known active faults crossing the site, and the nearest fault to the project site is approximately 0.50 miles to the west. There are no hazardous material sites listed within or near the project site per any of the State and Federal databases. There are no known historical or cultural resources on the site.

- b) The cumulative impact from successive projects over time will not be significant because the use is consistent with the allowed and previously anticipated uses for the zone.
- c) Given the location, scope, and purpose of the proposed project, there would be no significant impacts or effects on environmental resources, as the site has been previously developed and the development is consistent with all development and design standards of the Zoning Code with approval of this variance. It is not anticipated that any unusual circumstances exist on the site that would result in significant impacts or increase the severity of any existing less than significant impacts.
- d) As stated above in response (a), the project site is not located adjacent to or near a scenic highway. The project location is not identified as a Major View Corridor in the Town's General Plan and views of the project site are not considered scenic. Therefore, the proposed project would not have a substantial adverse effect on a scenic vista or damage scenic resources within a state scenic highway.
- e) As stated above in response (a), there are no hazardous materials listed within or near the project site. The project site is not listed on the Hazardous Waste and Substances list maintained by the Town; or the State Water Resources Control Board GeoTracker system which includes leaking underground fuel tank sites and spills, leaks, investigations, and cleanup sites; or the Department of Toxic Substances Control EnviroStar Data Management System which includes CORTESTE sites; or the Environmental Protection Agency's database of regulated facilities.

- f) As stated above in response (a), there are no known historical or cultural resource areas on the site, and therefore, there will not be a substantial adverse change in the significance of an established historical resource as a result of the project.

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 downward from the roadway at a roughly 43% slope within the first 30-feet beyond the front setback. Due to the steep down sloping nature of the buildable area of the property, any proposed structures within the site would exceed 20-feet in height on the down sloping side of the structure without excessive grading that would make the project cost prohibitive. This topographic constraint prevents the project from utilizing the 4-foot side setback allowance typically available for ADUs on single-family lots, because that reduced setback requires compliance with the 20-foot height restriction.

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 comparable to those enjoyed by other properties in the vicinity and under the same zoning classification. Approval of the variance will allow construction of an ADU and two-car garage, consistent with the land use privileges enjoyed by other properties in the vicinity. The reduced east side yard setback will allow for a covered entry stairway located between the garage/ADU and the existing single-family residence with enough building separation to avoid conflicts with snow shed areas and enhance fire safety. In addition, the variance allows the property to meet Municipal Code parking requirements, which it currently does not meet, because the steep slope of the property makes the building design and engineering for a typical garage impractical within the sloped area of the site. Additionally, the ADU would not qualify for the 4-foot setback allowance due to the maximum height requirement of 20- feet that is not feasible to meet given the steep topography of the site.

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 construction authorized by this variance consists of a new detached two-car garage and one-bedroom ADU, which is permitted use in the RSF zone and is consistent with neighboring properties and uses in the site 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 ADU and two-car garage is consistent with what would be permitted on similar single-family residential lots. The covered staircase entry to the new ADU will improve safety by minimizing snow hazards and ensure secure access to the property. To further ensure that there is not a safety hazard created from snow shed, a condition of approval for the project requires snow restraint devices (snow rails) be installed on roof eaves that encroach into the east side yard setback area. Additionally, the variance corrects the nonconforming parking configuration for the site by providing two enclosed parking spaces and two 10' x 20' foot exterior parking spaces within the driveway.

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

The variance is consistent with the Town's General Plan, because the Low-Density Residential 2 (LDR-2) land use designation allows for single-family detached residential development, and therefore the use will remain consistent since the property will continue to be used as a detached single-family residence with an ADU. Additionally, the variance is consistent with the General Plan because the project will minimize the risk of injury or property damage through the addition of covered parking where it does not currently exist (Goal S.3) and will promote construction of an adequate supply of housing to meet the needs of all sectors of the community, including the conservation and improvement of existing housing supplies (Goal H.2) through the creation of an ADU. The ADU will not be permitted to be rented on a transient nightly basis.

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 requested variance represents a minimum departure from the requirements of the Zoning Code to grant relief to the applicant and is consistent with subsections A and B above. The proposed building footprint is located as far from the east property line as possible in order to maintain adequate distance between the proposed structure and the existing single-family residence. The new garage/ADU currently sits 8'-1" from the roofline of the existing single-family residence which will allow space for snow shed deposited from the roof of the existing structure and the proposed structure. Additionally, the space between the structures is important because the covered staircase entry to the proposed ADU is also located between the structures and the building separation will minimize snow impacts to the entry to the ADU. Finally, the building separation provided helps to mitigate fire risk to prevent potential fire spread between structures.

**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 second dwelling in a residential zone such as an accessory dwelling unit, to not be subject to additional environmental review. The proposed project consists of the construction of one accessory dwelling unit and two-car garage 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;
2. Approves Variance 25-003 subject to the following conditions:  
(SEE EXHIBIT “A”); and
3. Directs staff to file a Notice of Exemption.

**PASSED AND ADOPTED** this 11<sup>th</sup> day of February 2026, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

RECUSED:

ATTEST:

\_\_\_\_\_  
Nolan Bobroff  
Community & Economic Development Director

\_\_\_\_\_  
Dawn Vereuck  
Vice 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, Thomas Wetherald and Sydney Miller, are the property owners and we do hereby attest that we have read, and agree to, the conditions of approval stipulated within this Resolution.

\_\_\_\_\_  
Thomas Wetherald  
Property Owner  
(Notary Required)

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

\_\_\_\_\_  
Sydney Miller  
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 2026-01**  
**Case No. VAR 25-003**  
**CONDITIONS OF APPROVAL**

**STANDARD PLANNING CONDITIONS**

1. This approval authorizes the following: A 60% reduction of the 10-foot east side yard setback, to permit the construction of an accessory dwelling unit and two-car garage located at 506 Lakeview Boulevard.
2. The approved site and building plans consisting of four (4) sheets, dated received by the Town on December 5, 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. Existing trees and vegetation shall be preserved to the maximum extent feasible. Only the trees and vegetation explicitly identified to be removed on the approved site plan may be removed. Existing tree and vegetation removal shall be limited to the designated disturbance areas necessary for construction of the proposed detached garage and covered entryway. Remaining trees and vegetation outside of the approved disturbance areas shall be protected and retained. Prior to any site disturbance related to the construction of the garage, a pre-construction inspection by Town staff shall be conducted to verify that only existing trees and vegetation explicitly identified to be removed on the approved site plan are marked for removal.
10. Existing trees and vegetation shall be protected with fencing prior to grading and/or construction, and the fencing shall exist on-site for the duration of construction. Dripline areas shall be protected, and trunks of retained trees shall be protectively wrapped. Protection of existing trees and vegetation shall be verified during the pre-construction inspection by Town staff.

11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. A valid building permit and a permit from the Mammoth Lakes Fire Protection District are required before any building can begin on-site.
20. 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.
21. 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**

22. The Building Division will require that a string line be run between the property monuments along the 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.
23. 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.
24. Pursuant to Municipal Code Section 15.24.040.D.2, the roof eaves encroaching into the setback areas (i.e., snowshed impact zone) shall be protected with engineered snowslide restraint devices. This shall be verified prior to issuance of a Certificate of Occupancy.
25. Prior to the issuance of the Building Permit for the accessory dwelling unit, the owner(s) shall provide the Town with a signed and notarized deed restriction or covenant acknowledging the requirements contained in Zoning Code Sections 17.52.055.B and C.
26. 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**

27. 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.
28. Existing drainage patterns across the property shall be maintained.