



Town of Mammoth Lakes

Planning & Economic Development Commission Staff Report

Meeting Date: February 12, 2025

AGENDA TITLE: Consider approval of Time Extension Request (TER) 24-003 for a three-year time extension of the Terra Blanca project entitlement (TTM 22-003, DR 22-002) located at 3789 Main Street.

Applicant/ Property Owner: Terra Blanca LLC

REQUESTING DEPARTMENT:

Community & Economic Development

Gina Montecallo, Assistant Planner

Nolan Bobroff, Community and Economic Development Director

OBJECTIVE:

1. Hear Staff and Applicant presentations
2. Hold Administrative Hearing
3. Planning & Economic Development Commission (PEDC) discussion
4. PEDC action to:
 - a. Adopt the attached Planning and Economic Development Commission Resolution (the Resolution), making the required Municipal Code findings, and approving Time Extension Request 24-003 with conditions as recommended by staff;
 - b. Adopt the Resolution with modifications; or
 - c. Deny the Resolution

SUMMARY:

Proposal: A three-year time extension is requested for the Terra Blanca project entitlement, which includes a Major Design Review (DR) 22-002 and Tentative Tract Map (TTM) 22-003, for a twelve-unit multi-family residential townhome development located in the Mixed Lodging/Residential zoning district at 3789 Main Street.

Project Name: Terra Blanca

Location: 3789 Main Street (APN: 033-110-003-000)

Size of Property: .96 acres

Zoning: Mixed Lodging/Residential (MLR)

General Plan: Commercial 1 (C-1)

Environmental Review: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Infill Development Projects, because the project is consistent with the General Plan, the proposed development occurs within town limits on a project site of no more than five acres substantially surrounded by urban uses, the project site has no value as habitat for endangered, rare or threatened species, approval of the project would not result in any significant effects relating to traffic, noise, air

quality or water quality, and the site can be adequately served by all required utilities and public services.

KEY ISSUES:

1. Can the findings be made for approval of a Time Extension Request pursuant to Municipal Code (MC) Section 17.64.060?

I. INTRODUCTION AND BACKGROUND

The Terra Blanca project consists of a 12-unit multi-family residential townhome development featuring four 3-story tri-plex structures ranging in size from 10,571 square feet to 10,765 square feet with an overall building height of 40 feet. Each townhome unit includes 3 bedrooms and a private two-car garage.

The project entitlements were approved by the Planning and Economic Development Commission (PEDC) on November 8, 2022. Pursuant to Resolution No. 2022-22, if construction is not commenced within two years of the project approval, the project entitlement will expire, unless a Time Extension Request (TER) is granted in accordance with the Town of Mammoth Lakes Municipal Code (MC). Absent approval of the TER, the entitlement will have expired on November 8, 2024.

The property owner (“applicant”) submitted a TER application on November 7, 2024, requesting a three-year time extension, which is three years less than the maximum length of time that can be granted by the Town’s Municipal Code.¹ Pursuant to Municipal Code §17.64.060.B(2), the expiration of the entitlement is suspended until a decision is made by the original review authority (i.e., PEDC). The requested three-year time extension will extend the project approval to November 8, 2027.

As indicated in the application narrative, the project team has encountered unexpected delays that have affected the project timeline. These delays include the departure of the project architect and a key development partner which resulted in necessary adjustments to the project management and design approach. The application narrative also states that the project team has had difficulties securing a contractor to take on the project.

The Town’s expectation in approving a project is that the applicant will diligently pursue exercising the entitlement. The applicant has made some effort towards exercising the entitlement through continuing efforts to secure a suitable contractor, and reassessing the construction plans to find ways to make the project more financially viable. Finally, despite these challenges, the property owner indicates that they are fully committed to completing the project in a manner that meets applicable Town regulations.

Additionally, upon approval of a Final Map, all other approvals in conjunction with the tentative map are automatically granted one additional year of life pursuant to Municipal Code Section 17.64.060(A)(3). This means that if the Time Extension is granted and a Final Map is subsequently approved, the Design Review (DR 22-002) approval will remain valid for one additional year and would not expire until November 8, 2028. An entitlement is deemed “exercised” when the permittee has obtained a building permit and has commenced construction.

¹ The review authority may grant a permit extension for a period or periods not exceeding a total of six years beyond the expiration date of the original approval, not to exceed a total of eight years of life.

II. ANALYSIS OF KEY ISSUES

1. Can the findings be made for approval of a Time Extension Request pursuant to Municipal Code (MC) Chapter 17.64.060 – *Time Limits and Extensions*?

- a. *The applicant has made a good faith effort to exercise the permit and comply with the conditions of approval in a timely manner. The burden of proof is on the applicant to establish, with substantial evidence, that circumstances beyond the control of the applicant have prevented exercising the permit;*

The applicant submitted a letter (Attachment 2) along with the Time Extension application which describes circumstances that have led to delayed project execution. First, the applicant indicates that the project architect and a key development partner have left the project team, which required significant adjustments to the project management and design approach.

The applicant further explains that their team is facing challenges in sourcing materials and is working to adjust the construction plans and material selection to increase the financial viability of the development. The applicant also states that finding a contractor willing to take on the development is increasingly difficult and suggests that additional time may be necessary to ensure the project can be completed to a high standard of quality and safety.

- b. *The permit is still in compliance with the general plan, this chapter, and any applicable specific plan;*

TER 24-003 requests a three-year extension of the Terra Blanca project entitlement, which is consistent with the length of extension permitted by the Town's MC. The project approval (i.e., Resolution No. 2022-22) found the project to be consistent with the General Plan and Municipal Code, and no changes have occurred to the project since approval by the PEDC. The proposed project is required to comply with all federal and state laws, statutes, ordinances, regulations, directives, and orders applicable to the development of the project (Resolution No. 2022-22 Condition of Approval #6). Additionally, there are no new federal, state, or local laws that would necessitate the denial of the time extension or the imposition of additional conditions.

- c. *The original conditions of approval have been modified or new conditions have been imposed as deemed reasonable and necessary to ensure that the approval will remain in compliance with the findings required by this chapter for the applicable permit; and at the agreement is in conformity with and will promote public convenience, general welfare, and good land use and development practices;*

The original conditions of approval for the project (Resolution No. 2022-22) are still appropriate and conditions have not changed since the original approval that would necessitate additional conditions of approval to be imposed on the project, or that would warrant the denial of the three-year extension request.

- d. *The original review authority shall make project specific findings to support the decision.*

At the time of the original project approval, the application request was found to be consistent with the General Plan and the Municipal Code. Since the project was approved in November 2022, no changes to the governing documents or site-specific conditions have occurred that would impact the approved project.

Environmental Analysis

Staff has determined that the Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15332, Infill Development Projects. The Project qualifies for this exemption because

the project is consistent with the general plan, 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 has no value as habitat for endangered, rare or threatened species, approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality, and the site can be adequately served by all required utilities and public services. None of the exceptions set forth in CEQA Guidelines Section 15300.2 are present, which would disqualify the project from using a categorical exemption. Therefore, since the project meets all the criteria pursuant to CEQA Guidelines Section 15303, no additional environmental review is warranted or necessary and the CEQA exemption is appropriate.

There are no potential environmental impacts related to the time extension request itself.

Staff Findings and Recommendation:

Staff finds that the proposed project meets the applicable requirements and recommends that the Planning and Economic Development Commission adopt the attached Planning and Economic Development Commission Resolution, making the required Municipal Code findings, and approving Time Extension Request 24-003 for a three-year time extension of the Terra Blanca project entitlement (TTM 22-003, DR 22-002) with conditions as recommended by staff or with modifications.

Attachments

1. Resolution No. 25-01 – Terra Blanca Time Extension Request
2. Time Extension Request Letter, dated August 26, 2024
3. PEDC Resolution No. 22-22
4. Terra Blanca Project Plans