

Attachment I

Planning and Economic Development Commission Resolution

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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-__

**A RESOLUTION OF THE MAMMOTH LAKES PLANNING AND
 ECONOMIC DEVELOPMENT COMMISSION
 APPROVING MAJOR DESIGN REVIEW 16-011
 FOR THE TOWN OF MAMMOTH LAKES MULTI-USE FACILITY
 LOCATED AT 686 OLD MAMMOTH ROAD
 (APNs: 040-140-001-000 and 040-140-002-000)**

WHEREAS, a request for consideration of a major design review permit was filed by the Town of Mammoth Lakes for the Multi-Use Facility, in accordance with Chapter 17.88 (Design Review) of the Town of Mammoth Lakes Municipal Code, for property located within the Public and Quasi-Public (P-QP) zoning district at 686 Old Mammoth Road; and

WHEREAS, the Planning and Economic Development Commission conducted an administrative hearing on the application request on October 11, 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, and Design Guidelines;
3. Oral evidence submitted at the hearing;
4. Written evidence submitted at the hearing;
5. Project plans consisting of: Sheet(s) A1.1, A2.1 – 2.3 dated 9/15/17; Rendered Elevations dated 9/15/17; Rendered Perspective Views dated 9/15/17; and the Materials Board dated 9/15/17, incorporated herein by reference;

6. Mammoth Creek Park West New Community Multi-Use Facilities Draft Environmental Impact Report (EIR), Final EIR, and associated technical appendices (collectively, the “Environmental Impact Report” or “EIR”) (State Clearinghouse No. 2016062009), incorporated herein by reference; and
7. Council Resolution 2017-38 making the California Environmental Quality Act (CEQA) findings, certifying the Mammoth Creek Park West New Community Multi-Use Facilities Final EIR, and adopting the Mitigation Monitoring and Reporting Program, 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.

**PUBLIC RESOURCES CODE SECTION 21166;
CEQA GUIDELINES SECTION 15162**

- a. The Town Council certified the Mammoth Creek Park West New Community Multi-Use Facilities Final EIR (Town Council Resolution 2017-38: the “Final EIR”) and made the required CEQA findings pursuant to CEQA Guidelines Section 15091 (Town Council Resolution 2017-38) prior to approving the Multi-Use Facility project (“Project”). Additionally, the Town Council adopted the Mammoth Creek Park West New Community Multi-Use Facilities EIR Mitigation Monitoring and Reporting Program (MMRP) (Town Council Resolution 2017-38), which includes mitigation measures to reduce all potentially significant impacts of the Project to less than significant levels.
- b. The major design review is necessary for implementation of the Project and was contemplated as a future discretionary action within the Final EIR.
- c. The environmental impacts of the major design review were fully and completely evaluated in the Final EIR.
- d. The Planning and Economic Development Commission (“Commission”) further finds that any comments received regarding the Project have been examined and determined to not modify the conclusions of the prior EIR. The Commission further finds that no additional feasible mitigation measures within the Commission’s authority are necessary to reduce the environmental impacts of the Project, because all impacts are either less than significant or will be mitigated to a level of less than significant through the imposition of enforceable mitigation. Finally, based on the substantial evidence set forth in the record, the Commission finds that none of the conditions triggering the need for subsequent environmental review have occurred. Specifically, the Commission finds that no subsequent environmental review is required pursuant to Public Resources Code section 21166 or State CEQA Guidelines section 15162 because:

1. No substantial changes are proposed in the Project which will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. No substantial changes have occurred with respect to the circumstances under which the Project is being undertaken which will require major revisions of the EIR due to the involvement of new significant, environmental effects or a substantial increase in the severity of previously identified significant effects; and
3. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified, shows that: (1) either the Project will have one or more new significant effects; (2) significant effects examined in the EIR will be substantially more severe; (3) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the Commission declined to adopt the measure or alternative; or (4) mitigation measures or alternatives which are considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment, but the Commission declines to adopt the measure or alternative.

2. MUNICIPAL CODE FINDINGS.

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 Public and Quasi-Public Zoning District (P-QP) and the proposed multi-use facility is a permitted use in the P-QP zone. Additionally, the project is consistent with all applicable development standards, including, but not limited to: setbacks, building height, parking, 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 Open Space (OS) land use designation, which allows for public parks, athletic facilities, and community gathering spaces and supporting facilities. The project is consistent with the Economy Element of the General Plan because it will contribute to the goal of becoming a sustainable, year-round economy (*Goal E.1*) and will provide a recreational asset for the community (*Goal E.2*). 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-modulations and variations in colors and

materials (*Policy C.2.L*); the colors and materials are appropriate to the area (*Policy C.2.T*); the height is consistent with the maximum allowed height for the Public and Quasi-Public (P-QP) zone (*Policy C.2.V*); glare and light pollution will be minimized (*Goal C.5*); and exterior noise will be minimized as a result of the partially enclosed building design (*Goal C.6*).

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 structure is sited the maximum distances away from the adjacent residential uses and sensitive environmental resources while still allowing for the continuation of the existing Mammoth Creek Park facilities; the building mass is broken up by varying building forms and the variation in materials and colors; and the colors and materials are consistent with the recommended materials and are appropriate to the area. The roof structure provides the maximum visual interest possible while still maintaining the necessary large unsupported open ice rink area and structural roof integrity. The roof color is consistent with the Design Guidelines because the color has a matte non-reflective finish and the lighter color will minimize radiant heating of the ice surface.

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 Town's Design Guidelines and utilizes materials and colors that complement the area and the mountain resort community. Additionally, the project is compatible with neighboring uses since the height is consistent with the allowed height in the adjacent residential areas and the site design encourages pedestrian activity because of its close proximity to Old Mammoth Road and the adjacent transit stop.
2. The expanded parking area is located to the side of the building in order to minimize visibility. Additionally, the project is adjacent to a transit stop, which will allow easy access for transit users. Stormwater run-off will be minimized through on-site stormwater infrastructure that is required to be consistent with the Public Works Town Standards.
3. The project's outdoor lighting features are designed to complement the structure and provide for safety in the parking area. All exterior lighting is required to comply with the Town's outdoor lighting requirements and will be consistent with the outdoor lighting used on other Town facilities throughout town.
4. The proposed landscaping consists of existing landscaped areas and areas planted with native, drought-tolerant plants and trees that are appropriate for the region and will enhance the architectural character of the building through their placement on the site. The landscaping is required to meet the

minimum requirements pursuant to the Municipal Code parking area landscaping requirements and a minimum landscape area of 10% of the gross parking area and one tree for every five parking spaces will be provided.

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

1. Approves Design Review 16-011 subject to the following conditions:
(SEE EXHIBIT "A"); and
2. Directs staff to file a Notice of Determination.

PASSED AND ADOPTED this 11th day of October 2017, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

Sandra Moberly,
Community and Economic Development
Director

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, Daniel C. Holler, am the authorized signatory for Town of Mammoth Lakes and I do hereby attest that I have read, and agree to, the conditions of approval stipulated within this Resolution.

Daniel C. Holler
Town of Mammoth Lakes
(Notary Required)

Date

EXHIBIT “A”
Resolution No. PEDC 2017-__
Case No. Design Review 16-011

PLANNING DIVISION CONDITIONS

STANDARD PLANNING CONDITIONS

1. This approval authorizes the following: An Olympic-sized ice rink and associated support features covered by an approximately 30,000 square foot structure and an attached adjacent building that will include the lobby/viewing area, lockers/restrooms, office space, concessions area, and a 2,500 sf community center. A parking lot with 36 surface parking spaces, a trash enclosure, and reconfiguration and improvements to the playground area will be constructed as part of the project. The project design and colors shall be substantially consistent with the project plans consisting of: Sheet(s) A1.1, A2.1 – 2.3 dated 9/15/17; Rendered Elevations dated 9/15/17; Rendered Perspective Views dated 9/15/17; and the Materials Board dated 9/15/17.
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, unless those fees are waived by the Town Council.
11. The approved site and building plans shall be adhered to and maintained for the duration of the permit.
12. 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.
13. 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.
14. A valid building permit and a permit from the Mammoth Lakes Fire Protection District are required before any work can begin on-site.
15. 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.
16. 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.
17. 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*).
18. 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.

19. Roof vents, exhaust, pipes and flues shall be combined and/or collected together and be out of public view to the greatest extent possible.
20. The existing public paths and circulation elements of Mammoth Creek Park West shall be maintained in a safe and usable condition during construction.
21. 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.
22. 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

23. 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. If a monument sign is installed, the monument sign will require approval from the Planning and Economic Development Commission Design Committee.
24. 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 36 additional spaces beyond the existing 44 spaces and the minimum number of bicycle parking spaces required for the project is 17 spaces (14 short-term and three long-term).
25. A landscape documentation package shall be required prior to issuance of the certificate of occupancy and shall be consistent with the Preliminary Landscape Plan dated 9/15/2017. 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. 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.

26. The emergency access road shall be constructed to meet the Mammoth Lakes Fire Protection District and Town Public Work standards.
27. The project shall comply with all of the mitigation measures identified in the Mammoth Creek Park West New Community Multi-Use Facilities Environmental Impact Report Mitigation Monitoring and Reporting Program, incorporated herein by reference.

SPECIAL ENGINEERING CONDITIONS

28. 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.
29. 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.
30. 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.
31. 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.