

Recording Requested by and )  
When Recorded Mail To: )  
 )  
Town of Mammoth Lakes )  
Community & Economic Development Department )  
P.O. Box 1609 )  
Mammoth Lakes, CA 93546 )

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

**RESOLUTION NO. PEDC 2025-01**

**A RESOLUTION OF THE MAMMOTH LAKES PLANNING AND  
ECONOMIC DEVELOPMENT COMMISSION  
APPROVING TIME EXTENSION REQUEST 24-003 GRANTING A  
THREE-YEAR TIME EXTENSION FOR THE  
TERRA BLANCA DEVELOPMENT ENTITLEMENT  
(TTM 22-003 & DR 22-002)  
FOR PROPERTY LOCATED AT 3789 MAIN STREET  
(APN: 033-110-003-000)**

**WHEREAS**, a request for consideration of a three-year Time Extension Request for the Terra Blanca project entitlement was filed by Peter Diebitsch on behalf of Terra Blanca, LLC, a California limited liability company, the property owner, to allow a time extension in accordance with Chapter 17.64 (Permit Implementation, Time Limits, and Extensions) of the Town of Mammoth Lakes Municipal Code, for property located within the Mixed Lodging/Residential (MLR) zone at 3789 Main Street; and

**WHEREAS**, the Terra Blanca project entitlement includes Design Review (DR 22-002) and Tentative Tract Map (TTM 22-003), for the construction of a twelve-unit multi-family residential townhome development located in the Mixed Lodging/Residential zoning district as approved by the Planning and Economic Development Commission on November 8, 2022, via Resolution No. 2022-22; and

**WHEREAS**, the Planning and Economic Development Commission conducted an administrative hearing on the time extension request on February 12, 2025, 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 General Plan, Municipal Code, Design Guidelines, 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 all those approved with the original project approval; and

**WHEREAS**, pursuant to Government Code Section 66498.1, none of the conditions warranting denial or modification of the conditions of approval are present.

**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.**

#### **1. CEQA.**

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. As no changes to the approved project have occurred, this Time Extension Request is not subject to additional environmental review.

#### **2. MUNICIPAL CODE FINDINGS.**

##### **FINDINGS FOR THE TIME EXTENSION APPROVAL**

##### **Municipal Code Section 17.64.060.B(4)**

- 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 Zoning Code, 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 Zoning Code for the applicable permit; and*

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.

**SECTION 2. PLANNING AND ECONOMIC DEVELOPMENT COMMISSION ACTIONS.** The Planning and Economic Development Commission hereby takes the following actions:

1. Approves Time Extension Request 24-003 subject to the following conditions:
  - a. The approved Terra Blanca project entitlement (TTM 22-003 & DR 22-002), approved via Resolution No. PEDC 2022-22, shall be adhered to and maintained for the duration of this three-year time extension approval.
  - b. All conditions of approval for the Terra Blanca project entitlement (TTM 22-003 & DR 22-002), approved via PEDC Resolution No. 2022-22, shall be adhered to, or satisfied, prior to issuance of a Certificate of Occupancy.
  - c. The Terra Blanca project entitlement (TTM 22-003 & DR 22-002) shall become null and void on November 8, 2027. Additional time extension requests may be granted since the maximum allowable term of eight (8) years will not have been exhausted.

**PASSED AND ADOPTED** this 12<sup>th</sup> day of February 2025, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

---

Nolan Bobroff,  
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.

**APPLICANT:**

I, Peter Diebitsch, of Terra Blanca, LLC, a California limited liability company, the property owner, do hereby attest that I have read, and agree to, the conditions stipulated within this Determination of Approval.

\_\_\_\_\_  
Peter Diebitsch  
(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, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their 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