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

Space Above for Recorder's Use

RESOLUTION NO. PC-2007-22

**A RESOLUTION OF THE MAMMOTH LAKES PLANNING COMMISSION
APPROVING USE PERMIT 2007-11 TO ALLOW TANDEM PARKING,
MECHANICAL PARKING LIFTS, AND 50 PARKING SPACES FOR THE
8050 RESIDENCE CLUB WITHIN THE MAMMOTH HILLSIDE PARKING
GARAGE AND A ONE YEAR TIME EXTENSION REQUEST
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 Todd Minnis to allow tandem parking and mechanical lifts; and

WHEREAS, a request for a one year time extension for Tentative Tract Map 36-235 and Use Permit 2005-09 was filed by Todd Minnis; and

WHEREAS, the Planning Commission conducted a Noticed Public Hearing on the application request on November 14, 2007, 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;
5. Project plans consisting of 5 sheets drawings comprising the plans considered and approved by the Planning Commission, dated received by the Town of Mammoth Lakes on November 8, 2007; and

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 that this project is categorically exempt per Section 15301 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 2007-11 and grants a one year time extension for Tentative Tract Map 36-235 and Use Permit 2005-09, subject to the following conditions:

(SEE EXHIBIT "2")

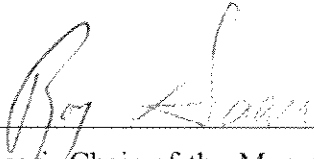
PASSED AND ADOPTED this 14th day of November 2007, by the following vote, to wit:

AYES: Bacon, Barrett, Duggan, Saari, Tenney

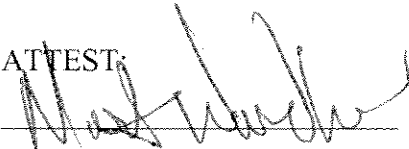
NAYS:

ABSENT:

ABSTAIN:



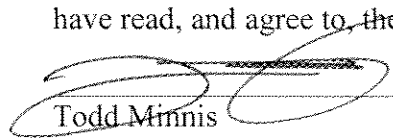
Roy Saari, Chair of the Mammoth Lakes
Planning Commission

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, Todd Minnis, 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.



Todd Minnis Date
(Notary Required)

STATE OF TEXAS
COUNTY OF DALLAS

SS

On November 29, 2007 before me Barbara C Henson, personally appeared Todd Minnis 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

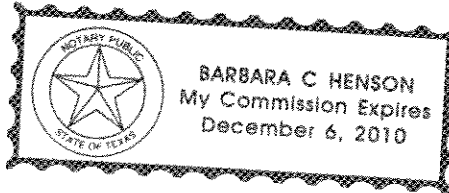


EXHIBIT 1
Resolution No. PC-07-22

FINDINGS FOR USE PERMIT (UP 2007-11)
(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 meets the requirements for tandem parking and mechanical lifts.
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 requires understructure parking and encourages sustainability and environmental sensitivity which is accomplished through the use of tandem parking and mechanical vehicular lifts which take up less space than standard parking spaces.
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 it will be designed and constructed according to the Town building and engineering standards.
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 tandem parking and mechanical vehicular lifts will meet Town standards.
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 November 14, 2007.

Resolution No. PC 2007-22

FINDINGS FOR TIME EXTENSION APPROVAL

(Municipal Code Section 17.60.100C)

1. The Planning Commission finds that the site-specific conditions and circumstances justifying the approval of Tentative Tract Map 36-235 and Use Permit 2005-09 for the Mammoth Hillside project are still applicable and that conditions have not changed since the original approval that would warrant the denial of the one-year time extension request, with the exception that tract map condition #15 shall be changed to read as stated in condition #2 in Exhibit 2. The project conforms to Municipal Code development standards, which implement the goals and policies of the General Plan.
2. The Planning Commission finds that the project will not detract from the value or utility of adjoining properties as a result of inappropriate, inharmonious, or inadequate design since the Mammoth Hillside project was reviewed at a public hearing by the Planning Commission on January 12, 2006 when Tentative Tract Map 36-235 and Use Permit 2005-09 were considered and no evidence was received by the Town to indicate that the project would detract from the value or utility of adjoining properties.

EXHIBIT 2
Resolution No. PC-07-22
Case No. UP 2007-11 & Time Extension for TTM 36-235/UP 2005-09
PLANNING DIVISION CONDITIONS

Standard Use Permit Conditions

1. This approval authorizes the following: Tandem parking and mechanical parking lifts within the Mammoth Hillside parking garage, and 50 off-site parking spaces for the 8050 project. The final number of units permitted to be constructed under UPA 2005-09 and TTM 36-235 may be limited by the available parking in the Mammoth Hillside garage. One year time extension for Tentative Tract Map 36-235 and Use Permit 2005-09 which were approved in January of 2006.
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 improvements shall be maintained in a condition of good repair and appearance. Outdoor storage of equipment and other materials is prohibited (except as approved as a part of the construction management plan). 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 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 use 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 and shall, upon request, make records and documents available to Town staff as necessary to evidence compliance with the terms and conditions of the permit.
10. Prior to the issuance of a building permit, the applicant shall pay Development Impact 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 Commission approval in accordance with Municipal Code Chapter 17.68.
14. Prior to receipt of a grading or building permit, the applicant shall obtain a secondary source permit or letter of exemption from the Great Basin Unified Air Pollution Control District.
15. 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.
16. The project shall meet the requirements of Municipal Code Section 15.36 (Water Efficient Landscape Regulations).
17. All exterior lighting shall comply with Chapter 17.34 of the Town of Mammoth Lakes Municipal Code, Outdoor Lighting. Exterior light fixtures having a total of over 40-watts of incandescent illumination 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.
18. 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.
19. 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.
20. Prior to building permit issuance, the applicant shall pay any fees due on this project processing account.

21. 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 Development Department or Planning Commission pursuant to Municipal Code Section 17.32.120.
22. 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.
23. Prior to the issuance of building permits a attendant (valet) parking agreement is required to be executed between the property owner and the town of Mammoth Lakes to assure that valet parking is provided during all days and hours of the use of the tandem parking spaces. The attendant parking agreement shall be binding upon and inured to the benefit of each party and their respective successors and assigns.
24. Future changes to the unit mix of the project may be approved by the Community Development Director as long as the total project will meet the North Village Specific Plan parking requirements.

Time Extension Conditions

1. The approved plans, building materials, colors, and improvements required for Tentative Tract Map 36-235 and Use Permit 2005-09 (Resolution No. PC 2006-01) shall be adhered to and maintained for the duration of this time extension approval.
2. All conditions of approval for Tentative Tract Map 36-235 and Use Permit 2005-09 (Resolution No. PC 2006-01) shall be adhered to, or satisfied, prior to Final Tract Map approval or Certificate of Occupancy, as may be applicable. Standard Engineering Condition No. 15 shall be revised to read, "The applicant shall pay a fee per parcel, lot or unit created to the Community Development Department for long range planning reimbursement prior to approval by staff of the final map."

Engineering Conditions for Use Permit

1. Prior to the issuance of a grading permit, building permit and any site disturbance the applicant shall demonstrate that the parking garage, aisles and ramps meets all Town standards, to the satisfaction of the Town Engineer, including parking stall dimensions, maximum ramp grades, height clearance requirements, and turning radii such that there will be no conflicts with two-way traffic.