

STAFF REPORT

Subject: Consider certification of the Subsequent Environmental Impact Report and approval of the Inn at the Village project (District Zoning Amendment 13-001, Vesting Tentative Tract Map 13-002, Use Permit Application 13-003, and Design Review 13-003)

Initiated by: Severy Realty Group/SFI Mammoth Owner, LP

Written by: Jen Daugherty, Senior Planner

RECOMMENDATION:

Staff and the Planning and Economic Development Commission recommend the following to the Town Council:

Option 1:

- A. Adopt the attached resolution making the required CEQA findings, certifying the Final Subsequent Environmental Impact Report for the Inn at the Village, and adopting the Mitigation Monitoring and Reporting Program,
- B. Waive the first reading and introduce by title only the attached ordinance making the required findings and approving District Zoning Amendment 13-001, and
- C. Adopt the attached resolution making the required findings, and approving Vesting Tentative Tract Map 13-002, Use Permit 13-003, and Design Review 13-003, subject to all conditions of approval as recommended by the Planning and Economic Development Commission.

CONSIDERATION OF THE TOWN'S VISION, TOWN COUNCIL PRIORITIES, AND MANDATES:

- *The proposed action is not legally mandated.*

The Town Council is not legally mandated to approve the proposed project. To approve the proposed project, the Council is required to

make the necessary findings for approval, including California Environmental Quality Act (CEQA), Municipal Code, and Subdivision Map Act findings.

- *The proposed action relates to the following Town Council priorities:*

The proposed project supports the Council’s priorities for diversifying economic development and enhancing community amenities because the project includes up to 67 new hotel rooms, food and beverage service, spa, permanent heat-traced sidewalk that would be constructed no later than 2018, and public streetscape enhancements such as a pocket park and informational kiosk. The project would result in revenue generation, through economic development, TOT, TBID, sales tax, and property tax. The project would also provide opportunities for temporary, seasonal, and year-round employment.

- *The proposed action meets the following aspects of the Town’s Vision:*

Vision Statement	Explanation of Project Conformance with Vision Statement
<i>“Being a premier, year-round resort community based on diverse outdoor recreation, multi-day events, and an ambiance that attracts visitors”</i>	The project would provide 67 new hotel rooms, food and beverage, spa, outdoor pool and jacuzzi terrace, and frontage improvements in the intensely focused North Village entertainment district.
<i>“Sustainability and continuity of our unique relationship with the natural environment...We are committed to the efficient use of energy”</i>	The project site is developed with a parking garage. No trees with a six inch or greater diameter at breast height would be removed for the project. The project will be LEED certifiable and incorporates energy saving measures.
<i>“Being a great place to live and work”</i>	The project would provide a number of new temporary, seasonal, and full time jobs. The project includes streetscape enhancements, an informational kiosk, food and beverage, and a spa that would be available to/accessible by the public.
<i>“Adequate and appropriate housing that residents and workers can afford”</i>	The project proposes to conform to the future Housing Ordinance, which would be consistent with the Town’s vision and goals for workforce housing.
<i>“Protecting the surrounding natural environment and supporting our small town atmosphere by limiting the urbanized area”</i>	The project is within the Urban Growth Boundary, and the density is consistent with that allowed by the General Plan.

Vision Statement	Explanation of Project Conformance with Vision Statement
<p><i>“Exceptional standards for design and development that complement and are appropriate to the Eastern Sierra Nevada mountain setting and our sense of a “village in the trees””</i></p>	<p>Project revisions resulted in a design that reflects the mountain setting with a height of 80 feet. This height is 18 feet above the approved 8050C building. The hotel would extend above the tree canopy in the area, although not substantially (5 to 13 feet above the typical and average tree height in the area), and would be below the maximum tree height of 90 feet¹. The building design is more vertical rather than horizontal as desired in the NVSP, Development Objective 1, and provides varied architectural articulation along Minaret Road.</p>
<p><i>“Offering a variety of transportation options that emphasize connectivity, convenience, and alternatives to use of personal vehicles with a strong pedestrian emphasis”</i></p>	<p>The project is located adjacent to the major transit hub in the North Village, and connected to the gondola plaza and transit stops via sidewalks and the pedestrian plaza. The project will include shuttle transportation to the airport and other destinations in town.</p>

BACKGROUND:

8050 Project

In 2005, the 8050 project, a 49-unit fractional ownership private residence club consisting of three phases (A, B, and C), was approved. Two of those phases have been completed, 8050A and B. The parking structure serving the entire 8050 project has also been completed, but 8050C has not been constructed.

The 8050C building is approved to be located above the existing 8050 parking structure, between the Fireside Condominiums and 8050A and B. The 8050C building is currently entitled for 21 fractional units totaling 33 rooms. The approved building height is 52 feet with a maximum projected height of 62 feet.

Inn at the Village Project

The Inn at the Village (“Inn”) is a proposed redesign of 8050C. A summary of the project components is included below.

¹ Typical and average tree heights in the vicinity of the Mammoth Crossing project were found to be 67 to 75 feet with maximum heights of up to 90 feet.

Inn at the Village Project Summary

- The project consists of a seven-story hotel with up to 67 rooms, food and beverage, spa, outdoor pool and jacuzzi, and landscape elements.
- Hotel rooms are designed to meet the needs of a high quality hotel. Rooms are approximately 520 square feet, aligned on a double-loaded corridor to maximize efficiencies (e.g., provide a critical mass of rooms, room standardization, and increased natural light).
- The proposed maximum height is 80 feet with an additional 4.5 feet for appurtenances.
- The outdoor pool and jacuzzi terrace is located to the southwest of the site for optimal solar exposure. This terrace is approximately 4,600 square feet, including approximately 1,100 square feet of pools. The location provides separation from the adjacent Fireside Condominiums to the proposed hotel. Private events could be held on this terrace.
- A pedestrian porte-cochere is proposed along Minaret Road, adjacent to 8050B (Toomey's), and is designed to provide an inviting and protected entrance for pedestrians. It is a two-story, heavily glazed feature that has been described as a "lantern" creating a point of interest and visual connection from the street to the hotel and amenities.
- To activate and enhance the Minaret Road streetscape, a pocket park, food and beverage terrace, informational kiosk, and landscaping are proposed. The pocket park is approximately 532 square feet and would include paving and benches beneath a pergola for weather protection. The informational kiosk could be used for visitor information or limited concessions, and is approximately 370 square feet. Additionally, existing utility boxes are proposed to be enclosed and landscaped.
- A "Zen garden" is proposed along the west side of the building. This area would include pavers, stone, and native trees and plantings, as well as a snow melt system to increase usability during winter.
- No change to vehicle access is proposed. Vehicles would continue to enter and exit the existing parking garage via Canyon Boulevard. Only the vehicles utilizing the 50 Fireside Condominium parking spaces will continue to exit onto Minaret Road (right turn only).

- Valet parking is proposed to maximize space within the existing parking garage and provide the required number of parking spaces per the North Village Specific Plan (NVSP). Valet parking would not interfere with the 50 Fireside Condominium parking spaces, which are located on the upper garage level.
- Delivery trucks and vehicles would provide deliveries off of Canyon Boulevard in the 8050 driveway area or porte cochere (please see delivery options in the Final SEIR, Attachment 1, Exhibit 1, pages 2-30 to 2-32)².
- A widened shoulder is proposed along Minaret Road, south of the existing parking garage exit for Fireside Condominium owners. The widened shoulder would be signed “no parking” and used for emergency vehicles only, such as Mammoth Lakes Fire Protection District. The existing retaining wall would be realigned farther to the west to accommodate this widened shoulder.
- A permanent heat traced sidewalk would be constructed along the project’s frontage. This sidewalk will connect to the Town’s sidewalk project that will extend from the 8050/Inn property to Main Street and along the north side of Main Street to Mountain Boulevard. Condition of Approval 112 requires the sidewalk along the project’s frontage to be completed prior to or in conjunction with the construction of the Town’s sidewalk project³. This will create a complete sidewalk connection from Mountain Boulevard to the Village.
- The project includes energy efficient elements and would be LEED certifiable (anticipated to be LEED Silver rating).

North Village Specific Plan (NVSP) Amendment Requested

The project includes three requested modifications to NVSP development standards:

1. Height - An increase in height above the maximum allowed projected height of 50 feet is requested. The request is for an 80-foot tall building with an additional 4.5 feet for roof appurtenances.

² Condition of Approval 29 requires a delivery operational plan to be approved by the Town and adhered to by the property owner and hotel operator. The Town will be able to enforce this Condition through code compliance efforts and citations.

³ Since the Town’s sidewalk project is scheduled for construction in 2017/2018, Condition of Approval 111 will likely result in the sidewalk along the project’s frontage being constructed earlier than would otherwise be required (i.e., typically required prior to building certificate of occupancy).

2. Minaret Road Setback - The NVSP requires certain setbacks based on the stepped heights of a building. A reduced building setback from Minaret Road is requested for the pedestrian porte-cochere and building heights 55 feet and above. The request is to allow the pedestrian porte cochere roof overhang to encroach five feet into the six foot roof eave setback and building heights 55 feet and above to encroach 10 feet into the 40-foot setback.
3. Density - An increase in density from 55 rooms to 72 rooms per acre is requested. The request would allow 30 rooms above the maximum allowable density and would not count commercial space towards density. The 30 rooms would be transferred from the Mammoth Brewing Company site or the Ullr site, both of which are within the NVSP Mammoth Crossing designation^{4,5}.

The proposed amendment is included as a redline version of the NVSP in the attached ordinance (Attachment 2, Exhibit A). Since the proposed amendment is specific to the Inn site, this site has been delineated as Area 19A in NVSP, and the proposed amendment would only apply to this site/Area.

Planning and Economic Development Commission Recommendation

On October 8, 2014, the Commission held a public hearing to consider the Inn project. At this hearing, the Commission made a 3-1 recommendation to the Council to approve the project with three additional conditions of approval (Conditions of Approval 40, 41, and 42; please see Commission Resolution 14-10, Attachment 9). The recommended conditions of approval are included in the Council's resolution (Attachment 3, Exhibit A), except for Condition of Approval 40, which has been satisfied⁶. Commission Chair Brown was the dissenting vote, and a discussion of her comments is provided in the Analysis/Discussion section below.

⁴ The Mammoth Crossing sites are located at the three corners of the Main Street/Lake Mary Road and Minaret intersection, not including the northeast corner (Dempsey/Nevados sites). The Mammoth Crossing amendment to the North Village Specific Plan was approved in 2009.

⁵ Condition of Approval 30 requires a density transfer covenant to be recorded on the Inn site and either the Mammoth Brewing Company or Ullr site to ensure maximum allowable densities are disclosed and adhered to.

⁶ This Condition required written assurances to be provided by Mammoth Mountain Ski Area regarding their parking agreement with the 8050 Developer; the written assurance has been provided, and is contained in Attachment 10.

ANALYSIS/DISCUSSION:

A detailed analysis and discussion of the project is included in the staff report and attachments for the Commission's October 8, 2014 public hearing (Attachment 4). The analysis/discussion in this report focuses on responding to comments and discussion points raised during the Commission public hearing.

Permits and Findings Required⁷

The Inn project includes four permits:

1. District Zoning Amendment (DZA) – would allow the amendment to the North Village Specific Plan (NVSP) for building height, setback, and density.
2. Vesting Tentative Tract Map (VTTM) – would allow the flexibility for an airspace subdivision for a condo-hotel, if desired.
3. Use Permit (UPA) – would allow the hotel use.
4. Design Review (DR) – would allow the design of the proposed building and site.

The required findings for these four permits include, but are not limited to, the following:

- Project is consistent with the General Plan
- Project is internally consistent with the NVSP
- Project is in compliance with CEQA
- Project is consistent with Design Guidelines
- Project will not be detrimental to the public interest, health, safety, convenience, or welfare of the town
- Project site is physically suitable for the proposed development

The attached ordinance and resolutions include explanations describing project compliance with all of the required findings (Attachments 1, 2, and 3). Commissioner Chair Brown described that she voted in dissent because she did not think the DZA findings were substantiated; therefore, a discussion of DZA findings is included in the analysis and findings sections for height, setback, and density later in

⁷ A Variance is not proposed or required as part of this project; therefore, the findings for a Variance are not required to be met. A Variance is defined by State law and allows deviations from development standards when unique physical circumstances create an unnecessary hardship for the property owner.

this staff report. Commissioner Chair Brown did not voice any objection to the CEQA findings.

North Village District Planning Study (NVDPS)

The North Village District Planning Study (NVDPS) was accepted by Town Council in 2009. The NVDPS is used to assist the Town in evaluating development proposals in the North Village Specific Plan (NVSP) area and is intended to be codified through a comprehensive update to the NVSP after the required environmental review is completed⁸.

On August 6, 2014, the Town Council found the Inn project to be consistent with the NVDPS and determined that the project was not subject to the Community Benefits and Incentive Zoning (CBIZ) Policy (Resolution 2014-51, Attachment 7). The Inn project is consistent with the NVDPS as follows:

NVDPS Recommendations	Project Compliance
<p>Density of up to 80 rooms per acre along both sides of Minaret Road with the provision of community benefits and amenities (Preferred Concept, Option 4, Addendum).</p> <p>Ground floor commercial uses fronting on Minaret Road would be exempt from density calculations (Section 6.2, Recommendation 5; Preferred Concept, Option 4, Addendum).</p>	<ul style="list-style-type: none"> • 72 rooms per acre proposed through a transfer of 30 rooms from the Mammoth Crossing zone. • Commercial square footage would not be counted towards density. • No increase above the allowable density in the North Village Specific Plan or General Plan is proposed.
<p>Preliminary list of community amenities might include:</p> <ul style="list-style-type: none"> • Events/conference space • Ground floor retail • Hotels with guaranteed nightly rentals • Public open space and plazas • Public art • Public parking beyond required • Sustainable design; LEED Silver or higher (Section 6.5, 	<ul style="list-style-type: none"> • Active uses (e.g., food and beverage terrace) and protected pedestrian entry along Minaret Road. • Hotel with nightly rentals. • A public pocket park and informational kiosk along Minaret Road. • Exceeds parking requirements and obligations by six spaces.

⁸ The comprehensive update to the NVSP and associated environmental work has been included in the Community and Economic Development Department’s future work program. This work effort will begin when it is prioritized and funded by Council.

Recommendation 2).	<ul style="list-style-type: none"> Improved solar design; anticipated LEED Silver rating level.
NVDPS Recommendations	Project Compliance
<p>Extend the NVSP Plaza Resort zone to encompass both sides of Minaret Road and at Mammoth Crossing (Preferred Concept, Option 4, Addendum).</p> <p>Allow the highest intensities along Minaret Road north of Main Street, Canyon Boulevard in the vicinity of the gondola plaza, and at Mammoth Crossing (Section 6.2, Recommendation 4).</p>	<ul style="list-style-type: none"> The Plaza Resort zone allows a maximum projected height of up to 90 feet. The Mammoth Crossing zone, approved after the NVDPS was accepted, allows heights up to 80 feet. In addition, roof appurtenances of up to 3 feet may be permitted. The Inn’s proposed height is 80 feet plus 4.5 feet for appurtenances.
Require strategic ground floor commercial along the east and west sides of Minaret Road, north of Main Street (Section 6.2, Recommendation 6a).	While limited by the existing parking garage, the project would provide a food and beverage terrace, pedestrian porte cochere, pocket park, and informational kiosk along Minaret Road.
Enforce “safe routes” for pedestrian connections to minimize conflicts between pedestrians, bicycles, and cars (Section 6.4, Recommendation 1e).	A permanent heat traced sidewalk would be constructed per Town standards and in conjunction with the Town’s sidewalk project to the south, if not earlier.

North Village Specific Plan Amendment & NVDPS

As previously mentioned, the NVSP has not been comprehensively updated to reflect the NVDPS; however, this comprehensive update is included in the Community and Economic Development Department’s future work program. As soon as this work is prioritized and funding becomes available, staff will begin this update. Although this comprehensive update has not been initiated, staff will continue to process development applications in the NVSP area, including requested amendments, unless otherwise directed by Council. Furthermore, since the Inn was found to be consistent with the NVDPS (Council Resolution 2014-51), the Inn amendment request appears reasonable and appropriate to process.

Analysis and Findings - Height

Height Request

The project includes a request for an 80-foot tall building with an additional 4.5 feet for roof appurtenances. This would exceed the allowed projected building height by 30 feet and exceed the 8050C building's approved height by 18 feet.

The additional height is requested for the following reasons:

- The building has been redesigned to accommodate first floor commercial uses and a pool and jacuzzi terrace on the southwest portion of the site⁹. These revisions have resulted in a “taller and leaner” building that activates Minaret Road and provides recreation/leisure amenities.
- As shown on Sheet 18-3 of the project plans (Attachment 5), the building mass is proposed to be shifted from the rear of the site to the upper portion of the proposed building along Minaret Road. The reduced building footprint allows more natural light access to hotel rooms, improving efficiency and functionality of the hotel. Furthermore, it provides additional separation from the Fireside Condominiums compared to the approved 8050C building.
- The additional height allows for a critical mass of hotel rooms and amenities to be accommodated on the site, which is located in the visitor-oriented Village area, adjacent to the gondola. The applicant has stated that at 67 rooms, the hotel is at the lower end of the range of lodging capacity deemed sufficient in the lodging industry to provide financial feasibility and to support the quality of the guest amenities and service levels on a sustainable basis.

Comparison of NVSP Building Heights and Adopted Height Standards

The table on the following page identifies the heights of existing and approved projects, as well as adopted height standards, within the NVSP and in the vicinity of the Inn site.

⁹ The first floor ceiling height was raised from 11 feet to 14 feet to provide the necessary space for commercial uses.

Project	NVSP Zoning	Maximum Height	Notes
Westin	Plaza Resort	93 feet	93-foot height includes appurtenances
Mammoth Hillside	Plaza Resort	90 feet	11% of building at 90 feet 58% of building 50 - 75 feet 31% of building <50 feet
Mammoth Crossing Site 1 (Mammoth Brewing Company area)	Mammoth Crossing	80 feet	17% of site up to 80 feet 18% of site up to 70 feet 35% of site up to 60 feet 70% of site up to 30 feet
Fireside Condominiums	Resort General	42 feet	Maximum projected height of 50 feet allowed
Dempsey/Nevados	Resort General	67 feet	Maximum permitted height of 56 feet with a maximum projected height of 67 feet
Alpenhof Lodge	Resort General	42 feet	42 feet with tower Maximum projected height of 50 feet allowed
South Hotel	Plaza Resort	76 feet	Maximum projected height of 80 feet allowed
Gondola Building/ Skier Services	Plaza Resort	53 feet	53 feet with towers Maximum projected height of 85 feet allowed
8050A	Resort General	64 feet	64-foot height includes appurtenances
8050B	Resort General	51 feet	51-foot height includes appurtenances

With the proposed Inn project, the 8050 site (i.e., 1.83 acre site containing 8050A, 8050B, and the Inn) would have the following approximate percentages of building heights:

- 60% at or below 51 feet
- 28% between 52 and 64 feet
- 12% between 65 and 73 feet
- 10% between 74 and 80 feet
- 1% between 80 and 84.5 feet (Inn roof appurtenances)

Private Views

While the General Plan and Municipal Code do not include an explicit definition of public views, public views are considered to include those views available from publicly-accessible vantage points, including streets and sidewalks, and significant public spaces, and as indicated and defined in General Plan Figures 1 and 2. General Plan Figure 1 identifies the view of the Sherwin Range from the North Village as a major view corridor and vista.

As a result, the SEIR analyzes potential public view impacts of the Sherwin Range from Minaret Road and Canyon Boulevard. Since the proposed building would not result in increased public view blockage of the Sherwin Range compared to the approved and permitted 8050C building, this was determined by the Town and the Town's SEIR consultant to be a less than significant impact.

On September 16, 2009, the Council voted to not proceed with a policy to protect private views and continue to rely on the General Plan and Zoning Code standards regarding public views. Therefore, the height analysis does not include a discussion of potential impacts to private views and no findings related to private views are required. However, the applicant's height analysis includes some private views of the proposed project (Attachment 5, Sheet 18-8 through HA 11).

Shade/Shadow

The Draft and Final Subsequent Environmental Impact Report (SEIR) discuss the potential shading/shadow impacts that would result from the proposed project. Exhibits 5.2-9a, b, and c illustrate potential shadow impacts from the project during the summer solstice (June 21), spring/fall equinox (March 21 and September 21), and winter solstice (December 21) (DSEIR pages 5.2-32 through 5.2-34). For each of those days, shading impacts are shown at 9am, 12pm, and 3pm. These exhibits compare the shading from the proposed project to the shading that would result from the approved 8050C building. Shade from existing trees and proposed landscaping is not shown in these exhibits.

- *Summer Solstice (June 21) (Exhibit 5.2-9a)* – Shadows cast by the Inn project would increase slightly in the summer months. This includes a slight increase in shade onto the northeast corner of the 8050A building in the morning and shadow extending onto Minaret Road and the sidewalk earlier in the evening hours.
- *Spring/Fall Equinox (March 21 and September 21) (Exhibit 5.2-9c)* – Shadows cast by the Inn project would increase in the spring and fall. This includes an increase in shade onto the east side of the

8050A building and southeast corner of the 8050B building in the morning hours and shadow extending onto Minaret Road and the sidewalk earlier in the mid-day and evening hours.

- *Winter Solstice (December 21) (Exhibit 5.2-9b)* – Shadows cast by the Inn project would increase in the winter months; the winter solstice exhibit shows the most extreme shadow patterns. This includes an increase in shade onto the 8050A and B buildings, Minaret Road and the sidewalk, and the Alpenhof Lodge/Petra's across Minaret Road.

Although shadows onto portions of the 8050A and B buildings would be increased, these shadows would not be constant or uncharacteristic for the area, and would not appear substantially greater than the 8050C building's shadows. Therefore, this was determined by the Town and the Town's SEIR consultant to be a less than significant impact.

While the project would increase shading of Minaret Road and properties on the east side of Minaret Road (e.g., Petra's and Alpenhof Lodge), the project would only increase shading on discrete portions of Minaret Road and properties on the east side of Minaret Road for a few additional hours during winter months. This was determined by the Town and the Town's SEIR consultant to be less than significant for the following reasons:

- Caltrans conducts snow removal and cindering operations on Minaret Road to maintain safe travel conditions. Portions of Minaret Road are already shaded during winter months, and Caltrans snow management operations provide safe travel conditions on these portions of the road. Therefore, the increased shading would not result in new or unmanageable conditions. Caltrans reviewed the Final SEIR and had no additional comments on the project;
- Snow melt systems are installed in existing sidewalks and will be required for future sidewalks. These systems remove ice from sidewalks to provide safe walking conditions. Furthermore, a Benefit Assessment District (BAD) maintains these heated sidewalks and will haul snow off-site as necessary;
- Existing shadow patterns, including other buildings and existing trees (particularly in winter), already shade Minaret Road, sidewalk areas, and properties on the east side of Minaret Road (e.g., 8050A and B, the Westin, and Fireside Condominiums) (Exhibit 5.2-9b). Although existing trees and proposed landscaping shadows are not shown in the SEIR exhibits, there are existing trees along Minaret

Road and on the properties east of Minaret Road. Those trees already cast shadows in areas similar to those areas where the project would cast shadows; and

- Minaret Road and the existing uses on the east side of Minaret Road are not considered “shadow-sensitive.” Shadow-sensitive uses include residential, recreational, churches, schools, and outdoor restaurants.

The project would not shade the Fireside Condominiums, Canyon Boulevard, or the Village plaza.

DZA Findings - Height

The Zoning Code identifies the findings required to approve a district zoning amendment. Each of these six findings is listed below with an analysis of the proposed height amendment’s consistency.

1. The amendment is consistent with the General Plan.

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

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

The building height reflects thoughtful site planning because it allows for a hotel with efficient design and improved solar access, in addition to a southwest facing pool and jacuzzi terrace (Policy C.2.L). The building height discourages architectural monotony because it provides varying rooflines and roof pitches along Minaret Road and in the context of adjacent buildings (Policy C.2.U). The building height complements neighboring uses because the height allows for a hotel, which is a similar use to the

neighboring lodging and condominium projects (Policy C.2.V). Additionally, the height creates a larger setback from the Fireside Condominiums to the south, compared to the approved 8050C project. While the NVSP only requires a 10-foot side yard setback, the project is setback approximately 25 feet from the side property line with Fireside Condominiums (a 35-foot setback is provided to the Fireside Condominium buildings). The project preserves all trees with a diameter at breast height of six inches or greater and additional trees would be planted; retaining the forested character allows the project to transition to adjacent buildings (Policy C.4.C).

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

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

2. The amendment is internally consistent with all other provisions of the NVSP.

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

The proposed amendment is internally consistent with the NVSP because the project implements the NVSP objective for the development of a concentrated, visitor and pedestrian-oriented activity center. The project creates a hotel adjacent to the Village plaza and gondola that includes commercial uses on the first floor. The building's mass is aggregated towards the east to accommodate an outdoor pool and jacuzzi terrace with southern exposure and create an efficient and functional hotel. The building mass expresses a vertical rather than horizontal form (Development Objective 1). Furthermore, the hotel does not block views of Sherwin Range compared to the approved and permitted

8050C building, does not shade the Village plaza, and allows for an inviting pedestrian entry and amenities. The building establishes its own design personality and promotes a varied skyline (Overall Land Use Policy 7). The project also complies with the NVSP development standards, including but not limited to uses, lot coverage, parking, building area, pedestrian walkways, snow management, and landscaping.

3. *The amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the town.*

The Subsequent EIR analyzed potential project impacts associated with aesthetics, air quality, hazard and hazardous materials, hydrology and water quality, land use and planning, noise, public services, traffic/circulation/parking, utilities and services systems, and others. As described in the Subsequent EIR, the project would have no significant and unavoidable impacts with the incorporation of mitigation measures. Mitigation measures would be enforced through an adopted Mitigation Monitoring and Reporting Program.

4. *The amendment is in compliance with CEQA.*

The proposed amendment is in compliance with CEQA because a Final Subsequent EIR (State Clearinghouse No. 2014032081) has been prepared for the project.

5. *The 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 proposed development.*

The site is already developed with a parking garage and is planned to have lodging or residential uses above. The site is located adjacent to the Village plaza, transit hub, and gondola, which are easily accessed from the site without crossing any streets. Therefore, the site is in an appropriate location for increased density and lodging amenities, which are accommodated through increased building height and a reduced building setback above 55 feet.

The site and project comply with the NVSP for lot area, building area, lot coverage, rear and side yard setbacks, and parking. The project includes adequate delivery, valet, and snow management operations. A widened shoulder is provided along Minaret Road for emergency vehicles. Lastly, adequate public services and utilities

(e.g., fire, water, sewer, police, etc.) can be provided as described in the Subsequent EIR.

6. *The amendment is consistent with any applicable airport land use plan.*

The amendment is consistent with the Mammoth Yosemite Airport land use plan because the project is located approximately eight miles from the Mammoth Yosemite Airport and due to the nature and scope of the project, no impact to air traffic patterns are anticipated.

Analysis and Findings - Setback

Setback Request

The project includes a reduction in two setbacks along Minaret Road:

Building Feature	Required Setback	Proposed Setback	Reduction Requested
Pedestrian Porte Cochere Roof Overhang/Eaves	6 feet	1 foot	5 feet
Heights Above 55'	40 feet	30 feet	10 feet

The reduced setback for the pedestrian porte cochere overhang is proposed to improve the pedestrian accessibility to the project and create an important visual element to anchor the project along Minaret Road. This encroachment would only be allowed for the 30-foot wide, two-story pedestrian entry feature.

The 10-foot reduction of the 40-foot setback for the portion of the building above 55 feet is proposed to provide a building setback and articulation, while accommodating 67 hotel rooms in an efficient double-loaded corridor layout.

DZA Findings – Setback

1. *The amendment is consistent with the General Plan.*

See finding discussion under Findings – Height, above.

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

2. *The amendment is internally consistent with all other provisions of the NVSP.*

See finding discussion under Findings – Height, above.

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

3. *The amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the town.*

See finding discussion under Findings – Height, above.

4. *The amendment is in compliance with CEQA.*

See finding discussion under Findings – Height, above.

5. *The 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 proposed development.*

See finding discussion under Findings – Height, above.

Also, the location is appropriate for the reduced setback for the pedestrian porte cochere roof overhang because of the site’s pedestrian connectivity to the Village plaza, transit hub, and gondola and because the encroachment creates enhanced pedestrian access and provides weather protection.

6. *The amendment is consistent with any applicable airport land use plan.*

See finding discussion under Findings – Height, above.

Analysis and Findings - Density

Density Request

Consistent with the North Village District Planning Study, an increase from 55 to 72 rooms per acre and excluding the commercial space from density calculations is proposed.

The Inn property owner owns the Mammoth Crossing sites and proposes the transfer of 30 rooms from the Mammoth Crossing property (either from the Mammoth Brewing Company site or the Ullr site) to achieve 72 rooms per acre. This transfer would not result in an increase in the overall density within the NVSP or as allowed by the General Plan. Condition of Approval 30 requires a density transfer covenant to be recorded on the Inn site and either the MBC or Ullr site to ensure maximum allowable densities are disclosed and adhered to.

The SEIR analyzed the potential impacts from the density transfer, including traffic, water supply, and other public utilities and services. The SEIR found that there would be no substantial and unavoidable impacts as a result of the density transfer.

DZA Findings - Density

The same district zoning amendment findings apply to the requested density modification. These findings are listed below, along with a discussion of how the proposed NVSP amendment for density would be consistent with these findings.

1. *The amendment is consistent with the General Plan.*

See finding discussion under Findings – Height, above.

Also, the proposed density is consistent with the maximum overall density allowed in the NVSP by the General Plan.

2. *The amendment is internally consistent with all other provisions of the NVSP.*

See finding discussion under Findings – Height, above.

Also, the proposed density is internally consistent with all other provision of the NVSP because the overall and aggregate densities allowed in the NVSP would not be exceeded. Additionally, the density transfer from the Mammoth Crossing zone concentrates density on a site adjacent to the Village plaza, transit hub, and gondola.

3. *The amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the town.*

See finding discussion under Findings – Height, above.

4. *The amendment is in compliance with CEQA.*

See finding discussion under Findings – Height, above.

5. *The 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 proposed development.*

See finding discussion under Findings – Height, above.

6. *The amendment is consistent with any applicable airport land use plan.*

See finding discussion under Findings – Height, above.

Public Comments

Public comments were provided both in writing prior to the Commission hearing and orally during the Commission hearing. A discussion of those comments is described below.

- Fireside Settlement Agreement – Comments regarding the Fireside Settlement Agreement are discussed under Legal Considerations, below.
- “Stay in the box of 8050C” – This was a general comment regarding that the proposed building envelope should remain within that allowed pursuant to the NVSP. The rationale for the proposed NVSP amendment for height and setback is discussed previously in this report.
- Future sidewalk location related to Fireside Condominiums units – The design of the future Town sidewalk project along the Fireside property frontage has not been completed. The sidewalk design will consider and reflect adjacent property uses and buildings.
- Private views – Private views are not protected by Town regulations. Private and public views are discussed previously in this report.
- Parking garage structural capabilities – The applicant’s structural engineer and architect found that additional structural loads resulting from the Inn could be accommodated without impacting the parking garage drive aisles and parking spaces. However, if any future structural modifications would impact parking within the existing garage, Condition of Approval 35 requires Commission approval to ensure adequate parking would continue to be provided.
- Traffic – Section 5.3 of the Draft SEIR contains the traffic and circulation analysis for the project. No significant and unavoidable traffic impacts would result from the project with the incorporation of a mitigation measure for a construction management plan (Mitigation Measure TRA-1).
- Parking – The project provides adequate parking consistent with the NVSP and other parking obligations (i.e., Fireside Condominiums and Mammoth Mountain Ski Area).

- Height description – Clarification that the height proposed is 30 feet above the 50 feet allowed by the NVSP because no substantial housing is proposed. The NVSP allows 12 feet of height in addition to the 50 feet allowed if substantial housing is provided. The 8050C project was approved with a height of 62 feet because substantial housing was proposed through an in-lieu fee.
- Cornice development on the Minaret Road side of building – The Draft SEIR states, “Ice build-up on roof eaves would be prevented with heated roof gutters that would convey runoffs from the roof and eaves to existing stormwater retention systems. Adequate roof access would also be provided to remove cornices as needed” (page 3-17, Snow Management). These details of the building design will be refined during the building permit process.
- Shade/shadow – Shade/shadow is discussed previously in this report, and these impacts were found to be less than significant in the SEIR analysis.
- Deliveries – Deliveries for the project will occur off of Canyon Boulevard in the 8050 driveway or porte cochere. Condition of Approval 29 requires a delivery operational plan to be approved by the Town and adhered to by the property owner and hotel operator.

Additional comments submitted to the Planning and Economic Development Commission are available on the Town’s website¹⁰. Comments submitted for the Council hearing prior to publication of this report have been included as Attachment 11. The issues raised in these comments have been previously discussed in this staff report.

Discussion of Potential Additional Conditions of Approval

During the Commission public hearing, comments were raised related to possible modifications to conditions of approval that were not included in the Commission’s recommendation. Those comments are described below, and Council may consider including some or all of these modifications in the Council’s action on the project:

- a. Condition of Approval 32 could be revised to ensure that the minimum three valet attendants are provided regardless of whether 8050 and the Inn are managed by the same or different operators.

¹⁰ Granicus, Agenda Item 3 Public Comments:
http://mammothlakes.granicus.com/GeneratedAgendaViewer.php?view_id=4&clip_id=425

- b. Condition of Approval 36 could be expanded to require that CC&Rs allow transient rentals to ensure consistency with a “hot bed” hotel.
- c. Condition of Approval 37 could be expanded to include language explicitly stating that no parking will be allowed along the widened shoulder except for emergency vehicles.
- d. A new condition could be included that requires the informational kiosk to be consistent with Town’s wayfinding and community messaging/signage as appropriate.

If the Council desires to include additional conditions of approval, the Council should choose Option 2, below.

OPTIONS ANALYSIS

Option 1:

- A. Adopt the attached resolution making the required CEQA findings, certifying the Final Subsequent Environmental Impact Report for the Inn at the Village, and adopting the Mitigation Monitoring and Reporting Program,
- B. Waive the first reading and adopt by title only the attached ordinance making the required findings and approving District Zoning Amendment 13-001, and
- C. Adopt the attached resolution making the required findings, and approving Vesting Tentative Tract Map 13-002, Use Permit 13-003, and Design Review 13-003, subject to all conditions of approval as recommended by the Planning and Economic Development Commission.

Option 2:

- A. Adopt the attached resolution making the required CEQA findings, certifying the Final Subsequent Environmental Impact Report for the Inn at the Village, and adopting the Mitigation Monitoring and Reporting Program,
- B. Waive the first reading and introduce by title only the attached ordinance making the required findings and approving District Zoning Amendment 13-001, and
- C. Adopt the attached resolution making the required findings, and approving Vesting Tentative Tract Map 13-002, Use Permit 13-003, and Design Review 13-003, subject to all conditions of approval as

recommended by the Planning and Economic Development Commission, as modified by the Town Council.

Option 3: Deny District Zoning Amendment 13-001, Vesting Tentative Tract Map 13-002, Use Permit 13-003, and Design Review 13-002.

Option 1 would allow the ordinance approving DZA 13-001 to proceed to a second reading by Council, and would become effective 30 days after the second reading. Once the ordinance is effective, the applicant could submit final map and building permit applications for project construction.

As with Option 1, Option 2 would allow the ordinance approving DZA 13-001 to proceed to a second reading by Council, but the Council's approval would be for a modified proposal; the modifications could be revisions to DZA 13-001 and/or revisions to the conditions of approval.

Option 3 would deny the project. The Council would need to make findings for denial.

STAFFING CONSIDERATION:

The staff time to process this application is included in the Community and Economic Development Department's 2014-2015 Work Program.

FINANCIAL CONSIDERATIONS:

The applicant is paying for the staff time, including consultants, for the processing of this application.

ENVIRONMENTAL CONSIDERATIONS:

Background and Modified Initial Study

Based on review of the application submittal and pursuant to the California Environmental Quality Act (CEQA) Statutes and Guidelines, it was determined that CEQA analysis was required. The Town solicited proposals from independent consultants to prepare the CEQA documentation for the Inn at the Village Project ("Project"), and selected and retained RBF Consulting to complete this work. All findings set forth herein are based on substantial evidence in the record as indicated with respect to each specific finding. The Town has independently reviewed and analyzed the SEIR and accompanying studies and finds that the report reflects the independent judgment of the Town.

A Modified Initial Study¹¹ was prepared for the Project, circulated for a 30-day review period (March 26, 2014 to April 24, 2014), and a scoping meeting held by the Planning and Economic Development Commission on April 9, 2014. The Modified Initial Study is included in Appendix 11.1 of the Draft SEIR (Attachment 1, Exhibit 2). Based on the analysis in the Modified Initial Study and comment letters received, the Town determined that the project could result in new or more significant impacts related to: Land Use and Relevant Planning, Aesthetics/Light and Glare, Traffic/Circulation, Noise, Air Quality, Greenhouse Gas Emissions, and Utilities and Service Systems.

Draft Subsequent Environmental Impact Report (Draft SEIR)

The issues identified through the Modified Initial Study as requiring additional evaluation were analyzed in the Draft SEIR (Attachment 1, Exhibit 2). The Draft SEIR was made available to various public agencies, interest groups, organizations, and interested individuals for a 45-day public review period from July 8, 2014 through August 22, 2014. A Planning and Economic Development Commission meeting was held on August 13, 2014 to gather public comments on the Draft SEIR.

No New Significant and Unavoidable Impacts Found

The Draft SEIR concluded that with implementation of regulations and recommended mitigation measures, there would be no new significant and unavoidable impacts resulting from the Project. The Mitigation Monitoring and Reporting Program (MMRP) is included in the Final SEIR and would be adopted by the Town as conditions of approval for the Project.

Alternatives

Although the Project would not result in any significant and unavoidable impacts, the Draft SEIR evaluated alternatives in accordance with CEQA Guidelines Section 15126.6. CEQA requires a range of reasonable alternatives to the proposed Project, which could feasibly attain most of the basic objectives of the proposed project but would avoid or substantially lessen significant effects of the proposed project. The analysis focuses on alternatives capable of avoiding significant environmental effects or reducing them to less than significant levels, even if these alternatives would impede, to some degree, the attainment of the proposed project objectives. The alternatives analyzed are as follows:

¹¹ The Initial Study is considered to be a “Modified” Initial Study because it builds off of the environmental review completed for the North Village Specific Plan and identifies those areas where the project may have a new potentially significant impact that was not previously analyzed. These are the areas analyzed in the Draft Subsequent Environmental Impact Report.

1. No Project/No Development Alternative: Assumes that the existing parking podium will remain and no development would be constructed on top.
2. No Project/Reasonably Foreseeable Development Alternative: Proposes that the existing entitled 8050C building is constructed.
3. Reduced Height Alternative: Proposes the development of a five story condominium hotel with 56 rooms. The hotel would be 58 feet tall but would not include the pedestrian porte cochere, food and beverage service, or spa. Under this alternative, the pool and jacuzzi terrace area would be utilized for private patios and landscaping.

Although these alternatives would result in reduced potential environmental impacts, they would not attain most of the Town's goals and objectives for the site. These include those pertaining to creating a sense of exploration using pedestrian-oriented sidewalks and courtyards, a visitor-oriented entertainment retail district, and animation with retail and businesses oriented to the street.

Final Subsequent Environmental Impact Report (Final SEIR)

The Final SEIR includes written responses to the comments made on the Draft SEIR during the 45-day review period, as well as errata to the Draft SEIR. The Final SEIR was prepared pursuant to CEQA and was made available on September 23, 2014 (Attachment 1, Exhibit 1). The Final SEIR does not change the Draft SEIR's conclusion that there would be no new significant and unavoidable impacts resulting from the Project with the implementation of regulations and mitigation measures.

LEGAL CONSIDERATIONS:

As noted in the Final SEIR, Response to Comment #6, the Town Attorney has reviewed and responded to legal issues raised by Fireside Condominium owners regarding the settlement agreement between Fireside Condominiums and the 8050/Inn at the Village property owner¹².

The Fireside Condominium owners' comments address the height and the location of the proposed project, and contend that the project as proposed would violate the private settlement agreement. The Town is not a party to that agreement and does not have any obligation or authority to enforce it. The Town is required to evaluate the proposed project on its own merits and based on whether it complies with the

¹² The settlement agreement is available on the Town's website at http://www.townofmammothlakes.ca.gov/documents/10/45/50/380/Fireside%20Settlement%20Agreement_201408111046059607.pdf

Town's zoning code and development standards. Additionally, the settlement agreement does not prohibit the project from obtaining development approvals. The Applicant is aware of its obligations under the agreement.

The settlement agreement includes a provision that would allow the proposed building to be constructed up to 35 feet from the closest residential improvement existing on the Fireside property by paying \$1,000,000 to Fireside by November 28, 2014. The building is proposed to maintain this 35-foot setback.

Attachments

1. Resolution making the required CEQA findings, certifying the Final Subsequent EIR, and adopting the Mitigation Monitoring and Reporting Program
 - Exhibit 1: Final SEIR for the Inn at the Village, including the Mitigation Monitoring and Reporting Program (Section 4.0 of the Final SEIR)
 - Exhibit 2: Draft SEIR for the Inn at the Village
 - Exhibit 3: Findings and Facts in Support of Findings for the Final SEIR
 - Exhibit 4: Findings for Final SEIR (CEQA Guidelines §15091)
 - Exhibit 5: Certification of the Inn at the Village Final SEIR
2. Ordinance approving District Zoning Amendment 2013-001
 - Exhibit A: Revisions to the North Village Specific Plan
3. Resolution approving Vesting Tentative Tract Map 13-002, Use Permit 13-002, and Design Review 13-003
 - Exhibit A: Findings
 - Exhibit B: Conditions of Approval
4. Planning and Economic Development Commission October 8, 2014 public hearing staff report
5. Project plans and graphics

6. Vesting Tentative Tract Map 13-002
7. Council Resolution 2014-51, determining that the Inn at the Village project is not subject to the Community Benefits and Incentive Zoning (CBIZ) Policy because the project complies with community planning documents
8. North Village District Planning Study
9. Planning and Economic Development Commission Resolution recommending approval of the Inn at the Village (Commission Resolution 2014-10)
10. Mammoth Mountain Ski Area written assurance regarding parking agreement with 8050 property (provided to satisfy PEDC Resolution 2014-10 Condition of Approval 40)
11. Public Comments