

RESOLUTION NO. 09-76

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES,
STATE OF CALIFORNIA, ESTABLISHING AN INTERIM AFFORDABLE
HOUSING MITIGATION POLICY WHICH SHALL BE FOLLOWED TO MEET
MUNICIPAL CODE SECTION 17.36**

WHEREAS, on July 21, 2004 the Town Council approved Ordinance 2004-13, establishing Affordable Housing Mitigation regulations; and,

WHEREAS, on August 16, 2006 the Town Council adopted Ordinance 06-09 amending said regulations; and,

WHEREAS, the Town is currently revising the Housing Element of the General Plan and developing a Housing Strategy in accordance with State law; and

WHEREAS, the Mammoth Lakes Housing Board designated a subcommittee ("Subcommittee") of their Board to work with Town staff to review the current regulations and fee structure related to the housing mitigation program; and,

WHEREAS, the Subcommittee has also worked with the Capital Facilities Funding Committee, as appointed by the Town Council, and with Walter Kieser, Principal, Economic Planning Systems, a consultant retained by the Town of Mammoth Lakes, to determine the goals of the housing mitigation program, recommend a strategy to develop and implement revised housing mitigation policies, and prepare a policy that is consistent with investment and requirements of peer resorts; and,

WHEREAS, the Subcommittee has proposed policies intended to replace the existing Municipal Code provisions for calculating workforce housing mitigation requirements with an inclusionary requirement which will provide interim project evaluation policies and findings, pending the adoption of the updated Housing Element and a revised Municipal Code Chapter 17.36; and,

WHEREAS, the Municipal Code Section 17.36.050 allows for alternate mitigation proposals to deviate from the requirements set forth in the Municipal Code based upon a set of findings; and

WHEREAS, by this Resolution the Town Council hereby declares that all projects shall be evaluated based upon an alternate mitigation proposal that shall meet the findings contained in this Resolution or as originally set forth in Municipal Code Section 17.26.050 and the formulas and requirements set forth in Section 17.36.030 shall not be applicable; and,

WHEREAS, Municipal Code Chapter 17.36 shall be amended in two phases to reflect the policies contained in this Resolution by first rescinding appropriate sections of the Municipal Code and then by amending the entire Chapter of the Municipal Code.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Mammoth Lakes, California, as follows:

1. That the above recitations are true.
2. New development in Mammoth Lakes shall be required to mitigate its impact on the demand for affordable and workforce housing based on the following:
 - a. All new residential (transient and non-transient) development of ten or more units and lodging of twenty or more rooms shall be required to construct on-site workforce housing at a rate of ten percent (10%) of all newly-constructed units within the project (e.g. a ten unit project will have 9 market rate units and one workforce unit) and at a target income level of 120% AMI or less. If the inclusionary percentage calculation results in fractional dwelling units, a proportional share of the in-lieu fee referenced below, shall be paid. The 10% requirement and 120% AMI target are based on current market conditions and shall be reviewed and revised annually prior to July 1st of each year.
 - b. Total project density, inclusive of workforce units, shall not exceed the maximum density for the zone in which the project is located unless the project applies for and receives a density bonus pursuant to Government Code 65915 et seq.
 - c. Certain project types are subject to a housing mitigation requirement, but shall not be required to provide on-site inclusionary units and may instead pay in-lieu fees. These project types are:
 - Small residential developments of nine or fewer units, and lodging developments of 19 or fewer rooms.
 - Non-lodging commercial developments.
 - Developments within the Industrial zone.
 - d. In-lieu fees for housing mitigation shall be established and updated annually by the Town Council as a component of, and in relationship to, the overall fee program for new development. The initial in lieu fee for multi-family units shall be \$23,222 pending adoption of a permanent fee.
 - e. Projects that are required to provide inclusionary housing units on-site may propose an alternate housing mitigation plan (AHMP) subject to Mammoth Lakes Housing Board and Planning Commission approval.

The AHMP may make use of strategies within the MLH "Housing Toolbox." Approval of an AHMP must be based on the findings that:

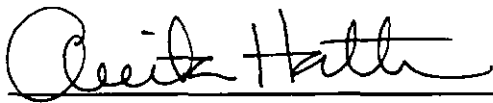
- On-site mitigation is undesirable for the community or infeasible.
 - There would be substantial additional affordable housing benefit derived from the alternate proposal. "Additional housing benefit" may be defined by a number of parameters including, but not limited to:
 - A greater number of affordable/workforce units.
 - Units that more closely meet current priorities established by Mammoth Lakes Housing and/or the Town.
 - Provision of units at an earlier date than would otherwise occur.
- f. The following project types are exempt from all housing mitigation requirements:
- New single family residences under 2,500 square feet.
 - Projects of four or fewer units in the Residential Multi-Family 1 zone.
 - Additions to or remodels of single-family residences that would not cause total living area to exceed 2,500 square feet or are less than 400 square feet in aggregate per building for floor areas above 2500 square feet. Fees shall only be charged for the incremental square footage addition above the 400 square foot exemption.
 - Non-transient rental apartments and deed restricted units.
 - Retail and restaurant development within the Specific Plan, Commercial General, Commercial Lodging, and Resort zones.
- g. The livability requirements provided in attachment A shall apply to all workforce housing units built in accordance with this policy.

PASSED, APPROVED AND ADOPTED this 18th day of November, 2009.



NEIL Mc CARROLL, Mayor

ATTEST:



ANITA HATTER, Town Clerk

Town of Mammoth Lakes
Mammoth Lakes Housing
Workforce Housing Livability Requirements

In an effort to create workforce housing units that are appropriate and functional for the permanent residents who will live in these units as their home, MLH and the Town of Mammoth Lakes are adopting the following Workforce Housing Livability Requirements. These requirements are necessary to ensure that developers of inclusionary workforce housing units build units that meet minimum standards of square footage and amenities necessary for households living and working in Mammoth Lakes.

The main component of the livability requirement is that the workforce housing units provided shall be Functionally Equivalent to the market rate units that are being provided. The workforce housing units must be comparable in number and bedrooms, and number of bathrooms as the market rate units. Deed restrictions will be recorded against each workforce housing unit. Restrictions will be set at 80%, 100% and 120% equivalently throughout the project.

Workforce Housing Livability Requirements are as follows:

- 1) Workforce Housing units shall be located throughout the development.
- 2) Workforce Housing units must be provided proportionately in the same unit type mix as the market rate units, except for hotel developments where mitigation will be based on a two (2) bedroom unit.
- 3) The workforce housing units must have the minimum square footages as follows:
 - One (1) Bedroom Unit shall be no less than 750 square feet
 - Two (2) Bedroom Unit shall be no less than 1000 square feet
 - Three (3) Bedroom Unit shall be no less than 1300 square feet
 - Four (4) Bedroom Unit shall be no less than 1600 square feet
- 4) The developer shall provide EnergyStar rated kitchen appliances including range, refrigerator, dishwasher, and garbage disposal.
- 5) All materials and appliances must have a minimum one year warranty.
- 6) Adequate cabinets and storage space to be provided for kitchen, linens, bathrooms, and outdoor equipment. Storage space shall be appropriate to life in an active mountain community.

- 7) Sound insulation shall be provided within both the interior and exterior walls.
- 8) Adequate dining space shall be provided. This may be a separate room, part of a combined living/dining area, or in the kitchen.
- 9) All units shall have provisions for laundry. If washer/dryer are provided for market rate units they shall also be provided for in workforce housing units.
- 10) Bedrooms must be designed to accommodate two persons and have at least 120 square feet of useful living space in addition to adequate closet space. The master bedroom shall be larger than the secondary bedrooms. There must be an adequate number of bathrooms for the expected household sizes. Three and four bedroom units must have at least two full bathrooms. Other unit types (studio, one-bedroom and two-bedroom units) shall have the same number of bathrooms as the market rate units.
- 11) The external appearance, finishing materials and quality of construction of the workforce housing units and any landscaping, private yards or open space that is part of the workforce housing unit property must be identical to the market rate units in the project.
- 12) All project facilities, amenities and parking must be available on the same basis to the affordable housing units as to the market units.
- 13) Access to personal outdoor space shall be provided from each unit.

If a developer is willing to provide deed restricted rental housing instead of deed restricted for sale units the Town may consider reducing one or more of the livability requirements provided that basic functionality and livability are not compromised. Such determination to be at the sole discretion of the Town.

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

I, ANITA HATTER, Town Clerk of the Town of Mammoth Lakes, DO HEREBY CERTIFY under penalty of perjury that the foregoing is a true and correct copy of Resolution No. 09-76 adopted by the Town Council of the Town of Mammoth Lakes, California, at a meeting thereof held on the 18th day of November, 2009, by the following vote:

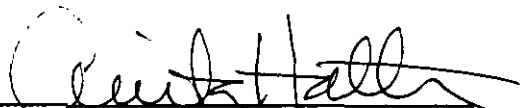
AYES: Councilmembers Bacon, Harvey, Sugimura, Mayor Pro Tem Eastman, and Mayor McCarroll

NOES: None

ABSENT: None

ABSTAIN: None

DISQUALIFICATION: None


ANITA HATTER, Town Clerk