

ATTACHMENT A

PEDC RESOLUTION 2022-15
CASE NO. TTM 22-001

Recording Requested by and
When Recorded Mail To:

Town of Mammoth Lakes
Community & Economic Development Department
P.O. Box 1609
Mammoth Lakes, CA 93546

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Recordation fee exempt per Government Code §27383
Space Above for Recorder's Use

RESOLUTION NO. PEDC 2022-15

**A RESOLUTION OF THE MAMMOTH LAKES PLANNING AND
ECONOMIC DEVELOPMENT COMMISSION APPROVING
TENTATIVE TRACT MAP 22-001**

**TO ALLOW FOR THE CREATION OF 14 LOTS FOR FUTURE AFFORDABLE
HOUSING USES, 3 LOTS FOR OPEN SPACE AND PARKS AND PUBLIC STREET
DEDICATIONS**

AT 1699 TAVERN ROAD AND 33 CENTER STREET

(APNs: 035-290-002-000 and 035-290-001-000)

WHEREAS, a request for consideration of a Tentative Tract Map (TTM 22-001) was filed by the property owner/applicant, Pacific West Communities, Inc./Town of Mammoth Lakes, to allow for the creation of 14 lots for future affordable housing uses, 3 lots for open space and parks, and public street dedications to complete the westerly extension of Tavern Road, the creation of Inyo Street connecting Center Street and Tavern Rd, and the northerly extension of Chaparral Road., in accordance with the Parcel Master Plan and the State Subdivision Map Act, for property located at 1699 Tavern Road and 33 Center Street; and

WHEREAS, the Planning and Economic Development Commission conducted a noticed public hearing on the application request on May 11, 2022, at which time all those desiring to be heard were heard; and

WHEREAS, the Planning and Economic Development Commission considered, without limitation:

1. The staff report to the Planning and Economic Development Commission with attachments;
2. The State Subdivision Map Act, Parcel Master Plan, General Plan, Municipal Code, and associated Land Use Maps;
3. Oral evidence submitted at the hearing;
4. Written evidence submitted at the hearing; and
5. Project plans consisting of: Tentative Tract Map 22-001 Sheets TTM1-TTM2, dated May 4, 2022 and dated received by the Town of Mammoth Lakes on May 4, 2022.

NOW THEREFORE, THE PLANNING AND ECONOMIC DEVELOPMENT COMMISSION OF THE TOWN OF MAMMOTH LAKES DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

SECTION 1. FINDINGS.

I. CEQA.

Pursuant to CEQA Guidelines Section 15183.3, Streamlining for Infill Projects, an Infill Environmental Checklist was approved. The Infill Environmental Checklist determined that potential direct, indirect, and cumulative environmental effects associated with the project were previously and adequately analyzed. No further CEQA analysis is required for this project.

II. MUNICIPAL CODE FINDINGS.

A. FINDINGS FOR SUBDIVISION MAP ACT (State Map Act Section 66474)

1. The proposed map is consistent with applicable general and specific plans.

The proposed map is consistent with applicable general and specific plans as specified in Section 65451 of the Subdivision Map Act because the Parcel Master Plan allows for affordable housing uses, open space and park uses and accessory uses incidental to permitted uses, the subdivision would be consistent with the maximum density established in the Parcel Master Plan, and the buildable areas on the lots allow for preservation of existing trees through setbacks and building design. The extension of two roadways and creation of one additional roadway will serve this subdivision. The property is not located within a specific plan area.

2. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

The design of the subdivision is consistent with applicable general and specific plans because the residential subdivision complies with the Parcel Master Plan and Municipal Code development standards, which implement the goals and policies of the General Plan.

3. The site is physically suitable for the type of development.

The site is physically suitable for the type of development because the site is within the Parcel Master Plan, which allows for affordable housing, open space and public parks and accessory uses and structures incidental to permitted uses. Future development of affordable housing is required to meet the standards contained in the Parcel Master Plan.

4. The site is physically suitable for the proposed density of development.

The site is physically suitable for this type of development because the site is 22.69 acres in size and residential uses are an allowable land use in the Parcel Master Plan zone. The proposed project density is consistent with the permitted density of 24 dwelling units per acre, with a total not to exceed 580 dwelling units proposed.

5. The design of the subdivision or the proposed improvements are not likely to cause substantial environment damage or substantially and avoidably injure fish or wildlife or their habitat.

The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their

habitat because pursuant to CEQA Guidelines Section 15183.3, Streamlining for Infill Projects, an Infill Environmental Checklist was approved. The Infill Environmental Checklist determined that potential direct, indirect, and cumulative environmental effects associated with the project were previously and adequately analyzed. The Infill Environmental Checklist considers biological resources, vegetation removal, and hydrology and water quality.

6. The design of the subdivision and types of improvements is not likely to cause serious health problems.

The design of the subdivision is not likely to cause serious public health problems since pursuant to CEQA Guidelines Section 15183.3, Streamlining for Infill Projects, an Infill Environmental Checklist was approved. The Infill Environmental Checklist determined that potential direct, indirect, and cumulative environmental effects associated with the project were previously and adequately analyzed. The Infill Environmental Checklist considers health and safety related, and no evidence has been submitted during the planning review process to indicate that the development would cause any serious public health problems. All necessary public services are currently provided, or can be extended to, the site to assure health and safety for those individuals occupying and using the site facilities. Building permits shall be obtained for the construction of structures to ensure all building code and fire code requirements are complied with.

7. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

The design of the subdivision will not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision because all easements are shown on the tentative map and future development of the lots would comply with those easements. Furthermore, the property has access to Tavern Road, Chaparral Road and Inyo Street with approved street alignments and widths. All utilities, and their easements, are currently proposed on the property and the proposed subdivision will not impact upon adjacent property easements.

SECTION 2. PLANNING AND ECONOMIC DEVELOPMENT COMMISSION ACTIONS.

The Planning and Economic Development Commission hereby takes the following actions:

1. Finds that no further CEQA analysis is required for this project; and
2. Approves Tentative Tract Map 22-001 subject to the following conditions:
(SEE EXHIBIT "A"); and
3. Directs staff to file a Notice of Determination.

PASSED AND ADOPTED this 11th day of May 2022, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

RECUSED:

ATTEST:

Sandra Moberly,
Community and Economic Development
Director

Michael Vanderhurst
Chair of the Mammoth Lakes Planning
and Economic Development Commission

NOTE: This action is subject to Chapter 17.104 of the Municipal Code, which specifies time limits for legal challenges.

OWNER/APPLICANT:

I, Daniel C. Holler, am the property owner and I do hereby attest that I have read, and agree to, the conditions of approval stipulated within this Resolution.

Daniel C. Holler
Property Owner
(Notary Required)

Date: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }
County of Mono

On _____ before me, _____
personally appeared _____
who proved to me on the basis of satisfactory evidence to be the persons whose
name(s) is subscribed to the within instrument and acknowledged to me that he
executed the same in his authorized capacity (ies), and that by his signature(s) on
the instrument the person(s), or the entity upon behalf of which the person(s) acted,
executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of
California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary

EXHIBIT “A”
Resolution No. PEDC 2022-15
Case No. TTM 22-001
CONDITIONS OF APPROVAL

STANDARD PLANNING CONDITIONS

1. This approval authorizes the following: the creation of 14 lots for future affordable housing uses, 3 lots for open space and parks, and public street dedications to complete the westerly extension of Tavern Road, the creation of Inyo Street connecting Center Street and Tavern Road, and the northerly extension of Chaparral Road located at 1699 Tavern Road and 33 Center Street.
2. The Tentative Tract Map 22-001 Sheets TTM1-TTM2, dated May 4, 2022 and dated received by the Town of Mammoth Lakes on May 4, 2022, shall be adhered to and maintained for the duration of the permit.
3. This permit and all rights hereunder shall automatically terminate unless the site preparation or construction has been commenced within two years after the issuance of this approval and such work is diligently carried on until completion, or an extension of time has been granted in accordance with Municipal Code §17.60.060.B.
4. All new improvements constructed on the site shall be in compliance with all Town of Mammoth Lakes, County of Mono, Mammoth Community Water District, the Mammoth Lakes Fire Protection District, the CRWQCB Lahontan District, Great Basin Air Pollution Control District, OSHA, State of California and United States of America laws, statutes, ordinances, regulations, directives, orders, and the like applicable thereto and in force at the time thereof. Any violation of the above may constitute grounds for revocation under Chapter 17.128 of the Mammoth Lakes Municipal Code.
5. This resolution of approval, as conditioned herein, shall be recorded for the subject property by the Mono County Recorder’s Office to commence the approved use on the property or the issuance of any building permits for new or remodeled structures.
6. The site shall be maintained in a neat, clean and orderly manner. All improvements shall be maintained in a condition of good repair and appearance. Outdoor storage of equipment and other materials, except for firewood, is prohibited. Non-operating vehicles, equipment and materials inappropriate to the site and its use shall not be stored within outdoor areas on the site.
7. Storage of construction materials and equipment off-site shall not be permitted without a permit issued by the Community and Economic Development Department of the Town. Any public or private property altered, damaged or destroyed by site preparation, grading, construction or use shall be restored to its pre-existing condition by the permittee.
8. All conditions of this permit shall be met or secured prior to final occupancy approval of any tenant improvements or new structures.
9. All uses are subject to review by the Building Official of the Town of Mammoth Lakes and must conform to occupancy ratings of the structures to obtain occupancy.
10. Town staff shall have the right to enter the subject property to verify compliance

with these conditions. The holder of any permit associated with this project shall make the premises available to Town staff during regular business hours and shall, upon request make records and documents available to Town staff as necessary to evidence compliance with the terms and conditions of the permit.

11. Prior to the issuance of a building permit, the applicant shall pay all applicable fees as prescribed by ordinance and/or resolution and pay any fees due on the project processing account.
12. Where compliance with the conditions of approval or applicant initiated changes to the plans require additional staff review, that review time shall be billed at the Town's established billing rates. Prior to the issuance of a building or grading permit, the applicant shall pay all outstanding costs for the processing of this application.
13. This action may be appealed to the Town Council within fifteen (15) calendar days from the date of Planning and Economic Development Commission approval in accordance with Municipal Code Chapter 17.104.
14. The applicant shall defend, indemnify, and hold harmless the Town and its agents, officers, and employees from any claim, action, or proceeding against the Town and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the Town, advisory agency, appeal board, or legislative body concerning this approval. The Town shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense.
15. All exterior lighting shall comply with Chapter 17.36.030 of the Town of Mammoth Lakes Municipal Code, Exterior Lighting. Exterior light fixtures having a total of over 400 lumens of output shall be equipped with shields that extend below the horizontal plane of the light source to direct the light downward onto the structure or surrounding grounds. Accent lighting is permitted as described in Municipal Code Section 17.36.030.F.6. This shall be verified prior to issuance of a certificate of occupancy.
16. If the aggregate landscaped area exceeds 500 sq. ft., a landscape documentation package shall be required prior to final sign-off of the Building Permit from the Planning Division. Said landscape documentation package shall conform with the requirements identified in Municipal Code Chapter 17.40 (Water Efficient Landscape Regulations). The aggregate landscape area is defined as the total horizontal surface area dedicated to plant installation and irrigation plus the wet surface of any decorative water features. The landscape area for shrubs and trees shall be determined using the shrub/tree mature growth diameter or drip line. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, or other pervious or non-pervious hardscapes outside of planted areas. Landscape area does not include undisturbed areas with established non-irrigated vegetation, or landscaping that is exempt pursuant to Municipal Code Section 17.40.020.D.
17. A valid building permit and a permit from the Mammoth Lakes Fire Protection District are required before any building can begin on-site.
18. If necessary, water and sewer connections require a Connection Permit from Mammoth Community Water District. Prior to the Town authorizing any construction, the applicant shall obtain water and sewer permits from Mammoth Community Water district and pay applicable fees to the District.

19. All conditions of approval shall be printed verbatim on all of the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the index.
20. Zoning entitlement conditions of approval shall be printed verbatim on all of the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the index.
21. The project shall comply with the Guidelines for Erosion Control in the Mammoth area. This shall include submittal of a Report of Waste Discharge, if applicable.
22. A tree removal plan shall be approved prior to any land disturbance and the issuance of a grading or building permit. A pre-construction meeting shall be held on-site prior to any land disturbance. The applicant shall obtain the necessary Timber Harvest Permit prior to any tree removal. The grading plan shall include tree protection measures to address how construction can occur with minimal disturbance to the dripline of retained trees. The drip-line areas shall be “fenced” off with barriers to prevent disturbance during site grading. Additionally, finish grading shall minimize disturbance of existing understory vegetation and retained trees. Grading operations shall not commence until all erosion control measures and tree protection measures are in place as shown on the approved plans, and as required by the Town.
23. The affordable housing requirements for this project shall be mitigated through compliance with the housing ordinance in effect at the time of building permit submittal.
24. Pursuant to Government Code Section 66474.9 the subdivider or agent of the subdivider shall defend, indemnify, and hold harmless the Town and its agents, officers, and employees from any claim, action, or proceeding against the Town and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the Town, advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Government Code Section 66499.37. The Town shall promptly notify the subdivider of any claim, action, or proceeding and shall cooperate fully in the defense.

SPECIAL PLANNING CONDITIONS

25. All future development shall comply with standards of the Parcel Master Plan. This shall be reviewed by the Community and Economic Development Department prior to the issuance of a building permit.
26. Noise generated by the project shall meet the requirements of the Town’s Noise Ordinance.

ENGINEERING DIVISION CONDITIONS

STANDARD CONDITIONS / GENERAL REQUIREMENTS:

27. A final map, consistent with the tentative map and the conditions herein, shall be recorded with the County Recorder of Mono County prior to the expiration of the approved tentative map. The final map shall conform to the Subdivision Map Act and the Subdivision Ordinance for the Town of Mammoth Lakes. The tentative map shall expire 24 months after the approval date. Failure to record the final

map prior to the expiration will nullify all approvals, except as such time limitation may be extended by law or by the Planning and Economic Development Commission in accordance with the Subdivision Map Act.

28. Nothing in the approval of this tentative tract map shall be construed to allow for the deviation, adjustment, variance or non-conformance of any Municipal Code or ordinance, or of any local, State or federal standard, policy, regulation or law, unless specifically provided for herein.

THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO APPROVAL BY STAFF OF THE FINAL MAP:

29. The final map shall conform to the requirements of Town of Mammoth Lakes Ordinance 84-10 and all amendments thereto.
30. Slope rights adjacent to public rights of way shall be dedicated on the final map where necessary.
31. All easements and dedications shall be in a form and content acceptable to the Public Works Director.
32. The applicant shall submit to the Town an electronic file of the final map in AutoCAD, or other format as may be approved by the Public Works Director, within 30 days of approval of the final map.
33. Copies of all exceptions, easements, restrictions and encumbrances listed in the preliminary title report together with a copy of the current grant deed and a current title report, a copy of each record map for the subject property shown within the tentative map boundary, and a copy of each and every adjacent map, deed or other document as necessary that establish, or were used for the survey of, and for the retracement of the subdivision boundary shall be submitted with the initial submittal of the final map. The updated preliminary title report shall reflect the quitclaim deeds that were recorded addressing the boundary overlap between the northern property boundary and the Mammoth Center Subdivision.
34. Monumentation of the subdivision shall be the responsibility of the future developer, and shall be installed in accordance with the Subdivision Ordinance of the Town, Ordinance 84-10.
35. All easements as shown on the tentative map shall be granted on the final map or recorded by separate document prior to or concurrent with recordation of the final map in a form and in content acceptable to the Town. Easements to be recorded by separate document shall be submitted to the Town for review and approval. The fully executed documents shall be submitted to the Public Works Director prior to approval of the final map. Easements shown on the tentative map to be granted or dedicated shall indicate the beneficiary of the easement(s).
36. Easements shown on the tentative map to the benefit of an agency other than the Town or to other parties shall be shown on the final map as "Easements Reserved". The owner's statement on the final map shall reserve said easements unto themselves, their heirs and assigns.
37. All documents that are required to record prior to or concurrent with the recordation of the final map shall be reviewed and approved by the Town and shall be fully executed, notarized and ready for recordation prior to approval of the final map by Town staff. The originals of the executed documents shall be

- delivered to the Public Works Director together with the final map prior to approval of the final map.
38. Future CC&Rs shall contain provisions granting rights of access and parking, as necessary, to the owners, tenants, and their guests, of the condominium units.
 39. Existing CC&Rs, if any, encumbering the property shall be amended as necessary for the proposed development of this project.
 40. The applicant shall submit a request for unit, building and street addressing to the Town. Approval of the addressing shall be completed prior to approval of the final map by staff.
 41. Prior to approval of the final map by staff, the applicant shall provide evidence to the Town that the property taxes have been pre-paid to Mono County Tax Collector or their payment has been secured by the filing of a surety bond or other cash-equivalent security acceptable to the County.
 42. As required by the Town's Subdivision Ordinance Section 17.20.160 and the most recent Town Council Resolution adopting a Schedule of Fees, the applicant shall pay a fee for each unit, parcel or lot, including lettered lots and parcels and common area lots or parcels created, to the Community and Economic Development Department for long range planning reimbursement prior to approval by staff of the final map.
 43. If the subdivider elects to file multiple final maps, then prior to submittal of the first final map for the project, the applicant shall submit a development schedule of phasing and improvements for review and approval by the engineering and planning divisions of the Town. The Town may impose additional conditions relative to phasing and the filing of multiple maps in accordance with Section 66456.1 of the Subdivision Map Act. Phasing may only be permitted if discontinuous rights-of-way and substandard lots are not created by the phasing.
 44. Easements and rights of way of record held by the Town that are abandoned, relinquished or vacated shall not be shown on the final map, and a statement shall be placed on the cover sheet of the final map indicating the deposition of the interest being abandoned in accordance with Section 66499.20.2 of the Subdivision Map Act.

PRIOR TO APPROVAL BY TOWN STAFF OF ANY SUBSEQUENT SUBDIVISION, LOT LINE ADJUSTMENT, OR LOT MERGER, THE FOLLOWING CONDITIONS SHALL BE COMPLETED:

45. Recordation of the final map. The applicant shall provide evidence to the Town that the map has recorded. Evidence shall consist of the recording information of the final map.