

TOWN COUNCIL STAFF REPORT

Subject: Appeal of the Planning and Economic Development Commission's determination that the Grocery Outlet project consisting of Design Review 16-012 and Lot Line Adjustment 16-002 is categorically exempt pursuant to Section 15332, In-Fill Development Projects, of the California Environmental Quality Act (CEQA) Guidelines.

Meeting Date: July 19, 2017

Written by: Nolan Bobroff, Assistant Planner

RECOMMENDATION:

Staff recommends that the Town Council choose Option 1:

- Determine that substantial evidence exists to support the Planning and Economic Development Commission's determination that the Grocery Outlet project consisting of Design Review 16-012 and Lot Line Adjustment 16-002 meets the criteria for a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, In-Fill Development Projects, and to deny the appeal; and
- Affirm the Planning and Economic Development Commission's approval of the Grocery Outlet project consisting of Design Review 16-012 and Lot Line Adjustment 16-002.

BACKGROUND:

Project

Developers representing Grocery Outlet are proposing to construct an approximately 18,000 square foot supermarket on 1.37 acres of vacant land located at 37 and 77 Old Mammoth Road in the Downtown (D) zoning district. The site will have 49 parking spaces available for customers and staff. Pursuant to the Municipal Code, the use is classified as a General Retail use and the use is permitted outright in the Downtown (D) zoning district. The project required approval of Major Design Review since it is a new construction project located in a commercial zoning district and a lot line adjustment to merge the two parcels since the proposed building spans both properties.

Planning and Economic Development Commission Approval

On June 14, 2017, the Planning and Economic Development Commission ("Commission") held an administrative hearing and approved the Grocery Outlet project consisting of Design Review (DR) 16-012 and Lot Line Adjustment (LLA) 16-002 with a modification to Condition of Approval #25 requiring the final roof color be reviewed and approved by the Commission Design Committee and the Community and Economic Development Manager. The vote was 4-0, with one Commissioner abstaining due to a potential conflict of interest.

The factual and legal basis on which the Commission approved the Grocery Outlet project is identified in the Commission’s packet and resolution (Attachment 4 and 5). This basis includes, but is not limited to, the:

- California Environmental Quality Act (CEQA);
- Mammoth Lakes General Plan, Municipal Code, and Design Guidelines; and
- Grocery Outlet project plans and information.

Appeal

On June 29, 2017, an appeal of the Commission’s determination that the Grocery Outlet project qualified for a categorical exemption from the California Environmental Quality Act (CEQA) was filed by Grundman Law on behalf of “Sustainable Mammoth Lakes” (Attachment 2). The appellant states that the Grocery Outlet project was approved without environmental review and requests the Town Council require the applicant conduct a complete environmental review of the project. The appellant’s concerns are identified and responded to in the Analysis/Discussion section below.

Council’s Role in the Appeal Process

The Town Council is the appeal body for this project. The Council’s role in this appeal process is described in Municipal Code Section 17.104.030.E and summarized below:

- The Council may consider any issue involving the matter appealed, in addition to the specific grounds for the appeal.
- No new evidence shall be presented at the hearing unless that new information was not previously available or the party presenting the new information could not have known about the project review process.
- The Council may take the following actions:
 - Affirm or uphold the Commission’s approval, if the Council finds that there is substantial evidence supporting the Commission’s approval;
 - Affirm the Commission’s approval in part, such as approving the project with revised or additional conditions of approval;
 - Refer the item back to the Commission and direct staff to complete additional environmental review;
 - Reverse or deny the Commission’s approval, if the Council finds that there is not substantial evidence supporting the Commission’s approval.

Project Summary

Developers representing Grocery Outlet are proposing to construct an approximately 18,000 square foot (sf) supermarket on 1.37 acres of vacant land located at 37 and 77 Old Mammoth Road (see Figure 1 – Location Map) in the Downtown (D) zoning district (“Project”). The total building footprint will be approximately 19,850 sf.¹ The floor area ratio (FAR) of the Project is 0.33.

¹ The additional building footprint areas are comprised of an entry vestibule, a covered porch, a covered truck door, and an equipment enclosure and are not counted as building area.

The site plan for the proposed supermarket shows 49 parking spaces, which is consistent with the requirements of the Municipal Code based on a gross leasable area of 16,329 sf.² The proposed building will be located on the western boundary of the site directly adjacent to Old Mammoth Road with parking located to the side and rear of the site in order to screen the parking area from view as much as possible. Access to the site will be from Old Mammoth Road via driveways located on the north and south ends of the site and from the transit stop and sidewalk located adjacent to the site along Old Mammoth Road.

Figure 1 – Location Map



Other site features include a trash enclosure in the southeast corner of the site, a truck delivery ramp/loading dock located on the east side of the building outside of public view, and landscaping throughout the site.

The building will be single-story and range in height from approximately 20 – 31 feet. The west (facing Old Mammoth Road) and north (facing the Shell station/Main Street) elevations have a series of roof gables designed to create roof and wall plane modulation and the gables have exposed wood framing elements providing visual interest. The primary store entrance is oriented toward Old Mammoth Road and the west and north elevations have large windows providing building transparency. The proposed colors consist of shades of brown, tan, green, and red, which are consistent with the Town's color handbook

² 1,671 sf of the building is considered to be common area and is excluded from the gross leasable area. These areas include hallways, restrooms, and janitorial areas.

and the Grocery Outlet trademark colors. On the west and north elevations, metal artwork providing symbolic representations of the area will be incorporated into the design, which will assist in breaking up the building massing. The developer has committed to working with local artists on the artwork design and the final design of the artwork is required to be approved by the Commission Design Committee prior to installation.

Pursuant to the Town's design review requirements (Municipal Code Chapter 17.88), the Project required Major Design Review approval by the Commissions because it is located in a commercial zoning district. A lot line adjustment to merge the two parcels was also required because the proposed building spans both properties. The Commission found the Project to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, In-Fill Development Projects, because the Project met all of the criteria for the exemption. A Notice of Exemption (NOE) was filed with the Mono County Clerk's Office on June 16, 2017 and was posted for a 30-day period ending on July 19, 2017 (see Attachment 3).

The site plan and building elevations are included in the Commission packet (Attachment 5).

ANALYSIS:

This section identified and responds to each of the items raised by the appellant in the appeal (Attachment 2):

1. ***“Approval of the project without environment review, i.e., exemption from California Environmental Quality Act. Appellant requests Commission require applicant to conduct complete environmental review of the project”***

As discussed in Section 8, Environmental Analysis, of the June 14th Commission staff report, the Project was found to be categorically exempt pursuant to Section 15332, In-Fill Development Projects, of the California Environmental Quality Act (CEQA) Guidelines. Pursuant to CEQA Guidelines Section 15002(k)(1), when a project is exempt from CEQA, the environmental review process does not need to proceed any further and the agency may file a Notice of Exemption with the County Clerk once the project has been approved. The Project was approved by the Commission on June 14, 2017 and a Notice of Exemption was filed with the Mono County Clerk's Office two days later on June 16, 2017, and was posted for a 30-day period ending on July 19, 2017 (see Attachment 3).

The Project qualifies for the In-Fill Development Projects exemption because the following criteria are met:

- a. *The Project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*

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. Additionally, pursuant to Municipal Code (i.e., Zoning Code) Section 17.144.040 (*Retail Use Classifications*) the use of the site as a supermarket is considered a General Retail use, which pursuant to Municipal Code Table 17.24.020 (*Allowed Uses and Permit Requirements for Commercial Zoning Districts*) is permitted outright in the Downtown (D) zoning district meaning no additional use permit or administrative permit is required. Furthermore, the Project is consistent with all applicable development standards of the Zoning Code, 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. The design of the Project was found to be consistent with Municipal Code Chapter 17.88 (*Design Review*) 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.

- b. *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*

The proposed development is located within the Town's Urban Growth Boundary (UGB), which is located entirely within the Town's city limits and the project sites total approximately 1.37 acres. Additionally, the project site is surrounded by urban uses including retail, lodging, and multi-family residential uses.

- c. *The project site has no value as habitat for endangered, rare or threatened species.*

The Project sites have no value as habitat for endangered, rare, or threatened species since the site is heavily disturbed due to the previous use of the site as a restaurant from approximately 1950 – 2000 and the historic use of the sites for snow storage during the winter months and temporary parking during the summer months. Additionally, completion of a nesting bird survey by a qualified biologist is required within three days of construction site disturbance in order to avoid the disturbance of suitable nesting habitat.

- d. *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*

The Project would not result in any significant effects relating to traffic, noise, air quality, or water quality since the Project is consistent with the allowed uses and 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 permit and approvals for construction, including, but not limited to a building permit, an engineered grading permit, a Stormwater Pollution Prevention Plan (SWPPP), a National Pollutant Discharge Elimination System (NPDES) permit, and a Great Basin Air Pollution Control District (GBAPCD) permit. Additionally, with regards to traffic and air quality, the Project will be developed at a much lower development intensity than what was previously analyzed in the 2016 Mobility Element Update Environmental Impact Report (EIR), which analyzed traffic using a full buildout scenario. At full buildout, the Mobility Element Update analysis found no change to the level of service (LOS) at the intersection of Old Mammoth Road and Highway 203 (i.e., Main Street), resulted in no exceedances to the carrying capacity of Old Mammoth Road in the vicinity of the Project site, and did not exceed the vehicle miles traveled (VMT) cap established in the Town's Air Quality Management Plan (AQMP). Therefore, since the proposed use and size of the Project is consistent with the zoning and general plan designations for the site, the Project will be developed at a lower development intensity than the maximum permitted, and the development intensity will be significantly less than what was previously analyzed in the 2016 Mobility Element Update EIR, it can be reasonably determined that no impacts to traffic or air quality would result from the operations of the project.

- e. *The site can be adequately served by all required utilities and public services.*

The site is located in the developed downtown commercial core of the town and all required utilities and services are currently located on the site and/or can be extended to the site. The Project plans were reviewed by the Mammoth Community Water District (MCWD), which provides water and sewer services for the Town, and the MCWD had no issues or concerns with the proposed use or their ability to provide water and sewer services to the Project site. Additionally, the Project plans were reviewed by the Mammoth Lakes Fire Protection District (MLFPD), which provides fire protection services for the Town, and the MLFPD was satisfied that adequate water availability for fire suppression would be available via an additional fire hydrant that is required to be installed on the east side of Old Mammoth Road adjacent to the Project site and the site plan provided adequate access for emergency vehicles. Trash services for the Town are provided by Mammoth Disposal and an appropriately sized trash enclosure will be located in the southeast corner of the site, which is an easily accessible location for the trash collection vehicle. Furthermore, at the time of building permit issuance, development impact fees (DIFs) for police, vehicle circulation, storm drainage, and fire are required to be paid by the applicant in order to finance the cost of future public facilities and improvements for the Town.

The CEQA Guidelines state that CEQA exemptions, such as the In-Fill Development Projects exemption utilized for the Grocery Outlet project, are inapplicable when any of the exceptions set forth in CEQA Guidelines Section 15300.2 are present. None of those exceptions are applicable to the Grocery Outlet project because:

- a. *Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

In-Fill Development Projects are classified as Class 32 by the California Secretary for Resources and are not subject to the special circumstances applicable to projects classified as Classes 3, 4, 5, 6, and 11.

- b. *Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

The cumulative impact from successive projects of the same type in the same place, over time will not be significant since other projects in the vicinity of the Grocery Outlet project contain developments that are similar to the proposed Project in terms of use (i.e., retail and other commercial uses); the proposed Project is consistent with the allowable floor area ratio (FAR), building height standards, and parking and loading standards; and future commercial projects, as well as the proposed Project are all required to comply with the Town's Design Review process and Design Guidelines, Municipal Code, Public Works Standards, General Plan, CEQA, the California Building Code, the Fire Code, and Federal Regulations, such as the Clean Water Act, Endangered Species Act, and Clean Air Act. Cumulatively significant impacts to air quality, aesthetics, geology/soils, hydrology/water quality, land use/planning, noise, public services, recreation, transportation/traffic, and utilities/service systems would be avoided by compliance with the foregoing requirements and all such impacts were anticipated, analyzed, and mitigated to the extent feasible under the provisions of the environmental impact report adopted for the Town's General Plan.

- c. *Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

The proposed Project is consistent with all development and design standards of the Zoning Code and the Design Guidelines and will be located on an appropriately zoned commercial site that is disturbed from previous development and use. Therefore, there are no unusual circumstances applicable to the site or the Project.

- d. *Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.*

The Project site is not adjacent to a highway officially designated as a state scenic highway, and therefore there is no possibility of damage to scenic resources as a result of the Project.

- e. *Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

The Project site is not located on a hazardous waste site pursuant to the list of Hazardous Waste and Substances maintained by the Town and included in the standard Planning Permit Application. Additionally, this determination is further supported by the Phase I Environmental Site Assessment that was completed for the Project sites by EMG in September 2016 and provided as part of the initial application package to the Town in November 2016, which found no evidence of hazardous and/or petroleum products on the Project site.

- f. *Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

The Project site is located in the developed downtown commercial core of the town and there are no established historical resources in the vicinity of the Project site, and therefore there is no possibility of causing a substantial adverse change in the significance of an established historical resource as a result of the Project.

Therefore, since the Project meets all of the criteria to qualify for the In-Fill Development Projects categorical exemption pursuant to CEQA Guidelines Section 15332, and none of the exceptions set forth in CEQA Guidelines Section 15300.2 are applicable, no additional environmental review is warranted or necessary and the CEQA exemption is appropriate.

- 2. ***“There was no detailed traffic study conducted; staff suggested a larger traffic study had been conducted, but nothing specific to the site, which is near the busy intersection of Highway 203 and Old Mammoth Road.”***

The Environmental Impact Report (EIR) (State Clearinghouse #2015052072) prepared for the Land Use Element/Zoning Code Amendments related to the implementation of a 2.0 floor area ratio (FAR) for the commercially zoned areas and the Mobility Element Update that was certified by the Town in December 2016 included a Traffic Impact Analysis, and evaluated traffic at a full buildout scenario for the entire Town. The Traffic Impact Analysis found that there was no change to the level of service (LOS) at the intersection of Old Mammoth Road and Highway 203 (i.e., Main Street) nor was the roadway capacity of Old Mammoth Road exceeded under any of the scenarios analyzed in the traffic study. Furthermore, that EIR did not propose any mitigation measures for the segment of road adjacent to the project site, since at full buildout, the LOS would not change and the roadway capacity would not be exceeded. The Traffic Impact Analysis completed for the Mobility Element Update EIR applied a 2.0 FAR to all vacant land in the commercial zones for the full buildout scenario, which included the subject vacant Project sites. The proposed development on the Project sites will be at a much lower development intensity than what was analyzed in the Mobility Element Update EIR and will have an FAR of 0.33, which is approximately one-sixth of the

floor area that was used in the full buildout scenario in the Mobility Element Update traffic analysis. Therefore, it can be reasonably determined that the traffic generated from the site will not change the LOS at the intersection of Old Mammoth Road and Highway 203 nor will the roadway capacity of Old Mammoth Road be exceeded since the development intensity of the site will be much lower than the maximum development intensity permitted and the development intensity analyzed for the Mobility Element Update. Additionally, the Project's close proximity to a transit stop will further reduce the amount of vehicles trips generated by the Project.

Therefore, since the Project conforms to all Town parking and development standards and the traffic generated from the site was previously analyzed at a much higher development intensity and it has been demonstrated that even at full buildout of the commercial area, the roadway capacity would not be exceeded and the LOS would not change, no additional traffic study is warranted.

3. ***Despite requests for modifications of the parking plan, none was made available for public review at the relevant hearing. The nature of the parking orientation could add to traffic queuing and thus have air quality ramifications resulting from automobile emissions.***

As discussed in Table 6, Design Committee Comments, in the June 14th Commission staff report, the site plans reviewed by the Commission Design Committee at the December 12, 2016 and the May 11, 2017 Design Committee meetings showed 42 parking spaces and was deemed inadequate by staff for the proposed retail use. Staff and the applicant analyzed the site plan and determined that there was space for seven (7) additional parking spaces, bringing the total to 49 spaces. As discussed in the June 14th Commission staff report and the *Project Summary* section above, 49 parking spaces is consistent with the parking requirements of the Municipal Code (*Municipal Code Table 17.44.030(B)*) for retail uses based on a gross leasable area of 16,329 square feet. Per the Design Committee's direction, the revised site plan showing 49 parking spaces was reviewed by staff and the Mammoth Lakes Fire Protection District (MLFPD) for conformance with Town standards and Fire Code standards, and was provided to the Commission in the June 14th Commission staff report. The Commission staff report packet was made available for public review on June 8, 2017.

Regarding the parking orientation, Municipal Code Section 17.24.030.E (*Limitations on Location of Parking*) requires buildings be placed as close to the street as possible, with parking behind a building or on the interior side of the site. The proposed parking orientation is consistent with this requirements since all parking is located to the rear and interior sides of the site with the building located as close to the street as possible. The site has two driveway entrances from Old Mammoth Road and has two-way drive aisles around the entire building in order to reduce traffic queuing and circulation conflicts for vehicles entering and exiting the Project site. For vehicles entering the Project site, there is a center turn lane along Old Mammoth Road for vehicles turning left into the Project site in order to reduce traffic queuing on Old Mammoth Road and avoid traffic impacts for vehicles traveling south on Old Mammoth Road.

Regarding air quality impacts from the operations of the Project, the Traffic Impact Analysis prepared for the 2016 Mobility Element Update EIR analyzed the vehicle

miles travelled (VMT) at full Town buildout conditions.³ The analysis found that the VMT at full buildout was less than the VMT cap in the Town's Air Quality Management Plan (AQMP), and therefore air quality impacts from the operation of projects under a full buildout scenario would be less than significant. The proposed development on the Project sites will be at a significantly lower development intensity than what was analyzed in the Mobility Element Update EIR and will have an FAR of 0.33, which is approximately one-sixth of the floor area that was used in the full buildout scenario in the Mobility Element Update traffic analysis. Therefore, it can be reasonably determined that the air quality impacts related to the operations of the site and vehicle emissions would not exceed any thresholds in the Town's AQMP since the development intensity of the site will be significantly lower than what was previously analyzed for the Mobility Element Update and the Project fully conforms with all Town parking design and operational standards.

4. ***“A fair argument exists that there will be significant environmental impacts due to increased traffic, tree removal, and on the built environment through urban decay as a result of the nature and types of uses contemplated for the site.”***

As provided in Response 1.d and 2 above, it can be reasonably determined that there will be no impacts to traffic since the project will be developed at a lower development intensity than the maximum permitted and at full buildout, the Mobility Element Update EIR certified in 2016 found no change to the level of service (LOS) at the intersection of Old Mammoth Road and Highway 203 (i.e., Main Street) and resulted in no exceedances to the carrying capacity of Old Mammoth Road in the vicinity of the Project site.

Regarding tree removal, 43 trees will be removed during construction activities and the preliminary landscape plan indicates 45 trees will be on the site after revegetation. Due to the prior development that occurred on the sites and the historic use of the sites for snow storage and other temporary uses, the sites are heavily disturbed and the existing trees are not considered to be large or significant trees. Consistent with General Plan Policy C.2.O, all trees that will be replanted on the site are required to be either native or compatible non-native species and will meet or exceed the minimum replacement tree size specified in Municipal Code Section 17.36.140.I (*Mitigation for Tree Removal*). Therefore, tree removal is not a significant impact since the tree removal is being mitigated in a manner consistent with the Municipal Code and the General Plan.

The proposed supermarket use is considered a General Retail use pursuant to Municipal Code Section 17.144.040 (*Retail Use Classifications*) and pursuant to Municipal Code Table 17.24.020 (*Allowed Uses and Permit Requirements for Commercial Zoning Districts*), General Retail uses are permitted outright in the Downtown (D) zoning district, meaning no additional use or administrative permit is required. Additionally, the proposed Project complies with all applicable commercial development standards of the Zoning Code and the design of the Project was found to be consistent with Municipal Code Chapter 17.88 (*Design Review*) and the Town's Design Guidelines.

³ Buildout included existing development, residential development at the allowable densities, and commercial development of vacant land at a 2.0 FAR. The project site was included and analyzed at a 2.0 FAR since it is vacant land.

The proposed Project is a permitted use, it will be located in an appropriate downtown commercial location, the building is consistent with all development standards of the Zoning Code and is requesting no variances from the Zoning Code, and the design of the building is consistent with the Town's Design Guidelines. Therefore, the use and/or design of the building are consistent with the goals and policies of the General Plan and the Zoning Code, and there is no evidence supporting the claim that the Project will impact the built environment.

5. ***“The project was not adequately noticed to the community, per staff’s own statements at the hearing.”***

Pursuant to the Zoning Code, the Project required approval of major design review and a lot line adjustment, neither of which require a public hearing or public noticing. Pursuant to Municipal Code Section 17.88.030.C(1), the review authority for major design review is the Commission, and therefore the item was presented to the Commission on June 14th as an administrative item. Pursuant to the Zoning Code and/or the CA Subdivision Map Act, projects requiring a public hearing/noticing include use permits, variances, tentative maps, development agreements, general plan amendments, zoning code amendments, specific plan adoption/amendments, and master plan adoption/amendments. Since the Grocery Outlet project did not require any of those approvals or entitlements, no public hearing/noticing was required. Additionally, since the project was determined to be categorically exempt from CEQA, no public review period was required since there was no negative declaration or environmental impact report required for the project and pursuant to CEQA Guidelines Section 15002(k)(1), when a project is exempt from CEQA, the environmental review process does not need to proceed any further.

6. ***“No rationale for exemption from the requirements of the California Environmental Quality Act was offered and made available for public review.”***

The rationale for the exemption from the California Environmental Quality Act (CEQA) was provided in Section 8, Environmental Analysis of the June 14th Commission staff report and restated in Item 1, above. The Commission staff report providing the rationale for the exemption from CEQA was made available for public review on June 8, 2017 and as indicated in item 5, above, no public notice was required since the project was not a public hearing and public review was not required by CEQA since the project was found to be categorically exempt.

Any additional comments that raise new issues and are provided after the staff report is published will be addressed by staff orally at the Council meeting.

OPTIONS ANALYSIS

Option 1.

- Determine that substantial evidence exists to support the Planning and Economic Development Commission’s determination that the Grocery Outlet project consisting of Design Review 16-012 and Lot Line Adjustment 16-002 meets the criteria for a categorical exemption from the California

Environmental Quality Act (CEQA) pursuant to Guidelines Section 15332, In-Fill Development Projects, and to deny the appeal; and

- Affirm the Planning and Economic Development Commission's approval of the Grocery Outlet project consisting of Design Review 16-012 and Lot Line Adjustment 16-002.

Option 2. Affirm in part the Planning and Economic Development Commission's approval of the Grocery Outlet project consisting of Design Review 16-012 and Lot Line Adjustment 16-002.

Option 3. Continue the consideration of the appeal to the August 2, 2017 meeting.

Option 4. Refer the item back to the Planning and Economic Development Commission and direct staff to complete additional environmental review.

Option 5. Reverse the Planning and Economic Development Commission's approval and deny the Grocery Outlet project consisting of Design Review 16-012 and Lot Line Adjustment 16-002.

Option 1 would affirm the Planning and Economic Development Commission's determination that the Grocery Outlet project is categorically exempt from CEQA and decision to approve the Grocery Outlet project.

Option 2 would affirm the Planning and Economic Development Commission's determination that the Grocery Outlet project is categorically exempt from CEQA and decision to approve the Grocery Outlet project with revised or additional conditions of approval.

Option 3 would continue the Council's consideration of the appeal to the next regular Council meeting on August 2, 2017. This option may be selected if the Council requests additional information or analysis.

Option 4 would refer the decision back to the Planning and Economic Development Commission and would require additional environmental review prior to the Commission's re-consideration of the item.

Option 5 would deny the Grocery Outlet project. The Town Council would need to make findings for denial. The property owner would have to submit a substantially different project for consideration, or the property owner would have to wait one year to submit a project that is substantially similar to the Grocery Outlet project.

FINANCIAL CONSIDERATIONS:

The required appeal fee has been paid to cover staff time associated with processing the appeal.

ENVIRONMENTAL CONSIDERATIONS:

Staff determined that the project is categorically exempt pursuant to Section 15332, In-Fill Development Projects, of the California Environmental Quality Act (CEQA) Guidelines.

A description of how the project qualifies for this exemption if included in item 1 of Analysis/Discussion, above.

LEGAL CONSIDERATIONS:

The Town Attorney has reviewed the staff report and attachments and his comments have been incorporated into this staff report.

ATTACHMENTS:

Attachment 1: Town Council Resolution affirming the Planning and Economic Development Commission's approval of the Grocery Outlet Project

Attachment 2: Appeal

Attachment 3: Notice of Exemption

Attachment 4: Planning and Economic Development Commission Resolution 2017-11 approving the Grocery Outlet Project

Attachment 5: Planning and Economic Development Commission June 14, 2017 Staff Report for the Grocery Outlet Project

BLANK PAGE

Attachment I

**Town Council Resolution affirming the
Planning and Economic Development Commission's
approval of the Grocery Outlet project**

BLANK PAGE

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. 2017-__

**A RESOLUTION OF THE MAMMOTH LAKES TOWN COUNCIL
 AFFIRMING THE PLANNING AND ECONOMIC DEVELOPMENT
 COMMISSION'S APPROVAL OF 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.

WHEREAS, following the receipt of all oral and written comments, the Planning and Economic Development Commission approved Major Design Review 16-012 and Lot Line Adjustment via Resolution No. PEDC 2017-11 with a 4-0 vote; and

WHEREAS, on June 29, 2017 an appeal was filed against the Planning and Economic Development Commission's determination that the project was categorically exempt from the California Environmental Quality Act (CEQA); and

WHEREAS, the Town Council conducted a hearing on the appeal request on July 19, 2017, at which time all those desiring to be heard were heard; and

WHEREAS, the Town Council considered without limitation:

1. The staff report to the Town Council with exhibits and attachments;
2. The June 14, 2017 staff report to the Planning and Economic Development Commission with exhibits and attachments, including public comments and handouts provided at the June 14, 2017 Planning and Economic Development Commission meeting;
3. The Town of Mammoth Lakes General Plan, Municipal Code, Subdivision Ordinance, and Design Guidelines and the California Subdivision Map Act;
4. Oral evidence submitted at the hearing;
5. Written evidence submitted at the hearing;
6. 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; and
7. 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 TOWN COUNCIL 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. Additionally, pursuant to Municipal Code (i.e., Zoning Code) Section 17.144.040 (*Retail Use Classifications*) the use of the site as a supermarket is considered a General Retail use, which pursuant to Municipal Code Table 17.24.020 (*Allowed Uses and Permit Requirements for Commercial Zoning Districts*) is permitted outright in the Downtown (D) zoning district. Furthermore, the Project is consistent with all applicable development standards of the Zoning Code, 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 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), which is located entirely within the Town's city limits; 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 the previous use of the site as a restaurant from approximately 1950 - 2000 and the historic use of the sites for snow storage and temporary parking. Additionally, Condition of Approval 24 requires completion of a nesting bird survey within three days of construction site disturbance to avoid the 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 including, but not limited to a building permit, an engineered grading permit, approval of a Stormwater Pollution Prevention Plan (SWPPP), a National Pollutant Discharge Elimination System (NPDES) permit, and a Great Basin Air Pollution Control District (GBAPCD) permit. 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. TOWN COUNCIL ACTIONS. Based on all the findings and all the evidence in the record of proceedings in this matter, the Town Council hereby takes the following actions:

1. Determines that substantial evidence exists to support the Planning and Economic Development Commission's determination that the Grocery Outlet project consisting of Major Design Review 16-012 and Lot Line Adjustment 16-002 meets the criteria for a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, In-Fill Development Projects, and to deny the appeal;
2. Affirms the Planning and Economic Development Commission's approval of the Grocery Outlet project consisting of Major Design Review 16-012 and Lot Line Adjustment 16-002;
3. Finds that this project is categorically exempt pursuant to Section 15332, In-Fill Development Projects, of the California Environmental Quality Act (CEQA) Guidelines;
4. Approves Design Review 16-012 and Lot Line Adjustment 16-002 subject to the following conditions:

(SEE EXHIBIT "A");

5. Directs staff to file a Certificate of Compliance for the Lot Line Adjustment; and
6. Directs staff to file a Notice of Exemption.

PASSED AND ADOPTED this 19th day of July 2017, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

Jamie Gray, Town Clerk

John Wentworth, Mayor

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 Date
(Notary Required)

EXHIBIT “A”
Resolution No. 2017-__
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 challenged 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 required 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.

Attachment 2

Appeal

BLANK PAGE



COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING DIVISION

P.O. Box 1609, Mammoth Lakes, CA 93546

Phone: (760) 965-3630 Fax: (760) 934-7493

www.townofmammothlakes.ca.gov



APL 17-001

APPEAL OF DECISION OF PLANNING AND ECONOMIC DEVELOPMENT COMMISSION
(Municipal Code Section 17.104)

This form must be filed within fifteen (15) days of the stated action in order to be valid.

APPLICATION NUMBER APPEALED 16-102 B.G. DE 16-012

DATE OF STATED ACTION June 14, 2017

APPELLANT'S NAME SUSTAINABLE MAMMOTH LAKES

ADDRESS c/o GRUNDMAN LAW 928 2nd Street, Ste. 301
Sacramento, CA 95814

APPEAL FEE: See Community and Economic Development Department Fee Schedule

Action taken by the Planning and Economic Development Commission which is being appealed:

- Denial
- Approval with Conditions
(Attach a copy of conditions and indicate those you wish waived or modified.)
- Approval

What is being appealed?

Approval of the project without environmental review, i.e., exemption from California Environmental Quality Act. Appellant requests Commission require applicant to conduct complete environmental review of the project.

Rationale for Appeal (use additional sheets if necessary):

- 1.) There was no detailed traffic study conducted; staff suggested a larger traffic study had been conducted, but nothing specific to the site, which is near the busy intersection of Highway 203 and Old Mammoth Road; and
- 2.) Despite requests for modifications of the parking plan, none was made available for public review at the relevant hearing. The nature of the parking orientation could add to traffic queueing and thus have air quality ramifications resulting from automobile emissions; and
- 3.) A fair argument exists that there will be significant environmental impacts due to increased traffic, tree removal, and on the built environment through urban decay as a result of the nature and types of uses contemplated for the site; and
- 4.) The project was not adequately noticed to the community, per staff's own statements at the hearing; and
- 5.) No rationale for exemption from the requirements of the California Environmental Quality Act was offered and made available for public review. (This list is not exhaustive, appellant reserves the right to produce additional rationale at the hearing)

I certify that I am the: Legal Owner Authorized Legal Agent Other Interested Party

June 26, 2017
Date

Signature of Appellant's Counsel: Andrew Grundman

Andrew S. Grundman
Attorney at Law

GRUNDMAN | LAWSM

Mailing Address:
1017 L Street #201
Sacramento, CA 95814

ag@grundmanlaw.com

Sazerac Building
Old Sacramento
928 2nd Street, Floor 3
Suite 301
Sacramento, CA 95814

P:(916) 273-4811
F:(916) 273-4816

June 26, 2017

VIA COURIER

Jamie Gray
Town Clerk
437 Old Mammoth Rd.
Suite R
PO Box 1609
Mammoth Lakes, CA 93546

Re: **Appeal of Decision of Planning and Economic Development Department**

Application 16-102

DR 16-012

Dear Clerk:

This office represents SUSTAINABLE MAMMOTH LAKES regarding Application 16-102. In compliance with Municipal Code § 17.104.030 (A)(1), the attached appeal is in writing, on a Town application form [APPEAL OF PEDC DECISION], and filed within 15 days from the date of the review authority's action.

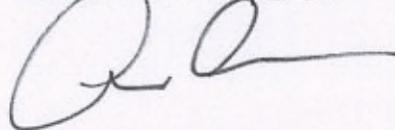
Per the Form instructions, "a copy of the conditions" are attached, and the appellant is appealing to the Commission to vacate their approval and require the applicant to conduct complete environmental review of the project. (Stated in the Form under "What is being appealed).

Pursuant to 17.104.030 (A)(2), the "pertinent facts of the case and the basis for the appeal" are provided in the Form under "What is being appealed?" Also included is the filing fee of \$1942.00, pursuant to Municipal Code § 17.104.030 (A)(3).

Please contact me at ag@grundmanlaw.com or (916) 273-4811 if there are any issues or concerns.

Sincerely,

GRUNDMAN | LAWSM



Andrew Grundman
Attorney at Law

Attachment 3
Notice of Exemption

BLANK PAGE



TOWN OF MAMMOTH LAKES
P.O. Box 1609, Mammoth Lakes, CA 93546
Phone (760) 934-8989 | Fax (760) 934-8608
<http://www.townofmammothlakes.ca.gov>

RECEIVED

Notice of Exemption

JUN 16 2017

To: State Clearinghouse
 Office of Planning and Research
 P.O. Box 3044, 1400 Tenth Street
 Sacramento, CA 95812-3044

County Clerk
 County of Mono
 P.O. Box 237
 Bridgeport, CA 93517

TM 17-007
OFFICE OF THE CLERK

Project Title: Grocery Outlet (Major Design Review 16-012 and Lot Line Adjustment 16-002)
Project Location – Specific: 37 and 77 Old Mammoth Road (035-120-007-000 and 035-140-007-000)
Project Location – City: Mammoth Lakes **Project Location – County:** Mono

Description of Nature, Purpose, and Beneficiaries of Project: The project is a new Grocery Outlet retail store, approximately 18,000 square foot located on 1.37 acres of vacant land in the Downtown (D) zoning district. The proposed building will be sited adjacent to Old Mammoth Road with 49 parking spaces located to the sides and rear of the property. Additional access will be provided from the adjacent transit stop and sidewalk. A lot line adjustment to merge the two parcels is also required because the proposed building spans both properties.

Name of Public Agency Approving Project: Town of Mammoth Lakes
Name of Person or Agency Carrying Out Project: Terry Johnson, Best Development Group

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption: State type and section number: Guidelines Section 15332, In-Fill Development Projects
- Statutory Exemptions, State code number:

Reasons why project is exempt: 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.

Lead Agency Contact Person: Ruth Traxler, Associate Planner **Phone:** (760) 965-3631

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature:  **Date:** June 15, 2015 **Title:** Associate Planner

- Signed by Lead Agency
- Signed by Applicant

Date received for filing at OPR:

posted thru July 19, 2017

BLANK PAGE

Attachment 4

Planning and Economic Development Commission

Resolution 2017-11 approving the Grocery Outlet project

BLANK PAGE

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 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:

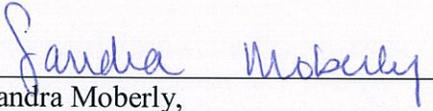
AYES: Callanan, Vanderhurst, Chang, Burrows

NAYS:

ABSENT:

ABSTAIN: Eckert

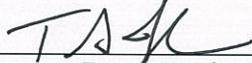
ATTEST:


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 Date 6/19/17
(Notary Required)

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.

Attachment 5

Planning and Economic Development Commission

June 14, 2017 Staff Report for the Grocery Outlet project

[Available online at: https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/78039/Staff_report_and_attachments.pdf]

BLANK PAGE