Attachment 5

PEDC Resolution No. 2025-02

Recording Requested by and)
When Recorded Mail To:)
)
Town of Mammoth Lakes)
Community & Economic Development Department)
P.O. Box 1609)
Mammoth Lakes, CA 93546)

Recordation fee exempt per Government Code §27383
Space Above for Recorder's Use

RESOLUTION NO. PEDC 2025-02

A RESOLUTION OF THE MAMMOTH LAKES PLANNING AND ECONOMIC DEVELOPMENT COMMISSION RECOMMENDING TO THE TOWN COUNCIL APPROVAL OF DISTRICT ZONING AMENDMENT 24-001, TENTATIVE TRACT MAP 24-003, AND USE PERMIT 24-004, FOR A SUBSEQUENT AMENDMENT TO THE AMENDED PHASE ONE CLEARWATER SPECIFIC PLAN DOCUMENT TO ALLOW THE SUBDIVISION OF THE TWENTY UNITS WITHIN THE FIVE FOURPLEX STUCTURES ("VILLAS" UNITS) INTO TWENTY CONDOMINIUM HOTEL UNITS LOCATED AT 164 OLD MAMMOTH ROAD

(APN: 035-230-012-000)

WHEREAS, a request for consideration of a District Zoning Amendment, Tentative Tract Map, and Use Permit was filed by Matthew Mering on behalf of the property owner, WH SN Mammoth, L.L.C., for a subsequent amendment to the Amended Phase One Clearwater Specific Plan (CSP) to add condominium hotel uses to the permitted land use table subject to use permit and subdivision map approval and remove language prohibiting condominium hotel uses in the Amended Phase One project. The application also includes a Tentative Tract Map for the subdivision of the twenty units within the five (5) four-plex structures ("Villas" units) into twenty condominium hotel units that may be sold individually. The applications were submitted in accordance with Chapter 17.112 (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 Old Mammoth Road; and

WHEREAS, the noticed public hearing was opened on November 13, 2024, at which time the public hearing was continued to the regularly scheduled December 11, 2024, PEDC meeting; and

WHEREAS, the Planning and Economic Development Commission conducted the continued public hearing on December 11, 2024, at which time all those desiring to be heard were heard and the hearing concluded with a 2-1 vote of the Commission. It was determined that the vote was a "no action vote" and a new public hearing on the item would be required to reach a decision on the application; and

WHEREAS, the Planning and Economic Development Commission conducted a noticed public hearing on February 12, 2025, at which time all those desiring to be heard were heard; and

WHEREAS, the Planning and Economic Development Commission considered, without limitation:

1. The staff report to the Planning and Economic Development Commission with attachments;
2. The 2007 General Plan, the Clearwater Specific Plan, the Amended Phase One Clearwater Specific Plan, and the Municipal Code;
3. Oral and written evidence submitted at the hearing;
4. District Zoning Amendment (DZA) 24-001, Tentative Tract Map (TTM) 24-003, and Use Permit (UPA) 24-004 applications received by the Town of Mammoth Lakes on July 15, 2024;
5. The Amended Phase One Clearwater Specific Plan document with proposed revisions shown as ~~strikeout~~ (removed) or underlined (added) text, dated December 11, 2024, and attached hereto as Exhibit B; and
6. The 2021 Addendum to the Clearwater Specific Plan Environmental Impact Report (EIR) (State Clearinghouse No. 2006062154).

NOW THEREFORE, THE PLANNING AND ECONOMIC DEVELOPMENT COMMISSION OF THE TOWN OF MAMMOTH LAKES DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

SECTION 1. FINDINGS.

1. CEQA.

CEQA Guidelines Section 15162

The Planning and Economic Development Commission considered the 2021 Addendum to the Clearwater Specific Plan Environmental Impact Report (EIR) (State Clearinghouse No. 2006062154) together with the Clearwater Specific Plan EIR, pursuant to the CEQA Guidelines Section 15162, and finds that on the basis of the whole record, there is no substantial evidence that the proposed Outbound Hotel "Villas" project will result in any new significant effects or a substantial increase in the severity of previously identified significant effects.

a. The Planning and Economic Development Commission finds that there are no substantial changes to the project from what was analyzed in the Addendum to the Clearwater Specific Plan EIR that will require revisions to the Addendum, and therefore, no new significant environmental effects or a substantial increase in the severity of previously identified significant effects will occur.

b. There are no substantial changes with respect to the circumstances under which the project is being undertaken that will require major revisions to the adopted 2021 Addendum to the Clearwater Specific Plan EIR because the Outbound Hotel "Villas" project involves the subdivision of the twenty units within the five existing four-plex structures for condominium hotel purposes, in a location that the Clearwater Specific Plan identifies for siting condominium hotel uses.

Therefore, the 2021 Addendum is adequate because it demonstrates that the environmental analysis and impacts identified in the Clearwater Specific Plan EIR remain substantively unchanged by the proposed district zoning amendment, tentative tract map, and use permit, and supports the finding that the project does not result in any new environmental effects and does not exceed the level of impacts identified in the EIR.

c. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified and at the time that the 2021 EIR Addendum was adopted, to show that:

(1) The project will have one or more significant effects not previously discussed in the EIR since, as described in the 2021 Addendum to the Clearwater Specific Plan EIR, no changes have occurred with respect to the intensity of the development that was previously analyzed, and all potential environmental effects were found to be adequately analyzed in the 2021 Addendum to the Clearwater Specific Plan EIR;

(2) Significant effects previously examined will be substantially more severe than shown in the previous EIR. The Amended Phase One to the Clearwater Specific Plan would not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No new information has become available and no substantial changes to the circumstances (under which the project is being undertaken) since the certification of the Final EIR and the 2016 Addendum has occurred.

(3) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative. There are no new mitigation measures required and no new alternatives available that would substantially reduce the environmental effects beyond those previously described in the certified Final EIR and the 2016 Addendum to the Clearwater Specific Plan EIR.

(4) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR and would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative. There are no new mitigation measures required and no new alternatives available that would substantially reduce the environmental effects beyond those previously described in the certified Final EIR and the 2016 Addendum to the Clearwater Specific Plan EIR.

Therefore, none of the criteria in CEQA Guidelines §15162 calling for preparation of subsequent environmental review has occurred. The Outbound Hotel “Villas” Project is consistent with the scope of development contemplated for the Amended Phase One CSP project as analyzed in the October 2021 Addendum to the Clearwater Specific Plan EIR, which supports

the conclusion that the proposed project modifications are minor technical changes that do not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The applicable mitigation measures from the 2021 Addendum remain applicable and are included as conditions of approval for the project.

d. The Planning and Economic Development Commission finds that the proposed Outbound Hotel "Villas" 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 because the Project site is located approximately seven miles from the Mammoth Yosemite Airport.

e. A program for reporting on or monitoring the required mitigation measures has been adopted.

f. All applicable mitigation measures shall be conditions of Project approval.

2. FINDINGS FOR SPECIFIC PLAN AMENDMENT
(Municipal Code §17.112.060)

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 proposed subsequent amendment to the Amended Phase One Clearwater Specific Plan (CSP) is consistent with the General Plan and other adopted goals and policies of the Town because the amendment will result in a project that continues to meet the intent, goals, and objectives of the 2007 General Plan, and the Clearwater Specific Plan. The amendment proposes to modify the permitted uses for the Amended Phase One CSP by adding condominium hotel uses subject to a use permit and subdivision map approval. The proposed amendment includes a definition for condominium hotel uses, adds development and operating standards applicable to condominium hotel uses, and removes language that excludes condominium hotel uses from the Amended Phase One CSP development project.

The purpose of the proposed amendment to the Amended Phase One CSP is to allow the current property owner to subdivide five existing fourplex structures referred to as the "Villas" into 20 condominium hotel units. The proposed amendment is consistent with the allowable land uses identified in Section 5.2.1, Land Use Designations, of the CSP, which states, "Land Use Area 2: Residential: A building or combination of buildings that function as a hotel with privately held condominium hotel units or traditional hotel units."

The proposed amendment does not increase the allowable density or intensity of development subject to the Amended Phase One CSP, and 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 can be met when the site redevelops in the future.

Finally, the proposed subsequent amendment to the Amended Phase One CSP maintains consistency with the intent of the General Plan's 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."

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 CEQA Guidelines Section §15162, no subsequent environmental review is required because there is no substantial evidence that the proposed District Zoning Amendment, Tentative Tract Map, and Use Permit application for the Outbound Hotel "Villas" project would result in any new significant effects or a substantial increase in the severity of previously identified significant effects. The Outbound Hotel "Villas" project is consistent with the scope of development contemplated for the Amended Phase One Clearwater Specific Plan development project analyzed in the October 2021 Addendum to the Clearwater Specific Plan EIR. Therefore, with the incorporation of applicable mitigation measures from the 2021 EIR Addendum, the Specific Plan Amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).

3. FINDINGS FOR USE PERMIT (Municipal Code Section 17.68.050)

a. The proposed use is consistent with all applicable sections of the General Plan and Title 17 and is consistent with any applicable Specific Plan;

The 2007 *Town of Mammoth Lakes General Plan* land use map designates the entire project site Clearwater Specific Plan (CSP). The CSP land use designation allows hotel, condominium-hotel, workforce housing, street front retail along Old Mammoth Road, and plaza areas for gathering/events. The Outbound Hotel "Villas" Project proposes to subdivide five existing fourplex ("Villas") structures into twenty condominium hotel units. The location of the Villa structures is situated in Land Use Area 2 of the CSP, which allows condominium hotel uses subject to use permit and subdivision map approval. Therefore, the proposed conversion of twenty hotel units into twenty

condominium hotel units is consistent with the CSP General Plan land use designation.

The CSP sets forth the land use development standards for this site rather than Title 17 (Zoning Code). The proposed subdivision of the five (5) existing fourplex structures into twenty (20) condominium hotel units is consistent with the CSP land use designation which allows hotel, condominium hotel, retail, restaurant uses as well as amenities to enhance the visitor experience and support long-term visitation.

b. The proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health and safety nor materially injurious to properties or improvements in the vicinity; and

The proposed use and the conditions under which it would be operated will not be detrimental to the public health or safety nor materially injurious to properties or improvements in the vicinity because the Clearwater Specific Plan EIR (SC# 2006062154) and the 2021 Addendum analyzed potential impacts of the proposed use related to aesthetics, air quality, noise, hazards and hazardous materials, traffic, and other issues. The analyses prepared for each potential impact category concluded that the proposed project would not have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly, following conformance with the existing regulatory framework and mitigation measures.

c. The Commission shall make such other findings as deemed necessary to support approval or denial of the proposed use.

The Outbound Hotel "Villas" Project includes a Tentative Tract Map for the proposed subdivision of the existing twenty hotel units for condominium hotel purposes. The subsequent amendment to the Amended Phase One CSP includes the addition of a definition for condominium hotel uses as well as operating standards that are consistent with the Municipal Code and the CSP operating standards. These clarifications to the Amended Phase One CSP will ensure that the condominium hotel units continue to be operated and used as transient rentals, thereby providing an alternative lodging option that promotes a mix of uses in a pedestrian-scaled environment at a scale and form appropriate to the neighborhood context and adjacent residential uses and forms.

4. SUBDIVISION MAP ACT FINDINGS. (State Map Act §66474)

a. The proposed map is consistent with applicable general and specific plans.

The proposed map is consistent with applicable 2007 General Plan, and with the subsequent amendment to the Amended Phase One Clearwater Specific Plan (CSP) because the proposed subdivision of the five existing fourplex structures into twenty condominium hotel units that may be sold individually is a permitted use within Land Use area 2 of the Clear Water Specific Plan and is consistent with intended uses described in the General Plan Land Use

designation for the CSP. The General Plan land use description for the CSP states that the designation is intended to create a visitor-oriented entertainment, retail, and lodging district with uses including hotels, and similar visitor accommodations along with supporting restaurants, retail and services.

b. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

No additional development on the site is currently proposed. However, the existing design and improvements of the subdivision are consistent with the applicable General Plan and Clear Water Specific Plan because the CSP establishes minimum parcel size for the creation of new parcels within the CSP and allows for alternative parcel sizes to be established for condominium uses in accordance with the proposed development, and subject to the approval of a subdivision map and use permit.

c. The site is physically suitable for the type of development.

The site is physically suitable for the type of development proposed because construction of the Amended Phase One CSP project is almost complete, and the five "Villa" structures already exist and are currently operated as traditional hotel units. The existing surface parking area located on the south side of the "Villas" can accommodate the twenty-one (21) parking spaces required to be dedicated for use by the twenty (20) proposed condominium hotel units.

The project site consists of approximately 6.1 acres and the proposed subdivision boundaries are situated so as to comply with the development standards of the CSP and the Municipal Code including minimum lot size, street access, snow storage, parking, utilities, and trash enclosure access. Additionally, since the subject "Villa" structures already exist and the site is an in-fill development, all utilities and access roadways have been improved and/or extended to service the Project area.

d. The site is physically suitable for the proposed density of development.

The site is physically suitable for the proposed density of development because construction of the Amended Phase One CSP project is almost complete, and the proposed subdivision is only applicable to the five existing fourplex structures which are proposed to be converted from traditional hotel units to condominium hotel units.

e. The design of the subdivision or the proposed improvements are not likely to cause substantial environment damage or substantially and avoidably injure fish or wildlife or their habitat.

The design of the subdivision is not likely to cause substantial environmental damage or substantially injure fish or wildlife because the project is not located within an environmentally sensitive area and because the CEQA Addendum that was prepared for the Amended Phase One CSP project supports the

conclusion that the proposed project would not cause substantial environmental damage or substantially injure fish or wildlife.

f. The design of the subdivision and types of improvements is not likely to cause serious health problems.

The design of the subdivision is not likely to cause serious public health problems because a CEQA Addendum was prepared for the scope of the Amended Phase One CSP development project, and identified applicable mitigation measures from the certified Clearwater Specific Plan Environmental Impact Report EIR (SCH# 2006062154) which have been included as conditions of approval to ensure health-related impacts are reduced to a less than significant level. No evidence has been submitted during the planning review process to indicate that the Project would cause any serious public health problems. All necessary public services are currently provided, or can be extended to, the site for those individuals occupying and using the proposed condominium hotel facilities.

g. The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

The design of the subdivision will not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision because all easements are shown on the tentative tract map and/or are required through the conditions of approval for the project. The proposed parcel configuration for the condominium hotel use can be accessed from Sierra Nevada Road and Laurel Mountain Road, which provides adequate street alignment and width to serve the project.

SECTION 2. PLANNING AND ECONOMIC DEVELOPMENT COMMISSION ACTIONS. The Planning and Economic Development Commission hereby takes the following actions:

1. Recommends to the Town Council adoption of the required CEQA and Municipal Code findings; and
2. Recommends to the Town Council approval of District Zoning Amendment (DZA) 24-001, Tentative Tract Map (TTM) 24-003, and Use Permit (UPA) 24-004.

PASSED AND ADOPTED this 12th day of February 2025, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

Nolan Bobroff, Community and Economic Development Director	Michael Vanderhurst, Chair of the Mammoth Lakes Planning and Economic Development Commission

NOTE: This action is subject to Chapter 17.104 of the Municipal Code, which specifies time limits for legal challenges.

EXHIBIT "A"
Resolution No. PEDC 2024-13
Case No. DZA 24-001, UPA 24-004, TTM 24-003

CONDITIONS OF APPROVAL

PLANNING DIVISION CONDITIONS

STANDARD PLANNING CONDITIONS

1. This approval authorizes the following:
   a. The subsequent amendment to the Amended Phase One CSP to modify the permitted uses for the Amended Phase One CSP by adding condominium hotel uses subject to a use permit and subdivision approval. The proposed amendment includes a definition for condominium hotel uses, adds development and operating standards applicable to condominium hotel uses, and removes language that excludes condominium hotel uses within the Amended Phase One CSP development.
   b. Approval to subdivide the existing 20 units within the five (5) existing fourplex structures referred to as the "Villas" units into 20 condominium hotel units that may be sold individually.
2. The approved tentative tract map includes: Tentative Tract Map Plan Sheets 1-2, dated received by the Town on October 21, 2024. Drafts of the Reciprocal Easement Agreement (REA) and Exhibit A (Parking and Snow Storage), Exhibit C (Private Roadways and Paths of Travel) and Exhibit E (Shared Utilities Plan) were dated received by the Town on November 27, 2024. Prior to final map approval and recordation, the final REA and associated exhibits shall be reviewed and approved to the satisfaction of the Engineering Manager and Public Works Director.
3. This permit and all rights hereunder shall automatically terminate unless the Final Map is approved within two years after the issuance of this permit, or an extension of time has been granted in accordance with Municipal Code §17.60.060.B.
4. All new improvements constructed on the site shall be in compliance with all Town of Mammoth Lakes, County of Mono, Mammoth Community Water District, the Mammoth Lakes Fire Protection District, the CRWQCB Lahontan District, Great Basin Air Pollution Control District, OSHA, State of California and United States of America laws, statutes, ordinances, regulations, directives, orders, and the like applicable thereto and in force at the time thereof. Any violation of the above may constitute grounds for revocation under Chapter 17.128 of the Mammoth Lakes Municipal Code.
5. This resolution of approval, as conditioned herein, shall be recorded for the subject property by the Mono County Recorder's Office to commence the approved use on the property or the issuance of any building permits for new or remodeled structures.
6. The site shall be maintained in a neat, clean and orderly manner. All improvements shall be maintained in a condition of good repair and appearance. Outdoor storage

of equipment and other materials, except for firewood, is prohibited. Non-operating vehicles, equipment and materials inappropriate to the site and its use shall not be stored within outdoor areas on the site.

7. Storage of construction materials and equipment off-site shall not be permitted without a permit issued by the Community and Economic Development Department of the Town. Any public or private property altered, damaged or destroyed by site preparation, grading, construction or use shall be restored to its pre-existing condition by the permittee.
8. All uses are subject to review by the Building Official of the Town of Mammoth Lakes and must conform to occupancy ratings of the structures to obtain occupancy.
9. Town staff shall have the right to enter the subject property to verify compliance with these conditions. The holder of any permit associated with this project shall make the premises available to Town staff during regular business hours and shall, upon request make records and documents available to Town staff as necessary to evidence compliance with the terms and conditions of the permit.
10. Prior to the issuance of a certificate of occupancy, the applicant shall pay all applicable fees as prescribed by ordinance and/or resolution and pay any fees due on the project processing account.
11. Where compliance with the conditions of approval or applicant-initiated changes to the plans require additional staff review, that review time shall be billed at the Town's established billing rates. Prior to the issuance of a building or grading permit, the applicant shall pay all outstanding costs for the processing of this application.
12. This action may be appealed to the Town Council within fifteen (15) calendar days from the date of Planning and Economic Development Commission approval in accordance with Municipal Code Chapter 17.104.
13. Pursuant to Government Code Section 66474.9 the subdivider shall defend, with counsel selected by the Town, indemnify, and hold harmless the Town and its agents, officers, and employees from any claim, action, or proceeding against the Town and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the Town, advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Government Code Section 66499.37. The Town shall promptly notify the subdivider of any claim, action, or proceeding and shall cooperate fully in the defense.
14. All exterior lighting shall comply with Chapter 17.36.030 of the Town of Mammoth Lakes Municipal Code, Exterior Lighting. Exterior light fixtures having a total of over 400 lumens of output shall be equipped with shields that extend below the horizontal plane of the light source to direct the light downward onto the structure or surrounding grounds. Accent lighting is permitted as described in Municipal Code Section 17.36.030.F.6. This shall be verified prior to issuance of a certificate of occupancy.

15. New or changed improvements, exterior illumination, elevations, designs, materials, or colors shall conform to the adopted Design Guidelines of the Town of Mammoth Lakes and will require review and approval from the Town of Mammoth Lakes Community and Economic Development Department or Planning and Economic Development Commission pursuant to Municipal Code Chapter 17.88.
16. All conditions of approval shall be printed verbatim on all of the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the index.
17. The project shall meet the requirements of Municipal Code Chapter 17.40 (Water Efficient Landscape Regulations). All landscape plantings shall be maintained in a healthy and growing condition at all times (as applicable for the season) and individual plants shall be replaced if they become diseased or die. Landscaping and irrigation systems within the public right-of-way within or adjacent to the project area shall be maintained by the property owner, with the exception of benefit assessment district areas.
18. Developers of residential properties shall include a disclosure statement indicating that Mammoth Lakes is an area of habitat for Mountain Lions, which indicates potential risk, particularly to small children and pets. (General Plan Mitigation Measure 4.3-1)

SPECIAL PLANNING CONDITIONS

19. The Mitigation Monitoring and Reporting Program (MMRP) established by the Clearwater Specific Plan Final EIR and 2016 Addendum (SCH No. 2006062154) shall be adhered to in the implementation and operation of the proposed use and is incorporated herein by reference.
20. Any future changes to the CC&Rs for the Outbound "Villas" condominium hotel units which relates to a Town condition of approval for the Subdivision Map, may not be amended without the prior written consent of the Town Community and Economic Development Director and Public Works Director. Inclusion of this condition in the final CC&Rs shall be verified by the Town prior to recordation of the final map and CC&Rs.
21. The required trash enclosure shall be maintained in good condition and dumpsters shall be stored within the trash enclosure. Adequate space for recyclable materials shall be provided within the enclosure. All trash enclosures, and receptacles shall be animal resistant.
22. No snow shall shed or be deposited onto adjacent properties or Town right-of-way. This shall include snow that is removed from any portion of the property, including, but not limited to, the structure, driveway, and/or common areas. All interim snow storage areas shall be on the subject property. The property owner shall be subject to fines pursuant to Municipal Code §12.16.030 (*Snow Removal – Violation/Penalty*) if found to be in violation of this condition.
23. A key box shall be provided with an individual master key that provides access

to each unit.

ENGINEERING DIVISION CONDITIONS

STANDARD CONDITIONS / GENERAL REQUIREMENTS:

24. A final map, consistent with the tentative map and the conditions herein, shall be recorded with the County Recorder of Mono County prior to the expiration of the approved tentative map. The final map shall conform to the Subdivision Map Act and the Subdivision Ordinance for the Town of Mammoth Lakes. The tentative map shall expire 24 months after the approval date. Failure to submit to the Town a complete application for approval and recording of the final map prior to the tentative map expiration will nullify all approvals, except as such time limitation may be extended by law or by the Planning and Economic Development Commission in accordance with the Subdivision Map Act.
25. Nothing in the approval of this project shall be construed to allow for the deviation, adjustment, variance or non-conformance of any Municipal Code or ordinance, or of any local, State, or federal standard, policy, regulation or law, unless specifically provided for herein.

THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO APPROVAL BY STAFF OF THE FINAL MAP:

26. The final map shall conform to the requirements of Town of Mammoth Lakes Ordinance 84-10 and all amendments thereto.
27. As required by the Town's Subdivision Ordinance Section 17.20.160 and the most recent Town Council Resolution adopting a Schedule of Fees, the applicant shall pay a fee for each unit, parcel or lot, including lettered lots and parcels and common area lots or parcels created, to the Community and Economic Development Department for long range planning reimbursement prior to approval by staff of the final map.
28. Final map application submittal to the Town shall include a copy of the current grant deed, a preliminary title report dated within the past 30 days, copies of all exceptions, easements, restrictions and encumbrances listed in the preliminary title report, a copy of each record map for the subject property shown within the tentative map boundary, and a copy of each and every adjacent map, deed or other document as necessary that establish, or were used for the survey of, and for the retracement of the subdivision boundary.
29. All easements and dedications as shown on the tentative map shall be granted on the final map or recorded by separate document prior to or concurrent with recordation of the final map. Easements shown on the tentative map to be granted or dedicated shall indicate the beneficiary of the easement(s). Easements shown on the tentative map to the benefit of an agency other than the Town or to other parties shall be shown on the final map as "Easements Reserved". The owner's statement on the final map shall reserve said easements unto themselves, their heirs and assigns.
30. Easements, dedications and other documents that are required to be recorded by

separate document prior to or concurrent with the recordation of the final map shall be in a form and with content acceptable to the Town's Engineering Manager and Public Works Director, and shall be submitted to the Town for review and approval. Upon Town approval, the original fully executed, notarized documents shall be submitted to the Town prior to approval of the final map.

31. The CC&Rs and Reciprocal Easement Agreement (REA) shall contain provisions granting rights of access and parking, as necessary, to the owners, tenants, and their guests, of the condominium units.
32. Existing CC&Rs, if any, encumbering the property shall be amended as necessary for the proposed development of this project.
33. Applicant shall submit a request for unit, building and street addressing to the Public Works Department. Approval of the addressing shall be completed prior to approval of the final map by staff.
34. Applicant shall provide evidence to the Town that all property taxes have been pre-paid to the Mono County Tax Collector or their payment has been secured by the filing of a surety bond or other cash-equivalent security acceptable to the County prior to approval of the final map by staff.
35. Applicant shall submit to the Town a subdivision guarantee, issued within 30 days prior to approval of the final map by staff.
36. Applicant shall install monumentation of the subdivision in accordance with the Subdivision Ordinance of the Town, Ordinance 84-10. Upon approval of the Town Surveyor and Public Works Department, a form of security listed in Government Code Section 66499(a) shall be posted with the Town in a form acceptable to the Town Surveyor for any deferred final monumentation for the final map. The estimated amount of the surety shall be prepared by the licensed land surveyor preparing the final map and shall be approved by the Town Surveyor. The estimates shall be at prevailing wage rates and shall include 20% for construction contingencies and 20% for administrative costs.
37. The final condominium plans for the project shall be submitted to the Town for review for conformance with the approved development plan, tentative map, CC&Rs and REA. The condominium plans shall conform to the conditions of approval with respect to ownership of required appurtenant use areas. Recordation of the condominium plans shall not occur prior to Town approval of the condominium plans.
38. Within 30 days after approval of and prior to recording of the final map by the Planning and Economic Development Commission, the applicant shall submit to the Town an electronic file of the final map with coordinate system and format as may be approved by the Public Works Director.

SPECIAL ENGINEERING CONDITIONS

39. The Reciprocal Easement Agreement (REA) is required to grant condominium owners rights to public street access, 21 parking spaces, snow removal and storage, utilities, and trash enclosure, and shall be written to the satisfaction of, and approved by, the Town's Engineering Manager and Public Works Director prior to final map

approval by staff. The REA shall include a provision that any future changes to the REA shall be approved by the Town, and that the parties to the REA may not oppose changes required by the Town.

40. The Property's 30-room contribution to the Town's Transit and Transportation Fee Community Facility District (Transit CFD 2013-03) shall be split such that each of the 20 condominium units is responsible for 1 share, and the resort is responsible for the remaining 10 shares.
41. The Property's contribution to the Town's Old Mammoth Road Benefit Assessment District (OMR BAD 2002-01) shall be split on a per-room basis such that each of the 20 condominium units is responsible for 1 room's share and the resort is responsible for the remaining 159 rooms' shares.
42. The Property's contribution to the Town's Maintenance Community Facility District (Maint CFD 2023-1) shall be split on a per-room basis such that each of the 20 condominium units is responsible for 1 room's share and the resort is responsible for the remaining 159 rooms' shares.

SPECIAL DISTRICT CONDITIONS - MCWD

43. The domestic water supply for the 20 condominium hotel units shall be privately sub-metered, per Senate Bill 7, (SB7), to the satisfaction of the Mammoth Community Water District (MCWD). Installation of the submeters shall be in accordance with manufacturers' specifications, comply with the California Plumbing Code, and is subject to testing by MCWD and approvals. A separate Connection Permit from MCWD is required. The submeters shall be capable of being accessed and read by the homeowners, tenants of the dwelling unit, and read by the newly developed Old Mammoth Road Residences Owners' Association without entering the dwelling unit. It is the property owner's responsibility to operate and maintain these submeters and reporting requirements. Meters shall be re-inspected and recalibrated within the time limits specified in law and/or regulations.

EXHIBIT "B"
Resolution No. PEDC 2025-02
Case No. DZA 24-001, UPA 24-004, TTM 24-003

DZA 24~~1~~-001: Subsequent Amendment to the Amended Phase One of the Clearwater Specific Plan

December 11 ~~October 20~~, 2024~~1~~

I. Background.

In January 2009, the Town Council adopted the Clearwater Specific Plan ("CSP") (District Zoning Amendment [DZA] 06-003). In March 2010, in compliance with CSP, the Planning and Economic Development Commission approved a vesting tentative tract map, conditional use permit, and design review for a mixed-use project called "Old Mammoth Place." The Old Mammoth Place entitlements include up to 340 residential units with up to 488 lodging rooms, eight on-site workforce housing units, multiple outdoor public events plazas, approximately 20,000 square feet of commercial/retail space, approximately 17,000 square feet of restaurant space, 9,500 square feet of conference space, a 4,500 square-foot spa and wellness center, an ice rink, a pool, and an underground parking garage covering the entire site. As a part of the Old Mammoth Place project, the Town approved DZA 09-002 in April 2010 to clarify how building height is to be measured when a building sits atop a parking garage and DZA 10-002 in June 2010 to provide clarification on how fees would be charged for the entitled project.

Throughout the first six years after the approval of Old Mammoth Place, there proved to be no financing available to construct the project and no market for the sale of condominium hotel rooms. In August 2016, in order to improve the economic viability and marketability of the project, the owner obtained approval of amendments to the CSP (DZA 15-002) and the Old Mammoth Place entitlements, which included a 10-foot increase in building height, an increase in net residential square footage, and the elimination of an on-site workforce housing requirement.

Nonetheless, 12 years after ~~since~~ the adoption of the CSP, there ~~is~~ was still no indication that a project on the scale of Old Mammoth Place ~~can~~ could be financed and developed in the near term. Meanwhile, the current hotel and amenities fall short of meeting the vision and goals of the General Plan and the CSP, and ~~do~~ did not meet the needs and standards of Mammoth's target visitors and families. The site includes the original hotel and restaurant buildings, large paved parking areas, a concrete miniature golf course, and limited vegetation.

Therefore, in December 2021, the Town Council approved DZA 21-001, which revised the Clearwater Specific Plan (CSP) to establish development standards for an Amended Phase One Project. The approved development standards applicable to the amended phase 1 accommodate a less intensive expansion and upgrade of the hotel, restaurant, and public spaces than originally envisioned by the CSP/Old Mammoth Place entitlements, while still

allowing for the future development of the Old Mammoth Place project consistent with the CSP's long-term vision and goals.

The current District Zoning Amendment application (DZA 24-001) requests a subsequent amendment to the Amended Phase One CSP to allow a new condominium hotel component of the Phase One CSP project. The application includes a proposed subdivision of twenty (20) hotel units located within five fourplex "Villa" structures for condominium hotel purposes. The proposed subdivision of the Villas for condominium hotel purposes would not have a material impact on hotel operations because use of the Villas will be restricted to transient occupancy. Transient occupancy restrictions mean and include: (i) owner stays shall be limited to 30-days maximum per stay, without limitation on the number of stays per year; and (ii) each condominium hotel unit shall be made available for rental by the general public when the unit is not owner occupied; provided such restrictions are severable in the event of a judicial determination that a restriction is unenforceable, void or unconstitutional. In addition to the transient occupancy restrictions set forth in Town Zoning, the condominium hotel units (Villas) shall be maintained for transient occupancy use and language shall be included in the governing CC&Rs of the Villas to ensure that the Villas' primary use remains lodging.

II. The Goal of this Subsequent Amendment to the Amended Phase One CSP (DZA 241-001).

The goal of this subsequent Amendment is to ~~establish ***interim*** development standards~~ expand the allowable land uses in the Amended Phase One CSP to include condominium hotel uses that are subject to use permit and subdivision map approval, establish development standards for those condominium hotel uses, and reaffirm project requirements for the site that will: (1) accommodate the ~~interim~~ reduced Phase One development of a ~~less tall and less dense~~ smaller scale expansion and upgrade of the hotel, restaurant, and public spaces than is envisioned by the CSP and Old Mammoth Place Project (the "Amended Phase One of the CSP"); (2) enhance and expand upon the available assortment of lodging, food and beverage, and event/meeting space options on the site; (3) provide a new and vibrant outdoor venue and park for community activities and events; (4) animate and activate the Old Mammoth Road streetscape; and (5) allow for and accommodate the future development of the Old Mammoth Place project consistent with the CSP's long-term vision and goals, if and when market conditions allow.

III. Amended Phase One of the CSP Project Description.

The goal of the Amended Phase One of the CSP is to transform the site into a fully upgraded, full-service family-oriented lodging establishment ~~hotel~~ and public events venue that will serve to increase lodging ~~hotel~~ occupancies and revitalize the Old Mammoth Road streetscape. The ~~proposed~~ redevelopment of the site ~~would be~~ is the first major renovation of a hospitality project in Mammoth in decades, and would make significant strides toward achieving the Town's vision and goals for the Old Mammoth Road corridor~~,~~ as set forth in the General Plan and the CSP. To that end, the owner ~~will seek~~ has obtained the Town's approval to:

- Upgrade and enhance all of the hotel's entryways, lobby areas, public spaces, and accommodations;

- Upgrade and increase the capacity of the event and meeting space at the Rafters Restaurant and Lounge and in the current lobby;
- Upgrade the pool and add hot tubs;
- Create multiple landscaped social and amenity areas to include a gazebo, a volleyball court, lawn games, fire pits, and hammocks;
- Add ~~30~~ 10 family-friendly resort cabins and 20 units within five (5) fourplex structures ("Villas") to the site's ~~and~~ hotel inventory;
- Provide on-site workforce housing for a minimum of five hotel employees;
- Demolish the Jimmy's Taverna and Red Lantern building;
- Demolish the miniature golf course;
- Expand the Rafters deck;
- Create a landscaped food and beverage garden and food truck venue south along Old Mammoth Road from the Rafters deck to a new public park;
- Create a new public park and events pavilion at the corner of Old Mammoth Road and Sierra Nevada Road to accommodate community festivals and events; and
- Provide new public restaurants to support the public's use of the new food and beverage garden and public park.
- Pursuant to DZA 24-001, condominium hotel uses may be permitted subject to use permit and subdivision map approval.

IV. The Town's Vision and Goals for the Site.

The Town's vision and goals for the site are encompassed in the following quotes from the CSP:

> "These guidelines and standards provide a framework for development of a cohesive, mixed-use, pedestrian-oriented … hotel opportunity that will significantly contribute to the revitalization of the Old Mammoth Road corridor."
>
> "The hotel will provide a contemporary and enjoyable place to stay for Mammoth visitors, central to the multitude of recreational opportunities available in and around the Town of Mammoth Lakes."
>
> "The overall goal of the Specific Plan is to create an attractive, hotel opportunity that shall serve to revitalize the economy of the core of the North Old Mammoth Road District area."

"A project shall provide additional transient occupancy options to the Town of Mammoth Lakes" and shall "contribute to the overall revitalization of the Old Mammoth Road corridor."

"To support the needs of the Town of Mammoth Lakes as a premier destination resort community … a project shall provide additional 'hot beds' and additional transient occupancy options to the Town."

The ~~proposed~~ subsequent amendment to the Amended Phase One of the CSP will ~~include~~ permit ~~30 the addition of~~ 10 single-story resort cabins that will provide additional hot beds and amenities, ~~without any condominium component.~~ as well as 20 Villa units located within five four-plex structures along the southern portion of the site which may be subdivided for condominium hotel purposes subject to use permit approval and stipulation that the units are restricted to transient occupancy use.

The resort cabins and Villa units are designed for families, ~~will~~ add to the lodging options offered within the community, and have the capacity to increase TOT generation though higher occupancies and average daily rates. The expansion of indoor and outdoor event and meeting space, the creation of a food and beverage garden, and the development of a public park and events pavilion ~~will~~ provide benefits to the community and animate the Old Mammoth Road streetscape.

V. Development Standards.

The following development standards ~~will~~ apply to the Amended Phase One of the CSP:

DEVELOPMENT STANDARD	Proposed
Total Project Site Size:	6.09 acres
Number of existing hotel rooms:	149 rooms
Number of ~~additional~~ new resort cabins ~~rooms~~:	~~3~~10 rooms
Number of new Villa units (these units may be subdivided for condominium hotel purposes subject to use permit and subdivision map approval):	20 units
Maximum Building Height – Cabins and Villas:	35 feet
Restaurant square feet:	10,000 square feet
Event space square feet:	2,000 square feet
Minimum Building Separation	5 feet
Setbacks - Old Mammoth Road Frontage	5 feet
Setbacks – Sierra Nevada	10 feet
Setbacks – Laurel Mountain	3 feet

Maximum Lot Coverage	70%
Total parking spaces:	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
Minimum Snow Storage	53,300 square feet
Minimum Open Space/ Landscaped Area	73,000 square feet

VI. Proposed Modifications to CSP Standards.

The following table describes the requested modifications to the 2016 CSP requirements to accommodate the ~~proposed~~ Amended Phase One of the CSP. These standards shall only apply to the Amended Phase One project, and any future redevelopment of the site following completion of the Amended Phase One project shall be subject the standards found in the 2016 Amendment to the Clearwater Specific Plan.

Section	Title	Proposed Changes to the Clearwater Specific Plan
1.0	Introduction	None.
2.0	Existing Setting and Conditions	None.
3.0	Project Description of the Specific Plan	• The Project Description for the Amended Phase One of the CSP is included under Section III above. The project description for the Old Mammoth Place project as detailed in the 2016 CSP Amendment shall not apply to the Amended Phase One project.
3.1	Conceptual Plan	• The Conceptual Plan for the Amended Phase One of the CSP is for illustrative purposes only and does not constitute a formal approval of any site or building design. Final site and architectural plans must be approved through the Design Review process.
3.2	Design Objectives	• The Amended Phase One of the CSP shall not require: ○ the construction of any commercial retail space along Old Mammoth Road; ○ improvement of the transit stop or construction of a bus shelter on Old Mammoth Road; ○ regular shuttle service to MMSA, the airport, the golf courses, and Vons (shuttle service shall be on-demand); or

		○ on-site changing rooms and lockers for employees of the resort who choose to walk or bike to work.
3.3	Sustainability Guidelines	• Improvements constructed for the Amended Phase One of the CSP shall not require LEED certification.
3.4	Operations	• Although the Amended Phase One of the CSP shall contain event space and meeting space, it need not include conference space. • For the purposes of this Amended Phase One CSP document, the term "condominium hotel" shall be defined as any building or portion thereof containing guest rooms used, designed, or intended to be used, let or rented for periods of no more than thirty days at a time either by transient occupants or the individual owner(s) of a unit or units within the project; and that is also an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interior space in the building on the real property. • The Amended Phase One of the CSP ~~shall not include any "condominium hotel" units, any units that "will be sold fully furnished with standardized furniture, fixtures and equipment at the time of initial sale," any "homeowner association," or any "space for a rental management operation."~~ may include condominium hotel uses subject to use permit and subdivision map approval. • A maximum of twenty (20) "condominium hotel" units may be approved under the Amended Phase One CSP. • All condominium hotel units shall include the following services and amenities: ○ a. Central front desk, lobby, and telephone connections to all hotel rooms with staff available 24-hours a day; ○ b. Check-in spaces for arriving vehicles; ○ c. Amenities supportive of lodging uses (e.g., concierge/guest services on site; conference/meeting space, with food and

		beverage support, flexible room configuration, industry-standard audiovisual, telecom, and conferencing infrastructure; food and beverage operations in the form of restaurant or room service; ski and luggage storage; and recreation facilities such as spas, swimming pools, or fitness room facility open to all hotel users); ○ d. Standardized furniture, fixtures, and equipment in all rooms; ○ e. Centralized management and standards for guest reservations, daily housekeeping service, and maintenance services, for all units; ○ f. Space for a rental management operation; ○ g. Management by a qualified entity with at least five years' experience in the hotel management business, including a "flag" hotel or company with equivalent experience; and ○ h. Inclusion of hotel amenities in common areas through condominium covenants, conditions, and restrictions (CC&Rs).
3.5.1	Traffic Mitigation	• No offsite traffic improvements shall be required.
3.5.2	Site Access	• The Amended Phase One of the CSP may be accessed from Sierra Nevada Road even though it will not include underground parking.
3.5.3	Transit Improvements	• No transit improvements shall be required.
3.5.4	Street Improvements	• The Amended Phase One of the CSP shall include curb, gutter, and sidewalk improvements along Laurel Mountain Road. • The east-west vehicular connector: ○ need not have a 40-foot right-of-way offered for dedication to the Town for use as a public road; ○ need not be named; ○ need not be improved with curb and gutter; and ○ need not contain sidewalks or heat tracing. • The north-south pedestrian connector in the Amended Phase One of the CSP will provide access from Sierra Nevada Road to the hotel pool complex,

		but will not connect to the northern property boundary.
3.5.5	Storm Drainage	• The project will meet Town drainage standards and requirements.
3.5.6	Sewer and Water	• The project will meet all applicable Mammoth Community Water District standards and requirements as determined through the construction permit process.
3.5.7	Dry Utilities	• Undergrounding of on-site overhead utilities serving the site shall not be required.
3.5.8	Phasing	• The Amended Phase One of the CSP shall be constructed in one phase, as determined by the owner after consultation with the Town.
3.5.9	Public Facilities	• The food and beverage garden along Old Mammoth Road need not be hardscaped.
3.6	Community Benefits	• The community benefits required by the CSP will not be provided as part of Amended Phase One but may be required upon future redevelopment of the site.
4.1	Consistency with the 2007 General Plan	None.
4.2	Consistency with the NOMR District Study	None.
4.3	Consistency with the Municipal Code	None.
5.1	Land Use Objectives, Policies, and Standards	• No underground parking is required. • No residential units (other than workforce housing) are required. • The north-south pedestrian connector need not connect to the northern property boundary.
5.2	Development Standards	• See the Development Standards Table for Details.
5.2.1	Land Use Designations	• The location and description of the uses shall not apply to the Amended Phase One of the CSP.
5.2.2	Permitted Uses	• Condominium hotel uses may be permitted subject to use permit and subdivision map approval. • ~~Permitted uses for h~~ Hotel operations may include the construction or placement of ~~3~~10 resort cabins

		and 20 units within 5 four-plex ("Villas") structures that are affixed to foundations.
5.2.3	Density	None.
5.2.4	Site Coverage	None.
5.2.5	Building Separation	None.
5.2.6	Building Height	• The maximum building height for resort cabins and Villa structures shall be 35 feet.
5.2.7	Setbacks	• Setbacks for buildings and vehicles are set forth in the Development Standards table above.
5.2.8	Parking	• 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.
5.2.9	Snow Storage and Removal	None.
5.2.10	Signage	None.
5.2.11	Lighting	None.
5.2.12	Public Art	• No specific requirements for public art
5.2.13	Additional Standards and Requirements	None.
6.0	Design Guidelines	• Final design of the cabins, Villas, and site amenities will be determined through the Design Review process.
7.0	Housing	• The Amended Phase One of the CSP shall provide on-site workforce housing for a minimum of five hotel employees and shall otherwise comply with the Town's Housing Ordinance. No parking shall be required for on-site workforce housing units.
8.1	Recreation	None.
8.2	Conservation and Open Space	None.
8.3	Noise	None.
8.4	Safety	None.
9.1	Maintenance	• The hotel owner/operator shall maintain the hotel property and improvements.

9.2	Construction and Drainage	• No off-site drainage systems shall be required.
9.3	Site Utilities	• The project will meet all applicable utility requirements as determined during the construction permit process.
10.0	Administrative Procedures	• Use Permit and Design Review approval shall be required prior to construction of the Amended Phase One project.