

**ORDINANCE NUMBER 21-09**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF  
MAMMOTH LAKES, COUNTY OF MONO, STATE OF CALIFORNIA,  
APPROVING DISTRICT ZONING AMENDMENT 21-001 TO ALLOW  
FOR AN AMENDED  
PHASE ONE PROJECT FOR PROPERTIES LOCATED AT 164, 202,  
AND 248 OLD MAMMOTH ROAD (APN(s): 035-230-005-000; 035-230-  
006-000; and 035-230-007-000),  
AND MAKING FINDINGS IN SUPPORT THEREOF**

**WHEREAS**, a request for consideration of a district zoning amendment was filed by Matthew Mering on behalf of WH SN Mammoth, L.L.C. to amend the Clearwater Specific Plan to allow for an interim “Phase One” development to be constructed at the project site while preserving the existing CSP allowances for future redevelopment, in accordance with Chapter 17.116 (Specific Plans), of the Town of Mammoth Lakes Municipal Code and Section 10.0 of the Clearwater Specific Plan, for property located within the Clearwater Specific Plan Zoning District at 164, 202, and 248 Old Mammoth Road; and

**WHEREAS**, the Planning and Economic Development Commission conducted a noticed public hearing on the application request on October 27, 2021, 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 27, 2021 and adopted Resolution No. PEDC 2021-09 recommending to the Town Council the approval of District Zoning Amendment 21-001 subject to the following additional modifications as proposed by staff:

1. Amend the Development Standards Table in Section V of the “Amended Phase One of the Clearwater Specific Plan,” included as Attachment A, Exhibit B, to remove reference to 182 parking spaces and state: “Parking shall meet the requirements set forth in the 2016 Clearwater Specific Plan unless a Parking Reduction is approved pursuant to MC Section 17.44.040.”
2. Amend the “Proposed Modifications to CSP Standards” Table in Section VI of the “Amended Phase One of the Clearwater Specific Plan,” included as Attachment A, Exhibit B, to remove the proposed modifications to Section 5.2.8, Parking, and state: “Parking shall meet the requirements set forth in the 2016 Clearwater Specific Plan unless a Parking Reduction is approved pursuant to MC Section 17.44.040. Underground parking shall not be required;” and

**WHEREAS**, on November 17, 2021, the Town Council conducted a duly noticed public hearing at which time all those desiring to be heard were heard, and considered testimony and materials in the staff report and accompanying documents and exhibits; and

**WHEREAS**, following receipt of all oral and written testimony, the Town Council closed the public hearing on November 17, 2021 and adopted Resolution 2021-92, making the required

California Environmental Quality Act (CEQA) findings, and adopting the Addendum to the Clearwater Specific Plan Environmental Impact Report; 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 §15164:

- a. The Town Council has previously adopted the Addendum to the Clearwater Specific Plan Environmental Impact Report (EIR) (State Clearinghouse No. 2006062154) together with the Clearwater Specific Plan EIR, any comments received, pursuant to the CEQA Guidelines, and finds that on the basis of the whole record, there is no substantial evidence that the proposed district zoning amendment will result in any new significant effects or a substantial increase in the severity of previously identified significant effects.
- b. The Town Council previously found that the Addendum to the Clearwater Specific Plan EIR has been completed in compliance with CEQA and 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 Clearwater Specific Plan EIR remain substantively unchanged by the proposed district zoning amendment and supports the finding that the proposed district zoning amendment does not result in any new environmental effects and does not exceed the level of impacts identified in the 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 230, Mammoth Lakes, California 93546.
- e. The Town Council finds that the proposed district zoning amendment 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 because the Project site is located approximately seven miles from the Mammoth Yosemite Airport.
- f. A program for reporting on or monitoring the required mitigation measures has been adopted and mitigation measures have been slightly modified for clarification for the purpose of the Addendum.

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 17.116.070)

- a. *The specific plan is consistent with all applicable sections of the General Plan and Title 17 and is consistent with other adopted goals and policies of the Town.*

The Staff has determined that the Amended Phase One of the Clearwater Specific Plan (CSP) maintains The CSP's consistency with the General Plan and other adopted goals and policies of the Town. The proposed amendment, while reducing the scope of development anticipated for phase one of the CSP, still provides 30 new hotel units as well as enhanced site amenities and public activation along Old Mammoth Road, thereby aligning with several of the General Plan goals and policies used to guide the original CSP and the 2016 CSP Amendment. The following are goals of the 2007 General Plan with which the Amended Phase One of the CSP is consistent:

- i. The intent of the "Main Street, Old Mammoth Road and Shady Rest" character districts is to "invite pedestrian activity and provide gathering places and opportunities for interaction in a vibrant mix of retail, commercial and workforce housing...Commercial corridors should be walkable year-round, vibrant, colorful, and accessible" (D-3). Further, the General Plan portrays the Old Mammoth Road corridor as a "traditional small-scale mixed-use 'Main Street' development pattern" (D-4).

The Amended Phase One of The CSP meets the above intent by allowing for a mixed-use development that includes new, pedestrian scale (1 to 2-story) hotel cabins, landscape improvements, expanded restaurant and event space, and a new park/ public event space along Old Mammoth Road. Along with the proposed Laurel Mountain Road sidewalk improvements, the proposed mix of uses will greatly improve pedestrian activity in the area while also providing new gathering places and opportunities for interaction. The addition of new cabin units, new site amenities and significant public open space along Old Mammoth Road will serve to re-activate the existing lodging and restaurant uses while also allowing for new event programming and a more active pedestrian environment consistent with the General Plan goals for the Old Mammoth Road district.

- ii. "New development should improve connectivity and circulation with bike and pedestrian paths, sidewalks and roads." (D-3).

The Amended Phase One of The CSP invites pedestrian activity into the site by improving the frontage along Old Mammoth Road, adding sidewalks on

Laurel Mountain Road and increasing pedestrian connections within the interior of the site. Additionally, the project will provide space for outdoor café seating, planting areas, and other pedestrian-scaled elements to encourage activity throughout the site.

- iii. Policy C.2.A: Create well-designed and significant public spaces in resort/commercial developments to accommodate pedestrians and encourage social interaction and community activity

The Amended Phase One of The CSP is consistent with this policy by creating mixed-use development that includes a variety of public outdoor spaces designed to accommodate a series of public events and uses at different scales. The project calls for a minimum of 73,000 square feet of open space and 2,000 square feet of event space intended to hold a variety of community events. The public space and outdoor food and beverage options are proposed to complement each other to promote community interaction.

- iv. Policy L.3.D: Encourage outdoor dining in resort and commercial districts to increase street level animation.

The Amended Phase One of the CSP accomplishes the policy of encouraging outdoor dining by expanding existing facilities as well as providing new options for dining on site. The project proposes to expand the deck at the existing Rafters restaurant to increase outdoor dining capacity. Additionally, the project provides a landscaped area along the Old Mammoth Road frontage that accommodates a food truck venue along with a food and beverage garden with a variety of seating and dining options (final operating characteristics and event programming will be determined through the Use Permit process).

- v. Policy L.5.A: Encourage and support a range of visitor accommodations that include a variety of services and amenities.

The Amended Phase One of The CSP is consistent with this policy by formulating an interim development phase to allow for an adaptive project that expands upon existing visitor accommodations. Expanded visitor accommodations include the addition of 30 resort cabins, which not only increases the hotel inventory, but the cabins also add new lodging options to the site that are family friendly. In addition, the project proposes several new guest amenities including social gathering areas with fire pits and hammocks, lawn games and hot tubs.

- vi. Policy L.5.D: Encourage rehabilitation and renovation of existing visitor accommodations.

The Amended Phase One of The CSP creates the opportunity for renovating the project site's existing facilities to fall more in line with the vision of the original CSP and the General Plan. The project accomplishes this policy by improving the hotel's arrival sequence, which entails the proposal of a porte-cochere at the vehicular entrance and an upgraded lobby area. Additional improvements include an upgraded pool area as well as improvements to the existing Rafters restaurant.

Finally, the proposed Amended Phase One of the Clearwater Specific Plan maintains consistency with the intent of the Clearwater Specific Plan land use designation, which is to provide "for a pedestrian-oriented, mixed-use district for residents and visitors within the North Old Mammoth Road area. Permitted uses include hotel, condominium-hotel, workforce housing, street front retail along Old Mammoth Road, and a large public plaza intended for use as an event venue. The base density is forty (40) hotel rooms per acre with the potential for up to eighty (80) hotel rooms per acre. Pursuant to the Clearwater Specific Plan, significant community benefits are required to be provided. Workforce housing and commercial uses are exempt from density calculations."

The proposed Amended Phase One achieves many of the goals of the CSP land use designation, including providing new pedestrian-oriented mixed uses, new hotel units, and public benefits in the form of significant public event/ gathering space along Old Mammoth Road. The proposed amendment is within the maximum allowable density and provides 5 units of workforce housing on-site. Importantly, the amendment also maintains the existing allowances of the CSP for future redevelopment, thereby ensuring that any goals not met by the current development will still be met when the site redevelops in the future.

- b. *That the specific plan is consistent with any applicable airport land use plan as required by Government Code Section 65302.3; and*

Not applicable, as there are no applicable airport land use plans that have an impact on the Clearwater Specific Plan.

- c. *That the specific plan is in compliance with the provisions of the California Environmental Quality Act (CEQA).*

Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15164, an Addendum to the approved Environmental Clearance Documentation adopted for the Clearwater Specific Plan (SCH# 2006062154) has been prepared. The addendum describes the proposed changes to the approved project and concludes that no new or increased significant environmental impacts would result from the proposed project. Therefore, the Specific Plan Amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).

**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 21-001, “Amended Phase One of the Clearwater Specific Plan,” in its entirety to read as shown in attached Exhibit “A” which are 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 1<sup>st</sup> day of December, 2021.

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Bill Sauser, Mayor

ATTEST:

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JAMIE GRAY, Town Clerk

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Exhibit "A"

Addendum to the Clearwater Specific Plan Environmental Impact Report



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Exhibit "B"

Amended Phase One of the Clearwater Specific Plan