

ORDINANCE NO. 23-10

**AN INTERIM URGENCY ORDINANCE OF THE TOWN COUNCIL OF
THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA,
ESTABLISHING A MORATORIUM ON THE ISSUANCE OF
TRANSIENT OCCUPANCY REGISTRATION CERTIFICATES
PURSUANT TO GOVERNMENT CODE SECTION 65858**

WHEREAS, Mammoth Lakes is a popular tourist destination, drawing visitors from around the world to enjoy the natural environment, recreational opportunities, and amenities available in and around Mammoth Lakes and the Eastern Sierra; and

WHEREAS, the Town Council recognizes the need to balance the provision of lodging options for visitors with the need of people working in and around Mammoth Lakes to have safe, secure, and affordable housing options; and

WHEREAS, the Town of Mammoth Lakes is experiencing a shortage of rental housing affordable to people with jobs in Mammoth Lakes; and

WHEREAS, Chapter 3.12 of the Mammoth Lakes Municipal Code currently requires operators of transient occupancy facilities, defined as properties rented for not more than 30 days, to obtain a transient occupancy tax registration certificate prior to acting as an operator of a transient occupancy facility and as a condition of acting as an operator; and

WHEREAS, the Town of Mammoth Lakes currently does not limit the number of transient occupancy tax registration certificates that may be issued, either Town-wide or in any neighborhood where short-term rentals are allowed, and allows short-term rentals in the A (Airport), CSP (Clearwater Specific Plan), D (Downtown), MLR (Mixed Lodging/Residential), NVSP (North Village Specific Plan), OMR (Old Mammoth Road), R (Resort) (subject to specific plan compliance), and RMF-2 (Residential Multiple-Family) zoning districts; and

WHEREAS, excluding hotels and motels there are currently 3,426 properties in Mammoth Lakes with active transient occupancy tax registration certificates; and

WHEREAS, the number of such properties with long-term occupants is not known, nor is the precise relationship between the prevalence of short-term rental properties and the lack of housing units available for long-term rental, or the number of housing units purchased to be operated as short-term rentals; and

WHEREAS, anecdotal evidence suggests that the COVID-19 pandemic has exacerbated the housing shortage, as people have moved to Mammoth Lakes and the region from elsewhere

and some housing units previously used as long-term rentals were sold to buyers intending to occupy them; and

WHEREAS, some local residents have reported sleeping in their vehicles or moving from one crowded or unstable housing situation to another in an effort to stay in the region; and

WHEREAS, the Town of Mammoth Lakes is a partner with Eastern Sierra Community Housing in working on housing solutions for Mammoth Lakes and the region, and the Town intends to continue its participation in these efforts; and

WHEREAS, it is in the interest of the Town and its residents that the Town undertake a review to consider zoning, land use, and regulatory measures to limit or otherwise regulate the number, location, and/or other aspects of short-term rental properties in Mammoth Lakes; and

WHEREAS, the Town Council finds that there is a current and immediate threat to the public health, safety, and welfare associated with the lack of long-term rental housing in Mammoth Lakes, that there is a link between the prevalence of short-term rental properties and the lack of long-term rental housing, and that the issuance of additional transient occupancy tax registration certificates while the Town undertakes a review and consideration of measures to regulate short-term rentals would exacerbate the threat and diminish or postpone the effectiveness of such measures; and

WHEREAS, the CSP (Clearwater Specific Plan), NVSP (North Village Specific Plan), and R (Resort) (subject to specific plan compliance) zones have been developed to support short-term rentals and related retail services, the ongoing operation of short-term rentals in those zones does not require review at this time, and the Town does not wish to restrict short-term rentals in those zones; and

WHEREAS, California Government Code Section 65858 expressly authorizes the Town Council to adopt by four-fifths (4/5) vote, without following the procedures otherwise required for the adoption of a zoning ordinance, an urgency ordinance that would go into effect immediately following its passage, which is necessary for the immediate protection of the public health, safety, and welfare; and

WHEREAS, the Town Council recognizes that some properties in Mammoth Lakes are in the process of being sold, with escrow having been opened prior to the adoption of this urgency ordinance, that the buyers of some such properties may have entered into contracts to purchase the properties intending to obtain transient occupancy tax registration certificates, and that such buyers should be provided an opportunity to do so notwithstanding the moratorium enacted by this urgency ordinance; and

WHEREAS, on October 18, 2023, the Town Council considered the adoption of this urgency ordinance at a properly noticed public meeting; and

WHEREAS, the Town Council finds that it is necessary to adopt this urgency ordinance establishing a moratorium on the issuance of new transient occupancy tax registration certificates pursuant to the Mammoth Lakes Municipal Code except as set forth herein, in order to provide

time for the Town to review means of regulating short-term rental properties and possibly adopt such regulations; and

WHEREAS, pursuant to California Government Code Section 65858, this ordinance shall take effect immediately upon its adoption by at least a four-fifths vote of the Town Council, and shall remain in effect for no more than 45 days from the date of adoption unless it is extended following notice and a hearing pursuant to Section 65858; and

WHEREAS, the Town Council finds that this ordinance does not have “the effect of denying approvals needed for the development of projects with a significant component of multifamily housing” within the meaning of California Government Code Section 65858(c).

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

Section 1. The recitals above are incorporated herein as the Town Council’s findings of urgency and necessity for the adoption of this ordinance.

Section 2. The Town Council hereby places a moratorium on the issuance of transient occupancy tax registration certificates in all zones other than R (Resort), NVSP (North Village Specific Plan), and CSP (Clearwater Specific Plan), provided that: (i) this moratorium shall not prohibit the issuance of a new transient occupancy registration certificate if a complete application therefor was received by the Town prior to the adoption of this ordinance; (ii) this moratorium shall not prohibit the issuance of a new transient occupancy registration certificate for a dwelling unit that would be eligible to obtain such a certificate absent the enactment of the moratorium, if: (a) a binding agreement for the purchase and sale of the dwelling unit was executed prior to October 18, 2023 and escrow opened prior to October 18, 2023, but the transaction had not closed as of October 18, 2023, and (b) a complete application for a transient occupancy registration certificate for the dwelling unit is submitted to the Town within 60 days of the close of the purchase and sale transaction; and (iii) this moratorium shall not prohibit the renewal of a transient occupancy registration certificate for 2024, if such certificate was in effect for 2023 at the time this ordinance was adopted, or renewal for 2025 if such certificate remains active for 2024 and this moratorium has been renewed and remains in effect when 2025 renewal applications are due. Nothing herein shall affect the Town’s authority to deny a certificate application, or suspend or cancel a certificate, pursuant to Chapter 3.12 of the Mammoth Lakes Municipal Code.

Section 3. The Town Council hereby enacts this interim urgency ordinance by not less than a four-fifths vote, and in light of the findings set forth herein, under the authority granted to it by Article XI, Section 7 of the California Constitution and Section 65858(a) of the California Government Code, which allows the Town to adopt an interim urgency ordinance, in order to protect the public safety, health, and welfare, prohibiting any uses that may be in conflict with a zoning proposal that the Town Council, planning commission or the planning department is considering or studying or intends to study within a reasonable time.

Section 4. The Town Council hereby directs Town staff to consider and study possible means of regulating short-term rentals in Mammoth Lakes, and to present a report to the Town Council prior to the expiration of this ordinance.

Section 5. The Town Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the following provisions of Title 14 of the California Code of Regulations: Section 15060(c)(2) (the adoption of this ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment); Section 15060(c)(3) (the adoption of this ordinance is not a project as defined in Section 15378); and Section 15061(b)(3) (it can be seen with certainty that there is no possibility that the adoption of this ordinance may have a significant effect on the environment).

Section 6. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The Town Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

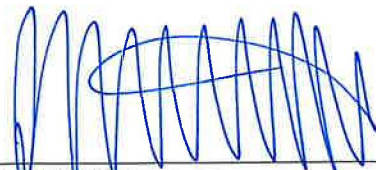
Section 7. This ordinance shall become effective immediately upon adoption and shall be in effect for 45 days from the date of adoption unless extended by the Town Council as provided for in Government Code Section 65858.

Section 8. Pursuant to Government Code Section 65858(d), the Town Council will issue a written report not later than 10 days prior to the expiration of this ordinance describing the measures taken to alleviate the conditions which led to the adoption of this ordinance.

Section 9. The Town Clerk shall certify to the passage of this ordinance and cause the same or a summary thereof to be published within fifteen (15) days after adoption in a newspaper of general circulation, printed and published in Mammoth Lakes, California.

PASSED AND ADOPTED this 18th day of October, 2023 by the following vote:

AYES: 4
NOES: 1
ABSENT: 0
ABSTAIN: 0



JOHN WENTWORTH, Mayor

ATTEST:



JAMIE GRAY, Town Clerk

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

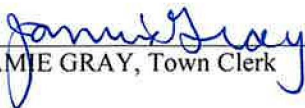
I, JAMIE GRAY, Town Clerk of the Town of Mammoth Lakes, DO HEREBY CERTIFY under penalty of perjury that the foregoing is a true and correct copy of Ordinance No. 23-10, which was introduced and adopted at a meeting of the Town Council of the Town of Mammoth Lakes, California, held on October 18, 2023 by the following vote:

AYES: Councilmembers Bubser, Rea, Rice, and Mayor Wentworth

NOES: Mayor Pro Tem Sauser

ABSENT: None

DISQUALIFICATION: None


JAMIE GRAY, Town Clerk

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

AFFIDAVIT
OF PUBLISHING
AND POSTING

JAMIE GRAY, being first duly sworn, deposes and says: That she is the duly appointed Town Clerk of the Town of Mammoth Lakes; that in compliance with State laws of the State of California, Ordinance No. 23-10, being:

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was published in full in The Sheet newspaper on October 28, 2023 and was posted at the Town Administrative Offices.


JAMIE GRAY, Town Clerk