



Town of Mammoth Lakes

Planning & Economic Development

Commission Recommendation Report

Date:	April 29, 2015	Case/File No.:	Tentative Tract Map 15-001, Variance 15-001, Use Permit 15-001, Design Review 15-001, and Adjustment 15-001
Place:	Council Chambers, 2 nd Floor Minaret Village Shopping Center Mammoth Lakes, CA 93546		
Time:	After 2:00 p.m.	Project:	Mountainside
Agenda Item:	1	Location:	413 Rainbow Lane
Appeal Status:	Appealable to the Town Council	General Plan:	High Density Residential-2
Applicant/ Property Owner:	John Hooper Mountainside One, LLC	Specific Plan:	NA
Environmental Review:	Categorically Exempt – In-Fill Development (CEQA §15332)	Zoning:	Residential Multi-Family-2

TITLE: Consider approval of the Mountainside project (Tentative Tract Map 15-001, Variance 15-001, Use Permit 15-001, Design Review 15-001, and Adjustment 15-001), located at 413 Rainbow Lane, including finding the project categorically exempt from CEQA pursuant to §15332, In-Fill Development

A. EXECUTIVE SUMMARY

1. Subject/Requested Actions

The Commission is requested to evaluate the proposed Mountainside project, which consists of a tentative tract map, variance, use permit, design review, and adjustment, determine if the required findings can be made, and take the following actions:

1. Adopt the required CEQA findings,
2. Adopt the required Municipal Code findings,
3. Adopt the required Subdivision Map Act findings,
4. Adopt the required Variance findings, and
5. Approve Tentative Tract Map 15-001, Variance 15-001, Use Permit 15-001, Design Review 15-001, and Adjustment 15-001, subject to all conditions of approval.

2. Required Findings to Support Requested Actions

1. Is the proposed project consistent with the vision, goals, and policies of the General Plan?
2. Does the proposed project conform to the Mammoth Lakes Municipal Code?
3. Does the proposed project conform to the State Subdivision Map Act?
4. Does the proposed project meet the required Variance criteria?
5. Is the proposed project consistent with the Town's Design Guidelines?
6. Is the proposed project consistent with the California Environmental Quality Act (CEQA)?

Report Approved By:
Jen Daugherty, Senior Planner

Report Approved By:
Sandra Moberly, Planning Manager

3. Report Summary

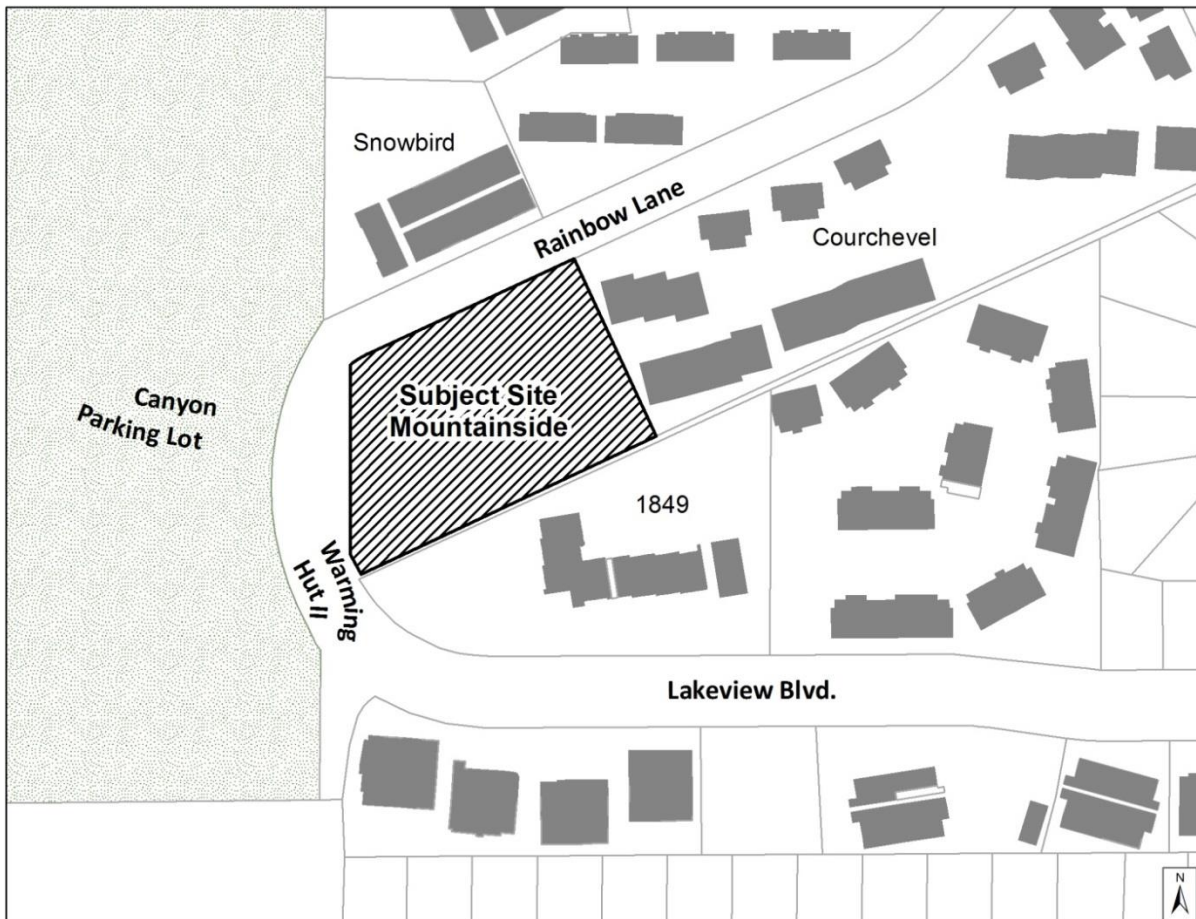
The Mountainside project is a 16-unit townhome project located east of Canyon Lodge. Two of the units would be freestanding (i.e., single family structures), and 14 units would be located in seven duplex buildings. All units would be three stories with approximately 2,000 square feet of habitable area and three bedrooms and a two car garage. The project includes a variance request to reduce the setback along Rainbow Lane and to increase the heights of certain buildings. An Alternate Housing Mitigation Plan (AHMP) is proposed to pay fees in-lieu of providing a deed-restricted unit on-site.

The Commission held a site visit and workshop on March 25, 2015 and did not raise any concerns with the proposed project. Public comments have been received from Courchevel Condominium owners, located to the east of the project site, and are included as Attachment 12.

This staff report describes staff's analysis, which finds the project consistent with the Town's General Plan, Municipal Code, Design Guidelines, Variance criteria, and the State Subdivision Map Act. Additionally, staff determined the project to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15332, In-Fill Development Projects.

Based on the analysis, it is staff's opinion that the required findings to support the requested approvals can be made, and recommends approval of the Tentative Tract Map, Variance, Use Permit, Design Review, and Adjustment with the conditions of approval noted in the attached resolution.

4. Location Map



B. ANALYSIS

1. Background and Project History

In 2008, Mammoth Mountain Ski Area (MMSA) submitted preliminary plans for this site. These preliminary plans included 18 freestanding condominiums. Staff concerns with these plans included building separation (10-foot separation was proposed), snow storage, and driveway and parking area slopes. The preliminary plans were not reviewed by the Commission, and a formal application for this MMSA project was never submitted. The site was recently sold to John Hooper, and Mr. Hooper submitted the Mountainside proposal in February 2015.

On March 25, 2015, the Commission held a site visit and workshop for this project. The site visit included visiting the project site, 413 Rainbow Lane, and visiting the Grayfox development at 59 Hillside Drive. The Mountainside project is proposed to utilize a similar design and the same exterior colors and materials as the Grayfox development. The site visit was followed by a discussion of the project. The Commission did not raise concerns with the proposed project during that discussion. The minutes from that workshop are included as Attachment 11.

2. Development Proposal

The Mountainside project includes 16 townhome units. Two of these units would be freestanding (i.e., single family structures), and 14 units would be located in seven duplex buildings. All units would be three stories and approximately 2,000 square feet of habitable area with three bedrooms and a two car garage. Building separation would be approximately 15 feet to accommodate snow storage. A driveway off of Rainbow Lane would serve the project. A pedestrian path is proposed to connect the west side of the project to Rainbow Lane, providing access to Canyon Lodge. The site plan and building floor plans and elevations are included as Attachments 2 and 3.

Due to the slope of the site, the buildings are proposed to be located closer towards Rainbow Lane, leaving the steepest sloped area at the rear (south portion) of the site undisturbed. Retaining walls would be required to build into this slope, and the maximum retaining wall height proposed is approximately 10 feet. The tallest wall would not be visible to the public as it would be combined with the buildings on Lots 1-9. However, other retaining walls on the site would be visible off-site and are proposed to be a tan colored split-face concrete masonry unit (CMU) wall.

The project is separated into two phases. Phase 1 includes construction of Lots 1-9 and all of the civil engineering work (grading, retaining walls, utilities, driveway, etc.). Phase 2 includes construction of Lots 10-16 and the storm water retention structures in Phase 2.

3. Subject Property and Surrounding Land Uses

The project is a vacant forested lot, approximately 1.67 acres, and zoned Residential Multi-Family 2 (RMF-2). The surrounding land uses are multi-family condominiums (Snowbird, 1849, and Courchevel) and Mammoth Mountain Ski Area Canyon Lodge and associated parking lot. Table 1 describes the surrounding land uses and zoning.

Table 1: Surrounding Land Uses and Zoning

Location	Zoning	Adjacent Streets	Land Use
North	RMF-2	Rainbow Lane	Snowbird Condominiums
South	RMF-2	N/A	1849 Condominiums
East	RMF-2	N/A	Courchevel Condominiums
West	N/A	N/A	Canyon Lodge and parking lot (USFS property leased by MMSA)

4. General Plan Consistency

The project is consistent with the following General Plan Vision statements as described in Table 2:

Table 2: General Plan Vision Conformance

Vision Statement	Explanation of Project Conformance with Vision Statement
<i>“Sustainability and continuity of our unique relationship with the natural environment.”</i>	The design of the project respects the natural environment by preserving the steeply sloped portion of the site.
<i>“Adequate and appropriate housing that residents and workers can afford.”</i>	An Alternate Housing Mitigation Plan (AHMP) is proposed to pay \$325,108 in-lieu of a deed-restricted unit on site. These fees would be utilized for housing as directed by the Town Council.
<i>“Being a premier, year-round resort community based on...an ambiance that attracts visitors.”</i>	The project would provide new townhome and single family product available for nightly rental adjacent to Canyon Lodge
<i>“Protecting the surrounding natural environment and supporting our small town atmosphere by limiting the urbanized area.”</i>	The project is within the Urban Growth Boundary and the density is within that allowed by the General Plan and Municipal Code.
<i>“Exceptional standards for design and development...sense of a “village in the trees””</i>	The project reflects high quality design and utilizes materials and colors appropriate to the Eastern Sierra. Building heights would remain well below the trees on site and in the vicinity.
<i>“Offering a variety of transportation options that emphasize connectivity, convenience, and alternatives to use of personal vehicles with a strong pedestrian emphasis.”</i>	The project includes a pedestrian walkway to connect the west portion of the site to Rainbow Lane, allowing convenient pedestrian access to Canyon Lodge

The project is consistent with the following General Plan goals and policies as described in Table 3.

Table 3: General Plan Conformance with Goals, Policies, and Actions

Goal, Policy, or Action	Explanation of Project Conformance with Goal, Policy, or Action
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 includes high quality architecture and incorporates thoughtful site planning to reduce site disturbance, accommodate snow storage, and address pedestrian connectivity.
C.2.N: Plan the siting and design of buildings to preserve the maximum amount of open space, trees, and natural features, particularly scenic open space.	The project locates buildings closer to Rainbow Lane to provide an approximately 60-foot buffer along the south property line, where the steepest slope occurs. Lot coverage is 12% below the maximum allowable lot coverage.
C.2.T: Use natural, high quality building materials to reflect Mammoth Lakes' character and mountain setting.	The building materials are natural, high quality, and reflect the local character and mountain setting.
C.2.V: Building height, massing and scale shall complement neighboring land uses and preserve views to the surrounding mountains.	Building height and massing are similar to the heights and massing of nearby buildings. A 16-foot setback along Rainbow Lane would continue to allow a view corridor on Rainbow Lane.
C.2.X: Limit building height to the trees on the development sites where material tree coverage exists and use top of forest canopy in general area as height limit if no trees exist on site.	All buildings would be well below the height of the trees on site.
C.4.C: Retain overall image of a community in a forest by ensuring that native trees are protected wherever possible and remain an important component of the community.	Although the site is sloped and requires considerable grading, the project limits tree removal to the maximum extent feasible while complying with Public Works driveway and parking standards.
Neighborhood and District Character, Canyon Lodge Characteristics: Base lodge supported by surrounding lodging and connected to the Village/Mountain Portal.	The project would provide new townhome and single family product available for nightly rental adjacent to Canyon Lodge
Goal L.2: Substantially increase housing supply available to the workforce.	An Alternate Housing Mitigation Plan (AHMP) is proposed to pay \$325,108 in-lieu of a deed-restricted unit on site. These fees would be utilized for housing as directed by the Town Council.
L.3.A: Achieve a diversity of uses and activities and efficient use of land by maintaining a range of development types.	The project provides townhome and single family product unlike the typical condominium product in the Canyon Lodge vicinity.
L.5.B: Locate visitor lodging in appropriate areas.	The project is adjacent to Canyon Lodge, and all units would be allowed to rent nightly.
L.5.C: Ensure there are an adequate number of units available for nightly rental	All units would be allowed to rent nightly.
S.3.H: Restrict development in areas with steep slopes.	The project preserves the steeply sloped portion of the property.

5. Municipal Code Consistency

The proposed project is consistent with all applicable zoning requirements of the RMF-2 zone with the incorporation of conditions of approval as discussed in Table 4.

Table 4: Zoning Consistency

General Information			
General Plan: High Density Residential-2		Specific Plan: N/A	
Zoning: Residential Multi-Family-2 (RMF-2)		Overlay Zone/District/Master Plan: N/A	
Existing Land Use: Vacant		Permits Required: TTM, VAR, UPA, DR, ADJ	
Development Standards			
Standard	Required/Allowed	Proposed/Provided	Complies?
Residential Density	12 units/acre	9.6 units/acre	Yes
Setbacks			
Front yard (feet)	25 feet	16 feet	Yes ¹
Side yard (feet)	10 feet	10 feet	Yes
Rear yard (feet)	20 feet	60 feet	Yes
Active fault (feet)	50 feet	>60 feet	Yes
Lot Coverage	60%	48%	Yes
Building Height²			
Lot 1 (Bldg B)	35 feet	29.3 feet	Yes
Lots 2-5 (Bldg A)		38.8 feet	Yes ¹
Lots 6-9 (Bldg A)		37.8 feet	Yes ³
Lot 10 (Bldg D)		36.9 feet	Yes ³
Lots 11-16 (Bldg C)		43.9 feet	Yes ¹
Snow Storage	75%	75%	Yes ⁴
Parking Spaces	41	60	Yes
Dumpster/Recycling	Required	Provided	Yes ⁵

¹ The front yard setback (along Rainbow Lane) and building heights of Lots 2-5 and 11-16 comply with Zoning Code standards with the approval of the variance request (Variance 15-001). See discussions below.

² An average building height calculation is utilized for measuring building height because the site has an average slope of greater than 10 percent. As required by Municipal Code 17.36.060.B, building height is measured from finished grade.

³ The building heights of Lots 6-10 comply with Zoning Code standards with the approval of the adjustment request (Adjustment 15-001). See discussion below.

⁴ Snow storage areas comply with Code requirements because dimensions meet or exceed 10x10 feet and are away from the primary street frontage. The Town understands that space on the project site has been leased by Courchevel for snow storage; however, that is a private agreement and does not require the project to provide snow storage areas in excess of that required by the Code.

⁵ As allowed by Code, the dumpster/recycling area is proposed within the side yard setback along the east property line with the required findings documented in Use Permit Finding d in the attached resolution (Attachment 1).

Other	Complies?
Workforce Housing: AHMP for in-lieu fees proposed.	Yes ⁶
Public Art: Fee will be paid at building permit issuance.	Yes
Multi-Family Residential Projects (MC §17.52.210)	Complies?
Building Facades Adjacent to Streets: 75% of the street facing façades is required to be occupied by habitable space with windows and have at least one pedestrian entry into the structure.	Yes
Front Yard Paving: No more than 40% of the front yard setback area shall be paved.	Yes
Laundry Facilities: Common facilities or provided in each unit.	Yes
Maintenance and Control of Common Area: The common area will be controlled and maintained by a homeowner's association.	Yes
Private Outdoor Open Space: Greater than 60 square feet of private outdoor open space is required per unit.	Yes
Storage: 100 cubic feet of lockable storage space within the garage of each unit, separate from the parking area, is required per unit.	Yes

Front Yard Setback Variance

The property frontage along Rainbow Lane is considered to be the front yard, requiring a 25-foot setback⁷. A 16-foot setback along Rainbow Lane is proposed due to the steep slope at the rear (south) portion of the lot. This would result in a nine foot encroachment into the front yard setback, but would provide approximately 60 feet of open space at the rear portion of the lot, where a 20-foot setback is required.

The findings necessary to approve a variance include that there are special circumstances applicable to the property that the strict application of the Zoning Code deprives the property of privileges enjoyed by other properties in the vicinity and in the same zoning district. The steep slope of this lot, which ranges from 7% to 30%, qualifies as a special circumstance. A 25-foot front yard setback would require additional grading and tree removal, which would not be consistent with General Plan policies and Design Guidelines regarding preservation of trees and natural features, such as steep slopes. Nearby properties, that are in the same RMF-2 Zone as the project, also have buildings located less than 25 feet from Rainbow Lane:

- The Snowbird building is approximately 15 to 20 feet from Rainbow Lane.

⁶ See AHMP discussion below.

⁷ The property is not considered to be a corner lot because corner lots must be located at the intersection of two streets. The adjacent property to the west is not considered to be a street because it is not part of the Town's right-of-way or street system, is outside of the Town's Urban Growth Boundary, and is leased from the United States Forest Service (USFS) for a parking lot for Canyon Lodge. Furthermore, this adjacent property does not guarantee legal vehicle access since use and operation of the site is at the discretion of the USFS. If access from the USFS site were precluded, Rainbow Lane would be converted back to a two-way street to provide access. Therefore, the frontage along Rainbow Lane is considered the front lot line.

- The Couchevel Condominiums include buildings that are approximately 16 to 36 feet from Rainbow Lane.
- The Chamonix Condominiums include portions of buildings that are approximately 10 feet to 20 feet from Rainbow Lane.

For context, an aerial image of the project site and vicinity is included as Attachment 7.

Another required finding is that the variance would not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity. Staff does not find that this variance would have detrimental impacts because Rainbow Lane has adequate right-of-way (60 feet) and sufficient snow storage and storm drain infrastructure would be provided. Although Rainbow Lane is currently shaded by the existing tree cover on the project site, the reduced setback may increase the amount or modify the extent of shading on Rainbow Lane. Due to implementation of the Town’s snow management policy, the potential change in shading would not be significant, and Town staff determined that the project would not have an associated detrimental impact. Additionally, the project would be required to comply with all applicable Building Code, Fire Code, and Public Works Standards during construction and operation. Furthermore, both density (9.6 units per acre) and lot coverage (48%) would be below the maximum allowed.

Additional discussion related to the setback variance is included in Agency/Public Comments section, below.

Therefore, staff is recommending approval of the setback variance subject to the findings and conditions of approval in the attached resolution (Attachment 1).

Building Height – Variance and Adjustment

The maximum height limit is 35 feet. Due to the slope of the lot, building heights are calculated using an average height measurement from finished grade. Table 5 identifies the proposed building heights.

Table 5: Building Heights

Complies with Code	Requires Adjustment	Requires Variance
Lot 1 (Building B) – 29.3 feet	Lots 6-9 (Building A) – 37.8 feet	Lots 2-5 (Building A) – 38.8 feet
	Lot 10 (Building D) – 36.9 feet	Lots 11-16 (Building C) – 43.9 feet

The building heights proposed for Lots 6-10 can be approved through an adjustment, which allows a height increase of 10% (i.e., up to 38.5 feet). The building heights for Lots 2-5 and 11-16 can be approved through a variance.

The height adjustment and variance requests can be approved based on the required variance findings, discussed under Front Yard Setback Variance, above. The topography of the site, in addition to the desired roof pitch, would be qualifying criteria to approve the height variance and adjustment. Since the General Plan and Design Guidelines require preservation of trees and natural features, such as steep slopes, to the maximum extent feasible, a large portion of the site is proposed to remain undisturbed and undeveloped. The undisturbed area located within required setbacks is more than 12,000 square feet, which is 30% of the required minimum lot size (40,000 square feet) in the RMF-2 Zone. Due to design

considerations, density and lot coverage remain below the maximum allowed. Therefore, it would be reasonable to allocate additional building envelope (i.e., height) to the proposed buildings.

The additional building height requested would accommodate a 6:12 roof pitch on all buildings. The Commission reviewed options for roofs with a 4:12 pitch at the March 25th workshop. Although a 4:12 roof pitch would reduce Buildings A and D heights to less than 35 feet and Building C height to 39.4 feet, Commissioners commented that the 6:12 pitch creates a more attractive and desirable building design. The Commission could consider revisiting this item during the public hearing discussion.

Additionally, nearby properties that are in the same RMF-2 Zone as the project have buildings heights that are greater than 35 feet:

- The Snowbird building is approximately 43 feet tall.
- The 1849 Condominium building is approximately 60 feet tall.

The adjacent Courchevel Condominiums are three stories, including a garage and loft, and while building permit files were unavailable, the height of these buildings is less than 35 feet. However, the adjacent Courchevel units located to the rear of the Courchevel site (southern portion) are located at elevations that are approximately nine feet above the proposed rear Mountainside units (A Buildings). Therefore, the requested increase in height would be within the context of those Courchevel units. Although the Building C would exceed the height of the adjacent Courchevel units located along Rainbow Lane, proposed building heights would be within the context of other nearby buildings.

Another required finding is that the height increase would not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity. Staff does not find that the height increase would have detrimental impacts because the building height would be similar to surrounding buildings, below the height of the trees on site as required by the General Plan, and would result in a more attractive and desirable building design with a 6:12 roof pitch. Additionally, the project would be required to comply with all applicable Building Code, Fire Code, and Public Works Standards during construction and operation. Furthermore, both density (9.6 units per acre) and lot coverage (48%) would be below the maximum allowed.

Additional discussion related to building height is included in Agency/Public Comments section, below.

Therefore, staff is recommending approval of the building height variance and adjustment subject to the findings and conditions of approval in the attached resolution (Attachment 1).

Alternate Housing Mitigation Plan (AHMP)

The applicant is proposing an Alternate Housing Mitigation Plan (AHMP) instead of providing an on-site deed restricted housing unit (Attachment 8). AHMPs are allowed by the Interim Affordable Housing Mitigation Policy (Attachment 9). The proposed AHMP is to pay the current in-lieu fee for projects of nine or fewer units (\$23,222 per market rate unit) or the current in-lieu fee established at time of building permit issuance⁸. Utilizing the \$23,222 fee, the project would pay a total of \$325,108 in housing in-lieu fees.

⁸ The developer requested the flexibility to allow the application of a future in-lieu fee if established prior to building permit issuance. The Town expects a new in-lieu fee to be effective in July 2015.

Findings Required for an AHMP

The following are the required findings to approve an AHMP:

1. On-site mitigation is undesirable for the community or infeasible; and
2. There would be substantial additional affordable housing benefit derived from the AHMP. “Additional housing benefit” may be defined by a number of parameters including, but not limited to:
 - A greater number of affordable/workforce units.
 - Units that more closely meet current priorities established by Mammoth Lakes Housing and/or the Town.
 - Provision of units at an earlier date than would otherwise occur.

The proposed AHMP could be considered to comply with the first required finding that on-site housing is undesirable for the community or infeasible, because the site is focused towards nightly rentals due its location across from Canyon Lodge, and because this location is also relatively far from Vons, schools, the hospital, and other resident facilities and services (e.g., post office, gym, etc.). Also, although Canyon Lodge is a major employment center during the winter season, Canyon Lodge is typically open only about five months per year. Additionally, there is a possibility that the California Supreme Court’s decision in the *CBIA v. City of San Jose* case (expected this summer) could invalidate the Town’s current Interim Affordable Housing Mitigation Policy, which includes a 10% inclusionary requirement⁹. Lastly, the Town Council has directed the update of the housing mitigation regulations to include allowing an option for payment of a fee instead of mandating on-site housing. Thus, the AHMP proposal reflects recent Council direction regarding how developers may mitigate housing impacts.

The proposed AHMP could be considered to comply with the second finding that substantial additional housing benefit is derived because \$232,220 in housing fees would be paid before an on-site deed restricted unit would be required (10th certificate of occupancy). The Town would have the ability to utilize these funds for priority affordable housing programs and activities.

Mammoth Lakes Housing, Inc. Board Review and Comments

The Mammoth Lakes Housing, Inc. (MLH) Board reviewed the AHMP on March 2, 2015. The Board recommended that an on-site unit be provided instead of the provision of an in-lieu fee because the Board concluded that the proposed AHMP did not meet the required findings. The Board found the project location to be desirable for a deed-restricted unit because it is close to employment (e.g., Canyon Lodge and Austria Hof), is in a residential neighborhood, and is on a year-round transit route. The Board ascertained that no additional housing benefit could be tied to the fee.

As clarified by the Council Resolution 14-54, the MLH Board’s role is to review and comment on an AHMP, and the Commission’s role is to approve or deny an AHMP considering the Board’s comments.

⁹ Under the Interim Affordable Housing Mitigation Policy’s 10% inclusionary requirement, a 10 unit project would be required to deed restrict one on-site unit.

Option for Compliance with the Housing Ordinance Update and Fee

Although Town Council has directed the development of a housing ordinance that allows in-lieu fees to be paid by all development projects, this ordinance is not anticipated to be effective until July 2015. Since the applicant anticipates obtaining building permits prior to July 2015, the applicant has proposed an AHMP for the payment of in-lieu fees instead of deferring to the future housing ordinance fee¹⁰.

Although the applicant has requested to proceed with his AHMP as proposed, the Commission could consider the option of compliance with the future housing fee. This option could allow the developer to obtain building permits for up to 10 units and pay the new fee for these 10 units once the fee is established and prior to certificate of occupancy for the 10th unit. The 10th certificate of occupancy would be used because that is when the current Interim Housing Policy would trigger an on-site deed restricted unit. Prior to the 10th certificate of occupancy, the developer would have the option to either pay the new fee or deed restrict an on-site unit consistent with the Interim Housing Policy.

AHMP Condition of Approval

At the March 25th workshop, the Commission provided feedback that was supportive of the proposed AHMP. Based on that feedback and staff analysis, above, the attached resolution includes the findings for approval of the AHMP as proposed. Condition of Approval 30 describes implementation of the AHMP:

Condition of Approval 30: Prior to the issuance of each building permit for each of the seven duplex buildings, the applicant shall elect to pay either \$23,222 per unit (i.e., \$46,444 per duplex building permit) for a total project fee payment of \$325,108, or the current fee in effect at time of building permit issuance. This shall be ensured by the Community and Economic Development Department prior to building permit issuance.

6. Project Design

A summary of the submittal requirements for major design review is included in Table 6 below:

Table 6: Submittal Requirements for Major Design Review

Item	Submitted?
Site Plan	Yes
Colored elevation drawings	Yes
Preliminary landscape plan	Yes
Representation of exterior colors and materials ¹¹	Yes
Photographically correct color perspective representation	Yes

The proposed project is consistent with the Town's Design Guidelines as discussed below:

Site Design

- Natural site features are recognized by locating the buildings to the north to reduce disturbance of the steepest slope on the property and to preserve additional trees.

¹⁰ The AHMP recently approved for the Inn at the Village project allowed housing mitigation to comply with the regulations in effect at the time of building permit issuance.

¹¹ Materials and colors will match the Grayfox project and are shown in the colored elevations. The Grayfox project is located at 59 Hillside Drive and was included in the Commission's March 25, 2015 site visit.

- Grading and site disturbance is reduced as a result of the request for a reduced setback along Rainbow Lane. Site grading is necessary to meet Public Works Standards for parking and driveway slopes.
- Parking areas are screened from the street by buildings, split-face block retaining walls, and landscaping.
- Landscape plan includes species from the recommended plant list (e.g., Redtwig Dogwood and Feather Reed Grass) and other species selected based on consultation with the Valentine Reserve and experience with the Mammoth Gateway Monument Sign landscaping.

Building Design

- Building forms, roofs, and facades provide variation and visual interest through the provision of roof elements of varying height and slope directions, pop-outs, and window variation.
- A clear distinction between building base (natural rock) and the wall material (red cedar) is provided.
- The buildings comply with design requirements for building facades adjacent to streets, including the provisions of habitable space with windows and a pedestrian entry for each unit along the street facing façade.

Building Materials and Colors

- Materials appear to be appropriate for the neighborhood and Mammoth Lakes because they include natural rock, wood, and asphalt composition shingles.
- Colors appear to be appropriate to both the natural environment and the neighboring buildings since they are brown (siding), dark red (window trim), black/brown (roof shingle), and natural rock, which would blend into the natural environment and surrounding buildings.

The findings in the attached resolution reflect the project's consistency with the Design Guidelines.

7. Agency/Public Comments

Agency Comments

Staff routed the application to local agencies for review upon deeming the project complete. The project was routed to the following agencies: Mammoth Community Water District (MCWD), the Mammoth Lakes Fire Protection District (MLFPD), Amerigas, Mammoth Disposal, Southern California Edison (SCE), and the United States Forest Service (USFS). Comments and/or responses were received from MCWD, MLFPD, and the USFS, and these comments have either already been addressed or are incorporated into the conditions of approval (Attachment 1).

Public Comments

A number of comment letters from Courchevel Condominium owners has been provided (Attachment 12). Many of the comments have been discussed in previous sections of this report. However, other comments are discussed here.

- Building height relative to adjacent Courchevel buildings: There would be approximately two feet of fill along the north portions of the building for Lots 15 and 16 (Building C) (northeast building adjacent to Courchevel units along Rainbow Lane). This building's finished floor (i.e.,

garage entrance level) would range from eight feet above to 3.5 feet below the grade along the adjacent Courchevel building (units 55 to 60). The finished floor of the building for Lots 8 and 9 (Building A) (southeast building adjacent to Courchevel rear units) would range from nine feet below to 20 feet below the grade along the adjacent Courchevel building (units 47 to 54). This can be measured with the contour lines on Tentative Tract Map 15-001 Sheet 3 (Attachment 2).

- Building façade design: Concern was raised that the project would result in a “walled façade” and “large hulking shapes” unlike anything on Rainbow Lane. The building facades include architectural details to provide variation, including roof elements, pop-outs, windows, and doors. The Snowbird building façade is more than 150 feet in length, while the proposed C Buildings are each approximately 56 feet in length, separated by 15 feet to more than 30 feet. As previously mentioned, the Snowbird building is 43 feet in height, and the proposed building heights along Rainbow Lane range from 36.9 to 43.9 feet.
- Shading/sunlight/snow shed related to Courchevel: Existing trees on the project site currently shade Courchevel. The proposed buildings would be below the existing tree height but would alter the shading pattern from the site. The request for a reduced setback would provide an offset between the proposed Mountainside buildings and the Courchevel buildings, which would reduce the shading of and snow shed towards Courchevel units compared to moving the buildings to adhere to a 25-foot front yard setback. Also, building separation between the proposed buildings and the Courchevel buildings is approximately 27 feet at the closest point. The Town requires a minimum separation of 20 feet (i.e., 10 foot side yard setbacks) in this zoning district. As required by Condition of Approval 33, roof eaves that encroach into setback areas shall be protected with snow restraint devices.
- Private views: Town regulations, such as the General Plan and Town Code, only include policies and regulations that protect public views (i.e., views from streets, sidewalks, and public places). Private views (e.g., views from private units, such as Courchevel) are not considered during project analysis.
- Dumpster/recycling location: The dumpster is proposed to be located in the setback along the east property line. Dumpsters may be located in setback areas if approved by the Community and Economic Development Director. The proposed location appears appropriate to staff because it would be readily accessible to refuse collection and recycling vehicles, would be contained within a trash/recycling enclosure, and be located adjacent to a four foot retaining wall. The requirements for the enclosure are described in Condition of Approval 18, which requires exterior stone veneer or other materials compatible with the buildings. These enclosures typically do not have a roof because of operational issues. Courchevel comments included concern with the dumpster location. The Commission could discuss whether an alternate location on the site is more appropriate for the dumpster or if additional requirements should be included in Condition of Approval 18.
- Construction management: Condition of Approval 88 requires a Construction Staging and Management Plan to be approved by the Public Works Director and Mammoth Lakes Fire Protection District prior to any grading work or building construction. That Plan will address construction worker vehicles, construction equipment and materials. Since the major site work is anticipated to occur in the summer, it would avoid the peak winter season at Canyon Lodge. Conditions of Approval 87 and 107 specifically address erosion, including dust, and associated

best management practices that will be required during construction. Furthermore, the project will be required to comply with the Town's Noise Regulations, Municipal Code 8.16.

- Canyon Lodge parking: Concerns have been raised regarding the project's impact on parking for Canyon Lodge. Currently, some pavement that is used for Canyon Lodge parking is located on the project site (this can be seen mostly clearly on Attachment 2, Tentative Tract Map 15-001 Sheet 4). The developer is proposing to remove the pavement located within his property. Town Engineering staff is coordinating with the Mammoth Mountain Ski Area to reconfigure and restripe the Canyon Lodge parking area to be more efficient. It is expected that more parking spaces may result from this effort.
- Building Code conformance: A tentative map submittal does not include detailed plans or final specifications for construction work. The grading and building permits will be reviewed and required to conform to all applicable codes and standards.

8. Environmental Analysis

Staff determined that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to §15332, In-fill Development Projects. The project qualifies for this exemption because the following criteria are met:

- a. The project is consistent with the General Plan and Zoning Code. The project is consistent with the General Plan because it is below the maximum density, provides a high quality townhome product available for nightly rentals in an appropriate location, the design preserves the steeply sloped portion of the lot, the architecture and building exteriors are appropriate to the Eastern Sierra, and building heights would remain below tree heights on site. The project is consistent with the RMF-2 Zone because the project complies with all applicable regulations, including but not limited to density, lot coverage, snow storage, parking, solid waste/recycling, and specific multi-family development regulations. The variance and adjustment requests are allowed pursuant to Chapters 17.72 and 17.76 of the Zoning Code. This consistency has been documented in this staff report and in the attached resolution (Attachment 1).
- b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The project site is within the Town's Urban Growth Boundary, and the site is approximately 1.67 acres. The site is surrounded by condominium developments and a parking lot.
- c. The project site has no value as habitat for endangered, rare, or threatened species as documented by a biological resources assessment prepared by Dr. Jim Paulus (Attachment 10).
- d. Approval of the project would not result in any significant effects related to traffic, noise, air quality, or water quality. Since the project is below the maximum density allowed for the site, the project conforms or is required to conform to Municipal Code standards for noise, air quality and lot coverage, the project conforms or is required to conform to Public Works standards for improvements, parking, driveways, and storm drain systems, and the project will be required to obtain necessary permits for construction, including a National Pollutant Discharge Elimination System (NPDES) permit, no significant effects on traffic, noise, air quality, or water quality would result.

- e. The site can be adequately served by all required utilities and public services because all necessary utilities and services are currently provided or can be extended to the site. The plans were routed to Mammoth Community Water District (MCWD), the Mammoth Lakes Fire Protection District (MLFPD), Amerigas, Mammoth Disposal, Southern California Edison (SCE), and the United States Forest Service (USFS), and all comments received have been incorporated into the project and/or conditions of approval. Additionally, at time of building permit, development impact fees (DIF) will be paid.

9. Financial and Staffing Considerations

The applicant is paying for the staff time to process this application.

10. Commission Discussion

To facilitate Commission discussion, the following items are noted. The Commission may discuss any additional items.

- A. *Building Roof Pitch*** – The Commission may wish to further discuss the option for altering the roof pitch from 6:12 to 4:12. The reduction would reduce building heights so that all buildings would be less than 35 feet in height except for Building C. A reduction in the roof pitch would result in more “squat” buildings.
- B. *Building C, North Elevation Facades*** – The Commission may wish to discuss the design and details of the Building C facades facing Rainbow Lane. Limited pop-outs are proposed to allow for a 16-foot setback along Rainbow Lane and preservation of the steep slope at the rear of the property. Although the design appears to meet the Town’s Zoning Code and Design Guidelines, the Commission may have additional suggestions for enhancements.
- C. *Dumpster*** – Although no issues were raised at the March 25th workshop regarding the proposed dumpster location, the Commission could discuss whether an alternate location on the site is more appropriate and/or if additional requirements should be included in Condition of Approval 18. Condition of Approval 18 requires the trash enclosure to be improved with a concrete slab and exterior stone veneer or other materials compatible with the buildings, have adequate space for recyclable materials, and be animal resistant. If an alternate location is recommended, staff would add a condition of approval that the new location be contingent on approval by Mammoth Disposal.
- D. *Alternate Housing Mitigation Plan (AHMP)*** – Although Commissioners voiced support for the proposed AHMP, the Commission could discuss the option of requiring compliance with the future housing fee. Currently, Condition of Approval 30 allows the developer to choose whether to pay the \$23,222 fee or the fee in effect at time of building permit issuance.
- E. *Other*** – The Commission may discuss any additional items related to this project.

C. OPTIONS

Option 1.

1. Make the required CEQA findings,
2. Adopt the required Municipal Code findings,
3. Adopt the required Subdivision Map Act findings,
4. Adopt the required Variance findings, and
5. Approve Tentative Tract Map 15-001, Variance 15-001, Use Permit 15-001, Design Review 15-001, and Adjustment 15-001 with conditions as recommended by staff, or as modified by the Planning and Economic Development Commission.

Option 2. Deny Tentative Tract Map 15-001, Variance 15-001, Use Permit 15-001, Design Review 15-001, and Adjustment 15-001.

Option 1 would approve the project subject to the conditions of approval in the attached resolution, or as modified by the Planning and Economic Development Commission.

Option 2 does not allow the project to proceed towards construction, unless an appeal is filed within 15 days of the Planning and Economic Development Commission decision. The Commission would need to make findings for denial. If an appeal were to be filed, the project would be scheduled for a Town Council hearing.

D. RECOMMENDATION

Staff recommends that the Planning and Economic Development Commission choose Option 1:

1. Make the required CEQA findings,
2. Adopt the required Municipal Code findings,
3. Adopt the required Subdivision Map Act findings,
4. Adopt the required Variance findings, and
5. Approve Tentative Tract Map 15-001, Variance 15-001, Use Permit 15-001, Design Review 15-001, and Adjustment 15-001 with conditions as recommended by staff, or as modified by the Planning and Economic Development Commission.

Attachments

Attachment 1: Planning and Economic Development Commission Resolution

Attachment 2: Tentative Tract Map 15-001 (includes site plan, snow storage plan, etc.)

Attachment 3: Building floor plans and elevations, including color elevations

Attachment 4: Colors and materials elevation

Attachment 5: Preliminary landscape plan

Attachment 6: Photosimulation of project

Attachment 7: Aerial of project site and vicinity

Attachment 8: Alternate Housing Mitigation Plan (AHMP)

Attachment 9: Interim Affordable Housing Mitigation Policy (Council Resolutions 09-76 and 14-54)

Attachment 10: Biological Resources Assessment, April 3, 2015

Attachment 11: Planning and Economic Development Commission March 25, 2015 workshop minutes

Attachment 12: Comment letters