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

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RESOLUTION NO. PEDC 2017-11

**A RESOLUTION OF THE MAMMOTH LAKES PLANNING AND
ECONOMIC DEVELOPMENT COMMISSION
APPROVING MAJOR DESIGN REVIEW 16-012 AND
LOT LINE ADJUSTMENT 16-002
FOR THE CONSTRUCTION OF AN APPROXIMATELY
18,000 SQUARE FOOT GROCERY OUTLET STORE
LOCATED AT 37 AND 77 OLD MAMMOTH ROAD
(APNs: 035-120-007-000; 035-140-007-000)**

WHEREAS, a request for consideration of a major design review permit and lot line adjustment was filed by Best Development Group, LLC to construct an approximately 18,000 square-foot Grocery Outlet supermarket, in accordance with Chapter 17.88 (Design Review) of the Town of Mammoth Lakes Municipal Code and Chapter 17.37 (Lot Line Adjustments) of the Town's Subdivision Ordinance, for property located within the Downtown (D) zoning district at 37 and 77 Old Mammoth Road; and

WHEREAS, the Planning and Economic Development Commission conducted an administrative hearing on the application request on June 14, 2017, 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 exhibits;
2. The Town of Mammoth Lakes General Plan, Municipal Code, Subdivision Ordinance, and Design Guidelines and the California Subdivision Map Act;
3. Oral evidence submitted at the hearing;
4. Written evidence submitted at the hearing;

5. Project plans consisting of: Sheet(s) A0 – A7 dated 5/31/2017; Civil Sheets 1 dated 8/29/2016, C1 dated 3/29/2017, C2 dated 5/31/2017, and C3 – C4 dated 3/29/2017; Landscape Plan Sheet LC-1 dated 5/26/2017; and the Materials Board date stamped received by the Town of Mammoth Lakes 4/19/2017; incorporated herein by reference;
6. The Legal Description of the parcels and the Lot Line Adjustment Sketches and Site Plan prepared by Triad/Holmes Associates and submitted with the lot line adjustment application request, incorporated herein by reference.

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.

The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15332, In-Fill Development Projects, because the following criteria are met:

- a. The Project is consistent with the General Plan and Zoning Code because the Project meets the goals and purpose of the Downtown (D) zoning district and the Commercial 2 (C-2) land use designation since the proposed use of the site provides a ground-level pedestrian friendly retail commercial use. The Project design proposes to place the building adjacent to the street for 60% of the street frontage and place the parking along the sides and rear of the building in order to frame the street and provide an animated, pedestrian friendly environment.
- 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 sites are within the Town's Urban Growth Boundary (UGB); the sites total approximately 1.37 acres; and the sites are surrounded by retail, lodging, multi-family residential, and other urban uses.
- c. The Project sites have no value as habitat for endangered, rare, or threatened species since the site is heavily disturbed due to previous development that occurred on the site and the historic use of the sites for snow storage and temporary parking. Additionally, Condition of Approval 24 recommends completion of a nesting bird survey within three days of site disturbance to avoid disturbance of suitable nesting habitat.
- 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 permitted 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 or 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), and all comments received have been incorporated into the Project and/or conditions of approval. Additionally, at the time of building permit issuance, development impact fees (DIF) for police, vehicle circulation, storm drainage, and fire will be paid.

2. MUNICIPAL CODE FINDINGS.

FINDINGS FOR THE LOT LINE ADJUSTMENT (Town Subdivision Ordinance Section 17.37.080)

- a. *The lot which will result from the proposed lot line adjustment conforms to the applicable general plan, zoning and building code regulations in effect in the area.*

The resulting parcel complies with the Town's Subdivision Ordinance and conforms to the General Plan and Title 17 (Zoning) of the Municipal Code because the parcel conforms to the lot area, lot width, and lot depth standards for lots in the Downtown (D) zoning district and the larger lot size that will result from the lot line adjustment allows for the development of a new retail commercial use consistent with the Commercial 2 (C-2) land use designation. There is no applicable specific plan for the area.

- b. *The proposed lot line adjustment does not appear, under the circumstances of the particular case, to be detrimental to the health, safety, convenience or general welfare of persons residing or working in the neighborhood or to the general welfare of the Town.*

The proposed lot line adjustment will not be detrimental health, safety, convenience or general welfare of persons residing or working in the neighborhood or to the general welfare of the Town because the proposed use and development is consistent with the Downtown (D) zoning district allowed uses and development standards; the project was found to be categorically exempt under CEQA Guidelines 15332, In-Fill Development Projects; and no evidence has been presented to indicate any health or safety issues exist on the property.

FINDINGS FOR THE DESIGN REVIEW PERMIT (Municipal Code Section 17.88.660)

- a. *The project is consistent with the applicable standards and requirements of the Municipal Code.*

The project is consistent with the Municipal Code because the project is within the Downtown (D) zoning district and the proposed supermarket use is a permitted use in the Downtown (D) zone. Additionally, the project is consistent with all applicable development standards, including, but not limited to: lot size requirements, setbacks, floor area ratio (FAR), building placement standards,

height standards, parking and loading standards, commercial district supplemental standards, and snow storage.

- b. *The project is consistent with the General Plan and any applicable specific plan or master plan.*

The project is consistent with the General Plan because the project is within the Commercial 2 (C-2) land use designation, which is intended for medium- to large-scale commercial uses. The proposed supermarket is a medium- to large-scale commercial use that is consistent with the allowed floor area ratio (FAR) and development standards for the area. The project is consistent with the Economy Element of the General Plan because it will provide additional retail food shopping options and will create full-time year-round jobs. The project is consistent with the Community Design Element of the General Plan because the project is consistent with the Town's Design Guidelines (*Policy C.2.I*); the building massing is broken up through building wall- and roof modulations (*Policy C.2.L*); the colors and materials are appropriate to the area (*Policy C.2.T*); the height is below the maximum allowed height for the Downtown (D) zone (*Policy C.2.V*); the proposed landscaping is consistent with the Town and State landscape regulations (*Policy C.4.D*); and the exterior lighting is required to comply with the Town's exterior lighting requirements (*Policy C.5.A*).

- c. *The project is consistent with the Town of Mammoth Lakes Design Guidelines.*

The project is consistent with the Town of Mammoth Lakes Design Guidelines because the site design is pedestrian friendly and minimizes conflicts between pedestrian and vehicular circulation through the clear separation of pedestrian and vehicle areas; the building mass is broken up by varying building forms, roofs and facades, and the variation in materials and colors; the entrance is accentuated through architectural elements and landscaping, and is easily identifiable; the colors and materials are consistent with the allowed materials and appropriate to the area; and the landscaping is native and drought-tolerant, and the proposed plant species are consistent with the plant guides for Mammoth Lakes.

- d. *The project is consistent with the following additional Design Review Criteria (Zoning Code §17.88.050):*

1. The site design and building design elements combine together in an attractive and visually cohesive manner that is compatible with and complements the desired architectural and/or aesthetic character of the area and a mountain resort community, encourages increased pedestrian activity, and promotes compatibility among neighboring land uses because the project is consistent with the standards for the Downtown (D) zone, the Commercial 2 (C-2) land use designation, and the Design Guidelines. Additionally, the project is compatible with neighboring uses since the height is consistent with the adjacent commercial properties; the site design encourages pedestrian activity because of its close proximity to Old Mammoth Road and the adjacent transit stop and the separation between pedestrian and vehicle areas; and the building

façade has heavy-timber and steel accents that complement the mountain resort community.

2. The design of the streetscape is consistent with the character of the commercial district since the building height and size is at a scale that is appropriate for the area and frames the street; the materials and colors are varied to create visual interest; there are large storefront windows that will allow visibility into the store; and there is landscaping proposed that is appropriate for the region and will enhance the overall appearance of the streetscape.
3. The parking area is located to the sides and rear of the building in order to minimize visibility and prevent conflicts between vehicles and pedestrians. Additionally, the project is adjacent to a transit stop and sidewalk, which will allow easy access for transit users and pedestrians. Stormwater run-off will be minimized through on-site stormwater infrastructure that is required to be consistent with the Public Works Town Standards.
4. The project's outdoor lighting features are designed to complement the façade and provide for safety in the parking area. All exterior lighting is required to comply with the Town's outdoor lighting requirements.
5. The proposed landscaping consists of native, drought-tolerant plants that are appropriate for the region and will enhance the architectural character of the building through their placement on the site and variations in size between trees and shrubs. Additionally, the landscaping will minimize the visibility of the parking area and screen the parking and loading areas from adjacent properties.

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

1. Finds that this project is categorically exempt from the California Environmental Quality Act pursuant to Section 15332, In-Fill Development Projects; and
2. Approves Design Review 16-012 and Lot Line Adjustment 16-002 subject to the following conditions:

(SEE EXHIBIT "A"); and
3. Directs staff to file a Certificate of Compliance for the Lot Line Adjustment; and
4. Directs staff to file a Notice of Exemption.

PASSED AND ADOPTED this 14th day of June 2017, by the following vote, to
wit:

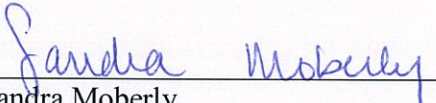
AYES: Callanan, Vanderhurst, Chang, Burrows

NAYS:


ABSENT:

ABSTAIN: Eckert

ATTEST:



Sandra Moberly,
Community and Economic Development
Manager



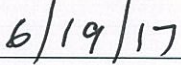
Amy Callanan,
Chair of the Mammoth Lakes Planning
and Economic Development
Commission

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

I, Terry Johnson, am the authorized signatory for Best Development Group, LLC and I do
hereby attest that I have read, and agree to, the conditions of approval stipulated within this
Resolution.



Terry Johnson, Best Development Group, LLC
(Notary Required)



Date

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 Sacramento

On June 19, 2017 before me, Jan Snyder, a Notary Public personally appeared Terry Johnson, 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 Jan Snyder (Seal)



EXHIBIT "A"
Resolution No. PEDC 2017-11
Case No. Design Review 16-012 and Lot Line Adjustment 16-002

PLANNING DIVISION CONDITIONS

STANDARD PLANNING CONDITIONS

1. This approval authorizes the following: An approximately 18,000 square foot supermarket and lot line adjustment to merge 37 and 77 Old Mammoth Road. A parking lot with 49 surface parking spaces and a trash enclosure will be constructed as part of the project. The project design and colors shall be consistent with the project plans consisting of: Sheet(s) A0 – A7 dated 5/31/2017; Civil Sheets 1 dated 8/29/2016, C1 dated 3/29/2017, C2 dated 5/31/2017, and C3 – C4 dated 3/29/2017; Landscape Plan Sheet LC-1 dated 5/26/2017; and the Project Materials Board date stamped by the Town of Mammoth Lakes 4/19/2017.
2. This permit and all rights hereunder shall automatically terminate unless the business operation, site preparation or construction has been commenced within two years after the issuance of this permit and such work is diligently carried on until completion, or an extension of time has been granted in accordance with Municipal Code Section 17.60.060.B.
3. 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.
4. 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.
5. 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.
6. 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.
7. All conditions of this permit shall be met or secured prior to final occupancy approval of any tenant improvements or new structures.

8. 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.
9. 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 this permit.
10. Prior to the issuance of a building permit, the applicant shall pay Development Impact Fees and all other fees as prescribed by ordinance.
11. 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.
12. The approved site and building plans shall be adhered to and maintained for the duration of the permit.
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. This shall be verified prior to issuance of a certificate of occupancy.
16. A valid building permit and a permit from the Mammoth Lakes Fire Protection District are required before any work can begin on-site.
17. Water and sewer improvements require a construction 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.
18. 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.

19. New or changed improvements, exterior illumination, elevations, designs, materials, or colors shall conform to the adopted Design Guidelines of the Town of Mammoth Lakes and will require review and approval from the Town of Mammoth Lakes Community and Economic Development Department or Planning and Economic Development Commission pursuant to Municipal Code Chapter 17.88 (*Design Review*).
20. A certificate of occupancy is required for all future tenant improvements within the subject structure. Tenant improvements shall identify occupancy separation requirements, disabled access requirements and compliance with all applicable building, electrical, plumbing, and fire code requirements.
21. Roof vents, exhaust, pipes and flues shall be combined and/or collected together and be out of public view to the greatest extent possible.
22. The public sidewalk and adjacent transit stop shall be maintained in a safe and usable condition during construction.
23. The trash enclosure shall have an appearance that is consistent with the primary structure and be constructed of similar materials and colors. All trash enclosures, receptacles, and food storage areas shall be animal resistant. Adequate space for recyclable materials shall be provided within the enclosure. The access for the trash enclosure shall comply with the requirements of Mammoth Disposal. This shall be reviewed and approved by the Community and Economic Development Department and the Public Works Department prior to issuance of a building permit and be verified for compliance prior to issuance of a certificate of occupancy.
24. Pursuant to the Federal Migratory Bird Treaty Act and California Fish and Game Code Sections 3503 and 3503.5, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird or bird-of-prey, except as otherwise provided by the Fish and Game Code or any regulation made pursuant thereto. Completion of a nesting bird survey by a biologist with relevant qualifications within three days of initiation of site disturbance is recommended for projects that have the potential to disturb suitable nesting habitat, which may include riparian vegetation, mature trees, snags, and structures.

SPECIAL PLANNING CONDITIONS

25. Prior to issuance of a building permit, the final roof color and the final design of the metal artwork proposed for the north and west elevations shall be subject to review and approval by the Community and Economic Development Manager upon a recommendation of the Planning and Economic Development Commission Design Committee.
26. A sign permit will be required prior to installation of any signage, and all signage shall comply with Municipal Code Chapter 17.48 (Signs) and the Town's Design Guidelines. The monument sign will require approval from the Planning and Economic Development Commission Design Committee. Depending on the number and size of the signs, a Master Sign Program may be required.

27. Prior to issuance of a certificate of occupancy for the project, all required vehicle and bicycle parking shall be reviewed and approved by the Community and Economic Development Department and the Public Works Department for compliance with the Municipal Code requirements and the Public Works Town Standards. The minimum number of vehicle parking spaces required for the project is 49 spaces and a minimum of nine (eight short-term and one long-term) bicycle parking spaces are required.
28. A final snow storage management plan for the hauling of snow in accordance with Municipal Code Section 17.36.110.B(3)(a) shall be submitted by the applicant and approved by the Community and Economic Development Department and Public Works Department. A covenant and agreement shall be recorded on title agreeing to remove snow from all required parking areas prior to issuance of a certificate of occupancy.
29. The employer shall encourage employees to use alternative transportation when traveling to work.
30. The Legal Description and Lot Line Adjustment Sketches and Site Plan shall be recorded with the Certificate of Compliance to merge the two subject parcels by the Mono County Recorder's Office prior to development of the site. Evidence of recordation shall be provided to the Town.
31. A landscape documentation package shall be required prior to issuance of a building permit and shall be consistent with the Preliminary Landscape Plan dated 5/26/2017. Said landscape documentation package shall conform with the requirements identified in Municipal Code Chapter 17.40 (Water Efficient Landscape Regulations).

All required landscaping and irrigation improvements shall be completed prior to the issuance of a certificate of occupancy for the project. A form of security listed in Government Code Section 66499(a) and acceptable to the Town shall be posted with the Town to the satisfaction of the Community and Economic Development Department for any required landscaping and irrigation improvements to be deferred and a schedule shall be submitted to the town for the construction of the deferred improvements. Deferral of the construction of any landscaping and/or irrigation improvements shall be at the sole discretion of the Community and Economic Development Department Director.

SPECIAL FIRE DISTRICT CONDITIONS

32. A fire hydrant on the east side of Old Mammoth Road within 50 feet of the fire sprinkler control room shall be provided. This shall be reviewed and approved by the Mammoth Lakes Fire Protection District prior to issuance of a building permit and installation shall be verified prior to issuance of a certificate of occupancy.
33. The structure shall comply with the Town and Mammoth Lakes Fire Protection District propane gas installation requirements. An isolation valve in the street and an excess flow/earthquake valve will be required as part of the installation.

34. The parking lot shall have adequate lighting for the safety of those using the parking lot and for emergency operations. All applicable requirements of Municipal Code Section 17.36.030 (Exterior Lighting) shall be met.
35. A knox box shall be provided at each public exit.
36. A manual and automatic, fully addressable and electronically supervised fire alarm system shall be installed.
37. All fire department equipment rooms and utility rooms shall be signed and identified.

SPECIAL ENGINEERING CONDITIONS

38. If any of the retaining wall cuts require site work beyond the subject property lines, a right of entry permit from the adjacent property owner(s) shall be required prior to any site disturbance on those properties.
39. The applicant shall obtain an engineered grading permit for the grading work and improvements required for the project prior to building permit issuance. In addition to the application, fee, and grading plans, the submittal shall include:
 - a. A Stormwater Pollution Prevention Plan (SWPPP) and National Pollutant Discharge Elimination System (NPDES) permit.
 - b. A Great Basin Air Pollution Control District (GBAPCD) permit.
 - c. A soils report for the subject site(s) and containing recommendations for retaining walls and foundation support for adjacent structures during construction.
40. 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 to inspect clearing limit fencing. The applicant shall obtain the necessary Timber Harvest Permit prior to any tree removal.
41. The grading plan shall include tree protection measures to address how construction can occur with minimal disturbance to the drip-line 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 plan, and as required by the Town.
42. 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.
43. All driveways shall be constructed in accordance with the driveway standards of the Town.
44. All export shall be taken to, and all import shall be taken from a permitted site, which shall be identified at grading permit issuance. The applicant shall prepare a haul route, subject to the approval of the Public Works Director prior to the import or export of material for the site.