

ORDINANCE NUMBER 14-

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
MAMMOTH LAKES, COUNTY OF MONO, STATE OF CALIFORNIA,
APPROVING DISTRICT ZONING AMENDMENT 13-001
FOR THE INN AT THE VILLAGE PROJECT,
AMENDING THE NORTH VILLAGE SPECIFIC PLAN,
AND MAKING FINDINGS IN SUPPORT THEREOF**

WHEREAS, a request for consideration of a district zoning amendment was filed by Severy Realty Group for the property owner, SFI Mammoth Owner LP, to amend the North Village Specific Plan to allow the Inn at the Village project, in accordance with Sections 17.112 and 17.116 of the Town of Mammoth Lakes Municipal Code, for property located within the North Village Specific Plan at 50 Canyon Boulevard; and

WHEREAS, the Planning and Economic Development Commission conducted a noticed public hearing on the application request on October 8, 2014, at which time all those desiring to be heard were heard; and

WHEREAS, following the receipt of all oral and written testimony, the Planning and Economic Development Commission closed the public hearing on October 8, 2014 and adopted Resolution No. PEDC 2014-10 recommending to the Town Council certification of the Inn at the Village Final Subsequent Environmental Impact Report (SEIR) and approval of the Inn at the Village Project, including District Zoning Amendment 2013-001, with conditions; and

WHEREAS, the Town Council adopted Resolution 2014-___, making the required California Environmental Quality Act (CEQA) findings, certifying the Inn at the Village Final SEIR, and adopting the Mitigation Monitoring and Reporting Program; and

WHEREAS, all legal prerequisites for the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Recitals. The above recitals are all true and correct.

Section 2. Environmental Review. The Town Council makes the following findings and takes the following actions pursuant to the requirements of the California Environmental Quality Act (CEQA):

CEQA Findings – CEQA Guidelines Section 15092:

- A. The Town Council has considered the Final SEIR and made the required CEQA findings pursuant to CEQA Guidelines Section 15091 (Council Resolution 2014-___) prior to deciding whether or how to approve or carry out the Inn at the Village Project (“Project”).

- B. The Project will not have a significant effect on the environment with the incorporation of mitigation measures.

Final SEIR Certification: The Town Council certified the Inn at the Village Final SEIR (Council Resolution 2014-__).

CEQA Action: The Town Council directs staff to file a Notice of Determination.

Section 3. Findings. The Town Council HEREBY FINDS AND DETERMINES based on the information presented herewith:

FINDINGS FOR DISTRICT ZONING AMENDMENT

(Municipal Code Section 17.112.060 and Section 17.116.060)

1. The proposed amendment, which consists of revised project development standards for building height, setback from Minaret Road, and density is consistent with the General Plan because it would allow for a project that implements the North Village district character as described in the General Plan: an intensely focused entertainment district; creating a sense of exploration using pedestrian-oriented sidewalks, plaza, and courtyards; resort and resident activities, services, and amenities; retail and services in a “storefront” setting located at the sidewalk; and shared and pooled parking.

The project implements this district character because it is a 67-room hotel with streetscape improvements and amenities, food and beverage, spa, and outdoor pool and jacuzzi terrace, and landscape elements. The streetscape improvements include a pedestrian porte cochere, pocket park, informational kiosk, landscaping, and permanent heat traced sidewalk. A food and beverage terrace would face Minaret Road, providing further streetscape animation. The parking garage would be shared by 8050A and B, Fireside Condominiums, and the proposed project.

Each of the three development standard modifications is consistent with the General Plan as follows:

a. **Building Height**

The building height reflects thoughtful site planning because it allows for a hotel with efficient design and improved solar access, in addition to a southwest facing pool and jacuzzi terrace (Policy C.2.L). The building height discourages architectural monotony because it provides varying rooflines and roof pitches along Minaret Road and in the context of adjacent buildings (Policy C.2.U). The building height complements neighboring uses because the height allows for a hotel, which is a similar use to the neighboring lodging and condominium projects (Policy C.2.V). Additionally, the height creates a larger setback from the Fireside Condominiums to the south, compared to the approved 8050C project. While the North Village Specific

Plan only requires a 10-foot side yard setback, the project is setback approximately 25 feet from the side property line with Fireside Condominiums (a 35-foot setback is provided to the Fireside Condominium buildings). The project preserves all trees with a diameter at breast height of six inches or greater and additional trees would be planted; retaining the forested character allows the project to transition to adjacent buildings (Policy C.4.C).

The Subsequent EIR found the project to be inconsistent with General Plan Policy C.2.X., which requires building height to be limited to the top of the forest canopy, because the proposed building height would be 5 to 13 feet above the average tree canopy in the area. However, since the project is consistent with all other applicable General Plan policies and Design Guidelines, the project was found to have a less than significant impact regarding General Plan consistency.

Lastly, the project would not result in increased public view blockage of the Sherwin Range compared to the approved and permitted 8050C building (i.e., the building envelope allowed pursuant to the North Village Specific Plan) (Policies C.2.J and C.2.W).

b. Setback

As described above in Finding 1.a, Building Height, a reduced setback for building heights above 55 feet would not result in increased public view blockage of the Sherwin Range compared to the approved and permitted 8050C building (Policy C.2.J). The Subsequent EIR mitigation measures require minimally reflective glass and building materials, earth tone colors, and mechanical equipment placed as far as practical from sensitive receptors (Mitigation Measures 5.3-2b, 5.3-3c, and N-3), which mitigate potential impacts associated with a reduced setback (Policies C.2.T and C.6.A).

The pedestrian porte cochere overhang results in a more hospitable environment for pedestrians by providing weather protection and a welcoming design feature (Policy C.3.E).

c. Density

The density would not exceed the General Plan maximum density allowed within the North Village Specific Plan.

2. The project is consistent with the North Village Specific Plan with the exception of three development standards: 1) building height, 2), setbacks along Minaret Road, and 3) density. The amendment to these standards is proposed to achieve a project that is consistent with the General Plan North Village district character and the North Village District Planning Study.

The proposed amendment is internally consistent with the North Village Specific Plan (NVSP) because the project implements the NVSP objective for the development of a concentrated, visitor and pedestrian-oriented activity center. The project creates a hotel adjacent to the Village plaza and gondola that includes commercial uses on the first floor.

Each of the three development standard modifications is consistent with the NVSP as follows:

a. Building Height

The building's mass is aggregated towards the east to accommodate an outdoor pool and jacuzzi terrace with southern exposure and create an efficient and functional hotel. The building mass expresses a vertical rather than horizontal form (Development Objective 1). Furthermore, the hotel does not block views of Sherwin Range compared to the approved and permitted 8050C building, does not shade the Village plaza, and allows for an inviting pedestrian entry and amenities. The building establishes its own design personality and promotes a varied skyline (Overall Land Use Policy 7). The project also complies with the NVSP development standards, including but not limited to uses, lot coverage, parking, building area, pedestrian walkways, snow management, and landscaping.

b. Setback

As described above in Finding 2.a, Building Height, a reduced setback for building heights above 55 feet would allow a more vertical building form, does not block views of Sherwin Range compared to the approved and permitted 8050C building, does not shade the Village plaza, and allows for an inviting pedestrian entry and amenities.

The pedestrian porte cochere overhang emphasizes the pedestrian hotel entrance and encourages visual variety at the pedestrian level (Development Objectives 6 and 7).

c. Density

The overall and aggregate densities allowed in the North Village Specific Plan would not be exceeded. Additionally, the density transfer from the Mammoth Crossing zone concentrates density on a site adjacent to the Village plaza, transit hub, and gondola.

3. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the town because the Subsequent EIR analyzed potential project impacts associated with aesthetics, air quality, hazard and hazardous materials, hydrology and water quality, land use and planning, noise,

public services, traffic/circulation/parking, utilities and services systems, and others. As described in the Subsequent EIR, the project would have no significant and unavoidable impacts with the incorporation of mitigation measures. Mitigation measures would be enforced through an adopted Mitigation Monitoring and Reporting Program.

4. The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA) because a Final Subsequent Environmental Impact Report (State Clearinghouse No. 2014032081) (SEIR) has been prepared and certified for the project, which determined that the project will not result in any substantial and unavoidable environmental impacts with the incorporation of mitigation measures.
5. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities for the requested zoning designation and the proposed or anticipated use and/or development because the site is already developed with a parking garage and is planned to have lodging or residential uses above.

The site is located adjacent to the Village plaza, transit hub, and gondola, which are easily accessed from the site without crossing any streets. Therefore, the site is in an appropriate location for increased density and lodging amenities, which are accommodated through increased building height and a reduced building setback above 55 feet. The location is also appropriate for the reduced setback for the pedestrian porte cochere roof overhang because of the site's pedestrian connectivity to the Village plaza, transit hub, and gondola and because the encroachment creates enhanced pedestrian access and provides weather protection.

The site and project comply with the North Village Specific Plan for lot area, building area, lot coverage, rear and side yard setbacks, and parking. The project includes adequate delivery, valet, and snow management operations. A widened shoulder is provided along Minaret Road for emergency vehicles. Lastly, adequate public services and utilities (e.g., fire, water, sewer, police, etc.) can be provided as described in the Subsequent EIR.

6. The amendment is consistent with the Mammoth Yosemite Airport land use plan because the project is located approximately eight miles from the Mammoth Yosemite Airport and due to the nature and scope of the project, no impacts to air traffic patterns are anticipated.
7. The amendment has been processed in accordance with Municipal Code 17.116.070.C. and Government Code 65453.

Section 4. Approval. Based on the findings contained in this Ordinance and all other evidence in the record of proceedings in this matter, the Town Council hereby approves District Zoning Amendment 13-001, amending the North Village Specific Plan in its entirety to read as shown in attached Exhibit “A,” which is incorporated herein by this reference.

Section 5. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance, or any part thereof, is held invalid or unconstitutional, then such decision shall not affect the validity of the remaining sections or portions of this Ordinance or part thereof. The Town Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that any one or more sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

Section 6. Effective Date. The Mayor shall sign and the Town Clerk shall certify passage and adoption of this Ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect thirty days after its final passage.

ADOPTED, SIGNED and APPROVED this 3rd day of December, 2014.

JO BACON, Mayor

ATTEST:

JAMIE GRAY, Town Clerk

Exhibit "A"

Revised North Village Specific Plan

[BLANK PAGE; INSERT NVSP REDLINE]

http://www.townofmammothlakes.ca.gov/documents/10/45/50/380/NVSP_Amended%202014.09.03_DZA%202013-001%20Amendment%20redline%209-12-14_201409171301530693.docx