



Town of Mammoth Lakes

Planning & Economic Development Commission Staff Report

Meeting Date: May 11, 2022

AGENDA TITLE: Public hearing and consideration of Tentative Tract Map 21-001, Use Permit 22-002, 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 Resolutions (the Resolutions), 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, Adjustment 21-006, and Use Permit 22-002 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.
5. A use permit (UPA 22-002) to permit a gate on a private street (Callahan Way);

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 finding to permit a gate on a private street (Callahan Way) pursuant to Municipal Code (MC) Chapter 17.68?
2. 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?
3. Does the proposed project meet the Design Review criteria and required findings pursuant to MC Chapter 17.88?
4. Can the findings be made for approval of an Adjustment to building height pursuant to MC Chapter 17.64?
5. Is the proposed project consistent with the State Subdivision Map Act?
6. Can the State ‘No Net Loss Law’ findings pursuant to Government Code §65863 be made?
7. Is the proposed project consistent with the California Environmental Quality Act (CEQA)?

I. INTRODUCTION AND BACKGROUND

Previous PEDC Meetings

A public hearing for the Villas III project was held at the February 9, 2022 Planning and Economic Development Commission meeting and a motion was made to adopt the Planning and Economic Development Commission Resolution and approve the project. However, the vote resulted in a 2-2 split vote, with one Commissioner conflicted out, which means the project was neither approved or denied and the public hearing was continued to a later date. There were numerous public comments made prior to the public hearing and during the public hearing in opposition to the project.

Public hearings for this project were held again on March 2 and April 13. At both meetings the Commission received public comments regarding a broad range of concerns with the project. The Commission continued the project request to May 11, 2022 to allow staff and the applicant to respond to the issues raised by the public. A summary of the public comments and the proposed changes to respond to the public comments are provided in the Public Comments section, below.

Project Summary

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*).

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.

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.

Changes Since February 2, 2022

Since this project was considered by the PEDC on February 2, 2022, the applicant has made a number of changes to respond to public comments. Those changes include:

1. All rear balconies have been removed from units 22-33 and the design of these units have also been modified so the third floor of the units step down from the street. . This includes units 22-25, which are the units closest to San Joaquin Villas.
2. The parcel is now considered a through lot, which means the front setback is applied to both the north and south property lines. This has increased the north property line setback from 20 feet to 25 feet and the buildings have been shifted five feet to the south (away from San Joaquin Villas).
3. All fences along the east side of the project that are greater than 50 feet from the interior circulation road have been changed from solid wood fences to single rail fences.
4. The applicant is working with the San Joaquin Villas Homeowners Association to reach an agreement to plan up to \$30,000 of additional landscaping between units 22-25 and San Joaquin Villas.

Staff Finding and Recommendation

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.

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 Permits, Design Review, and Adjustment with the conditions of approval noted in the attached Resolution (**Attachment 1**)

II. 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 two designs. Both duplex designs contain three bedrooms and duplex design A will be 3,290 sq ft and duplex design B will be 2,745 sq ft. 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. Pursuant to Municipal Code Section 17.52.130, a use permit is required to address design, location, and operational requirements. A use permit application is included with the proposed entitlement package. 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 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 3 – 8** and the duplex building designs for lots 4 – 33 are shown in **Figures 9 -13**. The project plans, including the site plan, building floor plans, and elevations are included as **Attachment 3**.

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 3: Front Rendering of Lot 1



Figure 4: Rear Rendering of Lot 1



Figure 5: Front Rendering of Lot 2



Figure 6: Rear Rendering of Lot 2



Figure 7: Front Rendering of Lot 3



Figure 8: Rear Rendering of Lot 3



Figure 9: Front Rendering of Lots 4-21



Figure 10: Rear Rendering of Lots 4-21



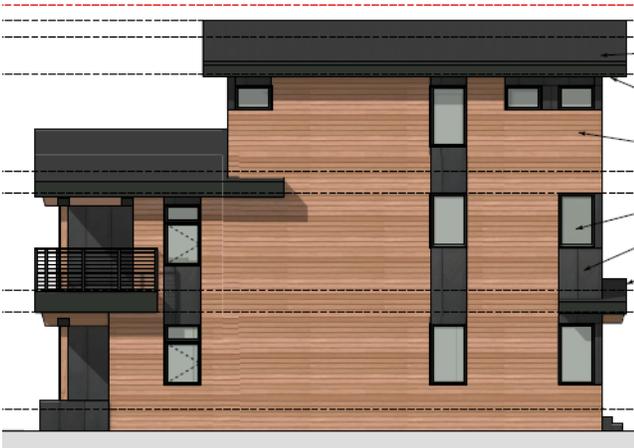
Figure 11: Front Renderings of Lots 22-33



Figure 12: Rear Renderings of Lots 22-33



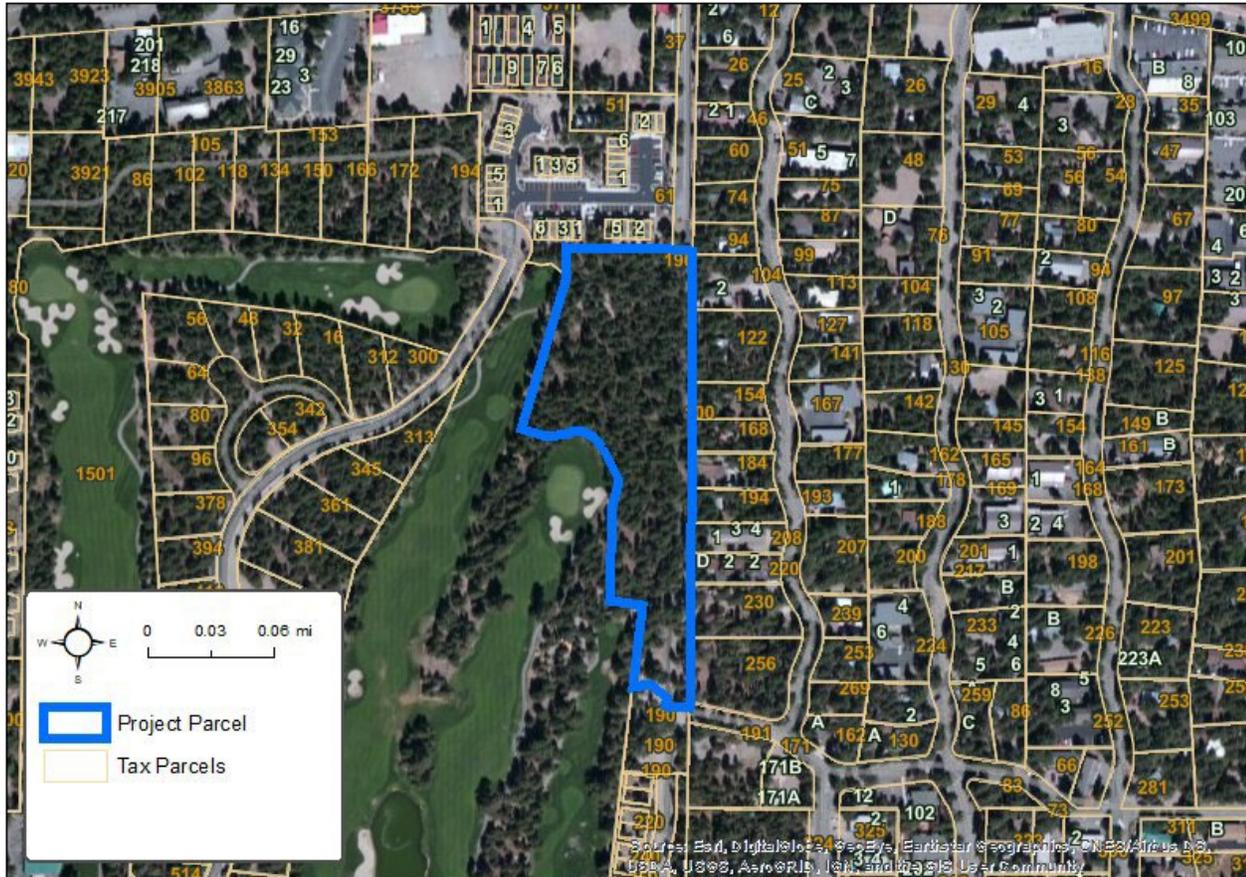
Figure 13: Side View of Lots 22-33



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 14** shows the project site and surrounding area.

Figure 14: 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.

III. ANALYSIS OF KEY ISSUES

KEY ISSUE #1: Does the proposed project meet the Use Permit criteria and required finding to permit a gate on a private street (Callahan Way) pursuant to Municipal Code (MC) Chapter 17.68?

Pursuant to MC Section 17.52.130, a Use Permit is required to construct a gate on a private street.

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 gate is consistent with the General Plan and any other applicable Town policy or plan, including the Trails System Master Plan.

The proposed gate is consistent with the 2007 General Plan Mobility Element Policy M.6.4, which states the Town shall discourage the use of neighborhood streets as cut-through routes to avoid congested arterial facilities. By limiting access to the Villas III Development, a cut through route will be prevented and a safer experience will be provided for residents as well as users of the adjacent multi-use path. The presence of the gate will also prevent drivers from speeding into and out of the development.

The proposed gate is also consistent with the Trails System Master Plan as access to the adjacent multi-use path will not be obstructed by the gate.

B. There is a demonstrated need for public safety or security that will be satisfied by the gate.

The proposed gate will improve public safety by limiting traffic into and out of the Villas III Development. The gate will prevent non-residents from mistakenly driving into the development and the limited traffic will improve the safety of both the residents and the users of the adjacent multi-use path.

C. The requirements of MC Section 17.52.130 are met.

- a. *A gate on a private street shall require a use permit approved by the Commission, a building permit approved by the Building Official, and a permit approved by the Mammoth Lakes Fire Protection District.*

The plans for the proposed gate have been reviewed by the Mammoth Lakes Fire Protection District. The Fire District has provided conditions of approval that are included in the attached resolution. Additionally, a condition of approval has been included that states a building permit approved by the Building Official is required prior to work beginning on the gate.

- b. *The gate improvements shall include pedestrian access and/or easement as determined by the Commission.*

Pedestrian access will not be obstructed by the proposed gate. Pedestrians will be able to freely pass through the gate area on the adjacent multi-use path that parallels Callahan Way.

- c. *The gate shall adequately operate for emergency response vehicles, snow removal equipment operators, utility service providers, deliveries, and guests, including adequate turn-around space and vehicle queuing.*

The proposed gate will be equipped with an emergency key box that will allow emergency vehicles to immediately pass through the gate. Prior to all snowfall events, the gate is required to be left open as to not obstruct traffic and to facilitate the removal of snow. Utility service providers, deliveries, and guests will be able to enter through the gate with access codes provided by homeowners. The gate will not have an intercom or gate alarm in order to limit noise. The gate alignment allows for up to four vehicles to queue at the gate without blocking the entrance to San Joaquin Villas. Public Works and the Fire District have determined that there is adequate turn-around space.

D. 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.

As stated previously, the proposed gate is consistent with the 2007 General Plan Mobility Element Policy M.6.4, which states the Town shall discourage the use of neighborhood streets as cut-through routes to avoid congested arterial facilities. By limiting access to the Villas III Development, a cut through route will be prevented and a safer experience will be provided for residents as well as users of the adjacent multi-use path. The presence of the gate will also prevent drivers from speeding into and out of the development.

The Lodestar at Mammoth Master Plan does not specifically acknowledge gates on private streets, but the proposed gate on Callahan Way is consistent with the previously approved and constructed gate at the south end of the existing Obsidian development.

E. 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 proposed gate on a private street is consistent with permitted gates in other areas of the Resort (R) zoning district and the Resort (R) land use designation.

KEY ISSUE #2: Does the proposed project meet the Use Permit criteria and required Findings pursuant to 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:

F. 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.

G. 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.

Additionally, of the 29 existing units in the Obsidian Development, only 10 units (~34%) have obtained Town Occupancy Tax Certificates that allow the units to be rented nightly. Over the past three years, the Mammoth Lakes Police Department and the Town's Code Compliance Officer have not received any noise complaints related to the nightly rental of units in Obsidian or the neighboring Gray Bear development.

H. 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 #3: 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. The site also features a grade change of approximately eight feet from the property to the north. The Villas III duplexes are 35 feet tall, and the neighboring structures are approximately 27 feet tall. When the grade change is considered, the buildings have a similar top of roof elevation, and the Villas III duplexes do not overpower the San Joaquin Villas to the north. The design of the units directly adjacent to San Joaquin Villas have been altered to remove the planned 2nd and 3rd floor balconies in order to provide additional privacy to residents of San Joaquin Villas. 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 (North and South) Setback	25 feet	25 feet	Yes
Side (East and West) Setback	10 feet	10 feet	Yes
Rear Setback	NA	NA	NA ²
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.	75%=31,998 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

² The lot has been considered to be a through lot. As a result, the front setback is applied to the north and south property lines, and there is no rear setback.

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.

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 lot has been determined to be a through lot. As a result, the front setback has been applied to both the northern and southern property lines as primary access to the project site will be taken through Callahan Way to north and the existing Obsidian Development to the south (pending approval from the existing HOAs). The side setbacks have been applied to the east and west sides of the property, and there is no rear setback.

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 50 feet of the residential zone to the east. For areas of the project that are greater than 50 feet from the circulation roads, the applicant is proposing a single rail fence to provide some separation from the development and the multi-use path while leaving views unobstructed and allowing wildlife safe passage. 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.

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

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:**

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

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.

	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 #4: 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%.

Given the constrains of the site and building code requirements, a 3:12 roof slope was necessary as it allows a reduction in structural load values. As a result, smaller sized framing can be used to accommodate the floor to ceiling heights, which are as low at 7 feet. 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 Adjustment request is the minimum departure from the Lodestar Master Plan to achieve a minimum 3:12 roof pitch.

KEY ISSUE #5: 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 3**.

KEY ISSUE #6: 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 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.

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>)

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)

KEY ISSUE #7: Is the proposed project consistent with the California Environmental Quality Act (CEQA)?

Staff determined that an addendum to the Certified 1991 Lodestar at Mammoth Environmental Impact Report (1991 EIR) is appropriate because the addendum demonstrates that the environmental analysis and impacts identified in the 1991 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 compared each CEQA environmental characteristic as described in the 1991 EIR for the area with the current proposal and setting and made the following determinations.

Geology, Soils, and Seismicity

The 1991 EIR found that all potential geological hazard impacts related to increasing population within the area of the entire LMP project would be less than significant with the adopted mitigation measures. Since the Project will not result in an increase in population beyond that analyzed in the Certified EIR and all proposed development is within areas of the LMP intended for housing development, it was determined that no new significant impacts or substantial increase in the severity of previously identified significant impacts would occur as a result of this project related to geological hazards.

Hydrology and Water Quality

The 1991 EIR found that all potential hydrology and water quality impacts of the entire LMP project would be less than significant with the adopted mitigation measures. The 1991 EIR’s review of potential impacts analyzed the potential hydrology and water quality impacts that could occur as a result of the modification of drainage paths, increase in runoff, and the golf course. Drainage facilities are required to conform to the Town and Lahonton Regional Water Quality Control Board requirements and the proposed storm drain will alleviate runoff and flooding that has historically occurred to the east of the Project site. All existing mitigation measures remain applicable and the Project does not include intensification of development or modifications to drainage that would result in an increase in runoff. Therefore, no new significant impacts or substantial increase in the severity of previously identified significant impacts would occur as a result of this project related to hydrology and water quality impacts.

Biotic Resources

The 1991 EIR determined that the development of the entire LMP project would result in significant unavoidable impacts with regards to biotic resources due to the following impacts (*all other potentially significant biotic impacts were found to be less than significant with mitigation*):

- (1) development of the entire LMP site would result in a loss of vegetation cover due to site clearing for buildings;
- (2) development of the entire LMP site would result in a change of vegetation type; and
- (3) development of the entire LMP site would result in the loss of a significant number of trees currently existing on the site.

The majority of the habitat modification has already occurred as a result of the golf course development, and the intensity of the remaining development would not increase beyond that anticipated in the 1991 EIR. The extent of the vegetation removal necessary for the Project is similar in scale to the vegetation removal that occurred for adjacent developments, including San Joaquin Villas to the north, Gray Bear to the west, and Obsidian to the south, and is consistent with what was analyzed and assumed for the site in the 1991 EIR. All mitigation measures are still applicable. Therefore, no new significant impacts or substantial increase in the severity of previously identified significant impacts would occur as a result of this project related to biotic resources.

Jobs/Housing

The 1991 EIR found that all potential jobs/housing impacts of the entire LMP project would be less than significant with the adopted mitigation measures. The Project would not change anticipated uses or intensity of uses beyond what is allowed under the Master Plan and analyzed in the 1991 EIR. Therefore, the Project would not increase the demand for workers beyond the levels anticipated in the 1991 EIR and no new significant impacts or substantial increase in the severity of previously identified significant impacts would occur as a result of this project. Mitigation is tied to policies of the Town and would not be altered by the Project.

Utilities

The 1991 EIR found that all potential utility impacts of the entire LMP project would be less than significant with the adopted mitigation measures. The 1991 EIR's analysis of potential utility impacts analyzed potential impacts to water demand/consumption, wastewater production, drainage infrastructure, solid waste production, electricity consumption, and telephone services. Since the Project does not intensify uses, it was determined that no new or additional impacts would occur and the mitigation measures contained in the 1991 EIR are still applicable.

Traffic

The 1991 EIR found that all potential traffic impacts of the entire LMP project would be less than significant with the adopted mitigation measures. The 1991 EIR's traffic analysis focused on whether the development would generate additional vehicle trips and traffic volume that would affect an intersections Levels of Service and whether the internal roadways serving the project would be adequate for the projected traffic volumes. Since the Project would not increase the intensity of use or shift Project access points, no change in impacts would occur as a result of the Project and the mitigation measures contained in the 1991 EIR remain applicable. .

Air Quality

The 1991 EIR found that all potential air quality impacts of the entire LMP project would be less than significant with the adopted mitigation measures. Because the Project would not increase traffic, wood burning, or construction beyond that anticipated in the 1991 EIR, no change in the air quality effects would occur as a result of the Project and the mitigation measures contained in the 1991 EIR remain applicable.

Noise

The 1991 EIR found that all potential noise impacts of the entire LMP project would be less than significant with the adopted mitigation measures. The 1991 EIR's noise analysis analyzed construction related noise and noise related to added traffic and people. Since the Project would not intensify any uses leading to additional noise impacts beyond what was identified in the 1991 EIR, no change to this impact or the recommended mitigation measures would occur as a result of the Project. The project will mitigate the potential noise impacts associated with the internal roadway being less than 50 feet away in some locations from the adjacent residential area to the east through the installation of a six-foot solid fence in these areas.

Archaeological Resources

The 1991 EIR found that all potential archaeological impacts of the entire LMP project would be less than significant with the adopted mitigation measures. All development within the LMP area is required to adhere to the archaeological and aesthetic resource mitigation measures intended to preserve native trees to the extent feasible and to blend development with the natural setting through the use of natural earth tone colors. Since the Project would not increase the intensity of development or allow development in areas not previously analyzed in the 1991 EIR, no change to this impact or the recommended mitigation measures would occur as a result of the Project.

Aesthetics/Visual Resources

The 1991 EIR determined that the development of the entire LMP project would result in significant unavoidable impacts with regards to aesthetic resources due to the large land disturbance necessary for the golf course (*all other potentially significant aesthetic impacts were found to be less than significant with mitigation*). All development within the LMP area is required to adhere to the aesthetic resource mitigation measures intended to preserve native trees to the extent feasible and to blend development with the natural setting through the use of natural earth tone colors. The Project would not intensify this effect beyond what was previously analyzed, and all aesthetic mitigation measures remain applicable.

Public Services/Fiscal

The 1991 EIR determined that the development of the entire LMP project would result in significant unavoidable impacts with regards to public service resources due to the additional student demand for the schools (*all other potentially significant aesthetic impacts were found to be less than significant with mitigation*). However, since the Project would not increase the intensity of development beyond what was identified in the 1991 EIR and the project is intended for nightly rentals thereby reducing the expected number of students, the Project would not exceed the level of impacts identified in the 1991 EIR. All adopted mitigation measures remain applicable.

The Addendum supports the finding that the proposed project does not result in any new significant environmental effects, and that the project does not substantially increase the severity of the previously identified significant effects. All impacts were found to be the same or less severe than those previously identified. The CEQA Addendum is included as Exhibit B to the Resolution (**Attachment 1**).

Agency 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 and 2**).

IV. RESPONSE TO PUBLIC COMMENTS

A notice of the continued 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 April 30th and May 7th. The notice is included as **Attachment 4**.

Staff has received a number of written comments on this project as well as in person comments during the February 9, March 2, and April 13 PEDC meetings. Public comments are included in **Attachments 5** and are discussed below. Staff has reviewed the public comments and has grouped them into general categories as described below.

- ***Comments were received that the preparing an Addendum to the Certified 1991 Lodestar at Mammoth Environmental Impact Report is not appropriate.***

The preparation of an Addendum to the 1991 Lodestar at Mammoth Environmental Impact Report (EIR) is the appropriate process under CEQA. The Town may proceed under CEQA's subsequent review provisions as long as, in its discretion, it determines that the prior EIR is relevant to the ongoing decision-making process and retains some informational value. (*Friends of the College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.5th 937, 952.) Under this test for the applicability of CEQA's subsequent review provisions, if the agency determines, either impliedly or expressly, that the existing EIR is relevant and retains some informational value, its consideration of the proposed change to the project falls under the subsequent review standards set forth in Public Resources Code section 21166 and CEQA Guidelines section 15162. Here, because the Project falls within the scope of the Master Plan, the Certified EIR retains informational value and subsequent environmental review is appropriate.

Moreover, there is a presumption in CEQA against requiring any further environmental review once an EIR has been prepared for a project. (Pub. Resources Code, §21166; CEQA Guidelines §15162.) Subsequent environmental review is required only when substantial changes are proposed in the project which will require major revisions of the EIR, substantial changes occur in the circumstances under which the project is being undertaken that will require major revisions in the EIR, or new information of substantial importance to the project that was not known and could not have been known at the time the EIR was certified as complete becomes available. As analyzed in the Addendum, the whole of the record supports the conclusion that none of the conditions described in Public Resources Code section 21166 and CEQA Guidelines section 15162 calling for preparation of a subsequent EIR or Negative Declaration have occurred, and thus no subsequent environmental review is required and an Addendum to the Certified EIR is appropriate here.

- ***Comments were received expressing concerns over how the project site will be accessed (both on a for construction and permanently) and suggesting that all access should take place off Meridian Boulevard.***

Callahan Way will serve as one of the primary access points for the Villas III development. Callahan Way is a private street that is owned by the developer of Villas III. As a result, the Town does not have the ability to limit access to Villas III from Callahan Way.

The Villas III and the entire Obsidian Development will not be accessible at Dorrance Avenue. This includes construction traffic for the Villas III project. Dorrance Avenue will have a gate installed prior to the first certificate of occupancy for the previously approved duplexes on the Obsidian remainder parcel. The gate at Dorrance Avenue will be emergency access only.

Prior to beginning work on the site, a Construction Staging and Management Plan will be required. The plan will include provisions related to the parking of construction worker vehicles, construction

equipment, construction materials, haul routes for export or import of material to/from a permitted site and specific limitations restricting access into non-developed portions of the site and the storage of materials within these areas. Identified haul routes shall avoid residential areas to the maximum extent practical.

- ***Comments were received that the multi-use path easement is inconsistent with the State Map Act.***

The proposed multi-use path easement is consistent with the State Map Act. The approval of a tentative map is a discretionary action that is prepared to show proposed infrastructure improvements and changes to parcellation. The abandonment of the trail easement is governed by streets and highway code and would require Town Council action by resolution prior to acceptance of the Final Map. The acceptance of the new easement by offer of dedication or other instrument may be accepted by Town Staff as authorized by Town Council Resolution.

- ***Comments were received that the housing mitigation needs to be approved prior to approval of the tentative tract map.***

Housing mitigation for the project will comply with the Town's Housing Ordinance (Municipal Code Chapter 17.136). The Town's housing ordinance was adopted in 2015 and provides developers with a menu of options to utilize to mitigate workforce housing, including payment of housing mitigation fees, development of units on-site / off-site, donation of land to be used as affordable housing, or adoption of an alternate housing mitigation plan. All the menu options are considered to be equivalent and are based on the value of what the housing mitigation fee would be (i.e., the minimum amount a developer is required to expend to develop units on-site is only required to be equal to what the housing mitigation fee would be, and any amount that is in excess of the fee amount results in housing mitigation credits being assigned to the developer that can be sold or transferred to other properties). The provision of a menu of options that are equivalent was intended to not penalize a developer should they choose one option over another and should not impact the review authority's consideration of the project. Therefore, the standard condition of approval only requires the developer to comply with the housing ordinance in effect at the time of building permit submittal, rather than specify which menu option they intend to utilize, since the minimum monetary amount of their mitigation is established by the fee ordinance in effect at that time and is directly related to scale of the proposed project. Based on the 33 units proposed and the current fee of \$6,420 per residential unit, the Villas III project is required to provide housing mitigation in an amount equal to \$211,860 (33 x \$6,420). This assurance of the required monetary value of the mitigation provides a level of certainty for the developer and the menu of options provides the Town the ability to leverage the fee amount and discuss potential projects that are mutually beneficial to both the Town and the developer.

- ***Comments were received about the front yard setback being applied to the south property line.***

After members of the public raised issues related to access to the Villas III site, the applicant reconsidered how the project will function. As a result, it was determined that Callahan Way would serve as one of the primary access points for the site. It was determined that the parcel would be considered a through lot, which requires front setbacks to be applied to both the north and south property lines. The applicant revised the site plans to increase the setback on the north property line from 20 feet to 25 feet as required in the RMF-2 zone. This resulted in an additional 5 feet of separation from units 22-25 and San Joaquin Villas.

- ***Comments were received that the findings for the height adjustment were not valid.***

The adjustment requested by the applicant meets the required findings of increase safety of the occupants or the public. Given the constraints of the site and building code requirements, a 3:12 slope was necessary as it allow a reduction in structural load values. As a result, smaller sized framing can be used to

accommodate the floor to ceiling heights, which are as low at 7 feet. 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 proposed single-family residences are located at the south end of the project site, which is 600 feet away from San Joaquin Villas.

- ***Comments were received that units 22-25 are located too close to San Joaquin Villas. Some commenters note that the project meets the setback requirements but requested an additional setback.***

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. As mentioned previously, the applicant has reconsidered how the project will function, and it has been determined that the parcel is a through lot, which requires front setbacks to be applied to both the north and south property lines. The 25-foot front setback proposed for the north property line meets the rear setback standard for the RMF-2 zone, which provides an additional 5 feet of separation from units 22-25 and San Joaquin Villas. San Joaquin Villas was granted a five foot reduction in the rear setback which resulted in a rear setback of 15 feet from the shared property line between the Villas III project site and the San Joaquin Villas site. The reduced setback was granted to the San Joaquin Villas in order to accommodate the additional density needed to make the affordable housing project feasible (16 units/acre). However, this reduced setback on the San Joaquin Villas site does not require adjacent properties to adjust their setbacks to accommodate greater building separation and adjacent projects are only subject to the setbacks identified for the development area.

The applicant has agreed make changes in response to the public comments as follows:

- The applicant has removed all balconies (2nd and 3rd floor) from units 22-33, which includes units 22-25 that are located directly behind San Joaquin Villas. Updated plans are included in Attachment 3.
- The applicant is in negotiations with the San Joaquin Villas HOA to provide increased landscaping between units 22-25 and San Joaquin Villas. The applicant has agreed to pay up to a maximum of \$30,000 for additional tree plantings and landscaping between the two developments. A condition of approval has been added to the resolution that requires the funds be placed in an escrow account prior to the final certificate of occupancy.

- ***Comments were received that the proposed project will shade the San Joaquin Villas project.***

The units adjacent to San Joaquin Villas have a maximum height of 35 feet, which complies with the maximum height specified in the Lodestar at Mammoth Master Plan and the Town's Municipal Code. The project also complies with the required setbacks, which were discussed in a comment above. The Town's maximum building height standard of 35 feet was developed using the top of the forest canopy as a height limit to ensure new buildings would be kept within the tree canopy. The site currently is forested with trees that typically range from 45 feet to 55 feet in height, with some outliers exceeding that range.

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

The project meets all requirements for snow storage and snow shed. All roofs of the duplexes adjacent to San Joaquin Villas 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 31,988 square feet of snow storage, which is greater than 75% of all parking and driveway areas.

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

The project will resolve flooding issues the 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 installation of the public storm drain infrastructure that is being funded entirely by the developer is above and beyond what is required by the Town and will benefit the greater Sierra Valley sites neighborhood to the east by minimizing the existing flood hazard. The proposed storm drain infrastructure has been designed and certified by a California Registered Professional Engineer and 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 path of flows through the site will follow 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. Use permits have been issued for other LMP Development Area 2 developments including the Obsidian and Gray Bear projects. If the use permit is approved, each unit will be required to obtain separate Business Tax and Transient Occupancy Certificates in order to allow nightly rentals. All units approved for nightly rentals will be required to adhere to the Town's Quality of Life Ordinance ([Municipal Code Chapter 5.40](#)), which contains standards and conditions of operation related to health, safety, and noise.

In order to provide some background for this use permit request, staff reviewed the Transient Occupancy Tax certificate data from the Obsidian development and found that of the 29 existing units in the Obsidian Development, only 10 units (~34%) have obtained Town Occupancy Tax Certificates to allow the units to be rented nightly. Additionally, over the past three years, the Mammoth Lakes Police Department and the Town's Code Compliance Officer have not received any noise complaints related to the nightly rental of units in Obsidian or the neighboring Gray Bear development.

- ***Comments were received requesting that the applicant remove the hot tubs on the duplex units facing San Joaquin Villas***

The original entitlement plans and renderings included hot tubs on the rear decks of the duplex units. All rear decks have been removed from units 22-33, and hot tubs have been removed from the plans for all units. However, the Town does not have the ability to prohibit future homeowners from installing hot tubs if they choose, which is the case in all other areas of Town.

- ***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. This purpose of this requirement is to provide noise control for properties that are less than 50 feet from a circulation road. This mitigation measure applies to properties along the east of the project site that are less than 50 feet from Callahan Way. To comply with this mitigation measure, the project includes 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. For areas of the project that are greater than 50 feet from the circulation roads, the applicant has agreed to a single rail fence to provide some separation from the development and the multi-use path while leaving views unobstructed and allowing 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 extent of the vegetation removal necessary for the Project is similar in scale to the vegetation removal that occurred for adjacent developments, including San Joaquin Villas to the north, Gray Bear to the west, and Obsidian to the south, and is consistent with what was analyzed and assumed for the site in the 1991 EIR. 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 in January 2021, by a licensed ISA Certified Arborist determined that the subject property has a systemic outbreak of Jeffery Pine Beetle that had affected 203 trees on the site, or 28% of the total number of trees. The tree removal plan reflects removal of all trees affected by the Jeffery Pine Beetle outbreak.

(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.***

The project meets all parking requirements. 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.

- ***Comments were received that the project should have been considered by the Advisory Design Panel (ADP)***

The Advisory Design Panel is an independent body that provides impartial professional advice to Town staff on matters relating to the design of development proposals and the relationship between the development proposal and Mammoth's physical environment. The Advisory Design Panel advises Town staff and the Planning and Economic Development Commission concerning the site planning and design of all significant buildings located in Mammoth Lakes. The buildings within the Villas III development were not deemed "significant" and in need of ADP review. This is consistent with the buildings in the first two phases of the Obsidian development and the Gray Bear development.

V. 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 22-002, 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 for TTM 21-001, UPA 21-001, DR 21-001, and ADJ 21-006

Exhibit A: Conditions of Approval

Exhibit B: Addendum to the 1991 EIR

Attachment 2: Planning and Economic Development Commission Resolution for UPA 22-002

Exhibit A: Conditions of Approval

Attachment 3: Project Plans

Attachment 4: Public Hearing Notice

Attachment 5: Public Comments received since publication of the February 2, 2022 agenda

Attachment 6: Staff Report from the February 9, 2022 Public Hearing can be found here: <https://pub-townofmammothlakes.escribemeetings.com/filestream.ashx?DocumentId=20466>

Attachment 7: Shadow Study and Cross Section of Villas III and San Joaquin Villas