

Doc # 2008001899  
Page 1 of 6  
Date: 4/21/2008 02:05P  
Filed by: MAMMOTH LAKES; TOWN OF  
Filed & Recorded in Official Records  
of MONO COUNTY  
LYNDA ROBERTS  
CLERK-RECORDER  
Fee: \$0.00

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

Space Above for Recorder's Use

**RESOLUTION NO. PC-2008-02**

**A RESOLUTION OF THE MAMMOTH LAKES PLANNING COMMISSION  
APPROVING USE PERMIT 2007-14 TO ALLOW AN  
ALTERNATIVE HOUSING MITIGATION PLAN  
FOR PROPERTY LOCATED ON THE WEST SIDE OF CANYON  
BOULEVARD, NORTH OF LAKE MARY ROAD.**

**(APN's: 33-020-10, -11, -21, -33 and 31-110-27)**

**WHEREAS**, a request for consideration of a Use Permit was filed by Brian Parro, CE Mammoth LLC, property owner, and Robert S. Black, Inc., property owners representatives, to allow an alternate affordable housing mitigation plan; and

**WHEREAS**, the Planning Commission conducted a Noticed Public Hearing on the application request on February 13, 2008, at which time all those desiring to be heard were heard; and

**WHEREAS**, the Planning Commission considered, without limitation:

1. The Agenda Report to the Planning Commission with exhibits;
2. The State Map Act (if applicable), Specific or Master Plan (if applicable), General Plan, Municipal Code, Design Review Guidelines, and associated Land Use Maps;
3. Oral evidence submitted at the hearing;
4. Written evidence submitted at the hearing;

**WHEREAS**, the Planning Commission made the following findings pursuant to Chapter 17.60 (Use Permits) of the Mammoth Lakes Municipal Code:

(SEE EXHIBIT "1")

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission, in its independent judgment, finds this project to be consistent with a previously adopted Environmental Impact Report for this site, pursuant to section 15162 of the California Environmental Quality Act (CEQA) Guidelines.

**BE IT FURTHER RESOLVED** that the Planning Commission of the Town of Mammoth Lakes hereby approves Use Permit 2007-14, subject to the following conditions:  
(SEE EXHIBIT "2")


**PASSED AND ADOPTED** this 13<sup>th</sup> day of February 2008, by the following vote, to wit:

AYES: Barrett, Duggan, Tenney

NAYS: Bacon, Saari

ABSENT:

ABSTAIN:

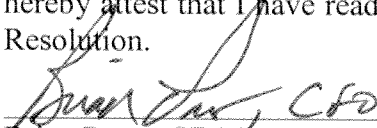
  
\_\_\_\_\_  
Roy Saari, Chair of the Mammoth Lakes  
Planning Commission

ATTEST:

  
\_\_\_\_\_  
Mark Wardlaw  
Community Development Director

**NOTE:** This action is subject to Chapter 17.68 of the Municipal Code, which specifies time limits for legal challenges.

I, Brian Parro, CE Mammoth LLC., am the property owner for this project request and I do hereby attest that I have read, and agree to, the conditions of approval stipulated within this Resolution.

  
\_\_\_\_\_  
Brian Parro, CE Mammoth LLC  
(Notary Required)

Date 3/28/08

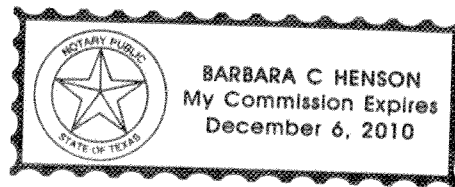
STATE OF TEXAS

COUNTY OF DALLAS

On March 28, 2008 before me Barbara C. Henson, personally appeared Brian Parro personally known to me (or 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.

WITNESS my hand and official seal.

Barbara C Henson  
Signature of Notary Public



**EXHIBIT 1**  
**Resolution No. PC-08-02**

**FINDINGS FOR USE PERMIT (UP 2007-14)**  
(Municipal Code Section 17.60.070)

1. Consistent with the evidence contained within the Staff Report and provided at the public hearing, the Planning Commission finds that the proposed use is consistent with the General Plan and the Municipal Code because the project will provide the required affordable housing through the payment of in lieu fees.
2. The Planning Commission finds that the proposed location of the use is in accord with the objectives and purpose of the zone in which it is located because the North Village Specific Plan allows an alternative housing mitigation plan to be approved subject to a greater housing benefit.
3. The Planning Commission finds that the proposed use will be operated in a way that will be compatible with surrounding uses and will not be detrimental to the public health, safety, and welfare nor be materially injurious to properties or improvements in the vicinity because the project includes the payment of fees in lieu of building affordable housing units on site.
4. The Planning Commission finds that the proposed site is adequate in size and shape and has adequate access for the proposed use because the Planning Commission previously approved the project site.
5. The Planning Commission finds that the proposed use, with conditions, complies with the applicable sections of the zoning regulations because the project meets or exceeds code in all areas.
6. Findings are further substantiated by evidence presented in this staff report and subsequent attachments and oral evidence presented at the public hearing on February 13, 2008.
7. Consistent with Chapter 17.36 of the Municipal Code related to Affordable Housing Mitigation Regulations (AHMR), the applicant is providing affordable housing mitigation for the Mammoth Hillside project under the provisions of the Alternate Mitigation Plan provision of the Municipal Code (Section 17.36.050). The Planning Commission considers the payment of in lieu fees the functional equivalent of on-site construction of units and finds that the Alternate Mitigation Plan provides an increased benefit to the community. The applicant will pay an increase of 30 percent on top of the in lieu fee which results in a greater housing benefit to the community. Additionally, the Town of Mammoth Lakes will be able to pursue additional housing immediately which may result in affordable housing being provided to the community more quickly that it would have been if it was included within the project.

**EXHIBIT 2**  
**Resolution No. PC-08-02**  
**Case No. UP 2007-14**  
**PLANNING DIVISION CONDITIONS**

**Standard Use Permit Conditions**

1. This approval authorizes the following: An alternative housing proposal for the Mammoth Hillside project which allows the applicant to pay an in lieu affordable housing fee instead of constructing the units on the project site.
2. This use permit and all rights hereunder shall automatically terminate unless the business operation, site preparation or construction has been commenced within 24 months 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 17.60.160 for concurrent applications.
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 of the use permit under Section 17.60.130 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. The site shall be maintained in a neat, clean and orderly manner.
5. All conditions of this use permit shall be met or secured prior to final occupancy approval of any tenant improvements or new structures.
6. 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.
7. This action may be appealed to the Town Council within fifteen (15) calendar days from the date of Planning Commission approval in accordance with Municipal Code Chapter 17.68.
8. Pursuant to Government Code Section 66474.9 the subdivider shall defend, indemnify, and hold harmless the local agency and its agents, officers, and employees from any claim, action, or proceeding against the local agency and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the local agency, advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Government Code Section 66499.37. The Town shall promptly notify the subdivider of any claim, action, or proceeding and shall cooperate fully in the defense.

9. Prior to building permit issuance, the applicant shall pay any fees due on this project processing account.
10. 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.
11. The project is subject to the Affordable Housing Mitigation Regulations (Municipal Code Chapter 17.36). As agreed to by the applicant, the project owners shall enter into an agreement with the Town of Mammoth Lakes to purchase a total of 49 FTEE credits in the amount of \$5,586,000 million. The agreement shall be executed prior to the issuance of grading permits.