



Town of Mammoth Lakes

Planning & Economic Development Commission Staff Report

Meeting Date: September 11, 2024

AGENDA TITLE: Consideration of Tentative Tract Map 23-002 and Use Permit 23-003 for approval of the “Snowcreek VIII Phase I” condominium subdivision located south of Old Mammoth Road between Fairway Drive and Sherwin Creek Road within the Snowcreek Master Plan Update area. The project was previously analyzed pursuant to the California Environmental Quality Act (CEQA) in the certified Snowcreek VIII, Snowcreek Master Plan Update – 2007 Project Final Environmental Impact Report. **This item was continued from the July 24, 2024 meeting.**

Applicant/ Property Owner: Snowcreek Investment Company II, LLC

REQUESTING DEPARTMENT:

Community & Economic Development
Nolan Bobroff, Director

OBJECTIVE:

1. Hear Staff and Applicant presentations
2. Hold Public Hearing
3. Planning & Economic Development Commission (PEDC) discussion
4. PEDC action to either:
 - a. Adopt the Planning and Economic Development Commission Resolution (the Resolution), making the required Tentative Tract Map, Use Permit, and CEQA findings, and approving Tentative Tract Map 23-002 and Use Permit 23-003 with conditions as recommended by staff;
 - b. Adopt the Resolution with modifications; or
 - c. Deny the Resolution with specific findings for denial

SUMMARY:

Proposal:

The “Snowcreek VIII Phase I” condominium subdivision project proposes to subdivide Lots 1, 2, and 3 of TM 09-002 to allow for the creation of 172 “airspace” condominium units. The open space lots (i.e., Lots 17 and 18) are included in the subdivision to allow for the installation of the stormwater retention and recycled water infrastructure that will support the entire Snowcreek VIII project. The subdivision will allow for the completion of the Phase I subdivision improvements consisting of mass grading, installation of utilities, drainage infrastructure, stormwater management, roads, and multi-use paths. No physical development of the residential structures is authorized as a part of this subdivision.

Project Name:

Snowcreek VIII Phase I

Location:

Lots 1, 2, 3, 17, and 18 of TM 2009-002 (APNs: 040-330-000-000, 040-340-000-000, 040-350-000-000, 040-490-000-000, 040-500-000-000)

Size of Property: 107.06 acres (15.42-acre Residential site and 91.63-acre Recreation site)
Zoning: Resort (R) and Open Space (OS) – Snowcreek Master Plan Update - 2007 (SMPU)
General Plan: Resort (R) and Open Space (OS)
Environmental Review: Project was previously analyzed in the certified Snowcreek VIII, Snowcreek Master Plan Update – 2007 Project Final Environmental Impact Report (SCH #2006112015) (Snowcreek EIR)

KEY ISSUES:

1. Is the proposed project consistent with the State Subdivision Map Act?
2. Does the proposed project meet the Use Permit criteria and required findings pursuant to Municipal Code (MC) Chapters 17.68?
3. Is the proposed project consistent with the California Environmental Quality Act (CEQA)?

I. INTRODUCTION AND BACKGROUND

The entire Snowcreek VIII project site, shown in **Figures 1 and 2** below, is located within the Snowcreek Master Plan area and is subject to the Snowcreek Master Plan Update - 2007 (SMPU). The site is located roughly south of Old Mammoth Road between Fairway Drive and Sherwin Creek Road and includes the private development land, the existing Snowcreek 9-hole golf course, and the open space area intended for the golf course expansion. The entire Snowcreek VIII site is approximately 222 acres and was subdivided by Tract Map (TM) 2009-002 on August 31, 2023 (*Final Map recordation date*) into 18 development lots, 7 lettered lots for future private road purposes, and 1 lettered lot for open space purposes. It is envisioned that the site will be developed over time in multiple phases, with the proposed Phase I subdivision representing the initial phase of the development. The Phase I site is located in the northerly portion of the overall Snowcreek VIII project site and has a total size of 107.06 acres, of which 15.42-acres are the Residential area (TM 09-02 Lots 1, 2, & 3) and 91.63-acres are the Recreation area (TM 09-02 Lots 17 & 18) intended for the future expansion of the Snowcreek golf course (see **Figure 2** for the Phase I development sites). The site is largely undeveloped with the exception of a few temporary structures (sales office, golf clubhouse) and the site has been most recently used to stockpile dirt for the future development and to operate the existing 9-hole golf course.

Within the Residential area (TM 09-002 Lots 1, 2, and 3), the Phase I subdivision proposes the following items: (1) the subdivision of Lots 1, 2, and 3 authorizing 172 condominium “airspace” units; (2) construction of the road and multi-use path network for Phase I; and (3) completion of all required subdivision improvements (i.e., mass grading, installation of utilities, drainage infrastructure, stormwater management) for Phase I. The residential area will be developed over three sub-phases (Phase(s) 1A, 1B, and 1C). Development of Phase 1C does require the relocation of the golf course infrastructure (parking area and clubhouse) and a re-orientation of Hole 1. This work is required to be completed prior to the start of construction of Phase 1C and is required to not interfere with the seasonal operation of the golf course. The proposed subdivision does not authorize the physical construction of the residential units and a subsequent use permit and design review approval is required prior to the commencement of construction (referred to hereafter as the “Phase I Development Entitlement”) of any of the three sub-phases.

Within the Recreation area (TM 09-002 Lots 17 and 18), the Phase I subdivision is only proposing the installation of stormwater retention basins and recycled water ponds for landscape irrigation purposes. The proposed stormwater retention and recycled water infrastructure does not preclude the future expansion of the golf course on the site.

FIGURE 1- PROJECT LOCATION MAP

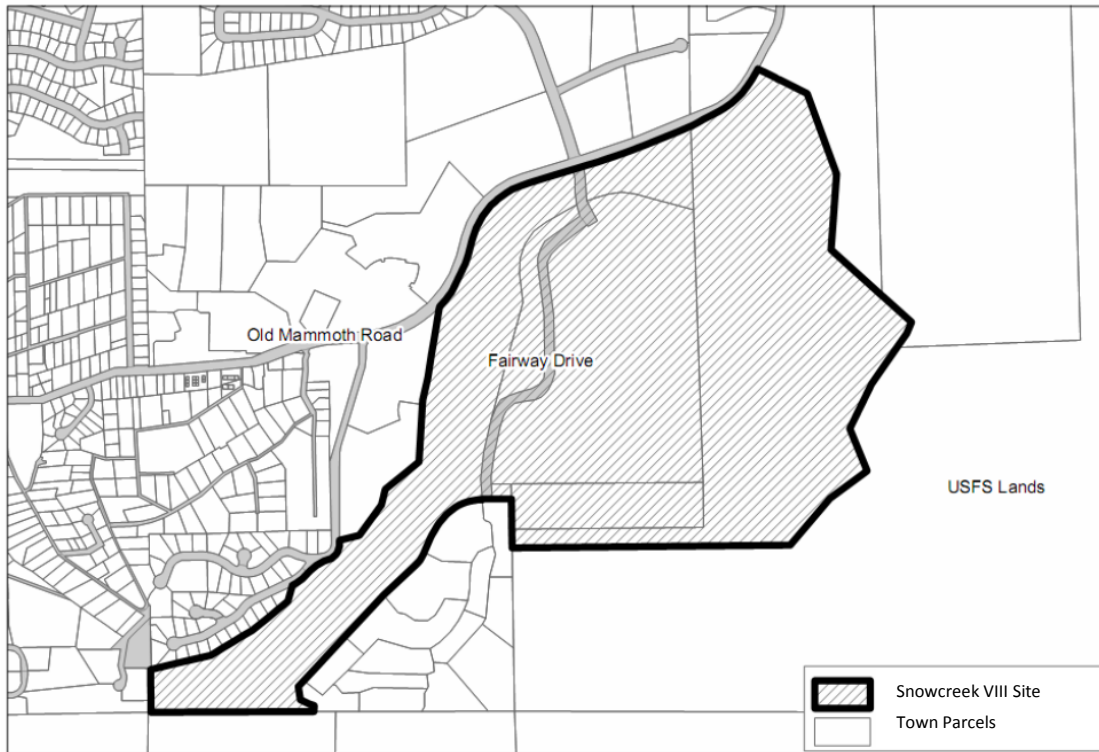
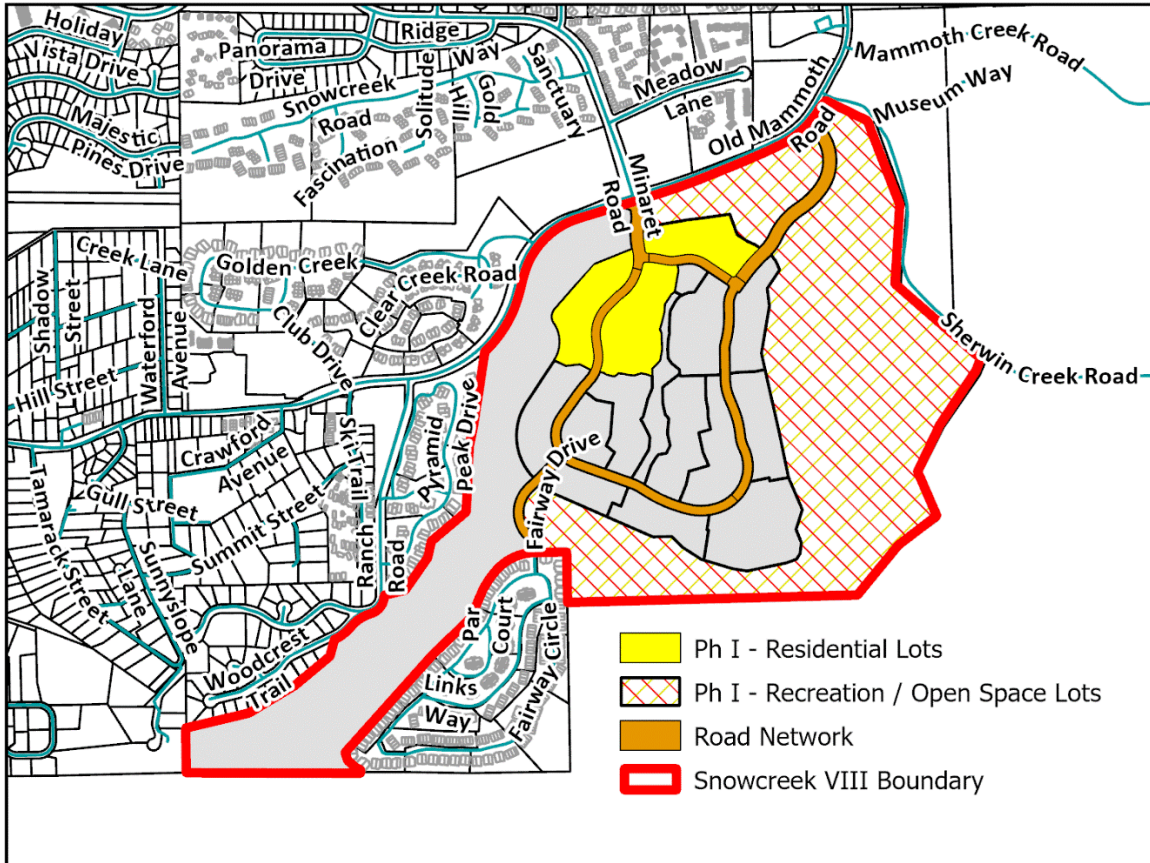


FIGURE 2- SNOWCREEK VIII SITE MAP



Background

Previous PEDC Meeting

This item was originally scheduled for a public hearing at the July 24, 2024 PEDC meeting; however, due to a mapping issue that resulted in the incorrect unit count being on the TTM (159 units vs 172 units), the item was required to be continued to a future PEDC meeting and required re-noticing of the public hearing. All public comments submitted for the July 24th public hearing are included in **Attachment E**.

Snowcreek Development Timelines

The development of the Snowcreek Master Plan area has been in process since the 1970s with the original master plan adopted in 1974 and subsequently updated in 1981 and 2007. The master plans envisioned the build-out of the site over eight primary phases with Snowcreek VIII being the final phase (See **Figure 3**, below). A summary of the key dates and approvals related to the Snowcreek VIII site is provided in **Table 1**, below.

FIGURE 3- SNOWCREEK DEVELOPMENT MAP

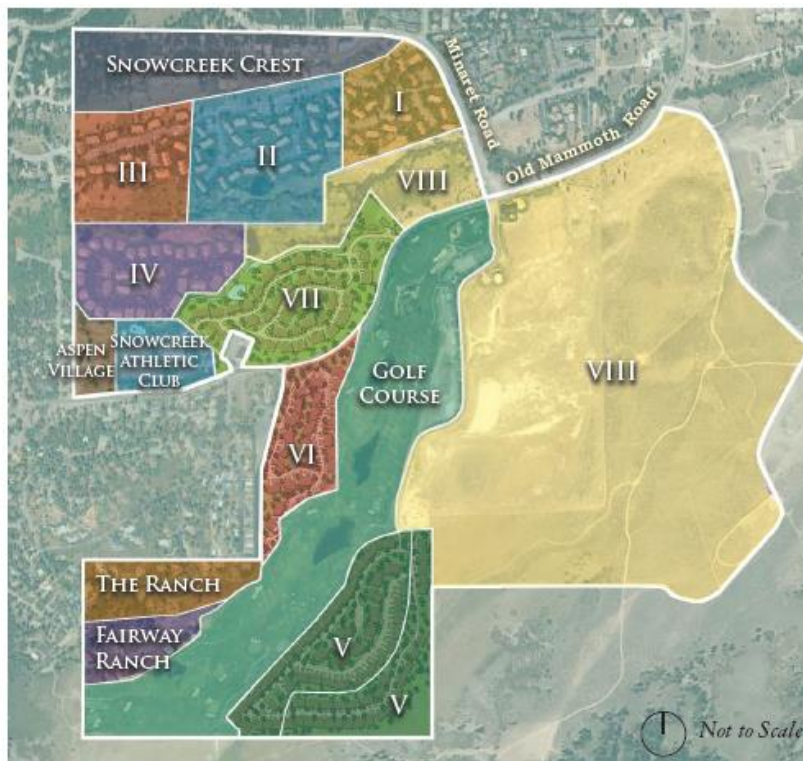


TABLE 1 – SNOWCREEK VIII TIMELINE

<p>1974 – Original Snowcreek Master Plan 1981 – Snowcreek Master Plan Update</p>	<p>Regulated the development of the 355 acres of Snowcreek property and allowed up to 2,300 dwelling units. This included all phases of Snowcreek, the Catholic church site, the athletic club, Fire Station #2, and the 9-hole golf course.</p>
<p>2005 – USFS Land Exchange</p>	<p>A land exchange between Snowcreek and the USFS added the 94-acres intended for the golf course expansion to the development area with the restriction that the land can only be used for recreational purposes (i.e., expanded golf course). A covenant was recorded against the property in 2005 to ensure compliance with this.</p>
<p>2009 – Snowcreek Master Plan Update – 2007 (<i>Current Master Plan</i>)</p>	<p>Update of the 1981 Master Plan to incorporate the 94-acre land exchange site and provide updated development standards for the remaining 143 acres of Snowcreek property (i.e., Snowcreek VIII). An</p>

	EIR was certified for the project and included a General Plan Amendment to adjust the UGB to align with the land exchange boundaries.
2009 – Tentative Tract Map (TTM) 2009-002	Allowed for the parcelization of the Snowcreek VIII site for future development purposes. No development was allowed by the TTM.
2010 – Snowcreek Development Agreement (<i>Currently in Effect</i>)	Development Agreement between the Town and Snowcreek providing a vested right to develop the site in accordance with the Master Plan and vests existing approvals for the term of the SDA (2010 – 2030 [or 2025 if the golf course/hotel aren't started])
2023 – Final Tract Map 2009-002	Legally created the lots approved by TTM 09-002, thereby allowing future development phases to be considered.
2024 – Consideration of the Snowcreek VIII Phase I tract map	The subject subdivision application being considered.

Snowcreek Master Plan Update - 2007

The Snowcreek Master Plan Update - 2007 (SMPU), which updated the original 1974 and 1981 Snowcreek Master Plans, addresses the proposed build-out of the remaining Snowcreek Master Plan area – Snowcreek VIII. The 2007 update was intended to fulfill the vision of the 1974 and 1981 Snowcreek Master Plans and serves as the zoning for the 222-acre Snowcreek VIII site. The SMPU allows for development of the Snowcreek VIII site with up to 790 residential dwelling units, a resort hotel with up to 250 rooms, 150 private residence club units, up to 75,000 square feet of non-residential uses, an expansion of the existing 9-hole golf course into an 18-hole championship golf course, and various recreational amenities (i.e., multi-use paths, snow play area, and winter trails). The SMPU was approved in August 2009 (Ordinance 09-05); however, to date, no development has occurred on the Snowcreek VIII site. TM 09-002 created the parcels for the future development phases, but did not authorize any development.

The proposed Phase I subdivision will be the initial phase of the Snowcreek VIII project, and the proposed 172 residential units represent approximately 17% of the total number of allowable units. The proposed subdivision improvements are intended to serve the entire Snowcreek VIII development (i.e., roads, stormwater retention, utilities, etc.) and no other permitted uses (e.g., recreation, commercial, etc.) are proposed as a part of the Phase I subdivision.

The SMPU is available here: <https://www.townofmammothlakes.ca.gov/DocumentCenter/View/562>

Snowcreek Development Agreement

The subject site is subject to the terms and conditions specified in the Snowcreek Development Agreement (SDA), entered into between the Town and the Snowcreek developer effective as of July 23, 2010, and recorded with Mono County on July 13, 2010 as Document No. 2010003240. Development agreements are intended to provide a degree of certainty in the land use regulatory process and be a mutually beneficial agreement between both parties. The SDA provides the developer with assurances that it will have a vested right to develop, use, and operate the Snowcreek projects during the term of the agreement, including the vesting of the uses and densities identified in the SMPU. In return for those assurances, the SDA provides the Town numerous community benefits, including, but not limited to, additional financial contributions (up to \$10M plus affordable housing fees), 8.9 acres of park area in excess of that required, preservation of the Mammoth Creek open space corridor, and secondary access to the Snowcreek V project.

The SDA is in effect through July 23, 2030; however, there is a clause in the SDA that states “if development of the resort hotel and 18-hole championship golf course has not commenced within ten years after the effective date of the SDA, then the remaining 10-year term of the SDA shall be reduced one day for each day, or portion thereof,

that the 10-year milestone has not been met.” This means that the DA could expire on July 23, 2025 if construction of the hotel and expanded golf course has not commenced by that date.¹

It is important to point out that while the SDA provides assurances to develop the site, it does not commit the developer to follow a specific phasing plan, but rather allows for the development to occur in phases and subphases based on what the market will absorb at any given point in time.

The SDA is available here: <https://www.townofmammothlakes.ca.gov/DocumentCenter/View/5109>.

Tract Map 09-002

Tentative Tract Map 09-002 (TTM 09-002), approved by the Planning Commission² on December 9, 2009 via Resolution No. PC-2009-08, allowed for the parcelization of the approximately 222-acre Snowcreek VIII site within the SMPU area. TTM 09-002 did not authorize any development, but rather authorized the creation of future development lots, lots for future private road purposes, and an open space lot. A final tract map (TM 09-002) was recorded on August 31, 2023 thereby legally creating the lots within the Snowcreek VIII area. All subsequent development projects require additional entitlement approvals (i.e., tentative map, use permit, etc.) for the various phases of development. The subject application is proposing to subdivide Lots 1, 2, and 3 of TM 09-002 for condominium purposes and to install stormwater retention and recycled water infrastructure on Lots 17 and 18 of TM 09-002.

Land Use Covenant

In 2005, a 94-acre land exchange was completed with the USFS to expand the existing golf course to 18 holes. At that time, a covenant was executed that protected the land exchange property from being developed with residential housing, commercial lodging, or transient uses. The covenant does allow for the site to be developed with recreational and open spaces uses, such as a golf course and ancillary amenities and other recreational activities. This covenant is monitored by the Eastern Sierra Land Trust (ESLT).

Project Proposal

The applicant submitted an entitlement application including a Tentative Tract Map and Use Permit, for the proposed “Snowcreek VIII Phase I” condominium development on April 4, 2022. The project site has a total size of 107.06 acres, of which 15.42-acres are the Residential area (TM 09-02 Lots 1, 2, & 3) and 91.63-acres are the Recreation area (TM 09-02 Lots 17 & 18) intended for the future expansion of the Snowcreek golf course. The areas of development are shown in the site plan (**Figure 4**) and the project includes the following elements.

Residential Area Development

Within the Residential area (TM 09-002 Lots 1, 2, and 3) (See **Figure 4**, below), the Phase I subdivision proposes the following items:

- (1) the subdivision of Lots 1, 2, and 3 authorizing 172 residential condominium “airspace” units within 41 buildings;³
- (2) construction of the road and multi-use path network for Phase I; and
- (3) completion of all required subdivision improvements (i.e., mass grading, installation of utilities, drainage infrastructure, stormwater management) for Phase I.

The residential area will be developed over three sub-phases (Phase(s) 1A, 1B, and 1C). Development of Phase 1C does require the relocation of the golf course infrastructure (parking area and clubhouse) and a re-orientation of Hole 1, which has always been envisioned in the SMPU. This work is required to be completed prior to the start

¹ The developer has requested an amendment to the SDA to extend the term of the SDA. The amendment is currently being negotiated by the Town and the developer and is not a part of this application.

² The predecessor of today’s Planning and Economic Development Commission.

³ A final tract map is required for the tentative map and the “airspace” for individual units will be subdivided into condominiums through a condominium plan.

of construction of Phase 1C and is conditioned to not interfere with the seasonal operation of the golf course. The proposed subdivision does not authorize the physical construction of the residential units. The SMPU requires Use Permit approval for all proposed condominium subdivisions. The future Phase 1 Development Entitlement application will require a subsequent use permit and design review to ensure that the structures and site design will adhere to the applicable development standards of the SMPU.

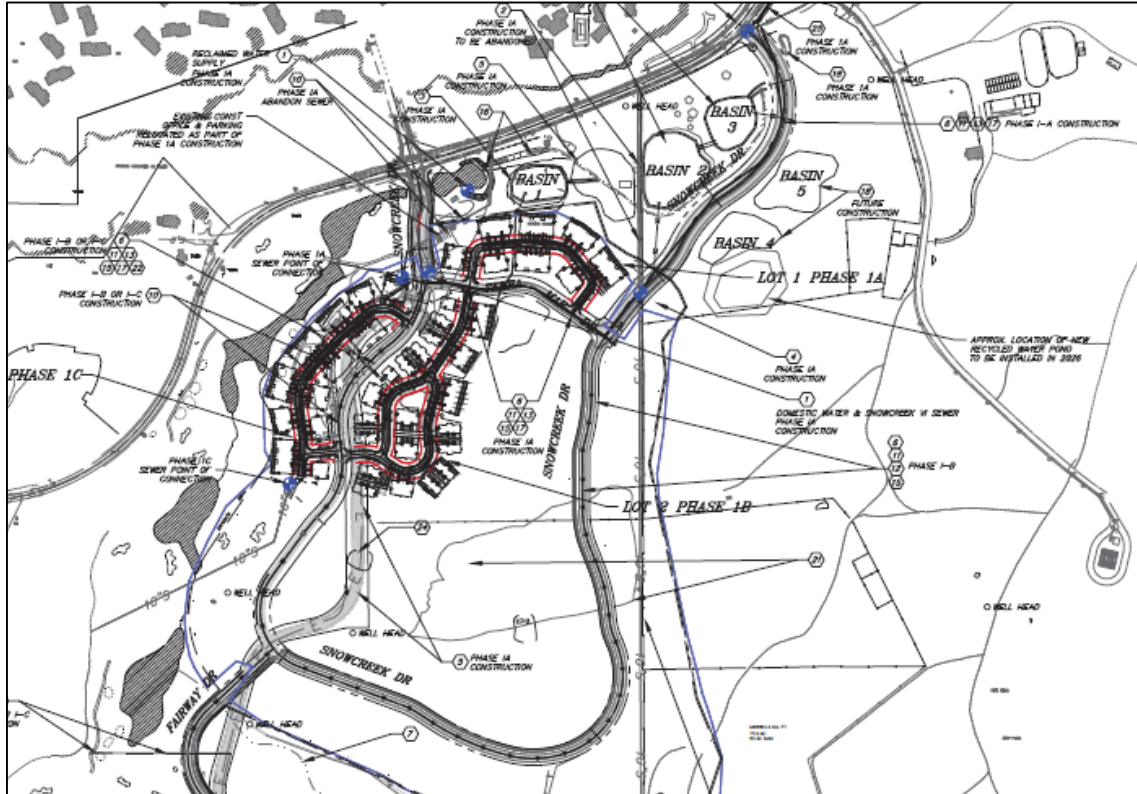
Recreation Area Development

Within the Recreation area (TM 09-002 Lots 17 and 18), the Phase I subdivision is only proposing the installation of stormwater retention basins and recycled water ponds for landscape irrigation purposes. No changes to the parcel boundaries or other development will occur within the Recreation area. The proposed stormwater retention and recycled water infrastructure does not preclude the future expansion of the golf course or other recreation uses on the site. The proposed infrastructure uses are consistent with the Land Use Covenant recorded against the property.

Site Circulation and Parking

- (1) Roads. The proposed road network features a loop road (Snowcreek Drive) and internal connector roads. The development of Phases 1B and 1C will require the relocation of Fairway Drive; however, the conditions of approval require that the east side of Snowcreek Drive is completed prior to the start of construction for Phases 1B or 1C to ensure that the access to Snowcreek V is always maintained. When Snowcreek Drive is completed, Snowcreek V and the residents of Snowcreek VIII will have two egress options from the site.
- (2) Multi-use paths (MUP). MUPs will be constructed next to all of the roads and are required to be completed as a part of the associated Phase of development. The proposed MUPs will connect to the existing sidewalk near Sherwin Creek Road and loop through the entire development and connect to the existing MUPs near the intersection of Old Mammoth Road/Minaret Road on the north side of Old Mammoth Road.
- (3) Roundabout. Pursuant to the Snowcreek EIR mitigation measures, the developer is required to construct a roundabout at the intersection of Old Mammoth Road/Minaret Road when the subject intersection exceeds a level of service (LOS) D. To ensure the timely completion of this feature, the conditions of approval require that the roundabout be constructed either when the subject intersection exceeds a level of service (LOS) D or prior to the issuance of the 301st building permit for the Snowcreek VIII development, whichever occurs first.
- (4) Emergency Vehicle Access (EVA) Road. The developer is required to provide an EVA road connection to Sherwin Creek Road prior to construction of the hotel or prior to development of 2/3 of the project's units, whichever occurs first.
- (5) Parking. The parking requirements will be reviewed for conformance with the SMPU during the future Phase 1 Development Entitlement.
- (6) Transit. A transit stop is conditioned to be provided during the future Phase II development.

FIGURE 4 - PHASE I SITE PLAN



Snowcreek Development Agreement

As noted above, the subject site is subject to the terms and conditions of the 2010 Snowcreek Development Agreement (SDA) which provides the Town numerous community benefits that would not be provided otherwise. However, due to a delay in the development of Snowcreek VIII, the benefits have largely not been provided. **Table 2** provides a summary of the community benefits that will be provided, or partially provided, by the development of Phase I.

The SDA term runs through July 2030; however, starting in July 2020, the term of the SDA is reduced one day for each day, or portion thereof, that construction of the hotel and expanded golf course has not commenced. Construction of these elements has not commenced and therefore, the developer is currently losing days off of the term of the SDA, and the SDA will expire in July 2025 if construction of these elements does not commence. In the event that the SDA expires, the developer can still build the project envisioned in the SMPU (i.e., up to 790 residential dwelling units, a resort hotel with up to 250 rooms, expansion of the existing 9-hole golf course into an 18-hole championship golf course, etc.), but the Town would not receive any of the remaining community benefits and the developer would not have a guarantee that the SMPU wouldn't be amended.

TABLE 2 – SDA COMMUNITY BENEFITS SUMMARY (SDA EXHIBIT B)

Community Benefit	Status
1. Additional Financial Contribution (AFC) (Up to \$10M based on the total build-out of the site and to be paid out on a pro rata contribution of approximately \$10,000 per residential unit)	Partially provided as a part of Phase I. The proposed 172 residential units will provide approximately \$1.7M of the \$10M (17%) in Additional Financial Contribution (AFC) to the Town. This payment is above and beyond any required building permit and DIF fees, and is required to be paid at the time of building permit issuance for each unit. The Town may use the funds for any public facility within the Area of Geographic

	Nexus (see Attachment C), which includes the Snowcreek District Sphere of Influence and the Sherwin Area Recreation Plan (SHARP) area.
2. Fiscal benefits that will accrue to the Town (i.e., property taxes, TOT, etc)	Partially provided as a part of Phase I. Transient rentals of the proposed 172 residential units, less the nine (9) on-site affordable units, are permitted. Based on the assumptions used in the Financial Analysis of the SDA, Phase I would provide approximately \$900K in annual TOT revenue.
3. 8.9 acres of park area in excess of what is otherwise required	Partially completed prior to Phase I. The project is required to provide a total of 20.98 acres of park and open space areas at build-out. To date, 15.6 acres have been provided through the preservation and donation of the Mammoth Creek open space corridor to the Town. The remaining park and open space areas will be provided in conjunction with the associated development phases and include: (1) a 0.12-acre public mini park (<i>proposed to be on Lot 15 w/ the retail facility and residents club</i>), (2) a 1.5-acre Great Lawn (<i>proposed to be constructed as a part of the hotel [Lot 14]</i>); and (3) 3.76-acres of the internal open space (<i>will be established as development of adjacent phases occur [Lot H]</i>).
4. Preservation of the Mammoth Creek open space corridor	Completed prior to Phase I. The Mammoth Creek open space corridor was permanently protected through the recordation of a Conservation Easement with CDFW in July 2018 and the subsequent donation to the Town.
5. Championship 18-hole golf course	Not provided as a part of Phase I. The golf course expansion is envisioned to occur in conjunction with the future development of the hotel, which is entirely dependent on funding and having a willing project partner. To date, the developer has not secured a hotel/golf course deal for the property. The Phase I development will include stormwater retention basins and a recycled water pond (used for golf course irrigation) within the golf course land area; however, these elements will not preclude the future golf course expansion.
6. Golf practice facility	Not provided as a part of Phase I. See note above.
7. Secondary access for Snowcreek V and VIII and emergency vehicle access to Sherwin Creek Road	Partially provided as a part of Phase I. The secondary access road for the developments is achieved through the development of the Snowcreek Drive loop road that connects to Old Mammoth Road to the west of Sherwin Creek Road. As a part of Phase I, the Lot A section of Snowcreek Drive and the connector road between Snowcreek Drive and Fairway Drive (Terra

	Mar Drive) will be completed. The emergency access road is conditioned to be provided when the hotel is built or when 2/3 of the total number of units are built, whichever comes first.
8. Allowed egress of backcountry winter recreation users	Completed prior to Phase I.
9. Programming of public spaces (great lawn, outfitters cabin, etc.)	Not provided as a part of Phase I. This would occur in conjunction with the future construction of the hotel.
10. Access through the project to connect to adjacent public lands	Completed prior to Phase I and ongoing. The public is permitted to connect through the site to adjacent public lands. This will be enhanced through the provision of the proposed multi-use paths that will be adjacent to all roads through the project.
11. Land for propane storage tanks	Completed prior to Phase I. An easement has been provided to the Town; however, the propane storage tanks are located adjacent to the Snowcreek property on USFS property.

Existing Site and Surrounding Land Uses

The site is located within the Snowcreek Master Plan Update (SMPU) area in the Snowcreek District. The 2007 General Plan states that the “Snowcreek District should not act as an exclusive development, but connect to the larger community and provide community access to Snowcreek and to surrounding public lands. Snowcreek should be designed to be a livable neighborhood, including workforce housing, convenient retail, public amenities, and active/passive recreation facilities. Snowcreek should contribute to the Town’s overall economy, tourism, and mix of recreation amenities while preserving the area’s unique features.” The site is primarily undeveloped lands with various temporary structures and uses including the driving range and associated outbuildings, golf clubhouse trailer, parking for the golf course, 9-hole golf course, and the Snowcreek sales office. The project, as proposed, is consistent with the intended development pattern envisioned in the SMPU.

The surrounding land uses include open space and residential uses. **Table 3** further describes the surrounding land uses and zoning.

TABLE 3 – SURROUNDING LAND USES AND ZONING

Location	Zoning*	Land Use	Special Considerations
North	RMF-2	Residential and Vacant Land (Mammoth Creek condos)	None
South	USFS; R	Open Space; Snowcreek V	Sherwins Area Recreation Plan (SHARP)
East	USFS	Lodging, Equestrian, and Historical Uses; (Sherwin Meadows Ranch, Hayden Cabin, USFS Pack Station)	None
West	R – Snowcreek Master Plan	Recreation/Open Space (Snowcreek Golf Course); Residential (Snowcreek Phases VI; Fairway Ranch, The Ranch subdivision)	None

*RMF-2 = Residential Multi-Family 2; USFS = US Forest Service; R = Resort

Site Zoning

The site is within the Resort (R) and Open Space (OS) zones and is subject to the SMPU, which serves as the regulatory zoning document for the subject site and identifies the allowed uses and the development standards. The Resort zone is intended to provide for the development of parcels as coordinated, comprehensive projects while allowing for diversification of land uses such as single-family residential developments, multiple housing projects, non-residential uses, hotels, non-residential activities, recreational facilities, public or quasi-public uses, or combinations of such uses through the adoption of a development plan.

The “Snowcreek VIII Phase I” project is classified as a condominium land use because the application includes a Tentative Tract Map to subdivide the property for whole ownership condominium purposes. This land use category is permitted by the SMPU in the Residential planning area subject to Use Permit and Subdivision Map approval. Prior to development of the actual residential structures, a subsequent Use Permit and Design Review approval will be required. The proposed stormwater retention and recycled water infrastructure is a permitted use by the SMPU in the Recreation planning area as they serve as Flood Control Facilities (i.e., retention basins) and Utilities (i.e., landscape irrigation).

The SMPU regulates project density based on the Net Development Area, which is defined as the project site exclusive of the 94-acre open space parcel to be dedicated to expansion of the 9-hole golf course and additional recreational amenities (i.e., 237 acres minus the 94-acre parcel = 143 acres), rather than regulating density for each Phase. Furthermore, the SMPU and the General Plan (*Policy L.3.G*) encourage some phases to be denser than others through the use of “clustering” in order to minimize impacts elsewhere in the development and provide substantial open space areas. The proposed density at full build-out of the site is approximately 6.92 units/acre (990 units / 143 acres) whereas the maximum allowable density in the Resort zone is 8 units/acre. The project, combined with the existing entitled Snowcreek residential development (Phases I – VII), results in an overall Snowcreek Master Plan density of approximately 6.18 units/acre (2,137 units / 346 acres). The proposed Phase I development consisting of 172 units is approximately 17% of the total number of units allowed by the SMPU for the Snowcreek VIII site. Therefore, the project is consistent with the allowable density in the Resort zone.

Housing Mitigation

The housing mitigation requirements for all phases of Snowcreek VIII are subject to the requirements outlined in Section 6.0 (Housing Plan) of the SMPU and Sections 2.2.3 (Affordable Housing Mitigation Financial Framework) and 4.1 (Affordable Housing Requirements) of the SDA, provided that the SDA remains in effect. The housing mitigation plan requires a combination of on-site affordable housing, payment of in-lieu fees, and the use of existing housing credits and the Total Affordable Housing Cost is defined to mean the value of 47 units of on-site affordable housing, as specified in Section 2.2.3 of the SDA, an in-lieu fee payment for 47 units of off-site affordable housing, as specified in Section 2.2.3 of the SDA, and the application of existing housing credits (16.5 FTEE credits). The Total Affordable Housing Cost will be reduced in the event that not all entitled market-rate units are constructed and/or not all entitled resort hotel rooms/suites are constructed. Each phase of development can meet the housing mitigation requirements in a variety of ways and a separate Affordable Housing Implementation Plan (AHIP) for each phase is required to be submitted with the development entitlement (e.g., Phase I Development Entitlement for the design review and use permit entitlements).

The developer has committed to dispersing the required 47 on-site affordable units throughout the Snowcreek VIII development and is proposing that Phase I will have nine (9) on-site affordable units dispersed proportionally throughout the three sub-phases. This results in Phase 1A having two (2) affordable units, Phase 1B having four (4) affordable units, and Phase 1C having three (3) affordable units. Phase I will also require payment of in-lieu fees in accordance with the terms of the SDA, and use of a proportional amount of the 16.5 FTEE credits.

General Plan

The subject site has a General Plan Land Use Designation of Resort (R) and Open Space (OS). The General Plan describes this land use designation as a “*designation intended to allow commercial mixed uses including visitor lodging, amenities, and services, and workforce housing. Resort developments include recreation, meeting spaces,*

and commercial services that support the resort atmosphere. The base density is six (6) to a maximum of eight (8) residential dwelling units per acre...”

The General Plan Vision Statements and specific goals, policies, and actions with which the proposed project is consistent are described in **Table 4**.

TABLE 4 – GENERAL PLAN CONFORMANCE

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 vision for the Snowcreek VIII project aims to create a livable neighborhood that contributes to the Town’s overall economy, tourism, and mix of recreation amenities while preserving the area’s unique features. The initial phase of development will provide 172 new condominium units, circulation connections (Road and MUPs), and critical infrastructure systems (stormwater, utilities, recycled water, etc.) that will support the entire development.
<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 proposed density is consistent with the density allowed by the General Plan and the SMPU. The initial phase of development represents approximately 17% of the density permitted.
<i>“Offering a variety of transportation options that emphasize connectivity, convenience, and alternatives to the use of personal vehicles with a strong pedestrian emphasis.”</i>	The project would improve pedestrian connectivity within the Snowcreek area by providing a connection to the existing sidewalk at Old Mammoth Road/Sherwin Creek Road and the existing multi-use path on the north side of the Old Mammoth Road/Minaret Road intersection. Additional MUPs throughout the project site will provide additional pedestrian connectivity to the adjacent open space areas.
Goal, Policy, or Action	Explanation of Project Conformance with Goal, Policy, or Action
<i>E.3.C. Policy: Support development of major public and private facilities that contribute to destination resort visitation in Mammoth Lakes.</i>	The project as a whole proposes several major land use types including residential, commercial, retail, recreation, and hotel/resort uses. The project integrates a mix of residential types within distinct neighborhoods. Additionally, the project includes multiple options for recreational amenities within, and adjacent to, the project site. These amenities help contribute to the Town’s identity as a resort destination. The initial phase will provide critical infrastructure systems that will support the entire development.

<i>L.1.C: Give preference to infill development.</i>	The project site is located within the SMPU on a site that has been master planned to be developed with the proposed uses.
<i>L.5.A: Encourage and support a range of visitor accommodations that include a variety of services and amenities.</i>	The project is consistent with the underlying concepts expressed in this policy of providing visitor housing and the future recreation amenities.
<i>L.5.B: Locate visitor lodging in appropriate areas.</i>	The project clusters the medium- and high-density residential in the center of the development area, with lower density residential located adjacent to open space to preserve open space and provide for the transition of high- to low-density uses adjacent to open space areas.
<p><i>L.6.A: No residential, commercial, or industrial development is permitted outside the Urban Growth Boundary (UGB).</i></p> <p><i>L.6.B: Recreation facilities, other public facilities, and public utility installations may be permitted outside of the UGB...</i></p>	As a part of the adoption of the SMPU, the UGB was amended to incorporate the entire SMPU development area, with the exception of the open space recreation area intended for the future golf course expansion.
<p><i>M.5.3: Maintain an overall intersection level of service (LOS) D or better on the Peak Design Day at intersections along arterial and collector roads.</i></p> <p><i>H.5.4: Consider the installation of roundabouts at intersections as a means of ...capacity enhancing improvements when a roundabout will achieve the same or better LOS, where it is physically feasible and cost effective, and when it will contribute to traffic calming and community character objectives.</i></p>	The proposed roundabout at the intersection of Old Mammoth Road/Minaret Road will ensure that the intersection maintains the desired LOS. The developer has secured all necessary easements to provide adequate space for the roundabout.

Snowcreek Master Plan Update Consistency

The project is consistent with all applicable development standards identified in the SMPU and no deviations from the standards are requested. The project’s conformance with the applicable development standards is described in greater detail in the Analysis of Key Issues and in **Table 5**.

The SMPU identifies four (4) Planning areas for the Snowcreek VIII site, including Residential (RES), Resort Hotel (RH), Recreation (REC), and Project Entry/Gateway (PEG). For each area, the SMPU specifies applicable development standards and identifies permitted uses. The SMPU acknowledges that Planning areas are intended to be flexible, not rigid, so long as the aggregate development envelope does not exceed 990 units or create environmental impacts in excess of the impacts that were studied in the Snowcreek EIR. All of the uses proposed within the Phase I project are consistent with the relevant Planning area. Lots 1 is within the RES, PEG, and REC Planning areas; Lots 2 and 3 are within the RES Planning area only; and Lots 17 and 18 are within the REC Planning area. In accordance with the ability for planning areas to be flexible, the portion of Phase 1A (Lot 1) that is identified in the SMPU as the PEG and REC Planning areas (northwest corner of Lot 1) has been switched with the RES Planning area on Lot 15 (directly south of Lot 1). Lot 15 will now be considered to be within the PEG and REC planning areas and will be developed as a part of a future phase with the proposed resident’s club, retail center, and public mini park. This shift is permitted since both areas were analyzed for development in the Snowcreek EIR and the aggregate density remains the same.

The proposed density at full build-out of the site is approximately 6.92 units/acre (990 units / 143 acres) whereas the maximum allowable density in the Resort zone is 8 units/acre

TABLE 5 – ZONING CONSISTENCY

General Information			
General Plan: Resort (R) and Open Space (OS)		Master Plan: Snowcreek Master Plan Update - 2007	
Zoning: Resort (R) and Open Space (OS)		Overlay Zone: n/a	
Existing Land Use: Undeveloped land with a limited number of temporary structures; Existing roadway (Fairway Drive); 9-hole golf course		Permit(s) Required for Use: Tentative Tract Map (TTM), Use Permit (UPA)	
Development Standards			
Standard	Required/Allowed	Proposed/Provided	Complies?
Site Coverage <i>(based on the entire Snowcreek VIII project)</i>	50% maximum	24.7% (excludes the golf course open space area)	Yes
Snow Storage	70% of all impervious surfaces	~92%	Yes
Density ⁴	8 units/acre	6.92 units/acre <i>(Full Build-Out of 990 units)</i>	Yes
Building Height ⁵	35 feet	To be determined during the design review phase	TBD - future design review
Setbacks ⁵			
Standard	Required/Allowed	Proposed	Complies?
Front Yard	10 feet	> 10 feet	Yes
Side Yard	10 feet; 15 feet for development along multi-use paths	≥ 10 feet	Yes
Rear Yard	10 feet	≥ 10 feet	Yes
Street Side Yard	10 feet	≥ 10 feet	Yes
Any yard adjacent to Recreation	5 feet	≥ 5 feet	Yes
Building Separation	14 feet (w/ snow rails); or 20 feet (w/out snow rails)	≥ 20 feet	Yes
Parking ⁵			
1-bedroom unit	1.0 space	To be determined during the design review phase	TBD - future design review
2-bedroom unit	1.5 spaces		
3-bedroom unit	2.0 spaces		
4-bedroom unit	3.0 spaces		
Guest Parking	0.25 spaces / unit		

⁴ The SMPU regulates project density based on the Net Development Area, which is defined as the project site exclusive of the 94-acre open space parcel to be dedicated to expansion of the 9-hole golf course and additional recreational amenities (i.e., 237 acres minus the 94-acre parcel = 143 acres), rather than regulating density for each Phase.

⁵ Building height, setbacks, and parking will be reviewed for consistency during the subsequent design review that is required prior to the commencement of construction.

Other	
Housing Mitigation: Will be mitigated through a combination of on-site affordable units (9 units in Phase I), payment of in-lieu fees, and use of existing housing credits, subject to Section 6.0 (Housing Plan) of the SMPU and Sections 2.2.3 (Affordable Housing Mitigation Financial Framework) and 4.1 (Affordable Housing Requirements) of the SDA, provided that the SDA remains in effect.	Yes

II. ANALYSIS OF KEY ISSUES

KEY ISSUE #1: Is the proposed project consistent with the State Subdivision Map Act?

Pursuant to the State Subdivision Map Act, the project requires approval of a Tentative Tract Map since the project is a common interest subdivision consisting of condominium units that can be individually owned and sold. Prior to issuance of a certificate of occupancy for any of the future condominium units, a final map, CC&Rs, and a condominium plan will require approval by staff and must be recorded on the property title. Staff has reviewed the tentative map and finds that it is in conformance with the Town’s Subdivision Ordinance and the State Subdivision Map Act.

KEY ISSUE #2: Does the proposed project meet the Use Permit criteria and required Findings pursuant to Municipal Code (MC) Chapter 17.68.050 to permit a subdivision of the project site for a new resort condominium use.

The SMPU requires use permit approval and subdivision map approval for condominium uses. Staff has determined that the required findings can be met for approval of a Use Permit pursuant to Section 17.68.050 (Use Permit Findings) of the Town of Mammoth Lakes Municipal Code. A complete analysis of the required findings can be found in the project Resolution, included as **Attachment A**.

The proposed site layout and proposed project density is consistent with the anticipated density for the site, which will be occupied and operated in such a way that will not be detrimental to the health and safety of the surrounding community nor injurious to properties or improvements in the vicinity. Applicable mitigation measures adopted with the Mitigation Monitoring Program (MMP) of the Snowcreek EIR have been incorporated into the Conditions of Approval for this project.

KEY ISSUE #3: Is the proposed project consistent with the California Environmental Quality Act (CEQA)?

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the Snowcreek VIII project was analyzed in the previously certified Snowcreek VIII, Snowcreek Master Plan Update – 2007 Project Final Environmental Impact Report (SCH #2006112015) (“Snowcreek EIR”) certified by the Town Council on July 8, 2009 by Resolution 09-45. The Snowcreek EIR analyzed the impacts of the proposed project and subsequent future projects on the site including, but not limited to, future tentative maps, use permits, design review, and any other necessary discretionary or ministerial permits and approvals required for construction or operation of the Snowcreek VIII project. The Snowcreek EIR determined that potentially significant impacts in the areas of Biological Resources, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Land Use and Planning, Noise, Population and Housing, Public Services, Recreation, and Transportation and Traffic were all mitigated to less than significant levels through implementation of the mitigation measures that were adopted in the Mitigation Monitoring Program (MMP). However, the Snowcreek EIR did determine that the project could result in significant and unavoidable impacts in the areas of Aesthetics, Air Quality, and Utilities and Service Systems, and a Statement of Overriding Considerations was adopted.

The significant and unavoidable impacts identified in the Snowcreek EIR include the following:

Aesthetics

- *Public Views and Scenic Vistas.* The project would result in substantial changes to the visual character of the project site, which is within the public viewshed of the Sherwin Range. The project would also result in a cumulative impact to public views and scenic vistas.

- *Visual Character and Design.* Development of the project would result in a substantial change in the visual character of the project site by constructing housing and resort uses on a formerly undeveloped meadow; this change in character would be significant. The project would also result in a cumulative impact to visual character.
- *Light and Glare.* Although the project would be consistent with the Town's Outdoor Lighting Ordinance, the introduction of light and glare on a formerly undeveloped meadow would create a new source of light and expand the existing lit footprint of the town. Public nighttime views would be altered, which is considered a significant impact.

Air Quality

- *Construction Generated PM₁₀ Emissions.* The project would result in significant and unavoidable impacts to air quality due to construction activities such as the grading, placement of infrastructure, and fabrication of structures. The project would also result in a cumulative air quality impact from construction generated PM₁₀.

Utilities and Service Systems

- *Cumulative Water Supply.* The project would result in significant and unavoidable impacts to water supply, since even with full implementation of various planned water supply projects, it is expected that insufficient water would be available to meet projected demand during a single dry year, given the cumulative anticipated project demand of existing and future projects.

When projects will result in significant and unavoidable impacts, CEQA requires the lead agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable impacts when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR, but are not avoided or substantially lessened, the agency is required to state in writing the specific reasons to support its action based on the final EIR and/or other information in the record (i.e., Statement of Overriding Considerations).

The project benefits, which are defined as those improvements or gains to the community that would not occur without the project, stated in the adopted Statement of Overriding Considerations include the following:

- The Project is intended to create a destination resort within the Mammoth Lakes' mountain resort community, providing a broad range of year-round activities, services, and facilities for residents and visitors. The Project's profile is intended to be low on the landscape, with the Hotel located near the back of the site. The Hotel is designed to be distant from Old Mammoth Road, Sherwin Creek Road, and surrounding neighbors to maintain a natural, rustic atmosphere while creating an iconic landmark with the Sherwin Range as the backdrop. The Project has been designed around the core of Old Mammoth Road, neighboring developments, and the existing Snowcreek I through VII areas. With the previously approved 1974 and 1981 Master Plans serving as the foundation, the Project is intended to be a well-designed community that integrates resort, including hotel, recreation, and retail, as well as residential components.
- The Project would include a landmark hotel property providing an icon similar to the Banff Springs Hotel in Alberta, Canada, or the Ritz Carlton, Bachelor Gulch Hotel in Beaver Creek, Colorado for the Town by providing a luxury destination rustic resort hotel and neighborhood offering the characteristic of the best North American and European ski resorts. The Resort Hotel would include conference and meeting space, a public spa/wellness center, restaurants, bar/lounge(s), and associated retail. The proposed development will also feature high-quality architecture and finishes, and stimulate the development of other high-quality projects in the area. The Project is intended to complete the Snowcreek Master Plan

vision which has been contemplated since 1974. The Project also completes the Mammoth Lakes resort experience with a destination resort and residential units in a natural rustic setting that will attract longer year-round stays with higher per visitor spending.

- The Project would provide improvements to the vehicular and pedestrian movements through the construction of new sidewalks, pathways, bike lanes, and the development of a roundabout at the Old Mammoth Road/Minaret Road/Fairway Drive intersection. These improvements, together with the Project's proposed transit stops and Mammoth Mountain Ski Area Red Line route extension, will enable residents and visitors in the area to use transit and walk to and from the Project site.
- The Project would provide diverse recreational amenities to promote year-round recreational opportunities in the Town. The Project is viewed as a resort recreation center with outdoor use areas, and multiple options for recreational and public amenities. These include: the completion of the privately owned publicly accessible Snowcreek Golf Course by expanding the existing nine-hole golf course to a championship 18-hole golf course, which would serve a dual purpose for winter recreational activities such as cross country skiing, snowshoeing and snow play; a publicly accessible golf clubhouse and golf practice facility; a public accessible Outfitters' Cabin designed to serve as a hub for summer and winter recreational activities, and provide retail services and equipment rental for these types of activities; a publicly accessible mini-park; a publicly accessible Natural Resources Interpretive Area; identified portal point for backcountry winter egress from the Sherwin Range on the Project site; publicly accessible retail space; publicly accessible spa/wellness center; and publicly accessible Great Lawn area associated with the Resort Hotel.
- The Project would provide a variety of housing types, including affordable housing, to meet the varying needs of socio-economic groups and lifestyle patterns. The Project would include permanent residences, condominium and rental units, and overnight facilities.
- Consistent with the 2007 General Plan, the Project would increase employee-related residents to the Town through indirect population growth due to permanent jobs. In addition, the construction of the Project would create short-term and long-term construction jobs for local contractors during the roughly 10-year construction time period. The "multiplier effect" of the construction jobs and the new jobs in the area will generate additional economic activity that benefits other local businesses. Due to the Project's transit and transit-related infrastructure improvements, Project employees will be encouraged to use transit to travel to and from work.

For the reasons stated above, the Statement of Overriding Considerations was adopted and the Snowcreek EIR was certified for the Snowcreek VIII and Snowcreek Master Plan Update project.

Pursuant to CEQA Guidelines Section 15162, when an EIR has been certified for a project, a subsequent EIR is not required for that project, unless the lead agency determines on the basis of substantial evidence that one or more of the criteria specified in Section 15162 will occur. A detailed analysis of each criteria is provided in the Resolution (**Attachment A**) and the Mitigation Measures from the MMP are attached as Exhibit "B" to the Resolution.

Agency/Public Comments

The application was routed to the Mammoth Community Water District (MCWD) and the Mammoth Lakes Fire Protection District (MLFPD) for review. All comments received on the project proposal have been provided to the applicant and/or included as conditions of approval.

Notice of the public hearing including a project description was mailed to the property owners within 300 feet of the subject property on August 29, 2024. The notice was also posted in The Sheet newspaper on August 31, 2024 and September 7, 2024. Ten public comments were received prior to the publishing of the packet, inclusive of the public comments received for the July 24th public hearing. The comments provided are summarized below and the comment letters are included as **Attachment E**.

- Comment:* Future housing units should be for low-income residents.

The SMPU outlines the allowed uses for the site and does not restrict whether the units are for full-time residents or visitors. The SMPU and the SDA do require the provision of 47 units of on-site affordable housing, of which nine (9) will be included in the Phase I development. The units will be dispersed proportionately in each phase and sub-phase of the development.
- Comment:* The development will impact the biological resources in the alpine meadow.

The Snowcreek EIR determined that impacts to biological resources from the project would be less than significant with the implementation of the mitigation measures identified in the MMP. The proposed project is consistent with what was analyzed in the EIR, and therefore, no additional environmental review is required.
- Comment:* The EIR is outdated.

The EIR for the Snowcreek VIII project was certified in 2009 and once certified, EIRs do not expire. Pursuant to CEQA Guidelines Section 15162, when an EIR has been certified for a project, no subsequent EIR is required for that project unless the lead agency determines that any of the criteria specified in Section 15162 is present. A detailed analysis of each criteria is provided in the Resolution (**Attachment A**).
- Comment:* The project will impact traffic on Old Mammoth Road.

The Snowcreek EIR determined that impacts to traffic from the project would be less than significant with the implementation of the mitigation measures identified in the MMP. The proposed project is consistent with what was analyzed in the EIR, and therefore, no additional environmental review is required. To address potential traffic issues from the project, the mitigation measures and the conditions of approval require the developer to construct a roundabout at the intersection of Old Mammoth Road/Minaret Road when the subject intersection will exceed a Level of Service (LOS) D or prior to the issuance of the 301st building permit, whichever comes first.
- Comment:* The Developer is required to provide an 18-hole golf course.

A major component of the Snowcreek VIII development is the expansion of the existing 9-hole golf course into an 18-hole golf course. To try and encourage the development of the golf course, the Snowcreek Development Agreement (SDA) has a clause that states “if development of the Resort Hotel and 18-hole championship golf course has not commenced within ten years after the effective date of the SDA, then the remaining 10-year term of the SDA shall be reduced one day for each day, or portion thereof, that the 10-year milestone has not been met.” To date, construction of the golf course has not commenced. However, despite the desire for the golf course to be constructed early in the process, there is no penalty, beyond losing time on the term of the SDA, if the expanded golf course is not constructed. The proposed Phase I subdivision proposes installing the stormwater retention and recycled water infrastructure within Lots 17 and 18, which are the lots intended to accommodate the future expansion of the golf course. These subdivision improvements will not preclude the future expansion of the course and will be integrated into the golf course design, should the developer move forward with constructing the golf course.
- Comment:* The Developer is required to maintain the existing nine-hole golf course in its current form.

The current SMPU and SDA do not require the continued operation of the existing nine-hole golf course; however, it is something that is being negotiated and discussed in conjunction with the future potential amendment of the SDA.

The SMPU identifies the area where the existing clubhouse, golf parking lot, and a portion of Hole 1 are located as having a land use designation of Residential, which is consistent with what is being proposed in the Phase I TTM. Based on the maps in the SMPU and TM 09-002 (SC VIII), it was not entirely clear what extent the SC VIII development encroached into the existing golf course area; however, this has since been mapped to illustrate the changes to the golf course area (see **Attachment D**). Hole 1 will also be impacted by the future development on Lot 4 during a future subsequent phase. The conditions of approval require

the relocation of the existing club house and parking lot and the reconfiguration of the Hole 1 be completed prior to starting construction on Phase 1C.

- *Comment:* Recycled Water Usage
The SMPU encourages the use of recycled water to the maximum extent feasible for the existing and future planned golf course and landscapes areas. The use of recycled water is governed by an agreement between MCWD and the Developer, and is subject to the availability of recycled water. The Developer and MCWD agreed upon the relocation of the recycled water pond and the date for when it needs to be implemented.
- *Comment:* Phasing of the development; Project should not be piecemealed.
The SMPU envisioned that the SC VIII project would be developed in multiple phases based on what the market will absorb. Sheet 5 of the Ph I TTM illustrates the SC VIII project at full build-out and the Ph I TTM represents the initial phase of the development.

III. STAFF FINDINGS AND RECOMMENDATION

Staff finds that the proposed project meets the applicable requirements and recommends the Planning and Economic Development Commission adopt the Planning and Economic Development Commission Resolution, making the required CEQA and Municipal Code findings, and approving Tentative Tract Map 23-002 and Use Permit 23-003 with conditions as recommended by staff or with modifications.

Attachments

Attachment A: Planning and Economic Development Commission Resolution 2024-11

- Exhibit A – Conditions of Approval
- Exhibit B – Mitigation Monitoring Program (MMP)

Attachment B: TTM 23-002, dated August 2, 2024 and received by the Town on August 7, 2024

Attachment C: Snowcreek Development Agreement Area of Geographic Nexus Map

Attachment D: Snowcreek VIII Overlay Map

Attachment E: Public Comments