

ORDINANCE NO. 17-05

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
MAMMOTH LAKES, COUNTY OF MONO, STATE OF CALIFORNIA,
APPROVING DISTRICT ZONING AMENDMENT 16-002
FOR THE MAMMOTH HILLSIDE SITE DENSITY AND
LOT COVERAGE INCREASE 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 David Harvey, agent for the property owner, CRE Mammoth Land Co to allow the North Village Specific Plan to be amended for the Mammoth Hillside site density and lot coverage increase, in accordance with Chapters 17.112 and 17.116 of the Town of Mammoth Lakes Municipal Code, for property located within the North Village Specific Plan at 5, 15, 17, and 49 Canyon Boulevard, 107 Lakeview Boulevard, and 106 Lake Mary Road; and

WHEREAS, the Planning and Economic Development Commission conducted a duly noticed public hearing on the application request on May 10, 2017, and determined District Zoning Amendment 16-002 is consistent with the General Plan and with the applicable provisions of the North Village Specific Plan, and Town of Mammoth Lakes Municipal Code Sections 17.112 and 17.116, and, therefore, recommended approval of District Zoning Amendment 16-002 to the Town Council; and

WHEREAS, on June 7, 2017, the Town Council conducted a duly noticed public hearing on District Zoning Amendment 16-002, and considered testimony and materials in the staff report and accompanying documents and exhibits; 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):

EIR Addendum - California Environmental Quality Act Guidelines Section 15164

- a. The Town Council considered the proposed Environmental Impact Report (EIR) Addendum together with the North Village Specific Plan Subsequent Program

EIR (State Clearinghouse No. 99-092082), any comments received, including the Mitigation Monitoring and Reporting Program, and finds that on the basis of the whole record there is no substantial evidence that the proposed amendment will result in any new or increased significant effects on the environment.

- b. The Town Council finds that the EIR Addendum reflects the lead agency's independent judgment and analysis.
- c. An addendum is adequate because the Addendum demonstrates that the environmental analysis and impacts identified in the North Village Specific Plan Subsequent Program EIR remain substantively unchanged by the Project, and supports the finding that the proposed Project does not result in any new environmental effects and does not exceed the level of impacts identified in the Subsequent Program EIR.
- d. The custodian and location of the documents and other material which constitute the record of proceedings upon which this decision is based is the Town Clerk at the Town of Mammoth Lakes Offices, 437 Old Mammoth Road, Suite R, Mammoth Lakes, California 93546.
- e. The Town Council finds that Project will not result in a safety hazard or noise problem for persons using the Mammoth Yosemite Airport or for persons residing or working in the Project area with the mitigation measures identified from the North Village Specific Plan Subsequent Program EIR.
- f. The mitigation measures applicable to the Project have been identified in the EIR Addendum and excerpted from the program for reporting on or monitoring the required mitigation measures.

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

FINDINGS FOR DISTRICT ZONING AMENDMENT

(Municipal Code Sections 17.112.060 and 17.116.060)

- a. The proposed amendment is internally consistent with all other provisions of the General Plan because the only changes to the General Plan would be to increase the allowed number of rooms in the North Village Specific Plan by 87 rooms and revise the buildout table. The maximum total allowable rooms in the North Village Specific Plan would increase by only 2.6%, and due to an error found in the buildout table, the total units at buildout would be 256 units lower than what was analyzed and included in the General Plan.

The proposed amendment is consistent with the North Village Specific Plan because it restores the density and lot coverage on the Mammoth Hillside site to that outlined in the Specific Plan (i.e., 80 rooms per acre and 75% lot coverage in the Plaza Resort Zone of the NVSP). While the overall increase in

density and lot coverage within the North Village Specific Plan is relatively small (2.6% density increase in the NVSP and 2.3% lot coverage increase in the Plaza Resort Zone of the NVSP), the additional development capacity would provide flexibility to accommodate lodging and other uses that would support the goal of a concentrated and active resort-oriented center. No other development standards, such as height, setbacks, and building area, would be amended.

- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the town because the EIR Addendum analyzed potential project impacts associated with aesthetics/light and glare; traffic and circulation; air quality; noise; geology, soils, and seismicity; hydrology and drainage; biological resources; public services and utilities; cultural resources; land use and relevant planning; and population and housing. As described in the EIR Addendum, the project would not result in any new or increased impacts.
- c. The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA) because an Addendum to the North Village Specific Plan Subsequent Program Environmental Impact Report was prepared in compliance with CEQA and found that there would be no new or increased environmental impacts resulting from the proposed amendments.
- d. 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 modifications because the amendment would restore the density and lot coverage allowed on the Mammoth Hillside site (i.e., 80 rooms per acre and 75% lot coverage in the Plaza Resort Zone of the NVSP), which were restricted after a density and lot coverage transfer in 2004. Since these are the applicable standards for the zoning applied to the site, the site is physically suitable to accommodate this amendment. Additionally, the site is proximate to the Village plaza, transit hub, and gondola, making it an appropriate location for increased development capacity. Development standards for building height, setbacks, building area, parking, snow storage, and others would remain unchanged. Furthermore, the EIR Addendum found no new or increased impact related to public services, including emergency services and utilities.
- e. The specific plan is consistent with the General Plan and other adopted goals and policies of the Town because the amendment would accommodate increased density in the pedestrian core of the North Village Specific Plan, which would provide additional opportunities for visitor lodging and associated amenities within an area planned for higher density and compact development that is served by transit, the Mammoth Mountain Ski Area gondola, sidewalks, and the bicycle network.

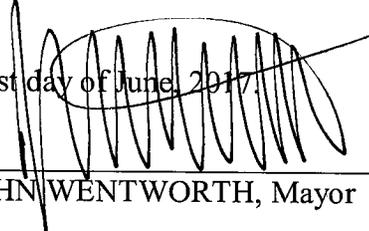
- f. The specific plan is consistent with the Mammoth Yosemite Airport land use plan because the project is located approximately eight miles from the Mammoth Yosemite Airport and due to the nature and scope of the project, which would not alter building height standards, no impacts to air traffic pattern are anticipated.
- g. The Specific Plan amendment has been processed in accordance with Municipal Code 17.116.070.C and Government Code 65453, including the required noticing and consultations with Native American tribes.

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 16-002 and amends the North Village Specific Plan as shown in attached Exhibit "A," which is incorporated herein by this reference. The Town Council may rescind this Ordinance and any project approvals granted pursuant to any remedies and rights the Town may possess.

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.

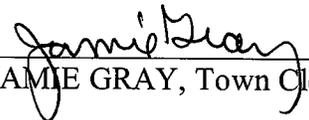
Section 6. Effective Date. The Mayor shall sign and the Town Clerk shall certify passage and adoption of this Ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect thirty days after its final passage.

ADOPTED, SIGNED and APPROVED this 21st day of June, 2017



JOHN WENTWORTH, Mayor

ATTEST:



JAMIE GRAY, Town Clerk

EXHIBIT "A"

REVISIONS TO THE NORTH VILLAGE SPECIFIC PLAN¹

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TABLE 3. DENSITY SUMMARY^{*1}

| Land Use Designation | Size | Maximum Density | <u>Additional Rooms</u> | Total Rooms | S.F. | S.F. Com/Ret (Rm. Eq.) | Estimated Accom Rms |
|----------------------|-----------|----------------------------|-------------------------|----------------------------------|-----------------------|------------------------|----------------------------------|
| Plaza Resort | 19.75 ac. | 80 rms/ac | <u>87⁵</u> | 1,580 <u>1,667</u> | 85,000 | (189) | 1,394 <u>1,478</u> |
| Mammoth Crossing | 9.27 ac. | 80 rms/ac ^{***3} | <u>N/A</u> | 742 | 40,500 ^{**2} | 0 ^{**2} | 742 |
| Resort General | 8.60 ac. | 48 rms/ac ^{****4} | <u>N/A</u> | 413 | 50,000 ^{**2} | (111) ^{**2} | 302 |
| Spec. Lodging | 18.37 ac. | 48 rms/ac | <u>N/A</u> | 882 | 0 | 0 | 882 |
| Other (P, QP, OS) | 8.10 ac. | 0 | <u>N/A</u> | 0 | 0 | 0 | 0 |
| Overall Total | 64.10 ac. | <u>57.79</u> rms/ac | <u>87</u> | 3,647 <u>3,704</u> | 135,000 | (300) | 3,317 <u>3,404</u> |

* 1 Table 3 does not include the rooms that have been granted by the Town of Mammoth Lakes to the Dempsey/Nevados (Parcel 38) site as a result of the Implementation Agreement, which is included as Appendix 2, because the 73.25 rooms shall not be included in the calculation of aggregate density within the Resort General designation. The Dempsey/Nevados site has a total density of 198.25 rooms, which includes 73.25 rooms that are as a result of the Implementation Agreement, and which are in addition to the Specific Plan maximum overall project density of 57 rooms per acre as calculated in Table 3.

** 2 Commercial and restaurant space shall not be counted towards density within the Mammoth Crossing project and within Area 19A of Parcel 19 (RG designation); this provision is applicable to the Mammoth Crossing district and Area 19A of Parcel 19 only.

*** 3 Density above the base of 48 rooms per acre for Mammoth Crossing, up to 80 rooms/acre may only be achieved subject to Community Benefits/Incentive Zoning policy (see 2b above).

¹ Strikethrough/underline is used to show the deleted and new text. The text shown in ~~strikethrough~~ is text to be deleted, and the text shown in underline is new text.

**** ⁴Density above 55 rooms per acre for Parcel 19, up to 72 rooms per acre, may only be achieved if a density transfer of 30 rooms from Site 1 or Site 3 within the Mammoth Crossing projects to Area 19A of Parcel 19 is implemented through a density transfer covenant recorded on title of the properties involved in the density transfer. Table 3 does not include these 30 rooms because they shall not be included in the calculation of aggregate density within the Resort General designation.

⁵ The 87 additional rooms in the PR designation allow for the entitled density at the South Hotel site (inclusive of density transfers) and the maximum densities for PR and SL designations identified in Table 3 at the Mammoth Hillside site (see Ordinance No. 17-05).

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3. Site Coverage

- a. Maximum site coverage including all buildings and paved or otherwise developed impervious surfaces for each development area shall be as follows:

- PR-district – 75%*
- MC-district – Site 1: 70%
 - Site 2: 60%
 - Site 3: 60%
- RG-district – 70%**
- SL-district – 60%

| <u>Land Use Designation</u> | <u>Size</u> | <u>Maximum Lot Coverage</u> | <u>Total Lot Coverage (Acres)</u> | <u>Total Lot Coverage (S.F.)</u> | <u>Additional S.F.³</u> | <u>Total S.F.</u> | |
|-----------------------------|------------------|-----------------------------|-----------------------------------|----------------------------------|------------------------------------|-------------------|----------------|
| <u>Plaza Resort</u> | <u>19.75 ac.</u> | <u>75%¹</u> | <u>14.8125</u> | <u>645,233</u> | <u>14,881.9</u> | <u>660,114.9</u> | |
| <u>Mammoth Crossing</u> | <u>Site 1</u> | <u>1.7939 ac.</u> | <u>70%</u> | <u>1.25573</u> | <u>54,700</u> | <u>N/A</u> | <u>54,700</u> |
| | <u>Site 2</u> | <u>4.5205 ac.</u> | <u>60%</u> | <u>2.7123</u> | <u>118,148</u> | <u>N/A</u> | <u>118,148</u> |
| | <u>Site 3</u> | <u>2.9629 ac.</u> | <u>60%</u> | <u>1.77774</u> | <u>77,438</u> | <u>N/A</u> | <u>77,438</u> |
| <u>Resort General</u> | <u>8.60 ac.</u> | <u>70%²</u> | <u>6.02</u> | <u>262,231</u> | <u>N/A</u> | <u>262,231</u> | |
| <u>Spec. Lodging</u> | <u>18.37 ac.</u> | <u>60%</u> | <u>11.022</u> | <u>480,118</u> | <u>N/A</u> | <u>480,118</u> | |
| <u>Other (P, QP, OS)</u> | <u>8.10 ac.</u> | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | <u>N/A</u> | |

* ¹ Average coverage for the entire PR district shall not exceed 75% except as allowed through “Additional S.F.” noted in the table above. However, where necessary, site coverage on an individual parcel may exceed 75% provided that a commensurate reduction is made on other PR properties (via cooperative agreements between owners recorded against properties affected with Town as a party to the agreement). Commensurate reductions in site coverage may also be made on SL lots 22, 39, and 41 and on the SL portions

of lots 21 and 28 if required to offset increased site coverage on PR parcels. Site coverage transfers shall be subject to the approval of the Community Development Director.

** ² Dempsey/Nevados (Parcel 38) is permitted a maximum site coverage of 75% per the adjustments granted through the Implementation Agreement (Appendix 2). No additional adjustments to Parcel 38 are authorized.

³ The 14,881.9 square feet of additional lot coverage in the PR designation allows for the entitled lot coverage at the South Hotel site (inclusive of lot coverage transfers) and the maximum lot coverage for PR and SL designations identified above at the Mammoth Hillside site (see Ordinance No. 17-05).

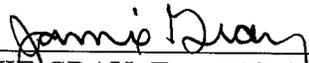
TOWN OF MAMMOTH LAKES

Notice is hereby given that on June 7, 2017 the Town Council introduced an Ordinance entitled:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES,
STATE OF CALIFORNIA, APPROVING DISTRICT ZONING AMENDMENT 16-002 FOR
THE MAMMOTH HILLSIDE SITE DENSITY AND LOT COVERAGE INCREASE
PROJECT, AMENDING THE NORTH VILLAGE SPECIFIC PLAN, AND MAKING
FINDINGS IN SUPPORT THEREOF.

A copy of the complete text of the Ordinance is posted and may be read at the Town Offices,
Minaret Mall, Old Mammoth Road, Mammoth Lakes, and/or a copy may be obtained from the
office of the Town Clerk at a nominal charge.

Dated: June 8, 2017



JAMIE GRAY, Town Clerk
Town of Mammoth Lakes

TOWN OF MAMMOTH LAKES

Notice is hereby given that on June 21, 2017 the Town Council adopted an Ordinance entitled:

ORDINANCE NO. 17-05

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES,
STATE OF CALIFORNIA, APPROVING DISTRICT ZONING AMENDMENT 16-002 FOR
THE MAMMOTH HILLSIDE SITE DENSITY AND LOT COVERAGE INCREASE
PROJECT, AMENDING THE NORTH VILLAGE SPECIFIC PLAN, AND MAKING
FINDINGS IN SUPPORT THEREOF.

by the following vote:

AYES: Councilmembers Fernie, Sauser, Mayor Pro Tem Hoff, and Mayor Wentworth

NOES: None

ABSENT: None

ABSTAIN: Councilmember Richardson

DISQUALIFICATION: None

A certified copy of the complete text of the Ordinance is posted and may be read at the Town Offices, Minaret Mall, Old Mammoth Road, Mammoth Lakes, and /or a copy may be obtained from the office of the Town Clerk at a nominal charge.

Dated: July 12, 2017



JAMIE GRAY, Town Clerk
Town of Mammoth Lakes

STATE OF CALIFORNIA)
COUNTY OF MONO)
TOWN OF MAMMOTH LAKES) ss.

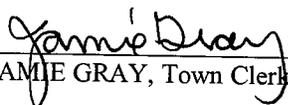
I, JAMIE GRAY, Town Clerk of the Town of Mammoth Lakes, DO HEREBY CERTIFY under penalty of perjury that the foregoing is a true and correct copy of Ordinance No. 17-05, which was introduced at a meeting of the Town Council of the Town of Mammoth Lakes, California, held on June 7, 2017 and adopted at a meeting of the Town Council on June 21, 2017 by the following vote:

AYES: Councilmembers Fernie, Hoff, Sauser, and Mayor Pro Tem Wentworth

NOES: None

ABSENT: None

DISQUALIFICATION: Mayor Richardson



JAMIE GRAY, Town Clerk

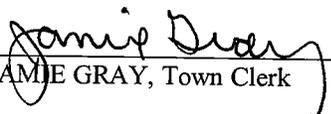
STATE OF CALIFORNIA)
COUNTY OF MONO)
TOWN OF MAMMOTH LAKES) ss.

AFFIDAVIT
OF PUBLISHING
AND POSTING

JAMIE GRAY, being first duly sworn, deposes and says: That she is the duly appointed Town Clerk of the Town of Mammoth Lakes; that in compliance with State laws of the State of California, Ordinance No. 17-05, being:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA, APPROVING DISTRICT ZONING AMENDMENT 16-002 FOR THE MAMMOTH HILLSIDE SITE DENSITY AND LOT COVERAGE INCREASE PROJECT, AMENDING THE NORTH VILLAGE SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF.

was published in summary in The Sheet newspaper on June 6, and July 21, 2017 and was posted at the Town Administrative Offices.



JAMIE GRAY, Town Clerk