

Attachment 5

**Staff Report from the
February 9, 2022
Public Hearing**



Town of Mammoth Lakes

Planning & Economic Development Commission Staff Report

Meeting Date: February 9, 2022

AGENDA TITLE: Public hearing and consideration of Tentative Tract Map 21-001, Use Permit 21-001, Design Review 21-001, and Adjustment 21-006 for the Villas III Subdivision, a proposed 33-unit residential development located at 100 Callahan Way. An Addendum to the 1991 Lodestar at Mammoth EIR has been prepared pursuant to CEQA Guidelines §15164 (*Addendum to an EIR or Negative Declaration*).

Applicant/ Property Owner: Mark Rafeh for Mammoth Springs Resorts, LLC

REQUESTING DEPARTMENT:

Community & Economic Development

Sandra Moberly, Community and Economic Development Director

Michael Peterka, Assistant Planner

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, State Subdivision Map Act, State No Net Loss Law, and Municipal Code findings, and approving Tentative Tract Map 21-001, Use Permit 21-001, Design Review 21-001 and Adjustment 21-006 with conditions as recommended by staff;
 - b. Adopt the Resolution with modifications; or
 - c. Deny the Resolution

SUMMARY:

Proposal:

The Villas III Subdivision is a 33 unit planned unit development (PUD) consisting of three single-family residential structures and 15 duplex residential structures. The property is 4.07 acres and is located within Development Area 2 of the Lodestar at Mammoth Master Plan area. The project requires the following approvals:

1. A tentative tract map (TTM 21-001) to subdivide the parcel into 33 lots;
2. An adjustment (ADJ 21-006) for a 7.1% building height increase (37.5 feet instead of 35 feet) for the three single-family residences;
3. A use permit (UPA 21-001) to permit transient rental uses; and
4. Design review (DR 21-001) for the single-family and duplex building designs.

Project Name:

Villas III Subdivision

Location:

100 Callahan Way APN: 033-330-087-000

Size of Property:

4.07 acres (177,289 sq. ft.)

Zoning:

Resort (R) / Lodestar at Mammoth Master Plan Development Area 2

General Plan: Resort (R)
Environmental Review: Addendum to the 1991 Lodestar at Mammoth EIR prepared pursuant to CEQA Guidelines Section 15164.

KEY ISSUES:

1. Does the proposed project meet the Use Permit criteria and required findings to permit transient occupancies within Development Area 2 of the Lodestar at Mammoth Master Plan pursuant to (MC) Chapter 17.68?
2. Does the proposed project meet the Design Review criteria and required findings pursuant to Municipal Code (MC) Chapter 17.88?
3. Can the findings be made for approval of an Adjustment to building height pursuant to Municipal Code (MC) Chapter 17.64?
4. Is the proposed project consistent with the State Subdivision Map Act?
5. Can the State 'No Net Loss Law' findings pursuant to Government Code §65863 be made?
6. Is the proposed project consistent with the California Environmental Quality Act (CEQA)?

I. INTRODUCTION AND BACKGROUND

The proposed Villas III project is a 33 unit planned unit development (PUD) consisting of three single-family residential structures and 15 duplex residential structures.¹ The subject site, located at 100 Callahan Way, is approximately 4.07 acres in size and is currently vacant undeveloped land, with the exception of a Town multi-use path located on the east side of the site. The site is within the Resort (R) zoning district and is part of the Lodestar at Mammoth Master Plan (LMP) area. The Villas III project represents the third phase of the Obsidian development project with phase 1 being the original 9 single-family fractional units (*TTM 36-216 built between 2004-2016*) and phase 2 being the 12 duplex structures (*TTM 15-002 built between 2019-2022*).

The subject site is within Development Area 2 of the LMP, which has a maximum allowable density of 210 residential units for the entire development area, of which, 79 units have been built or entitled. This leaves Development Area 2 with 131 units of density remaining out of the 210. The overall density in Development Area 2, including the proposed 33 Villas III units, will be below the maximum allowable density specified in the Master Plan.

The subject site is identified in the Town's 2019-2027 Housing Element as being a potential site for future affordable housing development to satisfy the Town's Regional Housing Needs Allocation (RHNA) established by the State; however, there are currently no affordability restrictions burdening the site that require the developer to provide those units identified in the Housing Element.² The site was previously owned by Intrawest and was included in the Housing Element Land Inventory because Intrawest had previously identified the site as a potential housing mitigation site that would satisfy some of their future housing mitigation requirements for other resort developments in the LMP and North Village Specific Plan (NVSP) areas. Intrawest no longer owns the site and the envisioned Intrawest resort development never materialized, and therefore, any assumed affordable housing development that they were going to build on the site is not enforceable or relevant to the current development

¹ A Planned Unit Development is a category of common-interest development regulated under the Davis-Stirling Common Interest Development Act (California Civil Code §4000 Common Interest Developments). PUD ownership includes an individual interest in a parcel of land, usually a subdivision lot, and the structural improvements situated on the lot, as well as appurtenant rights to the use and enjoyment of common areas.

² The RHNA is established by the State and sets the target for how many units at various income levels are needed town-wide to satisfy the minimum housing demand at a future specified date based on projected population and the number of existing housing units. Jurisdictions are then required to identify in their Housing Elements an adequate amount of vacant land to accommodate the RHNA.

proposal. However, since the site is identified in the Housing Element Land Inventory, the site is subject to the State 'No Net Loss Law' regulations pursuant to Government Code §65863 which requires the Town to analyze the remaining sites identified in the Land Inventory to ensure that the remaining sites have sufficient capacity to accommodate the remaining unmet RHNA for each income level. If it is determined that there is not sufficient capacity, the Town is then required to identify and make available additional sites to accommodate the unmet RHNA within 180 days of the project approval. Staff has determined that the remaining sites have sufficient capacity to accommodate the unmet RHNA, and therefore no additional actions are required to maintain compliance with State law (See additional analysis in Key Issue 5, below). The project is required to mitigate their housing impact in accordance with the Town's Housing Mitigation Ordinance (MC Chapter 17.136) which allows for a variety of options to satisfy their impact.

Staff finds that the proposed project complies with all applicable development standards and requirements of the LMP, General Plan, Municipal Code, Design Guidelines, State No Net Loss Law, and the State Subdivision Map Act with the approval of the Adjustment request. The adjustment is requested for a minor building height increase for the single-family building design to allow a 2½-foot increase in the maximum building height (See Key Issue 3, below, for additional analysis). No other adjustments/variances or amendments are being requested.

An Addendum to the 1991 Lodestar at Mammoth Environmental Impact Report (1991 EIR) was prepared pursuant to the California environmental Quality Act (CEQA) to analyze the proposed project together with the project previously analyzed in the 1991 EIR. The Addendum considered the potential environmental impacts of the proposed project based on the current site conditions and previously prepared environmental documentation and technical studies and concluded that no new significant impacts or substantial increase in the severity of previously identified significant impacts would occur as a result of this project. Therefore, a subsequent EIR was not required to address the potential environmental impacts of the current project since they were found to have been adequately analyzed in the 1991 EIR. Additional analysis is provided in Key Issue 6, below.

Based on the analysis, including the CEQA EIR Addendum, staff has determined that the required findings to support the requested approvals can be made, and recommends approval of the Tentative Tract Map, Use Permit, Design Review, and Adjustment with the conditions of approval noted in the attached Resolution (**Attachment 1**)

Project Proposal:

The proposed Villas III PUD subdivision includes 33 residential units that will be built as three single-family residential structures and 15 duplex residential structures. The single-family units will feature 4 bedrooms with the structures on Lots 1 and 2 being 3,170 square feet (sq ft) and the structure on Lot 3 being 4,338 sq ft. The duplex units will feature three bedrooms and be 3,231 sq ft each (approximately 6,460 sq ft combined size). The units are intended to be available for transient rental use and a use permit is being requested pursuant to the LMP to allow for such use.

Access to the site will be provided by a newly constructed private road that will connect to the existing Obsidian Place private road on the south and to the existing Callahan Way private road on the north. Parking for the units will be provided by private garages within each unit and in the driveways leading to the units. All snow storage requirements of the LMP and the Town are met on-site.

A limited access gate is proposed to be located at the north end of the project where Callahan Way currently terminates, however pursuant to Municipal Code Section 17.52.130, a use permit is required to address design, location, and operational requirements. This use permit will be processed separately from this entitlement application. A separate emergency access only gate was approved as part of the Remainder Parcel Entitlement for Obsidian (TTM 21-002) at the intersection of Dorrance Drive and Obsidian Place.

The existing multi-use path will be relocated to parallel the east property line. The newly constructed trail will be eight feet wide and will be located within a new 12-foot easement. The trail will be accessible to the public and is required to remain safe and usable during construction.

As a part of the project, the developer has committed to providing public storm drain infrastructure as a part of their subdivision improvements that will intercept two existing off-site drainage channels and convey the runoff south to the existing 42" public storm drain at Dorrance Drive. The drainage easements will have a minimum width of 15-feet and will be located between units 1 and 2 and units 19 and 20, and following the interior access road. The storm drain infrastructure will significantly reduce flooding to the Sierra Valley sites to the east of the subject site.

The proposed building designs represent a modern chalet style. The proposed colors and materials are a combination of earth tones consisting of natural stone, natural and stained wood, and metals with a matte finish, and are intended to complement the existing Obsidian development building designs to the south. The figures below illustrate the proposed building designs. The proposed single-family residential designs for lots 1 - 3 are shown in **Figures 1 – 6** and the duplex building designs for lots 4 – 33 are shown in **Figures 7 and 8**. The project plans, including the site plan, building floor plans, and elevations are included as **Attachment 2**.

A 7.1% building height increase (37.5 feet instead of 35 feet) is requested for the three single-family residences in order to accommodate building infrastructure and maintain visual continuity with the existing Obsidian development to the south.

Figure 1: Front Rendering of Lot 1



Figure 2: Rear Rendering of Lot 1



Figure 3: Front Rendering of Lot 2



Figure 4: Rear Rendering of Lot 2



Figure 5: Front Rendering of Lot 3



Figure 6: Rear Rendering of Lot 3



Figure 7: Front Rendering of Lots 4-33



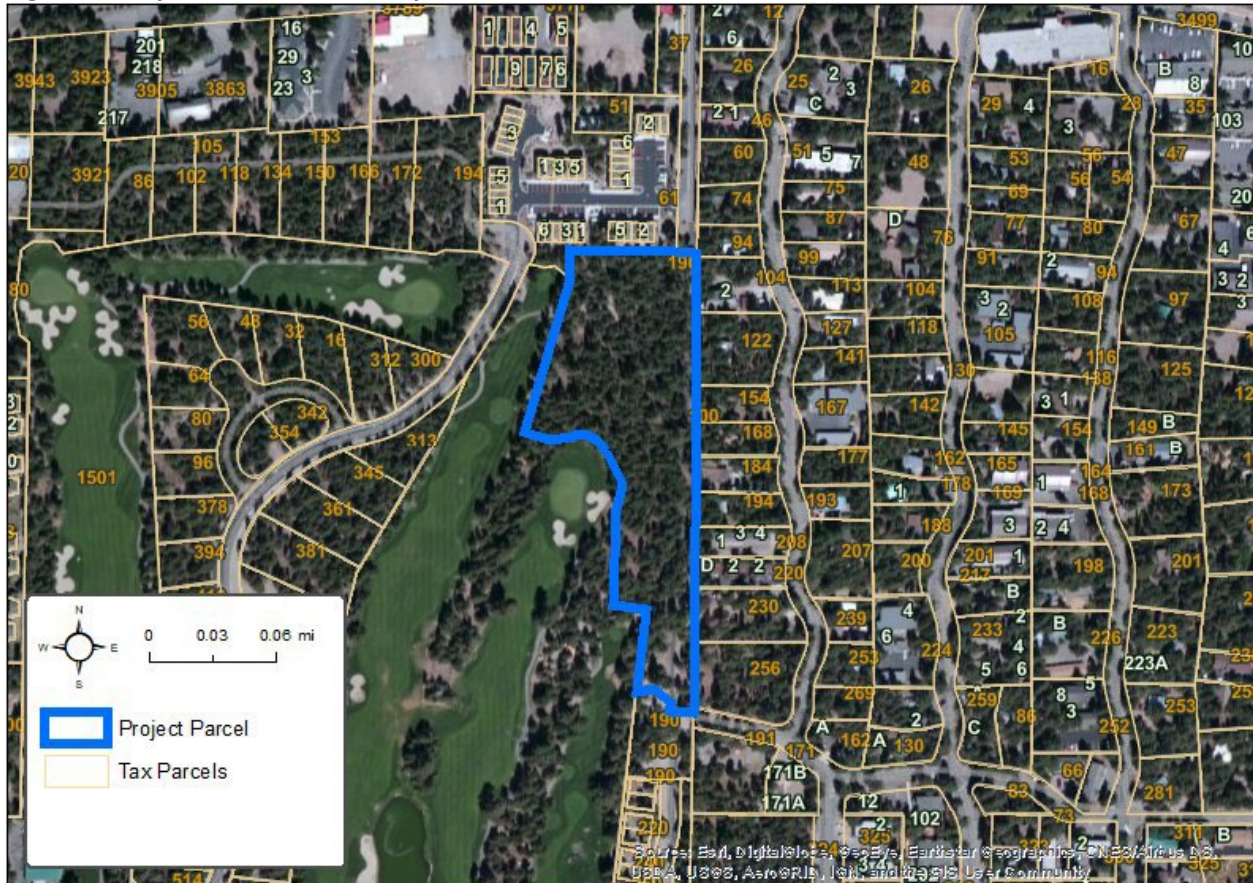
Figure 8: Rear Rendering of Lots 4-33



Existing Site and Surrounding Land Uses

The project site is located in Development Area 2 of the Lodestar at Mammoth Master Plan (LMP) area at 100 Callahan Way. **Figure 9** shows the project site and surrounding area.

Figure 9: Project Site Location Map



The property is undeveloped except for the Town multi-use path, which will be reconstructed as part of the Villas III project. Existing vegetation on the site consists of primarily mixed-conifer trees with the dominant tree type being Jeffrey Pine. **Table 1** further describes the surrounding land uses and zoning.

Table 1: Surrounding Land Uses and Zoning.

Location	Zoning*	Land Use	Notes / Special Considerations
North	R	Multi-family (Affordable) - 40 units within 7 buildings (San Joaquin Villas)	~2.5-acre site located within Development Area 4 of the LMP
South	R	Multi-family (Resort Transient) - 33-units within 9 single-family and 12 duplex structures (Obsidian and the Villas at Obsidian)	~7-acre site located within Development Area 2 of the LMP
East	RMF-1	Single-family and multi-family residences	None
West	R	Golf Course; Single-Family (Resort Transient) - Gray Bear I, II, and III subdivisions	Part of the LMP

*RMF-1 = Residential Multi Family 1; R = Resort

Site Zoning

The zoning for the site is Resort (R) which is intended to *“provide for the classification and development of parcels of land as coordinated, comprehensive projects so as to take advantage of the superior environment which can result from large scale community planning.”* (MC Chapter 17.32.110)."

The proposed project is classified as single-family and multi-family residential uses, which are designated as permitted uses by the LMP. With approval of the requested adjustment for height, the proposed project complies with all development standards applicable to Development Area 2 of the LMP. Compliance with the applicable development standards is described in the Analysis of Key Issues below.

General Plan

The General Plan land use designation for the site is Resort (R) which *“allows commercial mixed uses including visitor lodging amenities and services, and workforce housing. Resort developments include recreation, meeting spaces, and commercial services that support the resort atmosphere... This designation is generally applied to large parcels capable of providing a complete resort experience as found in the master plan areas of Sierra Star, Snowcreek, and Juniper Ridge.”* (General Plan, Pg. L-5).

The project site is also identified by the General Plan as being within the “Sierra Star District,” which is described as a resort area that contains an 18-hole golf course and a residential component. The General Plan states that Sierra Star should diversify its year-round recreational opportunities for the town’s residents and visitors and allow joint use amongst public and private entities. It is also suggested that a variety of resort accommodations of differing intensities should be provided as well as a transit hub and parking facilities.

II. ANALYSIS OF KEY ISSUES

KEY ISSUE #1: Does the proposed project meet the Use Permit criteria and required Findings pursuant to Municipal Code (MC) Chapter 17.68, to allow transient occupancies within Development Area 2 of the Lodestar at Mammoth Master Plan?

A Use Permit is required for this project because the Lodestar at Mammoth Master Plan (Section B.7) requires Transient Occupancies within Development Area 2 to obtain Use Permit approval.

Staff finds that the proposed project meets the criteria for the approval of a Use Permit, as described below.

Use Permit Criteria:

To obtain a use permit approval, projects must satisfy the following findings:

A. The proposed use is consistent with all applicable sections of the General Plan and Title 17 and is consistent with the Lodestar at Mammoth Master Plan.

The proposed transient occupancy use is consistent with the 2007 General Plan Resort (R) land use designation for the site because transient occupancy uses are permitted within Development Area 2 of the Lodestar Master Plan with approval of a Use Permit. Transient occupancy uses are consistent with General Plan Policy L.5.B, which directs staff to ensure visitor lodging is located in appropriate areas and General Plan Policy L.5.C which states the Town should ensure there are an adequate number of units available for nightly rental.

The proposed project is in a location that is appropriate for nightly rental use because it is a resort-oriented development that features a clubhouse and other on-site amenities that are not available in traditional multi-family developments. The project borders an 18-hole golf course which is a recreational attraction for visitors.

B. The proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health and safety nor materially injurious to properties or improvements in the vicinity.

The proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health and safety nor materially injurious to properties or improvements in the vicinity because transient use of townhome units is consistent with permitted uses in the Resort (R) zoning district and the Resort (R) land use designation.

C. The Commission shall make such other findings as deemed necessary to support approval or denial of the proposed use.

The site is within the LMP area which includes an assortment of single-family and multi-family developments located in the R zoning district intended for transient rental uses and the project is considered to be an extension of the existing Obsidian development to the south, which includes a variety of amenities oriented towards transient use of the units (e.g., shuttle service, clubhouse). Therefore, the proposed transient use of the site is consistent with other development in the vicinity. Additionally, each unit features two enclosed parking spaces and one exterior guest parking space within the driveway area, which satisfies the required amount of parking and ensures that the property will accommodate visitor parking demand on-site.

KEY ISSUE #2: Does the proposed project meet the Design Review criteria pursuant to Municipal Code (MC) Section 17.88.050 and the Required Findings set forth in MC Section 17.88.060?

Pursuant to Section 7 of the LMP, Design Review is required for all uses or structures proposed within the LMP area with the exception of single-family detached residences on individual lots. The purpose of Design Review is to implement the General Plan policies related to community design and character, to promote excellence in site planning and design to complement the natural environment and enhance the image of the town as a mountain resort community, and to ensure that the architectural design of structures and their materials and colors are appropriate to the function of the project and visually harmonious with surrounding development.

Staff finds that the proposed site layout and building design, including the Adjustment request applicable to the maximum building height standard, has met the overall intent of the Design Review criteria. Below is staff's analysis of the project's consistency with the Design Review criteria.

Design Review Criteria:

To obtain design review approval, projects must satisfy the following criteria to the extent they apply:

A. The site design and building design elements including the architectural style, size, design quality, use of building materials, and similar elements, combine together in an attractive and visually cohesive manner that is compatible with and complements the desired architectural and/or aesthetic character of the area and a mountain resort community, encourages increased pedestrian activity, and promotes compatibility among neighboring land uses.

The proposed buildings and site improvements combine together in an attractive and visually cohesive manner because the proposed project designs complement the Obsidian development to the south, which this project is a continuation of. The proposed single-family and duplex building designs features similar architecture, building materials, and colors as the existing Obsidian development. Therefore, the project layout and design is appropriate because it is intended to blend with the architecture of the existing Obsidian development. Additionally, the proposed density of the project is 8.11 units/acre which is lower than the maximum density of 12 units/acre applicable to the adjacent RMF-1 zoning district.

B. The design of streetscapes, including street trees, lighting, and pedestrian furniture, is consistent with the character of commercial districts and nearby residential neighborhoods.

The design of the Villas 3 development streetscape is consistent with the character of the adjacent Resort zoned Obsidian development and places residential single-family and duplex structures along a 40-foot meandering road easement. Access to the individual structures is consistent with the Town residential driveway standards and a single driveway cut into the private road easement is proposed for each structure. Realignment of the Town's multi-use path to the east side of the property is also proposed as a part of the project.

- C. **Parking areas are located, designed and developed to foster and implement the planned mobility system for the area; buffer surrounding land uses; minimize visibility; prevent conflicts between vehicles and pedestrians and cyclists; minimize stormwater run-off and the heat-island effect; and achieve a safe, efficient, and harmonious development.**

The parking areas are located, designed and developed to foster and implement the planned mobility system for the area; buffer surrounding land uses; minimize visibility; prevent conflicts between vehicles and pedestrians and cyclists; minimize stormwater run-off and the heat-island effect; and achieve a safe, efficient, and harmonious development because the parking requirements of the LMP will be met through the provision of a two-car garage for each unit and additional parking in the driveways. Each single-family residence includes an enclosed two-car garage and two exterior parking spaces in the driveway and each duplex unit features an enclosed two-car garage (tandem configuration) and one guest parking space in the driveway.

- D. **Down-directed and shielded lighting and lighting fixtures are designed to complement buildings, be of appropriate scale, provide adequate light over walkways and parking areas to create a sense of pedestrian safety, minimize light pollution and trespass, and avoid creating glare.**

Conformance with Municipal Code lighting standards is included as a condition of approval for this project. Exterior light pollution and trespass will be minimized through the use of exterior downward-directed and shielded lighting.

- E. **Landscaping is designed to conserve water resources, promotes a natural aesthetic, and be compatible with and enhance the architectural character and features of the buildings on site, and help relate the building to the surrounding landscape.**

The preliminary landscape plan for the project indicates that approximately 220 native pine trees located throughout the development area will be preserved. Additional landscaping includes the planting of 97 new trees (desert olive, maple, aspen) and an assortment of native and low water use shrubs and grasses. The plants were selected based on their low water use and low fire hazard. Overall, the proposed landscaping promotes a natural aesthetic by utilizing species that are appropriate to the Mammoth Lakes region. The landscaping is required to comply with the Town's water efficient landscape ordinance.

Development Standards:

In addition to the above criteria, the Municipal Code requires that a Design Review Application demonstrate consistency with the applicable standards and requirements of the Municipal Code, the General Plan and any applicable master plan, the Town of Mammoth Lakes Design Guidelines, and any other requirements associated with previous or existing planning or zoning approvals for the site. The applicable General Plan and Lodestar at Mammoth Master Plan development standards are outlined in the following Table 2.

Table 2: Zoning Consistency.

General Information			
General Plan: Resort (R)		Specific Plan: N/A	
Zoning: Resort (R)		Overlay Zone/District/Master Plan: Lodestar MP	
Existing Land Use: Vacant		Permits Required: TTM, UPA, DR, ADJ	
Development Standards			
Standard	Required/Allowed	Proposed/Provided	Complies?
Total Density	131 units	33 units	Yes
Front (South) Setback	25 feet	25 feet	Yes
Side (East and West) Setback	10 feet	10 feet	Yes
Rear (North) Setback	20 feet	20 feet	Yes
Edge of Road Setback	20 feet	20 feet	Yes
Building Separation	20 feet	20 feet	Yes
Road/Residential Zone Separation	50 feet	12-50 feet	Yes ³
Lot Coverage	60%	49%	Yes
Building Height	35 feet	Duplex Height: 35 feet SFR Height: 37½ feet	Yes ⁴
Snow Storage	75% = 31,834 sq.ft.	100%=42,445 sq.ft.	Yes
Single-family Parking Spaces	3 per unit	3 per unit	Yes
Duplex Parking Spaces	2 per unit	2 per unit	Yes
Guest Parking	11 spaces	33 spaces	Yes

Other Applicable Municipal Code Standards and Requirements:*Solid Waste*

The Lodestar at Mammoth Master Plan requires the project developer to provide enclosed trash facilities as well as a recycling collection station, or contract with a solid waste disposal company which will offer a convenient system of recycling stations for project residents and guests. The LMP also requires each residence to be provided a divided cabinet suitable for aluminum cans, glass bottles, and plastic bottles. A Condition of Approval is included to require the divided cabinet for recyclable materials within each unit. The proposed project includes a new enclosure for trash that can accommodate two dumpsters. With adherence to the conditions of approval, the project will satisfy the development standards for solid waste.

Setbacks

The LMP does not specify front, rear, and side setbacks for the project site. As a result, the applicable Residential Multi-Family 2 (RMF-2) standards apply. The RMF-2 setback standards are a 25-foot front setback, 20-foot rear setback, and 10-foot side setback. The front setback has been applied to the southern property line as it is where the primary access to the project site will be taken through the existing Obsidian Development (the project is required to be annexed into the Obsidian HOA). The rear setback has been applied to the northern property line, and the side setbacks to the east and west sides of the property.

The LMP specifies that circulation roads may not be located less than 50 feet from any residential properties not part of the LMP unless the applicant implements noise control measures approved by the Town. In order to address this requirement, the project consists of a six-foot solid fence along all portions of the road that are within

³ Distance is reduced because the applicant will implement noise control measures that have been approved by the Town and comply with Town noise regulations.

⁴ With approval of the requested Adjustment the project will comply with applicable standards for building height.

50 feet of the residential zone to the east. Additionally, the LMP requires that residential developments have front yard setbacks of no less than 20 feet from the edge of access road pavement in order to accommodate snow storage requirements.

Density

The maximum permissible residential density for the Resort zone is 8 units per acre (Municipal Code Section 17.32.110.C.6) and the overall density for the LMP area was calculated based on the entire 222-acre Master Plan area. The overall density of the entire LMP area is 5.68 units per acre. The Master Plan then divided the Master Plan area into five development areas and clustered the overall allowable density into those five areas thereby establishing the maximum number of allowable units per development area. The densities for each development area vary and are not held to the 8 units per acre maximum, provided that the overall density of the 222-acre Master Plan area remains under 8 units per acre.

Development Area 2 is 26.4 acres, which allows for a maximum of 210 residential units under the LMP. There are currently 79 units built or entitled. This leaves Development Area 2 with 131 units of density remaining out of the 210. The subject site was assigned 32 units of density from the Obsidian PUD development to the south via an Assignment Agreement, and the remaining density units approved for Area 2 (i.e., 99 units) are available for use by any development within Area 2 and are not assigned to any specific property.⁵

Approved developments in Development Area 2 include the: 1) Tallus/Obsidian project, which consists of 34 units; 2) Gray Bear I, which consists of 12 units; 3) Gray Bear II, which consists of 25 units; and 4) Gray Bear III, which consists of 8 units.

Therefore, the overall density in Development Area 2, including the Project, will be well below the maximum allowable density specified in the LMP.

Golf-Course Flyway Easements

The existing Golf Course Overflight Easement (Document number 2002004322 recorded June 4, 2002 in the official Mono County records) permits the flight of golf balls over, above, across, and upon the property, but does not in any way limit construction and/or improvements upon the property. The easement absolves the golf course from any liability for any claims, causes or action. losses, damages, costs or expenses for nuisance, inconvenience, disturbance or property damage or personal injury arising from stray golf balls.

General Plan Consistency:

As stated in MC Section 17.04.040.B, the *“Zoning Code is the primary tool used by the Town of Mammoth Lakes to carry out the goals, objectives, and policies of the Mammoth Lakes General Plan. The Mammoth Lakes Town Council intends that this Zoning Code be consistent with the Mammoth Lakes General Plan, and that any land use, or development approved in compliance with this Zoning Code will also be consistent with the Mammoth Lakes General Plan.”*

The site is subject to the Development Agreement between the Town of Mammoth Lakes and Intrawest Affiliates executed February 15, 2002.⁶ Therefore, it is vested under the 1987 General Plan and the 1992 Vision Statement. The project is consistent with the 1987 General Plan and the proposed Tentative Tract Map conforms to the LMP. The project is also consistent with the 2007 General Plan, although this is not required because of the Intrawest Development Agreement. The project is consistent with the General Plan and Vision Statement as described in Tables 3 and 4.

Specific General Plan Vision Statements with which the proposed project is consistent are described in **Table 3:**

⁵ Assignment Agreement between Mammoth Springs Resort, LLC and Obsidian Private Residence Club Association, dated January 27, 2020 (Mono County Records Document #2020000391)

⁶ The Intrawest Development Agreement expires on February 15, 2022, but since the project was deemed complete prior to that date on December 20, 2021, the project remains vested under the 1987 General Plan and the 1992 Vision Statement.

Table 3: General Plan Vision Statement Conformance

General Plan Vision Statement	Explanation of Project Conformance
<i>“Being a premier, year-round resort community based on diverse outdoor recreation, multi-day events, and an ambiance that attracts visitors”</i>	The Lodestar at Mammoth Master Plan provides an 18-hole golf course which attracts visitors to the area. The tentative map would allow for the continuation of the Master Plan vision through the attraction of visitors wishing to stay in a resort development. With approval of the Use Permit, the 33 units will provide a transient rental product that can accommodate families and visitors that wish to stay by the golf course.

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
GP 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.	The project incorporates design features and architectural detail that provides a high-quality product and complements the design of the existing Obsidian development to the south, thereby providing a cohesive appearance between the two sites.
GP Policy C.2.V: Building height, massing and scale shall complement neighboring land uses and preserve views to the surrounding mountains.	Building height and massing is similar to the Obsidian building design. The proposed structure height is below the tree line and will not limit views of the surrounding mountains. Additionally, the proposed lot coverage is below the maximum allowable lot coverage of 60%, thereby preserving a greater amount of open space.
GP Policy C.2.T: Use natural, high quality building materials to reflect Mammoth Lakes’ character and mountain setting.	The project incorporates high quality natural building materials which provides an earthy connection that is compatible with the local character and mountain setting.
GP Policy L.5.B: Locate visitor lodging in appropriate areas. GP Policy L.5.C: Ensure there are an adequate number of units available for nightly rental.	The Villas III subdivision is proposed to be used as visitor lodging (i.e., transient rentals) with approval of the use permit, and therefore the proposed transient rental use of the units is consistent with the Resort zoning designation.

Consistency with Town of Mammoth Lakes Design Guidelines

Pursuant to Section 17.88.030 of the Municipal Code, Design Guidelines adopted by the Town Council provide recommendations to be used in the design review process. They are intended to promote high-quality and thoughtful site and building design; visually interesting, appropriate, well-crafted and maintained buildings and landscaping; the use of durable high-quality, and natural materials that reflect Mammoth Lakes' character and mountain setting; and attention to the design and execution of building details and amenities in both public and private projects. The Design Review process is intended to implement the recommendations of the Town Design Guidelines, and the design review criteria are intended to encompass the primary design objectives included therein. In this case, staff finds that the Design Review criteria analysis above sufficiently addresses the Town Design Guidelines that are applicable to this project.

PEDC Design Committee Review

The PEDC Design Committee reviewed the project at the Design Committee meeting on January 19, 2022. The Committee reviewed the project design, including the site plan, building designs, and proposed materials, and were supportive of moving the project forward to the full Commission for consideration of the Design Review permit as proposed.

KEY ISSUE #3: Can the findings be made for approval of an Adjustment pursuant to MC Section 17.76.040?

Adjustments are intended to allow minor exceptions to certain development standards of the Zoning Code when such requests constitute a reasonable use of property but are not permissible under strict application of the Zoning Code. The following represents staff's analysis of the required findings pursuant to MC §17.76.040.

Height Adjustment Findings:

Increased safety of occupants or the public would result.

The Adjustment application requests an increase of two and a half-feet to the maximum building height for the three single-family residential buildings located on lots 1-3 of the Villas III Subdivision (TTM 21-001), thereby resulting in a maximum building height of 37½ feet (~7% increase). This request is an allowed Adjustment pursuant to Municipal Code §17.76.020 since the increase is less than 10%.

The Adjustment will result in the increased safety of the occupants by allowing for a 3:12 roof pitch which provides a safer building design in that the increased roof pitch reduces potential snow loading on the roof. Additionally, the increase in height will accommodate the installation of HVAC Ducting, plumbing, and electrical infrastructure. The height increase will also allow for a design that substantially matches the appearance of the other duplex structures within the "Villas at Obsidian" development to the south.

The Adjustment request is the minimum departure from the Lodestar Master Plan to achieve a minimum 3:12 roof pitch.

KEY ISSUE #4: Is the proposed project consistent State Subdivision Map Act?

Pursuant to the State Subdivision Map Act, the project requires approval of a Tentative Tract Map since the project is a common interest development and units can be individually owned and sold. Prior to issuance of a certificate of occupancy for any of the units, a final map and CC&Rs will require approval by staff and must be recorded on the property Title. Staff has reviewed the tentative map and finds that it is in conformance with the Town's Subdivision Ordinance and the State Subdivision Map Act. Tentative Tract Map 21-001 is included as **Attachment 2**.

KEY ISSUE #5: Can the State 'No Net Loss Law' findings pursuant to Government Code §65863 be made?

Since the site was identified in the Housing Element Land Inventory as a potential site for future affordable housing development to satisfy the Town's Regional Housing Needs Allocation (RHNA), the State 'No Net Loss Law' applies to the site and the findings identified in Government Code §65863(b) are required to be made. The 'No Net Loss Law' is intended to ensure that jurisdictions continue to have capacity at all times to accommodate the RHNA by income group throughout the planning period (i.e., 2019-2027) and requires jurisdictions conduct additional analysis of the remaining sites identified in the Housing Element Land Inventory if an included site is proposed to be developed at a different income category than what was assumed in the Housing Element. The Housing Element assumed that the subject site would be developed with 28 units intended for households whose income ranges from the very low- to moderate-income levels established by the State. As described in the Introduction & Background section above, this assumption was based on the previous ownership of the site and their intended use of the site as mitigation for future development projects. However, since that development never occurred and the ownership has since changed, those previous assumptions cannot be imposed or required on the site since the site was never burdened with any recorded affordability restrictions. The project is still required to comply with the current Housing Mitigation requirements of the Municipal Code which provides a menu of options

for mitigation the housing impact of the project. The following represents staff's analysis of the required findings pursuant to Government Code §65863(b).

Not Net Loss Law Findings (Government Code §65863(b)):

A. The reduction is consistent with the Town's adopted general plan, including the Housing Element.

The State defines a "reduction" as being a development with the number of residential units being less than what was assumed for the site in the Housing Element or affordable to a different income category than the site was assumed to accommodate in the Housing Element. This project proposal represents the latter in that the proposed income category of the units (i.e., market-rate) is different than the assumed very low- to moderate-income affordability levels assumed in the Housing Element. This reduction remains consistent with the Town's adopted general plan since the reduction does not change the land use and zoning designation (remains Resort zoned) and the proposed use (i.e., housing) remains the same.

B. The remaining sites identified in the Housing Element are adequate to meet the requirements of Government Code §65583.2 and to accommodate the Town's remaining share of the RHNA for the planning period.

The subject site was identified in the Housing Element Land Inventory as a potential housing site that would provide 28 affordable units (Very Low- to Moderate-Income) of the 155 units identified as being needed by the State in the Town's RHNA.⁷ The other remaining sites identified in the Housing Element Land Inventory have the capacity to provide 1,335 units ranging in affordability levels from Extremely Low- to Above-Moderate Income levels and as shown in Table 5 (RHNA Breakdown), those sites will substantially accommodate the remaining share of the RHNA for all income levels during the planning period.

Table 5: RHNA Breakdown

	Extremely Low	Very Low	Low	Moderate	Above Moderate	TOTALS
RHNA 2019-2027	26		30	34	65	155
Lodestar Site (Subject Site)	0	8	10	10	0	28
Other Identified Sites	3	57	60	63	102	285
Vacant Residential Land	0	0	0	0	1050	1050
Projected Totals	3	65	70	73	1152	1363
Projected Balance	(42)		(40)	(39)	(1,087)	(1,208)
Projected Balance w/ Removal of the Lodestar Site	(34)		(30)	(29)	(1,087)	(1,180)

⁷ See Tables 4.-42 (RHNA Plan), 4-45 (Summary of Projected Housing Units), and 4.47 (Summary of Projected Unit with RHNA) in the adopted Housing Element (<https://www.townofmammothlakes.ca.gov/DocumentCenter/View/8407>)

KEY ISSUE #6: Is the proposed project consistent with the California Environmental Quality Act (CEQA)?

Staff determined that an addendum to the 1991 Lodestar at Mammoth Environmental Impact Report is appropriate because the addendum demonstrates that the environmental analysis and impacts identified in the EIR are applicable to the project and remain substantively unchanged by the proposed Tentative Tract Map, Use Permit, Design Review and Adjustment applications. The Addendum supports the finding that the proposed project does not result in any new environmental effects and does not exceed the level of impacts identified in the EIR. The CEQA Addendum is included as Exhibit B to the Resolution (**Attachment 1**).

Agency/Public Comments

Staff routed the application to the following local agencies for review: Mammoth Lakes Fire Protection District (MLFPD), Mammoth Community Water District (MCWD), Mammoth Disposal, and AmeriGas. Comments received from MCWD and the Mammoth Lakes Fire Protection District have been incorporated into the conditions of approval in the attached resolution (**Attachment 1**).

Notice of the public hearing, including a project description, was mailed to the 92 property owners within 300 feet of the subject property and a Public Notice was published in The Sheet on January 29th and February 5th. The notice is included as **Attachment 3**.

At the time that the staff report was published, staff has received comments from six members of the public. The comments are included in **Attachment 4** and are discussed below.

-Comments were received that units 20-25 are located too close to San Joaquin Villas.

The project as proposed complies with all setback requirements in the LMP and where the LMP does not specify setbacks for the project site, the applicable Residential Multi-Family 2 (RMF-2) standards apply. The 20-foot rear setback proposed for the north property line meets the rear setback standard for the RMF-2 zone.

-Comments were received that the proposed project will shed snow onto San Joaquin Villas and the project does not have adequate snow storage.

Regarding snowshed for the duplexes located along the northern property line, all roofs are sloped away from the property line as to not deposit snow in the direction of neighboring properties. Additionally, the project meets the required setbacks, which are intended to capture shedding snow, and prevent it from crossing property lines.

Pursuant to Municipal Code Section 17.36.110, a minimum of 75% of all parking and driveway areas shall be provided for the storage of snow. This also includes the interior circulation streets of this project. The project is required to provide a total of 31,834 square feet of snow storage. The project is providing 42,445 square feet of snow storage, which is 100% of all parking and driveway areas.

-Comments were received regarding existing flooding on the project site.

As a part of the subdivision improvements, the project includes public storm drain infrastructure that will intercept two existing off-site drainage channels and convey the runoff south to the existing 42" public storm drain at Dorrance Drive. The proposed storm drain infrastructure, designed and certified by a California Registered Professional Engineer, is intended to accommodate 20-year storm flows in accordance with Town Standards. In the rare instances of a 100-year storm, it is acknowledged that the storm drain will overflow and the flows through the site will be similar to current conditions. To accommodate such flows, swales and other landscape features are included in the site design to direct such flows to appropriate areas.

(See Appendix D (Drainage Analysis and Storm Water Plan) of the Addendum to the 1991 EIR - <https://www.townofmammothlakes.ca.gov/DocumentCenter/View/11867>)

-Comments were received about potential noise concerns related to nightly rentals.

The LMP requires a use permit in order to allow nightly rentals in Development Area 2. A similar requirement has been imposed, and the use permit granted, for all other LMP Development Area 2 developments. All units approved for nightly rentals will be required to adhere to the Town's Quality of Life Ordinance, which contains standards and conditions of operation related to health, safety, and noise.

-Comments were received that the proposed noise mitigation fence will restrict wildlife movement.

As required by the mitigation measures included in the 1991 Lodestar at Mammoth EIR, circulation roads may not be located less than 50 feet from any residential properties not part of the LMP unless the applicant implements noise control measures approved by the Town. In order to address this requirement, the project consists of a six-foot fence along all portions of the road that are within 50 feet of the residential zone to the east. This has been the standard method of noise mitigation for other areas within the LMP that have a road within 50 feet of a residential zone. There will be gaps in the fencing at both ends and at all locations that are more than 50 feet from the circulation road, which will allow wildlife safe passage.

-Comments were received related to the number of trees the project is proposing to remove.

The 1991 Lodestar at Mammoth EIR, and the Addendum to the 1991 EIR that was prepared for this project, analyzed tree removal for the site and the overall master plan area. The 1991 EIR determined that the removal of trees was an unavoidable, significant impact primarily due to the large number of trees needing to be removed for the development of the golf course and the removal of those trees were addressed through appropriate mitigation measures. With regards to the specific project site, 220 of the 813 existing trees on the site will remain and an additional 97 trees will be planted, which is in the range recommended by the tree replacement plan. The Addendum to the 1991 EIR analyzed the proposed tree removal and the proposed tree replacement plan that was prepared by a licensed ISA Certified Arborist and determined that the proposed impacts from tree removal will not result in any new environmental effects not previously analyzed and does not exceed the level of impacts identified in the 1991 EIR. The proposed tree replacement plan is in accordance with the applicable mitigation measures related to tree replacement.

Additionally, the Tree Survey Report prepared for the project by a licensed ISA Certified Arborist determined that the subject property has a systemic outbreak of Jeffery Pine Beetle that at the time of the January, 2021 survey had affected 203 trees on the site, or 28% of the total number of trees. All of the affected trees had already died or were green, but beetle-infested with a 95% prognosis of fatality. This number does not include living trees that had evidence of an otherwise unsuccessful beetle attack.

(See Appendix B-1 (Tree Survey Report) of the Addendum to the 1991 EIR - <https://www.townofmammothlakes.ca.gov/DocumentCenter/View/11864>).

-Comments were received that the project does not have sufficient parking and guest parking.

Pursuant to the LMP, the single-family residences are required to have three parking spaces and the duplexes are required to have two parking spaces. Each single-family residence has two garage parking spaces and one driveway parking space. Each duplex contains a garage with two tandem parking spaces. Additionally, the LMP requires a total of 11 guest parking spaces for the project. The project is proposing a total of 33 guest parking spaces that will be located in the minimum 20-foot-long driveway of each unit in accordance with Section 7.F of the LMP which indicates that driveways that are at least 20 feet in length are intended for use as guest parking.

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, State No Net Loss Law, State Subdivision Map Act, and Municipal Code findings, and approving Tentative Tract Map 21-001, Use Permit 21-001, Design Review 21-001 and Adjustment 21-006 with conditions as recommended by staff, or with modifications.

Attachments

Attachment 1: Planning and Economic Development Commission Resolution

Exhibit A: Conditions of Approval

Exhibit B: Addendum to the 1991 EIR

Attachment 2: Project Plans

Attachment 3: Public Hearing Notice

Attachment 4: Public Comments