



Town of Mammoth Lakes

Planning & Economic Development

Commission Staff Report

Meeting Date: February 11, 2026

AGENDA TITLE: Consideration of Variance 25-004 to allow the primary pedestrian entrance for Commercial Building D within the Five-Forty mixed-use project to be oriented toward the interior of the development rather than the public street, as otherwise required by the commercial district supplemental development standards. The variance applies specifically to Building D on Lot 13 of the approved Five-Forty mixed-use development located at 540 Old Mammoth Road in the Old Mammoth Road (OMR) zoning district. The project has been found to be categorically exempt from CEQA pursuant to CEQA Guidelines Section 15332, In-Fill Development Projects.

Applicant/ Property Owner: John Hooper (Applicant); Gray Ridge, INC (Property Owner)

REQUESTING DEPARTMENT:

Community & Economic Development

Kim Cooke, Senior Planner

Nolan Bobroff, Community and Economic Development 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 Variance and CEQA findings and approving Variance 25-004 with conditions as recommended by staff;
 - b. Adopt the Resolution with modifications; or
 - c. Deny the Resolution with specific findings for denial

SUMMARY:

Proposal:

Variance (VAR) 25-004 requests approval to change the location of the primary pedestrian entrance for Commercial Building D on Lot 13 within the Five-Forty mixed-use development. The proposed change would orient the main entrance toward the interior of the development rather than Old Mammoth Road, as otherwise required by the commercial district supplemental development standards. This modification would remove the street-facing primary entry and its associated ADA-accessible ramp. The variance applies only to Building D on Lot 13, as construction of the remainder of the project has already been completed.

Project Name:

Five-Forty

Location:

540 Old Mammoth Road (APN: [035-281-013-000](#))

Size of Property:

0.04 acres (1,742 square feet)

Zoning:

Old Mammoth Road (OMR) zone

General Plan:

Commercial-2 (C-2)

Environmental Review: Categorical Exemption per CEQA Guidelines Section 15332, In-Fill Development Projects

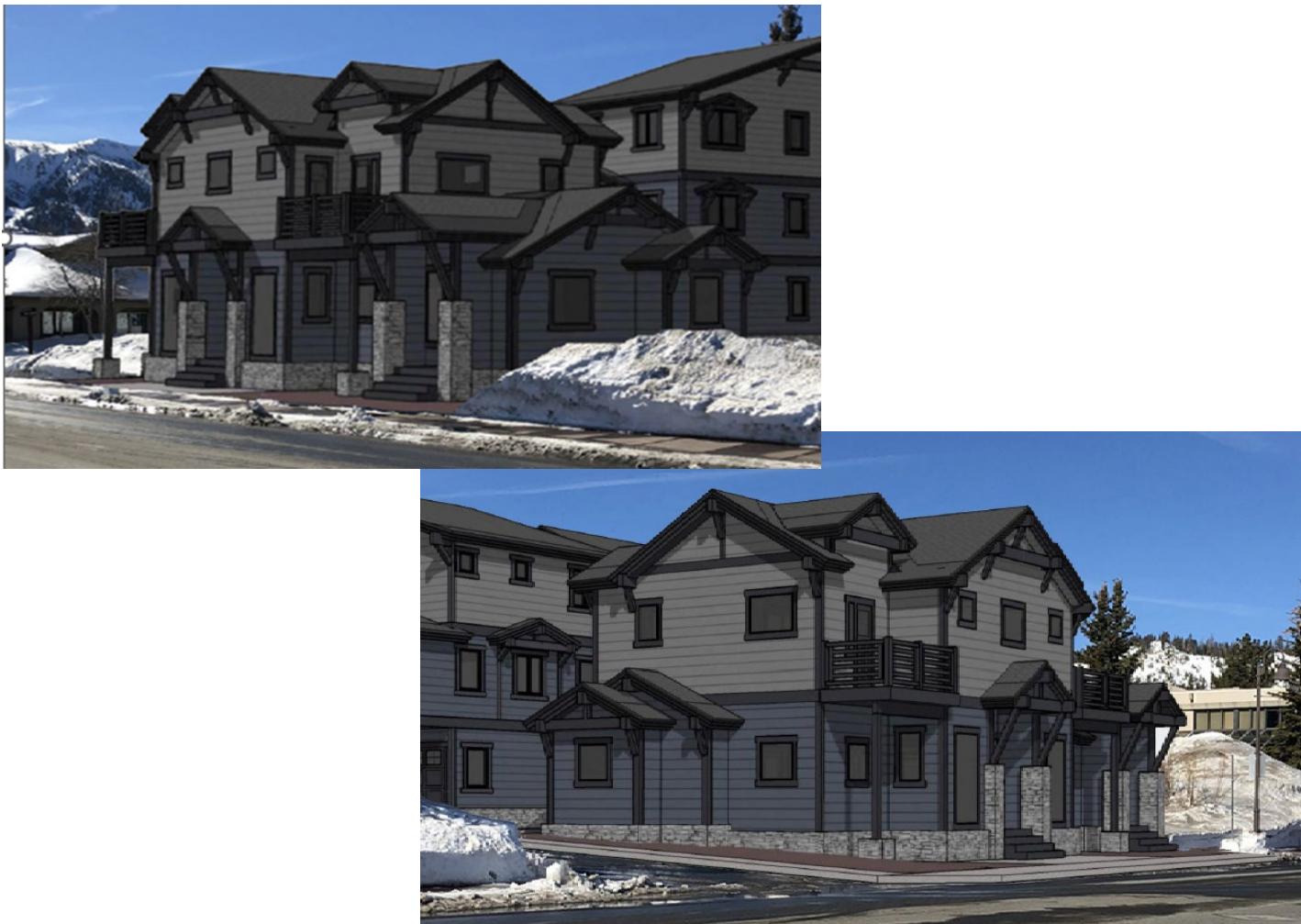
KEY ISSUES:

1. Does the proposed Variance application meet the required findings pursuant to MC Sections 17.72.040?
2. Is the proposed project consistent with the California Environmental Quality Act (CEQA)?

I. INTRODUCTION AND BACKGROUND

The Five-Forty mixed-use development (“Project”) was originally approved by the PEDC on June 12, 2019, and comprised thirteen lots with twelve residential PUD townhome units, and one mixed use building (“Building D”). Building D of the Five-Forty project was originally approved as a vertical mixed-use building on Lot 13 of the approved subdivision containing two (2) commercial spaces on the first floor and one (1) three-bedroom/two-bathroom residential condominium unit on the second floor. Two single-car garages were originally included and were accessed from the rear of the building, where an additional five surface parking spaces were designated for use by the commercial uses. The original approval also included a Variance from certain building placement and design standards to allow for reduced setbacks at two points along Oak Tree Way, reduced building step back, and a reduced first floor clear height applicable to Building D. Construction of the twelve residential townhome units was completed in 2021.

Figure 1: Original Building D Approved 6/12/2019

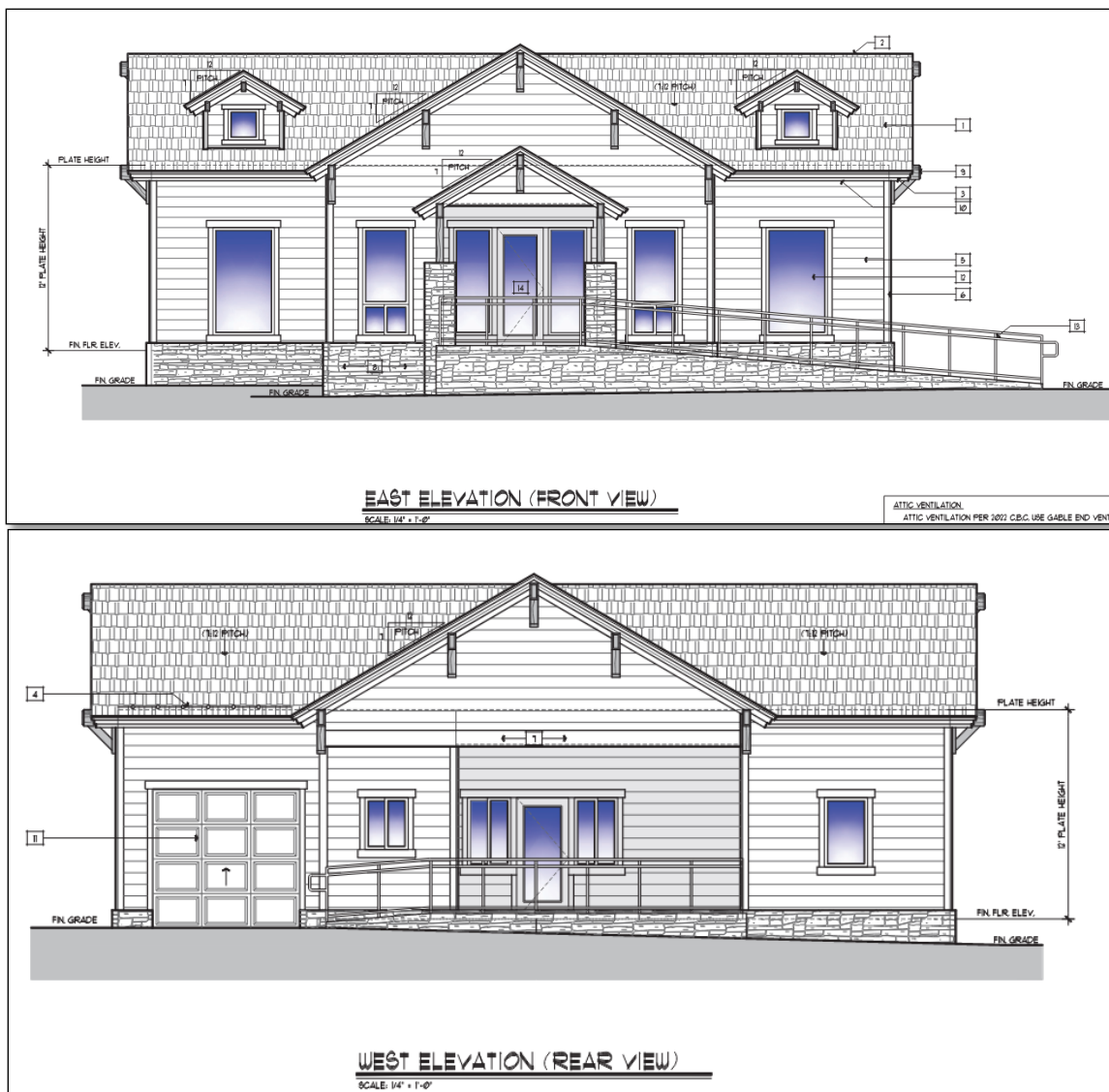


Changes to the design and scale of Building D were initiated after building plan check comments for Building D identified unexpected ADA accessibility standards that would require replacement of the elevated entry stoop design with an accessible ramped entry connection to the public sidewalk. Subsequently, the applicant engaged an architect to redesign and engineer the commercial mixed-use building frontage and, in the process, reduced the scale of Building D by eliminating the second-floor residential unit and the second commercial condominium unit.

To obtain approval for the revised design of Building D, the property owner submitted a Major Design Review application (DR) 23-004 on October 10, 2023. Because the proposed changes applied only to Building D and did not affect the approved Final Tract Map, the revised building D footprint could be changed if it fit within the boundaries of Lot 13. The updated design incorporated an ADA-accessible ramp serving the primary pedestrian entrance and removed the previously approved elevated stoops. Additional revisions included eliminating the second-floor residential condominium unit and reducing the building footprint, resulting in one commercial unit instead of two.

The revised design also rendered two of the three previously approved variances unnecessary. The project continued to rely only on the variance allowing a reduced first-floor clear height along the Old Mammoth Road frontage. The Planning and Economic Development Commission approved the revised Building D design on June 12, 2024.

Figure 2: Revised Building D Approved by PEDC on 6/12/2024



The current Variance application was submitted on December 10, 2025, and the associated design modifications are described in greater detail below. Based on the analysis provided in this report, staff has determined that the required findings to support the requested variance can be made. Accordingly, staff recommends approval of VAR 25-004, subject to the conditions of approval included in the attached resolution.

Construction of the Five-Forty project is nearly complete, with the exception of Building D, which is located on the east side of the property along the Old Mammoth Road frontage. The subject property and approved lot configuration are shown in **Figure 3** below, with the Lot 13 footprint highlighted in blue.

Figure 3: Project Location Aerial Context



Project Proposal:

The application proposes several purposeful modifications to Building D while maintaining the overall character and intent of the design previously approved under DR 23-004. The building width has increased from 48 feet to 56 feet, resulting in a slightly larger street-facing presence. Window dimensions along the east elevation have also been adjusted, and the revised design provides two additional square feet of glazing, continuing to exceed the required 60 percent transparency between 2.5 and 8 feet above sidewalk level.

The ADA-accessible ramp and primary pedestrian entryway formerly located on the east elevation have been removed, and the primary entrance has been relocated to the west side of the building. ADA-compliant access is provided to the new primary entrance.

Aside from these modifications, the design of Building D remains largely consistent with the prior approval. Site circulation and surface parking areas are unchanged from the original project approval.

Figure 4: Proposed Project - East and West Elevations



Existing Site and Surrounding Land Uses

The subject property is located within the Old Mammoth Road (OMR) zoning district and the property frontage along Old Mammoth Road is identified as a Primary Active Frontage. The active frontage designation results in specific design standards and land use standards that apply to new development at these specific locations. **Table 1** further describes the surrounding land uses and zoning.

Table 1: Surrounding Land Uses and Zoning.

Location	Zoning*	Land Use	Special Considerations
North	OMR	Sierra Center Mall Development	Existing entitlement for a new Hotel use on the adjacent property
South	OMR	Lighthouse Church	Located across Oak Tree Way
East	OMR	The Plaza (commercial center)	Located across Old Mammoth Road
West	OMR	Commercial (office uses)	None

*OMR = Old Mammoth Road

Site Zoning

The Old Mammoth Road (OMR) District is intended as an arts and culture district oriented toward medium scale commercial development along Old Mammoth Road, emphasizing community serving retail, artist galleries, office and service uses. It is intended to encourage a mix and intensity of uses in a pedestrian-scaled environment at a scale and form that is appropriate to its neighborhood context and adjacent residential uses and forms.

The proposed Variance and revised primary entry location for Building D remain consistent with the applicable zoning designation and the Primary Active Frontage designation because Building D is designed as an entirely commercial structure with substantial window frontage along Old Mammoth Road. The revised design maintains an inviting, pedestrian-scaled street frontage and satisfies the applicable design standards for the commercial zoning district.

General Plan

The General Plan describes the Commercial 2 (C-2) Land Use designation as a designation that allows for the community’s medium- and large- scale commercial mixed uses. The maximum floor area ratio is 2.0 and Intended uses include retail and office space for services as well as visitor lodging and residential uses.

The General Plan Vision Statements and specific goals, policies, and actions with which the approved Five-Forty project was found to be consistent, remain applicable with the proposed change to Building D and are described in **Table 2**, below.

Table 2: General Plan Conformance

Vision Statement	Explanation of Project Conformance with Vision Statement
<i>“Being a great place to live and work.”</i>	The Project site as a whole includes a mix of residential and commercial uses. Providing both housing and community serving commercial space on the site creates opportunities to live and work in the same place.
<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” with small town charm.”</i>	The proposed design of Building D maintains an articulated building façade along Old Mammoth Road and features a pedestrian scale design which achieves commercial space with small town charm.
<i>“Offering a variety of transportation options that emphasize connectivity, convenience, and alternatives</i>	The Project incorporated a sidewalk along Oak Tree Way (Private Road) connecting the site to the Old Mammoth Road sidewalk system and various transit

<i>to use of personal vehicles with a strong pedestrian emphasis.”</i>	routes thereby improving pedestrian safety and connectivity.
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The Proposed Variance and modified design of Building D remains consistent with the 2007 General Plan goals, policies, and actions as described in Table 3.

Table 3: General Plan Conformance with Goals, Policies, and Actions

Goal, Policy, or Action	Explanation of Project Conformance with Goal, Policy, or Action
Policy E.3.A. Encourage a mix of uses in the Main Street, Old Mammoth Road, and Shady Rest District and the North Village District.	The Project as a whole includes both commercial and residential uses on Old Mammoth Road.
Policy C.2.G. Ensure that development in commercial areas provides for convenient pedestrian movement between adjoining and adjacent properties.	The Project provided a sidewalk along Oak Tree Way, which now connects the Five-Forty development to the Old Mammoth Road sidewalk system.
Policy C.2.L. Create a visually interesting and aesthetically pleasing built environment by requiring all development to incorporate the highest quality of architecture and thoughtful site design and planning.	The Project provides an interesting and aesthetically pleasing building façade along Old Mammoth Road and Oak Tree Way.
Policy C.2.T. Use natural, high quality building materials to reflect Mammoth Lakes’ character and mountain setting.	The Project utilizes materials that are consistent with the character and mountain setting of Mammoth Lakes, including textured hardie-board, dark asphalt roof shingles, and natural stone incorporated around the building base.
Policy C.2.V. Building height, massing and scale shall complement neighboring land uses and preserve views to the surrounding mountains.	The Project consists of single-story and three-story buildings that share the same architectural vocabulary, colors and materials. The proposed Building D design along Old Mammoth Road maintains the appearance of a step back (stepped height increase) transition to the three-story residential buildings behind, which preserves public views to the surrounding mountains.
Policy C.3.E. Ensure that landscaping, signage, public art, street enhancements and building design result in a more hospitable and attractive pedestrian environment.	The revised landscape plan incorporates native tree species to be planted to frame Building D as viewed from Old Mammoth Road and Oak Tree Way. The location for commercial signage is accommodated beneath the primary gable entry of Building D, which would be required to comply with the Town’s sign standards and guidelines to ensure signs are appropriately scaled and designed for the building.
Commercial 2 (C-2) Land Use Designation – This designation allows for the community’s medium- and large-scale commercial uses. The maximum floor area ratio is 2.0. Intended uses include retail and office space for services as well as visitor lodging and residential uses.	The Project includes both residential and commercial uses with a floor area ratio (FAR) of less than 2.0. The commercial use is anticipated to be a service use with the residential units located behind the commercial business fronting on Old Mammoth Road.

Goal, Policy, or Action	Explanation of Project Conformance with Goal, Policy, or Action
Old Mammoth Road characteristics. Traditional small-scale mixed use “Main Street” development pattern.	The Project provides a small-scale, mixed-use project with the commercial Building D located on the Primary Active Frontage on Old Mammoth Road.

Municipal Code Consistency

The Project is consistent with all applicable zoning requirements of the Old Mammoth Road (OMR) zoning district, with the exception of two development standards. Variance 18-004, approved with the original project, allows Building D to maintain a reduced non-residential ceiling height of 12 feet in lieu of the required 14 feet. The current Variance request pertains to the building entrance location standard, as summarized in Table 4 below. A summary and analysis of the proposed changes and the minor revisions to the building design are provided in Table 4.

Table 4: Zoning Consistency

General Information			
General Plan: Commercial 2 (C-2)	Specific Plan: N/A		
Zoning: Old Mammoth Road (OMR)	Overlay Zone/District/Master Plan: N/A		
Existing Land Use: Multi-family residential	Permit(s) Required for Five-Forty Development: Tentative Tract Map (TTM); Variance (VAR); Major Design Review (DR)		
Primary or Secondary Active Frontage: Primary Active Frontage			
Development Standards			
Standard	Required	Proposed	Complies?
<u>Density and Intensity</u>			
Floor Area Ratio (FAR)	Maximum 2.0	0.81 (Entire Project)	Yes
<u>Building Placement Standards</u>			
Along Old Mammoth Road	15 feet from back of curb	15.4 feet	Yes
All Other Streets	10 feet	15 feet (to Building D)	Yes
Interior Side and Rear	0 feet	4 feet (north interior side) 3 to 10 feet (rear)	Yes
Build-to Requirement (Primary Active Frontage)	45 feet (60% of 75'-foot linear street frontage)	48 feet (64% of linear street frontage)	Yes
Corner Build Area	5 feet maximum from 10' setback (15' max)	Range from 7' to 15'-feet	Yes
<u>Height Standards</u>			
Maximum Overall Building Height	45 feet	21-feet, 5 inches	Yes
Minimum Building Face Height	20-feet	21-feet, 5.5-Inches	Yes

Maximum Building Face Height Along Streets	60% of building face at no more than 25 feet; 20% of building face at no more than 35 feet; and 20% of building face at no more than 45 feet	N/A (The structure does not exceed the maximum building face height at any point)	N/A
Stepback	Minimum 10 feet from the building base below	N/A (Single-story structure)	N/A
Ground Floor, Nonresidential	Minimum 14 feet clear from floor to ceiling	12 feet, 1 inch	Yes (prior variance) ¹
<u>Parking and Loading Standards</u>			
Setback from Street Property Line	20 feet	36 feet from Old Mammoth Road; parking along Oak Tree Way provides direct access to residential garages	Yes
Number of Parking Spaces – Residential Buildings	30 spaces (2 per unit, at least 50% enclosed, plus 6 guest spaces)	38 spaces (at least 50% of required spaces are enclosed)	Yes (No Change)
Number of Parking Spaces – Nonresidential Building D	3 spaces (3 per 1,000 sf commercial) ²	6 spaces (one single-car garage space and 5 surface spaces with 4 spaces in a tandem configuration and 1 handicap space)	Yes
Number of Bicycle Parking Spaces	2 (one short-term and one long-term)	At least 2 (short-term adjacent to surface parking area and long-term within garage assigned to commercial space) ³	Yes
Landscaping of Parking Area	112 sf (10% of gross parking area) ⁴	847 sf	Yes
Number of Trees	1 tree (1 per 5 surface parking spaces)	16 trees	Yes
<u>Other Standards</u>			
Building Entrance Location	Entrance oriented towards and facing the street and emphasized with design features	Pedestrian entry for the commercial Building D is oriented towards the interior of the development	Yes (with variance approval) ⁵
Building Transparency	185 sf	188 square feet	Yes

¹ Variance 18-004 approved a reduction in the minimum nonresidential ground floor ceiling height from 14-feet to 12-feet.

² Parking rate required for services and retail uses, excluding restaurant.

³ Condition of Approval #29 requires the bicycle rack design to be approved by the Community and Economic Development Director prior to building permit issuance, which will ensure compliance with both Building and Zoning Code requirements.

⁴ Parking area calculated as the surface parking area behind the Commercial Building D.

⁵ This standard is the subject of the current Variance application VAR 25-004.

	(Minimum 60% of the wall area between 2.5 – 8 feet above the sidewalk and within 20 feet of the street) (5.5 feet x 56 feet = 264 feet x .6 = 185)	186 sf (60% of the wall area between 2.5 – 8 feet above the sidewalk and within 20 feet of the street)	
Wall Plane Modulation	No wall plane over 50 feet wide without modulation; minimum offsets shall be two feet	Offsets of more than two feet proposed along Old Mammoth Road	Yes
Roof Modulation	No roof line visible from the public right-of-way shall exceed 50 feet without modulation	Roof pitch, plane, and orientation varied so no roofline exceeds 50 feet without modulation	Yes
Pedestrian Access	Connect on-site walkways to public sidewalks and transit stops	A sidewalk is provided on Oak Tree Way that connects to Old Mammoth Road sidewalk	Yes
Snow Storage	6,039 sf (60% of parking and driveway area) OR approval of a snow hauling plan	1,654 sf (16%) and snow hauling plan consistent with MC §17.36.110.3(a)	Yes (No Change)

The Variance item noted in the Zoning Consistency Table 4 (footnote 1) was approved as part of the original 540 project entitlement. The revised Building D design eliminates two conditions that previously required Variance approval for the original Building D design. The conditions that previously required Variance approval was a reduced setback for Building D from Oak Tree Way and a reduced step back of 0-feet instead of 10-feet for the second floor. The proposed reduction of the building footprint for Building D eliminates the encroachment into the 10-foot setback from Oak Tree Way and removal of the second floor of Building D negates the requirement for a step back since this standard only applies two multi-story structures.

One previously approved deviation still applies to the revised design of Building D, for a reduced non-residential ground floor clear height (minimum floor to ceiling height) which was originally reduced from 14-feet to 9-feet. The proposed Building D provides a 12-foot clear height, which is a smaller deviation from the applicable standard than was originally granted.

II. ANALYSIS OF KEY ISSUES

KEY ISSUE #1: Does the proposed project meet the Variance criteria and the Required Findings set forth in MC Section 17.72.040?

MC Section 17.72.010. The purpose of this chapter is to allow for variances from the development standards of this chapter only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning district.

Below is staff’s analysis of the project’s consistency with the required findings for approval:

The Commission may approve a variance application, with or without conditions, only after all of the following findings are made:

- A. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of this chapter deprives the property of privileges enjoyed by other property in the vicinity and under the identical zoning district;**

The project site was originally designed and graded for a mixed-use building with stoop-style (stepped) entries facing Old Mammoth Road. After the original project approval in 2019, and during the Building Permit plan review, it was determined that the stoop entry design could not meet applicable accessibility requirements, necessitating a redesign to incorporate an accessible ramp along the building frontage adjacent to the public sidewalk.

Although a revised building design with an accessible ramp was approved by the PEDC in June 2024, the property owner later raised his concerns to Town staff that locating the ramp directly adjacent to the public sidewalk would expose it to significant snow accumulation from the Town's snow-removal operations along Old Mammoth Road and the public sidewalk. This condition would create ongoing maintenance challenges and potential safety concerns for a future commercial tenant. Town Public Works staff generally concurred that the ramp's location would likely receive excessive snow accumulations due to routine snow-blowing operations.

Because these circumstances are specific to this property's grading, frontage conditions, and exposure to municipal snow-removal activities, strict application of the requirement that the primary pedestrian entrance face the public street would impose functional and safety constraints not experienced by comparable properties. Allowing the primary entrance to be oriented toward the interior of the development enables the property to maintain safe, accessible pedestrian access consistent with privileges enjoyed by other properties in the same zoning district.

B. The approval of the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zone;

The requested variance allows the primary pedestrian entrance of the building to be oriented toward the interior of the development rather than toward the public street. This modification does not provide the property with a special privilege but instead addresses site-specific conditions that are not shared by other properties in the vicinity.

Because the project was originally designed and graded for a stoop style entry facing Old Mammoth Road, the building was placed very close to the public sidewalk with an elevation difference of approximately two feet between the finished floor and the sidewalk. During Building Plan Review, it was determined that the stoop entry could not meet accessibility requirements, which required a redesign that incorporated an accessible ramp along the building frontage. If the property owner had been informed of this issue before the project was approved by the Planning and Economic Development Commission, the site grading could have been redesigned to avoid the need for a stepped entry and the resulting proximity to the sidewalk.

After approval of the revised Building D design, the property owner identified that the ramp's location directly adjacent to the public sidewalk would expose it to significant snow accumulation from the Town's snow-removal operations along Old Mammoth Road and the sidewalk. The Town's Public Works Director reviewed the application and generally concurred that the ramp would likely receive excessive snow accumulation due to routine snow-blowing activities, creating ongoing maintenance challenges and potential safety concerns for a future commercial tenant.

These circumstances, which arise from the site's original grading, the late accessibility redesign, and the property's exposure to municipal snow removal operations, are unique to this parcel and are not experienced by other properties within the same zoning district. Allowing the entrance to face the interior of the development ensures safe and accessible pedestrian access without providing any privilege beyond what is available to similarly situated properties. The variance therefore does not constitute a special privilege.

C. Granting the variance would not authorize a use or activity which is not otherwise expressly authorized by the zone governing the property for which the application is made;

The requested variance relates solely to the orientation of the primary pedestrian entrance to the commercial Building D on Lot 13 and does not involve any change to the allowed land use. The proposed commercial use of the building is expressly permitted within the applicable zoning district, and the variance does not expand, modify, or introduce any use or activity beyond what the Zoning Code already allows.

D. Granting the variance would not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and zoning district in which the property is located;

The requested variance affects only the orientation of the primary pedestrian entrance for Commercial Building D and does not alter the permitted uses that may occupy the building or introduce any activity that could adversely impact surrounding properties. Relocating the entrance toward the interior of the development improves overall site safety by avoiding conditions associated with maintaining the accessible ramp that, if not immediately kept clear of snow, could create hazards for future tenants and visitors as well as potential liability for the property owner.

The variance does not increase building intensity, traffic, noise, or any other potentially detrimental effects. Instead, it provides a safer and more functional pedestrian access point without affecting neighboring properties or public infrastructure. For these reasons, granting the variance would not be detrimental to public health, safety, or welfare, nor injurious to property or improvements in the surrounding area.

E. Landscaping The variance is consistent with the general plan and any applicable specific plan;

The revised primary entrance location for Building D within the 540 mixed-use Project maintains large windows along the Old Mammoth Road frontage, which continues to support an active and visually engaging commercial corridor. The project remains consistent with General Plan objectives related to economic development, walkability, and the provision of safe and accessible commercial spaces. Relocating the entrance toward the interior of the development does not alter the permitted commercial uses on the site and continues to promote high quality design and pedestrian oriented development consistent with the General Plan.

There is no Specific Plan applicable to the property.

F. The variance is the minimum departure from the requirements of this chapter necessary to grant relief to the applicant, consistent with Subsections (A) and (B) of this section;

The requested variance is limited solely to the orientation of the primary pedestrian entrance for Commercial Building D and does not modify any other development standards or design requirements. The need for relief arises from unique site conditions, including the original grading for a stoop style entry and the subsequent requirement to redesign the building to meet accessibility standards. These circumstances resulted in the accessible ramp being located directly adjacent to the public sidewalk, where it would be subject to significant snow accumulation from routine Town snow removal operations.

Reorienting the entrance toward the interior of the development is the least intrusive and most practical method of addressing these conditions. It avoids the safety and maintenance challenges associated with maintaining an accessible ramp in an area heavily impacted by winter operations, while preserving the building's street-facing windows and maintaining an active frontage along Old Mammoth Road.

Because the variance is narrowly tailored to address the specific constraints of the site and does not grant any broader exception or additional entitlement, it represents the minimum departure necessary to provide reasonable relief to the applicant.

G. The approval of the variance is in compliance with the requirements of the California Environmental Quality Act, Public Resources Code § 21000 et seq.

Approval of the variance adheres to the requirements of the California Environmental Quality Act because the Project is categorically exempt from further CEQA review pursuant to CEQA Guidelines §15332, In-Fill Development Projects.

KEY ISSUE #2: Is the proposed project consistent with the California Environmental Quality Act (CEQA)?

Staff determined that the Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §15332, In-Fill Development Projects. The Project qualifies for this exemption because the following criteria are met:

- A.** The Project is consistent with the General Plan and Zoning Code because the Project complies with the Commercial 2 (C-2) General Plan land use designation and the purpose of the Old Mammoth Road (OMR) zoning district since the Project provides a mixed-use development with residential units located behind a commercial building (Building D) which is located on a Primary Active Frontage along Old Mammoth Road. The revised design of Building D, approved pursuant to Major Design Review (DR) 23-004, is pedestrian-scaled and is compatible with surrounding commercial structures.
- B.** The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The Project site is within the Town's Urban Growth Boundary (UGB); the site is approximately 0.67 acres; and the site is surrounded by retail, multi-family residential, and other urban uses.
- C.** The Project site, Lot 13, has no value as habitat for endangered, rare, or threatened species since the site has previously been graded and does not feature any vegetation. The Five-Forty mixed-use project is nearly complete except for Building D on Lot 13, and associated landscape improvements.
- D.** Approval of the Project would not result in any significant effects related to traffic, noise, air quality, or water quality since the Project is consistent with the size of development allowed for the site; the Project conforms or is required to conform to the Municipal Code requirements for noise, air quality, and parking; the Project conforms or is required to conform to Public Works standards for site grading, stormwater retention, and drainage; and the Project will be required to obtain all necessary permits for construction. Therefore, no significant effects on traffic, noise, air quality, or water quality will result from the proposed development of the site.
- E.** The site can be adequately served by all required utilities and public services because all necessary utilities and services are currently provided and can be extended to the site. The Project plans were routed to the Mammoth Community Water District (MCWD) and the Mammoth Lakes Fire Protection District (MLFPD), all comments received have been forwarded on to the project applicant. Additionally, at the time of building permit issuance, development impact fees (DIF) for police, vehicle circulation, storm drainage, and fire will be paid.
- F.** None of the exceptions set forth in CEQA Guidelines Section 15300.2 apply because (1) in-fill development projects are classified as Class 32 by the California Secretary for Resources and are not subject to the special circumstances applicable to projects classified as Classes 3, 4, 5, 6, and 11; (2) the cumulative impact from successive projects over time will not be significant because the proposed use is consistent with the allowed and previously anticipated uses for the zone and the density of the project is less than the maximum density allowed and features less density than the originally approved design; (3) the proposed activity will not have a significant effect on the environment because the development site is completely disturbed due to the construction the residential portion of the 540 mixed-use project being completed and grading work for Lot 13 (Building D) was also previously completed. The proposed project is consistent with all development and design standards of the Zoning Code, except for the nonresidential ground floor clear height (VAR 18-004), and orientation of the primary pedestrian entrance (VAR 25-004), and both deviations are allowable through

approval of a variance; (4) the site is not adjacent to a scenic highway; (5) the site is not located on a hazardous waste site pursuant to the list of Hazardous Waste and Substances maintained by the Town; and (6) there are no historical resources on the site and therefore there is no possibility of causing a substantial adverse change in the significance of an established historical resource as a result of the project.

Therefore, since the project meets all the criteria to qualify for the In-Fill Development Projects categorical exemption pursuant to CEQA Guidelines Section 15332, and none of the exceptions set forth in CEQA Guidelines Section 15300.2 are applicable, no additional environmental review is warranted or necessary and the CEQA exemption is appropriate.

Agency/Public Comments

The Design Review application was routed to the Mammoth Community Water District (MCWD) and the Mammoth Lakes Fire Protection District (MLFPD) for comment and no comments or conditions were received that would result in conditions of approval for the revised Building D.

The Town's Building Division and Engineering Division have reviewed the application and are supportive of Variance 25-004.

The notice for this public hearing was published in The Sheet newspaper on January 31st and February 7th and was mailed to all property owners located within a 300-foot radius of the property on January 28th. As of the date this staff report was published, no substantive public comments have been received.

III. STAFF FINDINGS AND RECOMMENDATION

Staff finds that the requested variance meets the applicable requirements and recommends that the Planning and Economic Development Commission adopt the Planning and Economic Development Commission Resolution, making the required CEQA and Municipal Code findings, and approving Variance 25-004 with conditions as recommended by staff or with modifications.

Attachments

Attachment 1: Resolution PEDC 2026-03

Attachment 2: Project Plans dated received by the Town on December 10, 2025

Attachment 3: Final Map for the Five-Forty Project