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

Doc # 2008005758
Page 1 of 28
Date: 12/15/2008 09:25A
Filed by: MAMMOTH LAKES; TOWN OF
Filed & Recorded in Official Records
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LYNDA ROBERTS
CLERK-RECORDER
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Space Above for Recorder's Use

RESOLUTION NO. PC-2008-13

**A RESOLUTION OF THE MAMMOTH LAKES PLANNING COMMISSION
APPROVING VESTING TENTATIVE TRACT MAP 36-237,
USE PERMIT 2005-15, AND DESIGN REVIEW 2005-05 TO ALLOW
91 RESIDENTIAL CONDOMINIUM UNITS AND
1 COMMERCIAL CONDOMINIUM UNIT
WITHIN A CONDOMINIUM HOTEL INCLUDING
77 MARKET RATE UNITS AND 14 AFFORDABLE HOUSING UNITS
(135 ROOMS) FOR PROPERTY LOCATED AT
3905 AND 3863 MAIN STREET/ STATE ROUTE 203.
(APNs: 33-110-01 and 33-110-02)**

WHEREAS, a request for consideration of a Permit was filed by E. Ward Jones of Holiday Haus LLC to allow 91 residential condominium units and 1 commercial condominium unit within a condominium hotel including 77 market rate units and 14 affordable housing units, in accordance with Section 17.60, 17.20, and 17.32.120 of the Town of Mammoth Lakes Municipal Code, for property located within the Commercial Lodging (CL) Zoning District at 3905 and 3863 Main Street/State Route 203.

WHEREAS, the Planning Commission conducted a Noticed Public Hearing on the application request on October 8, 2008 and continued deliberation and decision to October 22, 2008, at which times 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: (1) Civil Plans Sheets 1-6; (2) Architectural Plans Sheets A-1.1 - A-6.7; (3) Landscape Plans Sheets L1.1 - L2.3; (4)

Alternative Fire Access Plans; (5) Shade/Shadow Studies; (6) Views from Viewpoint Road; and (7) Lighting Package, all dated received by the Town of Mammoth Lakes ("date received") on September 17, 2008; (8) Volume Study date received on September 24, 2008; Color and Materials Board date received on April 29, 2008; and Supplemental Package date received on October 15, 2008; and

WHEREAS, the Planning Commission made the following findings pursuant to Section 17.60.070 and 17.32.120 of the Mammoth Lakes Municipal Code and Section 66474 and 66498.1 of the Subdivision Map Act:

(SEE ATTACHMENT "A")

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, in its independent judgment, has reviewed the Draft Initial Study/Mitigated Negative Declaration and the Responses to Comments and Mitigation Monitoring and Reporting Program (MMRP) for the Holiday Haus project (State Clearinghouse Number 2008082061) pursuant to the California Environmental Quality Act (CEQA) Guidelines and adopts the Draft Initial Study/Mitigated Negative Declaration and the Responses to Comments and MMRP.

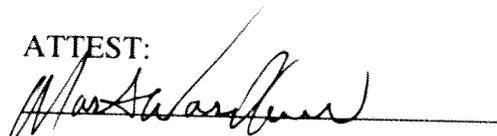
BE IT FURTHER RESOLVED that the Planning Commission of the Town of Mammoth Lakes hereby approves Vesting Tentative Tract Map 36-237, Use Permit 2005-15, and Design Review 2005-05 including a density bonus, building height concession and parking ratios as prescribed by State Density Bonus law subject to the following conditions:

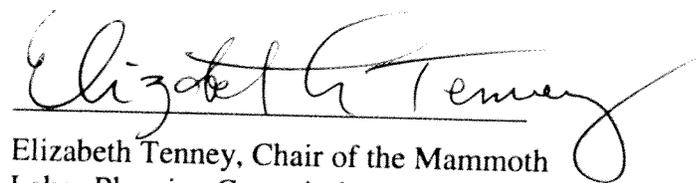
(SEE ATTACHMENT "B")

PASSED AND ADOPTED this 22nd day of October 2008, by the following vote, to wit:

AYES: Barrett, Deinken, Saari, Tenney
NAYS: 0
ABSENT: 0
ABSTAIN: 0
DISQUALIFIED: Duggan

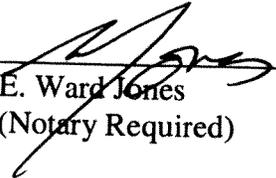
ATTEST:


Mark Wardlaw
Community Development Director


Elizabeth Tenney, Chair of the Mammoth
Lakes Planning Commission

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

I, E. Ward Jones, am the applicant for this project request and I do hereby attest that I have read, and agree to, the conditions of approval stipulated within this Resolution.



E. Ward Jones 12/8/8
Date

(Notary Required)

ATTACHMENT "A"
Resolution No. PC-08-13
Case No. VTTM 36-237, UPA 2005-15, and DR 2005-05

FINDINGS FOR USE PERMIT

(Municipal Code Section 17.60.070)

1. Consistent with the evidence contained within the Agenda Report and provided at the public hearing, the Planning Commission finds that the proposed use is consistent with the 1987 General Plan because hotel-motel uses are allowed in the Commercial Land Use Designation in accordance the goals and policies of the 1987 General Plan. In addition the project is consistent with State Density Bonus law.
2. The Planning Commission finds that the proposed location of the condo-hotel use is in accord with the objectives and purpose of the zone in which it is located because the Commercial Lodging (CL) Zone is intended to encourage commercial lodging facilities such as hotels, motels, lodges and similar transient lodging uses in accordance with zoning objectives and purpose for the CL Zoning District.
3. The Planning Commission finds that the proposed site is adequate in size and shape and has adequate access for the proposed use because the project meets lot coverage, setbacks, driveway, and access standards of the Town.
4. 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 Mitigated Negative Declaration for the project concluded noise impacts would be less than significant with mitigation measures incorporated. The project would also be consistent with Town Code noise standards. In addition, the project plans will be reviewed and approved by the Mammoth Lakes Fire Protection District and the Town's Building Department prior to the issuance of a building permit to ensure that all safety requirements are met.
5. The Planning Commission finds that the proposed use complies with the applicable sections of the zoning regulations because the project meets Town Code requirements and standards in all areas while utilizing State Density Bonus law.

FINDINGS FOR TENTATIVE MAP APPROVAL

(State Map Act Section 66474 and 66498.1)

1. The proposed map is consistent with applicable General Plan (1987 General Plan) as specified in Section 66451 of the Subdivision Map Act because based on the evidence presented in the Staff Report the project conforms to density standards of the 1987 General Plan, Zoning Code, and State Density Bonus law. No Specific Plans apply to this site. The proposed condominium-hotel project also complies with Zoning Code development standards that implement the goals and policies of the General Plan while also being consistent with State Density Bonus law. All utilities and access roadways can be improved and/or extended to service the project area.

2. The design and improvements of the subdivision are consistent with 1987 General Plan because the project, as conditioned, complies with the development standards of the Commercial Lodging (CL) Zoning District and the project's approval is conditioned to require compliance with all other applicable Town Ordinances and applicable agency requirements in effect at the time the subdivision request was submitted for review. The property is not located within a Specific Plan area.
3. The site is physically suitable for the type of development because the proposed structure is situated on the site to accommodate the grading needed to construct the project on an already disturbed and developed site (existing Holiday Haus Motel site). The project would preserve some of the existing trees on-site, reduce overall lot coverage from 87% to 60%, and implement a landscape and irrigation plan. In addition, this use is permitted in the CL Zoning District subject to use permit approval.
4. The site is physically suitable for the proposed density of development because the project conforms to density standards of the 1987 General Plan, Municipal Code, and State Density Bonus law, and as conditioned and with mitigation measures incorporated, the project will have a less than significant impact on the environment.
5. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat since the mitigation measures imposed on the property have been determined to be adequate to reduce the impacts to a less than significant level as described in the project's Initial Study/Mitigated Negative Declaration, consistent with the California Environmental Quality Act (CEQA) Guidelines.
6. The design of the subdivision or the types of improvements is not likely to cause serious public health problems since the mitigation measures adopted in the Initial Study/Mitigated Negative Declaration reduce health related impacts to a level below significant and no evidence has been submitted during the planning review process to indicate that the development would cause any serious public health problems. All necessary public services are currently provided, or can be extended to, the site to assure health and safety for those individuals occupying and using the site facilities.
7. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision since all utilities, and their easements, are indicated on the Vesting Tentative Tract Map and the subdivision will not adversely impact upon any existing public easements. The property has access to a public street with approved street/driveway alignments and widths. All utilities, and their easements, are currently in place on, or can be extended to, the property and the proposed subdivision will not impact upon adjacent property easements and/or common areas shared among condominium owners.

FINDINGS FOR DESIGN REVIEW PERMIT

(Municipal Code Section 17.32.120)

1. The design of the project is consistent with the goals, policies, and objectives of the 1987 General Plan and the provisions of the Municipal Code since the project meets the applicable goals and policies of the 1987 General Plan and meets Municipal Code standards, consistent with State Density Bonus law. The project provides a commercial lodging facility in an appropriate location with desirable design features, such as underground parking, outdoor plaza, and conference/meeting space.
2. The project design is consistent with the Design Review Guidelines to assure that colors, materials, illumination, and landscaping enhance the image, attractiveness, and environmental qualities of the Town since the materials, design and colors have been reviewed by the Town's Advisory Design Panel (ADP) and the applicant has incorporated comments from the ADP into the design. The project is appropriate to its Main Street/North Village context and surroundings. The project is conditioned to meet Town Code requirements for lighting and landscaping.
3. The project will not detract from the value or utility of adjoining properties as a result of inappropriate, inharmonious, or inadequate design since the project is consistent with the Town's Design Guidelines and the 1987 General Plan characteristics for Main Street, and the project is located between an existing residential use (The Chutes) and an anticipated future residential and lodging use (North Village Specific Plan future development).
4. The project does not indiscriminately destroy trees or natural vegetation, nor does it create excessive or unsightly grading, indiscriminate clearing of the property, or the destruction of natural significant landforms since the site is already disturbed and developed. The project will reduce lot coverage from 87% to 60% and will implement a landscaping and irrigation plan. Mitigation Measure BIO-3 requires the value of the trees removed to be incorporated into the trees planted.
5. The project ensures an architectural design of structures, materials, lighting, and colors which are appropriate to the function of the project and are visually harmonious with surrounding development and natural landforms, trees, and vegetation since the project is consistent with the Town's Design Guidelines and because the project's Initial Study/Mitigated Negative Declaration includes mitigation measures to reduce the aesthetic impacts to less than significant. An outdoor lighting plan will be reviewed and approved by the Town to ensure that the lighting is consistent with Town Code.
6. The project ensures that the location, size, design, and illumination of signs and their materials and colors are consistent with the scale and design of the building to which they are attached or which are located on the same site; and ensures that the signs are visually harmonious with the surrounding environment since signs will be reviewed and approved by the Town under separate sign permit application(s), which considers these conditions.

ATTACHMENT "B"
Resolution No. PC-08-13
Case No. VTTM 36-237, UPA 2005-15, and DR 2005-05
PLANNING DIVISION CONDITIONS

Standard Use Permit Conditions
(These conditions are applied to all Use Permits)

1. This approval authorizes the following: A single condominium hotel structure containing 77 market rate units (120 rooms) and 14 affordable housing units (15 rooms), for a total of 91 residential units or 135 rooms, one commercial condominium unit (conference/meeting space), and an underground parking structure, indoor pool, conference/meeting space (approximately 2,500 square feet), owner lockers, outdoor patio, bike storage, and sledding hill or snow play area shown on plans date received by the Town on September 17, 2008.

A density bonus, building height concession and parking ratios as prescribed by State Density Bonus law are included in this project approval.
2. This 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, including 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. All conditions of this use permit shall be met or secured prior to final occupancy approval of any tenant improvements or new structures.

7. 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.
8. 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.
9. 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.
10. The approved site and building plans shall be adhered to and maintained for the duration of the permit.
11. 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.
12. 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.
13. Pursuant to Municipal Code Chapter 17.36 (Affordable Housing Mitigation Regulations), the project will generate a need for 27 Full-Time Employee Equivalent (FTEEs). This will be mitigated by 27 FTEEs being provided on-site through 14 affordable housing units contained within the proposed building.
14. In consideration of the Town's Vision Statement requiring a de-emphasis of the use of the automobile, occupancy and mode of travel expectations and to mitigate the impacts of the project on air quality as required by CEQA, the applicant and the owners association shall execute a transit agreement with the Town prior to recordation of the final map. The applicant and his successors in interest shall be subject to an annual payment of \$121.00 per residential unit and as adjusted for inflation since inception (the Fiscal Year 08-09 rate is \$143.06). The annual payment shall be adjusted annually for inflation using the Los Angeles/Riverside Consumer Price Index. The transit service agreement, when executed, shall be recorded in the Official Records of Mono County, shall comply with California Law and California Department of Real Estate regulations, and shall be referenced in the project CC&R's, as well as in any disclosure documents required by the California

Department of Real Estate for the project. Once recorded, the agreement can be modified only by mutual written agreement of the Town and the owners' association when formed and the service shall not be discontinued for any reason without an amendment to the agreement, and shall be consistent with California Law and California Department of Real Estate regulations.

15. Trash enclosure(s) shall be improved with a concrete slab and constructed of masonry with an exterior of stone veneer or other materials compatible with that of the building(s). Adequate space for recyclable materials shall be provided within the enclosure(s). The enclosure(s) is/are not required to be gated.
16. 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.
17. The project shall meet the requirements of Municipal Code Section 17.38 (Water Efficient Landscape Regulations) including the Landscape Documentation Package. A final landscape and irrigation plan shall be submitted to, and approved by, the Community Development Department for inclusion in the project grading permit. Where no grading permit is required, the final landscape plan must be submitted to and approved by the Town prior to issuance of a building permit. Said landscape and irrigation plan shall substantially conform to the preliminary landscape plan reviewed and approved by the Planning Commission. All landscape plantings shall be maintained in a healthy and growing condition at all times (as applicable for the season) and individual plants shall be replaced if they become diseased or die. An automated irrigation system shall be provided for each landscape area. The irrigation equipment and system shall be maintained in a proper working condition at all times. Landscaping and irrigation systems within the public right-of-way within or adjacent to the project area shall be maintained by the property owner, with the exception of benefit assessment district areas.
18. For encroachments into front or street side yards: The property owner shall execute a hold harmless agreement waiving any liability on the part of the Town for damage from snow removal or other standard street maintenance functions.
19. Prior to building permit issuance, the applicant shall pay any fees due on this project processing account.
20. 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.

21. 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.
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.

Special Conditions

In addition to the standard conditions outlined here, project specific conditions may be needed to address specific issues or mitigations required by the project.

23. If the Intrastar 7B Road is not constructed or improved to MLFPD requirements at the time of grading permit submittal, the applicant shall submit an Alternative Fire Access Plan for review and approval by the Planning Commission prior to implementation; however, the Alternative Fire Access Plan shall not be considered an amendment to the approved use permit. The Alternative Fire Access Plan shall be consistent with Town and MLFPD standards and requirements.
24. If the Alternative Fire Access Plan is implemented through grading and/or building permits, and then the Intrastar 7B Road is constructed, and applicant requests to amend the grading and/or building permit to construct the preferred development plan, the applicant shall provide a landscape and restoration plan that replaces disturbed and unused areas with landscaping. This landscape and restoration plan shall be reviewed by the Town prior to the issuance of an amended grading or building permit.
25. Unless a project area assessment district has been formed, the portion of a pedestrian/bike path (Promenade) within State right-of-way northerly of and adjacent to the Holiday Haus property, shall be constructed prior to first certificate of occupancy for the project. Prior to grading permit issuance, the plans for this improvement shall be reviewed and approved by the Town in coordination with approval by the California Department of Transportation ("Caltrans"). This requirement may be deferred provided an assessment district has been formed for the construction of public improvements within and adjacent to the North Village Specific Plan area that includes the Promenade, and a general contractor has been selected to perform the work as specified in the scope of work for the assessment district, and bonds have been sold sufficient to perform that work, and provided that the subject property is included within the boundaries of the assessment district.
26. The project shall construct a walkway abutting the proposed driveway to meet ADA requirements unless the Promenade has been constructed and Caltrans has allowed the Promenade to be a year round facility. This walkway shall not result in the project exceeding the maximum lot coverage of 60%. This shall be reviewed and approved by the Town prior to issuance of a grading permit.

27. The project shall include a 24-hour front desk (i.e. management available on-site 24 hours a day), a minimum of three drop-off parking spaces, lobby with a reception desk and office, daily maid service, 24-hour maintenance service, a pool and hot tubs, approximately 2,500 square feet conference/meeting space (including hook ups for audio-visual equipment and an area for food service), an outdoor patio area, and the provision of ~80% of total market rate units as a combination of studio, 1-bedroom units and 1-bedroom lock off units to maximize single nightly rentals. These project components shall be available to owners, tenants, and guest of the project and included in the project's CC&R's, which shall be reviewed and approved by the Community Development Department prior to final map approval and subsequently prior to certificate of occupancy.
28. The project shall utilize a management entity with at least 5 years experience in the hotel management business and shall ensure that all portions of the condo-hotel are maintained and operated in accordance with a quality hotel standard. The Town shall review satisfaction of this condition prior to first certificate of occupancy for the project.
29. The applicant shall work with the Town and Mammoth Lakes Housing to finalize the floor plans, CC&R's, and other details related to the affordable units prior to Town staff approval of the final map or grading permit.
30. The retaining walls design and material(s) shall be reviewed by the Town prior to grading permit issuance.
31. An on-site "mock up" of exterior building colors and materials shall be reviewed by the Planning Commission Color Subcommittee prior to issuance of a building permit.
32. A sign permit is required prior to the erection of any signage on site, other than construction related safety signage.
33. The applicant shall continue to work with High Sierra Energy Foundation and Southern California Edison on the proposed energy management system and other energy efficient options for the project. The applicant shall communicate the results of this coordination to the Town prior to the issuance of a building permit.
34. The applicant shall pay the Mitigated Negative Declaration fee of \$1926.75 to the County where the filing is made at the time of the Notice of Determination, within 5 days of Planning Commission's decision. The Mitigated Negative Declaration fee is \$1876.75 plus a \$50 processing fee for the County.
35. The applicant, Town, and potential hotel operator shall review the conference/meeting room configuration to ensure a functional, effective, and attractive space. This review shall occur prior to the issuance of a building permit.¹

¹ Special Condition #35 was added by the Planning Commission on October 22, 2008.

MITIGATION MEASURES
(these are conditions of approval)

The following mitigation measures shall be made a part of these Special Conditions and shall be enforced by the Town. Also see Mitigation Monitoring and Reporting Program.

36. AES-1: Landscape design shall be consistent with the Town of Mammoth Lakes Municipal Code Chapter 17.20.040, property development standards. The landscape shall enhance the character of the on-site development and shall be compatible with, and complementary to, the natural environment in Mammoth Lakes and the surrounding region.
37. AES-2: All appurtenances (i.e., meters, roof vents and electrical equipment, etc.) shall be integrated into the project design to minimize visual detection by pedestrians and nearby properties. These appurtenances shall be screened or placed in areas that are not highly visible, to the maximum extent possible.
38. AES-3: Construction equipment staging areas shall use appropriate screening (i.e., temporary fencing with opaque material) to buffer views of construction equipment and material, to the maximum extent possible. Staging locations and screening techniques shall be indicated on Final Development Plans and Grading Plans.
39. AES-4: The overall color scheme shall be determined by the Town Design Guidelines and Town of Mammoth Lakes Advisory Design Panel, subject to approval by the Town of Mammoth Lakes Planning Commission. The color of exterior materials, whether applied or innate, shall reflect the appearance of the natural surroundings and not seem synthetic or man-made. Accent colors shall integrate with the overall color scheme and form of the building.
40. AES-5: Fencing and outdoor enclosures shall be compatible in material, color, and design to adjacent structures, and the neighborhood and regional character. Fences and enclosures shall be designed to withstand heavy snowfall conditions and snow removal operations. Fences, walls, and enclosures shall be no higher than necessary to perform the intended function. Landscape features, fences, and walls in dedicated snow shed and snow storage areas shall be designed to accommodate snow storage and removal activities.
41. AES-6: Prior to issuance of the Certificate of Occupancy, a snow melt system shall be implemented for the proposed driveway, entryways, and walkways located on the north side of the structure as well as in the patio area proposed to the south of the building, as shown in Exhibit 2-4 (Sheet A2.1 of the approved plans).
42. AES-7: All construction-related lighting shall be located and oriented away from adjacent residential areas and consist of the minimal wattage necessary to provide safety at the construction site. A Construction Safety Lighting Plan shall be submitted to the Community Development Department for review concurrent with Grading Permit application.

43. AES-8: The Applicant shall prepare and submit an outdoor lighting plan pursuant to the Town's Lighting Ordinance (Chapter 17.34.050, General Requirements, and Chapter 17.34.060, Outdoor Lighting Plans, of the Municipal Code) to the Community Development Director that includes a foot-candle map illustrating the amount of light from the project site at adjacent light sensitive receptors.
44. AES-9: The proposed building materials (including cladding and windows) shall integrate low-reflective materials into the project design to minimize reflective glare impacts to the maximum extent possible.
45. AQ-1: Prior to approval of the project plans and specifications, the Public Works Director, or his designee, shall confirm that the plans and specifications stipulate that, in compliance with GBUAPCD Rule 401, excessive fugitive dust emissions shall be controlled by regular watering or other dust preventive measures, as specified in the GBUAPCD Rules and Regulations. In addition, GBUAPCD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors:
- All active portions of the construction site shall be watered to prevent excessive amounts of dust;
 - On-site vehicle speed shall be limited to 15 miles per hour (mph);
 - All on-site roads shall be paved as soon as feasible or watered periodically or chemically stabilized;
 - All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust; watering, with complete coverage, shall occur at least twice daily, preferably in the late morning and after work is done for the day;
 - If dust is visibly generated that travels beyond the site boundaries, clearing, grading, earth moving or excavation activities that are generating dust shall cease during periods of high winds (i.e., greater than 25 mph averaged over one hour) or during Stage 1 or Stage 2 episodes; and
 - All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.
46. AQ-2: Under GBUAPCD Rule 200-A and 200B, the project Applicant shall apply for a Permit to Construct prior to construction, which provides an orderly procedure for the review of new and modified sources of air pollution.
47. AQ-3: Under GBUAPCD Rule 216-A (New Source Review Requirement for Determining Impact on Air Quality Secondary Sources), the project Applicant shall complete the necessary permitting approvals prior to commencement of construction activities.

48. AQ-4: Prior to demolition activities, the Applicant shall demonstrate to the GBUAPCD that the project is consistent with the Toxic Substance Control Act (TSCA), (15 U.S.C. Section 2601 et. seq.) Title 2 - Asbestos Hazard Emergency Response for handling asbestos.
49. AQ-5: The project shall implement the following measures to reduce overall VMT per day and associated PM10 emissions:
- The project shall include a transportation demand management program to reduce overall VMTs, in order to demonstrate compliance with the Federal PM10 standard of 150 µg/m³. The program shall include, but not be limited to circulation system improvements, shuttles to and from major destinations like the Mammoth Mountain Ski Area ski area, and the location of facilities to encourage pedestrian circulation;
 - Contribute to a Townwide traffic monitoring program to reduce VMTs;
 - The project shall be linked to existing developed areas through existing road networks, public transit system, open space systems, and bicycle and pedestrian systems;
 - The project shall implement trip reduction measures particularly during PM peak hours to disperse trips between areas and mountain pedestrian systems; and
 - Hotel Condominium units shall enter into a transit fee agreement with the Town consistent with the Town's established Transit Fee Agreement Program.
50. AQ-6: Prior to approval of building plans, the Applicant shall provide confirmation, to the satisfaction of the Town of Mammoth Lakes Community Development Department, that wood fired stoves or appliances would not be used on-site.
51. BIO-1: In order to avoid impacting breeding or hibernating bats, tree and snag removal shall occur in September and October, after the bat breeding season and before the bat hibernation season. If snag and tree removal is to take place outside of this time frame, a pre-construction bat survey shall be conducted. If no roosting bats are found during the survey, no further mitigation would be required. If bats are detected, a 50-foot buffer exclusion zone should be established around each occupied snag or tree until the roosting activities have ceased.
52. BIO-2: To avoid nesting birds and/or raptors, one of the following must be implemented:
- Conduct vegetation removal and other ground disturbance activities associated with construction during September 16 through March 14, when birds are not nesting; or
 - Conduct pre-construction surveys for nesting birds if construction is to take place during the nesting season (March 15 - September 15). A qualified wildlife biologist shall conduct weekly pre-construction bird surveys beginning 30 days prior to initiation of grading to provide confirmation on presence or absence of active nests

in the vicinity (at least 300 feet around the project site [500 feet for raptor species]). The surveys shall continue on a weekly basis with the last survey being conducted no more than three days prior to the initiation of clearing/construction activities. If active nests are encountered, species-specific measures shall be prepared by a qualified biologist in consultation with the California Department of Fish and Game (CDFG) and implemented to prevent abandonment of the active nest. At a minimum grading in the vicinity of the nest shall be deferred until the young birds have fledged. A minimum exclusion buffer of 25 feet is required by CDFG for songbird nests, and 200 to 500 feet for raptor nests, depending on the species and location. The perimeter of the nest-setback zone shall be fenced or adequately demarcated with staked flagging at 20-foot intervals, and construction personnel restricted from the area. A survey report by the qualified wildlife biologist verifying that the young have fledged shall be submitted to the Town prior to initiation of grading in the nest-setback zone.

The Applicant shall avoid removal of raptor nests to the highest extent feasible. In consultation with CDFG staff, surveys for raptor nests shall be conducted as early as February 1, before pairs arrive and courtship begins. If seasonally inactive raptor nests are located in trees that must be removed for project construction, the trees shall be removed well in advance of the breeding season.

53. BIO-3: Prior to the removal of any trees greater than six inches in diameter, a final analysis of the value of trees removed shall be prepared by a licensed forester or arborist. Prior to removal of any trees greater than six inches in diameter a development permit or a tree removal permit must be approved by the Town. The value of the trees removed shall be incorporated into replacement trees which shall be planted within the project area, or off-site; as may be approved by the Community Development Director.
54. BIO-4: The project Applicant shall be required to incorporate measures that would "bear proof" areas where food and trash may accumulate. Potential areas on-site that may be accessed as bear hibernation sites (i.e., crawl spaces under decks or buildings) shall be securely blocked. Available public information (i.e., pamphlets) or on-site signage shall be implemented by the project Applicant during project operation identifying the following precautions:
 - Food should not be left in or near a window sill or on a counter near an open window;
 - Food should be kept out of vehicles;
 - Vehicle windows should be rolled up tight so bears can't smell food and then get a claw-hold on their window and pull it out; and
 - "Bear-resistant" canisters are the best way to store food in a vehicle and are available at local sporting good stores and at the Mammoth Lakes Welcome Center/Ranger Station.

55. CUL-1: If cultural materials or archaeological remains are encountered during the course of grading or construction, the project contractor shall cease any ground disturbing activities near the find. A qualified archaeologist, approved by the Town, shall be retained to evaluate significance of the resources and recommend appropriate treatment measures. Treatment measures may include avoidance, preservation, removal, data recovery, protection, or other measures developed in consultation with the Town.
56. GEO-1: Prior to grading operations, a soils report shall be prepared for the proposed development to identify the potential for liquefaction, expansive soils, ground settlement, and slope failure. The report shall also:
- Specify loose alluvium that shall be excavated and removed from the site as it is considered unsuitable for reuse as structural fill.
 - Specify remedial measures that could be feasibly implemented to minimize potential impact.
 - Analyze the potential for groundwater within the study area and recommend measures to remediate associated conditions.
 - Determine the potential for groundwater seepage that may occur where excavation would be the greatest.
 - Determine the need for dewatering of areas during parking garage construction to remove all water within the excavation perimeter and recommend appropriate method of dewatering.
57. GEO-2: Permanent perimeter subsurface drains shall be installed to intercept perched groundwater associated with snowmelts.
58. HHM-1: Prior to demolition activities, an asbestos survey shall be conducted by a qualified environmental professional to determine the presence or absence of asbestos. If present, asbestos removal shall be performed by a State-certified asbestos containment contractor in accordance with the Toxic Substance Control Act (TSCA), (15 U.S.C. Section 2601 et. seq.) Title 2 – Asbestos Hazard Emergency Response for handling asbestos.
59. HHM-2: If during demolition of the structures, paint is separated from the building material (e.g., chemically or physically), the paint waste shall be evaluated independently from the building material by a qualified environmental professional to determine its proper management. According to the Department of Toxic Substances Control, if paint is not removed from the building material during demolition (and is not chipping or peeling), the material may be disposed of as construction debris (a non-hazardous waste). The landfill operator shall be contacted in advance to determine any specific requirements they may have regarding the disposal of lead-based paint materials, if necessary.

60. HWQ-1: The Town shall comply with the National Pollution Discharge Elimination System requirements for construction projects (General Permit #CAS000002) enforced by the Lahontan Regional Water Quality Control Board (RWQCB). Construction activities subject to this permit shall include clearing, grading and disturbances to the ground such as stockpiling or excavation, but not including regular maintenance activities performed to restore the original line, grade, or capacity of the facility. Prior to any site disturbance, the Applicant shall submit a Notice of Intent (NOI) and comply with the requirements of the General Construction Activity Storm Water Permit from the State Water Resources Control Board, in accordance with Board requirements. Also, prior to any site disturbance, the applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the Town Public Works Department for review and approval. The SWPPP shall be designed such that no off-site Best Management Practices (BMPs) are required in the Town right-of-way (R/W) after October 15 or before April 30 each year. The applicant shall maintain the SWPPP on site at all times and shall conform to the SWPPP during construction.
61. HWQ-2: All proposed driveways and construction parking areas shall be paved or covered with Town approved material, if construction continues past October 15th, in order to minimize erosion and sedimentation on roadways.
62. HWQ-3: Prior to grading operations, the applicant shall comply with each of the recommendations detailed in the Preliminary Drainage Study (Triad/Holmes Associates, February 2008), and other such measure(s) as the Town Public Works Department deems necessary to adequately mitigate project impacts.
63. HWQ-4: In consultation with the Town, prior to approval of grading plans, the project applicant shall identify and implement a suite of stormwater quality BMPs designed to address the most likely sources of stormwater pollutants resulting from operation of the proposed project. Pollutant sources and pathways to be addressed by these BMPs include, but are not necessarily limited to, parking lots, maintenance areas, trash storage locations, rooftops, interior public and private roadways, and storm drain inlets. The design and location of these BMPs will be subject to review and comment by the Town but shall generally adhere to the standards associated with the Phase II NPDES stormwater permit program. Implementation of these BMPs shall be assured by the Community Development Director and Town Engineer prior to the issuance of Grading or Building Permits.
64. HWQ-5: The applicant shall install a sump pump system that lifts stormwater to the surface within the underground parking garage, which conveys water through a device that removes oil and silt, prior to reintroduction into the storm water system. The sump pump system shall be installed prior to use of the parking structure.
65. HWQ-6: The applicant shall design and construct improvements identified in the 2005 Storm Drain Master Plan or other Town approved storm drain documents to the extent necessary to mitigate impacts generated by the Project, as determined by the Town's Public Works Department, to increase the capacity of the Town's drainage facilities including the downstream Sierra Valley Sites if no such improvements have been made

by the time occupancy of the Project occurs.

66. N-1: Prior to grading operations, the project shall demonstrate, to the satisfaction of the Town of Mammoth Lakes Community Development Department, that the project complies with the following through a construction management plan reviewed and approved by the Town:

- All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers;
- Construction noise reduction methods such as shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools, rather than diesel equipment, shall be used to the maximum extent possible;
- During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers;
- During construction, stockpiling and vehicle staging areas shall be located as far as practical from noise sensitive receptors;
- Operate earthmoving equipment on the construction site, as far away from vibration sensitive sites as possible; and
- A project sign shall be clearly posted at the primary construction entrance, as an information resource for surrounding property owners and residents. The sign shall include the following minimum project information: project name, general contractor, normal construction hours, normal workdays, and local telephone number of the Job Superintendent. If the Town or the Job Superintendent receives a complaint, the Superintendent shall investigate, take appropriate corrective action, and report the action taken to the Town.

67. PS-1: In the event that the Intrastar 7B Road is not constructed prior to project implementation, the project shall implement the Fire Access Road Alternative as determined by the Town.

68. USS-1: The Town of Mammoth Lakes shall not approve the proposed development, if the MCWD determines the project would result in a water demand in excess of available supplies. The Town shall work with the MCWD to ensure that the development of necessary water supply sources is established prior to approval of the proposed project.

STANDARD ENGINEERING CONDITIONS FOR TENTATIVE TRACT MAP

A. STANDARD CONDITIONS / GENERAL REQUIREMENTS:

1. A final map, consistent with the tentative map and the conditions herein, shall be recorded with the County Recorder of Mono County prior to the expiration of the approved tentative map. The final map shall conform to the Subdivision Map Act and the Subdivision Ordinance for the Town of Mammoth Lakes. The tentative map shall expire 24 months after the approval date. Failure to record the final map prior to the expiration will nullify all approvals, except such time limitation as may be extended by the planning commission in accordance with the Subdivision Map Act.
2. Copies of all exceptions, easements, restrictions and encumbrances listed in the preliminary title report together with a copy of the current grant deed and a current title report, a copy(ies) of each record map(s) for the subject property shown within the tentative map boundary, and a copy of each and every adjacent map, deed or other document as necessary that establish, or were used for the survey of, and for the retracement of the subdivision boundary shall be submitted with the initial submittal of the final map. A subdivision guarantee shall be issued and dated within 30 days prior to final map approval by the planning commission.
3. 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.
4. The maintenance of graded slopes and landscaped areas shall be the responsibility of the developer until the transfer to individual ownership or until the maintenance is assumed by the property owners association.
5. All new utility lines within, adjacent to or serving the site shall be placed underground.
6. The site grading design and all building construction shall conform to State and federal disabled access regulations.
7. This project shall be required to pay all development impact fees in accordance with Town ordinances and the municipal code.
8. Landscaping and irrigation systems within the public right of way within or adjacent to the project area shall be maintained by property owner, or the homeowner's association, with the exception of benefit assessment district areas.
9. The applicant shall obtain an easement or letter of permission to grade for all areas requiring off-site grading prior to issuance of a grading permit or a building permit. These areas shall be contour graded.
10. The applicant shall submit to the Town an electronic file of the final map in AutoCAD, Version 2000, or other format as may be approved by the Town Engineer, within 30 days of approval of the final map.
11. All easements and dedications shall be in a form and content acceptable to the Town Engineer.

12. Application shall be made to the Mammoth Community Water District for re-apportionment of any existing assessment lien(s) to the new lots and units proposed. The applicant shall submit a receipt of the application from MCWD to the Town prior to final map consideration by the planning commission.
13. Prior to approval of the final map by staff the applicant shall provide evidence to the Town that the property taxes have been pre-paid to Mono County Tax Collector or their payment has been secured by the filing of a surety bond or other cash-equivalent security acceptable to the County.
14. The applicant shall pay a fee for each unit, and parcel created to the community development department for long range planning reimbursement prior to approval by staff of the final map.
15. This project is protected by the Mammoth Lakes Fire Protection District. Prior to any construction occurring on any parcel, the applicant shall contact the Fire Marshal for verification of current fire protection development requirements.
16. The Mitigation Measures as listed under the Special Conditions herein shall be implemented as development of the project occurs.
17. The property owner, applicant/developer and holder of any and all permits associated with this property shall conform to the requirements of the Town of Mammoth Lakes and Federal, State, County and Local agency requirements, as they may apply. This includes, at a minimum, the CRWQCB, Lahontan District, the Great Basin Air Quality Control District, OSHA, the Mammoth Lakes Fire Protection District, and the Mammoth Community Water District.
18. Nothing in the approval of this tentative tract map shall be construed to allow for the deviation, adjustment, variance or non-conformance of any municipal code or ordinance, or of any local, State or federal standard, policy, regulation or law, unless specifically provided for herein.

B. THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO APPROVAL BY STAFF OF THE FINAL MAP:

19. The final map and monumentation of the subdivision shall conform to the requirements of Town of Mammoth Lakes Ordinance 84-10 and all amendments thereto.
20. The conditions of Use Permit 2005-15 shall remain in effect for the life of the project.
21. A preliminary soils report shall be filed with and reviewed by the Town Engineer. The report shall address and make recommendations as to the compacted and un-compacted fills on-site. A note shall be placed on the final map indicating which lots require grading remediation. An "as-graded" soils report shall be provided to the Town upon completion of the grading.
22. Sureties shall be posted for required grading, street and drainage improvements in accordance with the Municipal Code and the applicant shall enter into a subdivision improvement agreement for all required public improvements in accordance with the Subdivision Map Act. The agreement shall include provisions for the posting of warranty sureties for the accepted public improvements. Construction cost estimates

for all required sureties shall be prepared and signed by a registered civil engineer. The estimates shall be at prevailing wages and shall include 20% for construction contingencies and 20% for administrative costs. All sureties shall be posted prior to the issuance of a grading permit and prior to approval by staff of the final map.

23. Surety shall be posted with the Town in a form acceptable to the Town Surveyor for any deferred final monumentation for the final map. The estimated amount of the surety shall be prepared by the licensed land surveyor preparing the final map and shall be approved by the Town Surveyor.
24. Future development within the Lodestar Master Plan will require the construction of the off-site 7B Roadway along and near the southern boundary of the project westerly and through to Minaret Road. The project as proposed would take emergency access along the 7B roadway. Construction of the 7B roadway shall be completed to the minimum standards for emergency access necessary for the subject development prior to issuance of a building permit, or as otherwise may be required by Town staff and Mammoth Lakes Fire Protection District (MLFPD), including rights of way and easements for the use of the roadway. An irrevocable offer of dedication for street purposes shall be granted to the Town over the 7B roadway as a part of the construction of the roadway. If the roadway has not been constructed, or the developer of the project fails to obtain the necessary easements rights for the use, and if necessary the construction, of the roadway at the time of the issuance of a grading permit then the Alternative Fire Access Plan shall be implemented on the site.
25. The Town contemplates the formation of an assessment district for the construction of certain public improvements within and adjacent to the North Village Specific Plan Area. Prior to final map approval by staff the Property Owner shall enter into an agreement with the Town to waive their rights to vote to oppose the formation of, and to agree to the annexation of the property into, an assessment district to be formed for the financing and construction of those public improvements. The agreement shall run with the land and shall be binding upon all future owners of the property. The agreement shall be fully executed prior to approval of the final map by staff.
26. Prior to staff approval of the final map, the Property Owner shall enter into an agreement with the Town in which the Property Owner shall agree to annex the property into North Village Benefit Assessment District, BAD 2001-2, or other BAD as appropriate, for the operation, maintenance and repair, snow removal, heat trace, landscaping and irrigation, street lighting, and other improvements, of the public improvements along Main Street along the property frontage. The Property Owner shall also enter into an agreement with the Town in which the Property Owner shall agree to waive their rights to vote in favor of the dissolution of the Benefit Assessment District, BAD 2001-2, or other BAD as appropriate. The agreements shall run with the land and shall be binding upon all future owners of the property. A note shall be placed on the final map stating that the property shall be subject to inclusion within the benefit assessment district.
27. All easements as shown on the tentative map shall be granted on the final map, or recorded by separate document prior to or concurrent with recordation of the final map. Easements to be recorded by separate document shall be submitted to the Town

for review and approval. The fully executed documents shall be submitted to the Town Engineer prior to approval of the final map. Easements shown on the tentative map to be granted or dedicated shall indicate the beneficiary of the easement(s).

28. Easements shown on the tentative map to the benefit of an agency other than the Town or to other parties shall be shown on the final map as "Easements Reserved". The owners statement on the parcel map shall reserve said easements unto themselves, their heirs and assigns.
29. All documents that are required to record prior to or concurrent with the recordation of the final map shall be reviewed and approved by the Town and shall be fully executed, notarized and ready for recordation prior to approval of the final map by town staff. The originals of the executed documents shall be delivered to the Town Engineer together with the final map prior to approval of the final map.
30. A homeowner's association shall be created and CC&R's recorded that contain provisions for the maintenance and snow removal of Lot 1 and the maintenance of the common area and/or amenities, trails, sidewalks and private drainage and detention facilities by the homeowner's association. CC&R's for this project shall be submitted to the community development department for review and approval to ensure consistency with the conditions of approval, the approved tentative map, the final map and Town policies and standards. The fully executed originals of the CC&R's shall be submitted to the planning division prior to final map approval by staff. The CC&R's shall be recorded concurrent with the final map. The CC&R's shall be a covenant that shall run with the land and shall be enforceable throughout the life of the use permit. The CC&R's shall contain the following provisions:
 - a. A snow removal/storage plan and provisions for maintenance of private roadways and drainage facilities. This plan shall be submitted by the applicant and approved by the community development department prior to final map approval by Town staff. The plan shall be consistent with the grading plan and landscape and irrigation without conflict for access to required snow storage areas.
 - b. Provisions granting rights of access and parking over, along and across Lot 1 as necessary to the owners and the tenants, and their guests, of the condominium units.
 - c. The requirements as listed in the Special Conditions of the Use Permit Conditions, and as may be otherwise required within these conditions of approval, shall be included within the CC&R's.
31. The applicant shall submit a request for unit and street addressing to the Town for the subdivision. Approval of the addressing shall be completed prior to approval of the map by staff.
32. For condominium projects the following statement shall appear on the signature sheet of the final map: "THIS SUBDIVISION IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 1350 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA, CONTAINING A MAXIMUM OF 91 RESIDENTIAL UNITS AND 1 COMMERCIAL CONDOMINIUM UNIT AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT".

C. THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO ISSUANCE OF AN ENCROACHMENT, GRADING OR IMPROVEMENT PERMIT:

33. Construction of water and sewer improvements shall require water and sewer permits from the Mammoth Community Water District. Grading plans shall be submitted to the Town for review and approval and a grading permit in accordance with the municipal code shall be obtained from the Town and all mitigating measures to prevent erosion and to protect existing trees shall be constructed prior to work commencing for any and all water and sewer improvements.
34. An application for a grading permit shall be submitted to the engineering services division of the Public Works Department in accordance Chapter 12.08 of the municipal code. No change to the existing conditions of the site, including site grading, drainage interruption, land clearing, etc. shall be commenced until an engineered grading and drainage plan has been approved by the Town Engineer.
35. A grading permit for the project shall not be issued prior to submission of a complete application for a building permit to the building division of the community development department. The building official shall make the determination as to whether or not the application is complete.
36. For any construction within State owned right-of-way an encroachment permit shall be obtained by the applicant from Caltrans. All plans for construction within the State right of way shall be submitted to the Town for review and approval prior to the issuance of the encroachment permit.
37. The subject property has existing overhead utilities along the property frontage that require relocation for the construction of the building. In accordance with Section 17.16.200 of the Town Subdivision Ordinance 84-10, prior to the issuance of a building permit the applicant shall have plans prepared, and approved, meeting the requirements of affected utility companies, for the conversion of the utilities to underground. The extent of the conversion shall be at a minimum along the property frontage, and shall extend off-site to provide for necessary down-poles and guy wires without conflict to extending improvements. The construction shall be completed prior to the issuance of the first temporary, conditional or final certificate of occupancy.
38. Streetlights shall be installed on Main Street/SR 203 as approved by the Town in coordination with Caltrans. The construction shall be completed prior to the issuance of the first temporary, conditional or final certificate of occupancy.
39. A promenade (bicycle/pedestrian trail) shall be provided along the frontage of the subdivision within the Caltrans right of way as shown on the tentative map, or an alignment as otherwise approved by the Public Works Director and Caltrans. The design and construction shall conform to Sidewalk Master Plan, the General Bikeway and Trail System Master Plan, and State and federal disabled access requirements as may be applicable.
40. The project is required to provide a snow melt system for the proposed driveway, entryways, and walkways located on the north side of the structure as well as in the patio

area proposed to the south of the building, in accordance with Mitigation Measure AES-6. The snowmelt system shall also extend along the path from the building up to the path within and along the Main Street Right of way, as shown on Sheet A2.1 of the approved plans. The on-site grading plans shall include the plans for the snow melts system as well as details and specifications for the system. The project shall provide for a heat source such as a boiler for the snowmelt system.

41. The project shall construct a walkway next to proposed driveway to meet ADA requirements unless Caltrans has allowed the Promenade to be a year round facility. This walkway shall not result in the project exceeding the maximum lot coverage of 60%. This shall be reviewed and approved by the Town prior to issuance of a grading permit.
42. Final grading and improvement plans and profiles shall indicate the location of any existing utility facility that would affect construction. All existing utilities shall be shown on the improvement plans and relocated as necessary without cost to the Town. Existing overhead utilities requiring relocation shall be converted to underground.
43. Prior to approval of the grading and improvement plans a soils report shall be prepared in accordance with Mitigation measure GEO-1. The report shall confirm that the proposed infiltrator locations will not be subject to groundwater entering the infiltrators or cause leaching through an adjacent slope face. Any proposed grading within the street right-of-way shall be done under the direction of the soils testing engineer. Compaction tests of embankment construction, trench backfill, and all sub-grades shall be performed at no cost to the Town. Prior to placement of any base materials, and/or paving, a written report shall be submitted by the soils testing engineer to the Town Engineer for review and approval. A geotechnical report is required that confirms that the proposed drywell locations will not be subject to groundwater entering the drywell or cause leaching through an adjacent slope face. Slope stability tests are required for all cuts or fills greater than 2:1 (H:V).
44. All driveways shall be constructed in accordance with the driveway standards of the Town.
45. A grading permit for the project shall not be issued prior to approval of the landscaping and irrigation plans. The landscape and irrigation plans shall be consistent with the requirements as listed under Use Permit Condition No. 17 and the Mitigation Measures as listed under AES-1. The landscape and irrigation plans shall be included with and shall be a part of the grading plans.
46. The applicant shall submit a Notice of Intent and comply with the requirements of the General Construction Activity Storm Water Permit from the State Water Resources Control Board, in accordance with Board requirements.
47. 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. All grading and construction activities shall conform to the requirements of Mitigation Measures AQ-1, AQ-2, AQ-3 and AQ-4 for the project.
48. Drainage across the property shall be maintained. The design of the grading and drainage facilities shall not create concentrated discharges to adjacent properties and/or

public rights of way in excess of historical flows. A registered civil engineer shall investigate existing facilities and design adequate drainage facilities to intercept and conduct the drainage flows around or through the site in a manner that will not adversely affect adjacent or downstream properties. The Engineer shall verify that downstream facilities, and drainage channels accepting site flows are not adversely affected by an increase in runoff from this development. If the project does create concentrated or sheet flows off-site that are greater than historical, the applicant shall demonstrate that the downstream facilities can accommodate the increased flows; otherwise, the applicant shall provide on-site detention for excess flows or the applicant shall up-grade any downstream facility accordingly.

49. A final hydrology and hydraulics study is required and shall be submitted with the grading and improvement plans for the project. The study shall be prepared in accordance with the grading chapter of the municipal code and the adopted Storm Drain Master Plan of the Town and shall be prepared by a registered civil engineer. The study shall include runoff from the entire site and shall also include runoff that enters the property from all upstream sources, and shall include all storm drains, infiltrators and surface flows. The study shall indicate the method of conveying surface and underground runoff and shall address drainage conveyances downstream to the extent they exit to an existing facility or natural drainage course. All existing drainage facilities on-site and tributary to the site shall be identified and shown on the grading plans. The hydraulic calculations shall include all pipe flows, velocities and head loss calculations sufficient to show the adequacy of all conveyance systems. Q100 and V100 and the hydraulic grade line for all public storm drains and all facilities with an equivalent diameter of 18 inches or greater shall be shown on the approved grading and improvement plans. The drainage study for the project and the final design of the storm drain system shall be approved prior to approval by staff of the grading and improvement plans and the final map. Infiltrators and storm water pollution prevention facilities are to be designed to accept the "first flush" levels of runoff. The capacity of these facilities shall not be assumed to reduce storm water flows of other drainage facilities that may be required for the project.
50. 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. Erosion control plans shall be included with the grading and improvement plans. Continuous water spraying or other approved methods shall be used during grading operations to control fugitive dust. Drop inlet filters and other temporary Best Management Practices shall be employed to filter nuisance water from storm drain inlets affected by construction, on-site and off-site. Groundwater pollution from urban run-off water generated by the project shall be mitigated using best management practices (BMP's), per the requirements of the California Regional Water Quality Control Board, Lahontan District, and as indicated in the "New Development and Redevelopment Guidelines". The applicant shall apply for and obtain all required permits, written clearances or exemptions from the Lahontan District prior to any grading. All BMP's shall be shown on the erosion control plans. If the Town inspector determines that the BMP's in place are not adequate, then additional BMP's shall be installed at the discretion of the Town inspector or a revised erosion control plan shall be prepared for approval by the

engineering services division. Gravel bags shall be used in lieu of sand bags. All permanent erosion control measures shall be irrigated for at least one season.

51. A Construction Staging and Management Plan shall be submitted to, and approved by the Town Engineer prior to grading permit issuance. The Plan shall include the requirements of Mitigation Measures AES-3, AES 7 and N-1 and provisions related to the parking of construction worker vehicles, construction equipment, construction materials, delivery, unloading and staging of the modular units, traffic control, and specific limitations restricting access into non-developed portions of the site and the storage of materials within these areas. The staging plan and the final access roadway improvements shall all be approved by the Mammoth Lakes Fire Protection District prior to grading permit issuance. The plan shall delineate the limits of construction activities and staging areas. Those limits shall be fenced in the field. An approved copy of the plan shall be maintained on-site at all times and available to all contractors, subcontractors, their employees and the Town. The staging plan shall address hours of work, special approval for work outside hours allowed. The plan shall also contain provisions for interrupting utility services to neighboring properties and sufficient noticing to affected residents and property owners. 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 staging areas, on-site and off-site, used for the development of the project shall be restored to their original condition, or better, prior to the full release of the surety posted for grading, and prior to issuance of the first certificate of occupancy, as to be determined by the Town Engineer. Prior to combustible materials being placed on-site all-weather access roads shall be constructed serving all exterior portions of the structure to the satisfaction of MLFPD.
52. A shoring plan shall be prepared and submitted for review that demonstrates how the cuts along and adjacent to the property lines can be made without encroachment onto the adjacent property and in conformance with OSHA requirements.
53. The grading plan shall indicate all snow storage areas and drainage facilities. All easements shall be shown on the grading plan. 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 Town Engineer prior to the import or export of material for the site.
54. A tree removal plan, consistent with Mitigation Measure BIO-3, shall be approved prior to any land disturbance and the issuance of a grading or building permit. The applicant shall obtain the necessary Timber Harvest Permit prior to any tree removal. The grading plan shall include tree protection measures to address how construction can occur without disturbing 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 not disturb existing understory vegetation or retained trees. Grading operations shall not commence until all erosion control measures and tree protection measures are in place as shown on the approved plans, and as required by the Town.
55. A pre-construction meeting shall be held on-site prior to any land disturbance.

D. THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO ISSUANCE OF BUILDING PERMITS:

56. Recordation of the final map. The applicant shall provide evidence to the Town that the map has recorded prior to issuance of the first building permit for the project. Evidence shall consist of the recording information of the final map.
57. Prior to issuance of a building permit the applicant shall pay Development Impact Fees in accordance with Town ordinances and the municipal code, or as may be deferred by the Town Council.
58. For all retaining and screening walls, the applicant shall submit plans to and obtain a building permit from the building division.

E. PRIOR TO THE ISSUANCE OF THE FIRST TEMPORARY, CONDITIONAL OR FINAL CERTIFICATE OF OCCUPANCY THE FOLLOWING CONDITIONS SHALL BE COMPLETED:

59. All required landscaping and irrigation improvements shall be constructed prior to the first temporary, conditional or final certificate of occupancy for the project. Sureties shall be posted with the Town to the satisfaction of the community 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 irrigation improvements shall be at the sole discretion of the director of the community development department.
60. Address numbers shall be placed on the new structures in such a manner as to be plainly visible and legible from the access roadway or street.
61. The final condominium plans for the project shall be submitted to the Town for review for conformance with the approved development plan, tentative map, use permit and CC&R's. The condominium plans shall conform to the conditions of approval with respect to ownership of required appurtenant use areas. Issuance of the first certificate of occupancy and recordation of the condominium plans shall not occur prior to Town approval of the condominium plans.
62. Construction of private streets and private street related drainage improvements shall be inspected and certified by the Town Engineer.
63. All required grading, public and private street and drainage improvements shall be completed, all "punchlist" items completed to the satisfaction of the Town Engineer, the as-built plans submitted, reviewed and approved and the required warranty sureties posted prior the issuance of the first certificate of occupancy for the project.
64. All deferred survey monumentation shall be completed prior to the issuance of the first temporary, conditional or final certificate of occupancy for the project.