

Attachment I

Planning and Economic Development Commission Resolution

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

Recordation fee exempt per Government Code §27383
Space Above for Recorder's Use

RESOLUTION NO. PEDC 2019-__

**A RESOLUTION OF THE MAMMOTH LAKES PLANNING AND
ECONOMIC DEVELOPMENT COMMISSION
APPROVING VESTING TENTATIVE TRACT MAP 18-003,
USE PERMIT 18-005, AND DESIGN REVIEW 18-001
TO ALLOW THE YOTELPAD PROJECT
LOCATED AT 6040, 6042, AND 6060 MINARET ROAD
(APNs: 033-043-002-000; 033-043-001-000; 033-043-003-000)**

WHEREAS, a request for consideration of a vesting tentative tract map, use permit, and design review, was filed by RePlay Destinations on behalf of the property owner, One Mammoth, LLC, to allow the Yotelpad project, a mixed-use condominium-hotel project with 198 bedrooms within 177 units, in accordance with the North Village Specific Plan and Chapters 17.68 (Use Permits) and 17.88 (Design Review) of the Town of Mammoth Lakes Municipal Code, for property located within the Resort General (RG) zone of the North Village Specific Plan (NVSP) zoning district at 6040, 6042, and 6060 Minaret Road; and

WHEREAS, the Planning and Economic Development Commission conducted a noticed public hearing on the application request on May 15, 2019, at which time all those desiring to be heard were heard; and

WHEREAS, the Planning and Economic Development Commission considered, without limitation:

1. The staff report to the Planning and Economic Development Commission with exhibits;
2. The General Plan, State Subdivision Map Act, North Village Specific Plan, Municipal Code, North Village Design Guidelines, Subdivision Ordinance, and associated Land Use Maps;
3. Oral evidence submitted at the hearing;
4. Written evidence submitted at the hearing; and
5. Project plans consisting of:
 - a. Yotelpad Project Plan Sheets: A.1 (Cover Sheet); B.1 (Vicinity Map); C.1-C.2 (Site Survey); D.1-D.7 (Civil Drawings); E.1-E.3(Elevations); F.0-F.3 (Shadows and Renderings); G.1-G.5 (Landscape Plans); H.1-H.11 (Site Plan and Floor Plans); J.1-J.4 (Photo Simulations); K.1 (Vesting Tentative Tract Map); and L.1 (Rendering), dated received by the Town of Mammoth Lakes April 26, 2019;

- b. Yotelpad Materials Board, dated received by the Town of Mammoth Lakes March 25, 2019;
6. The Subsequent Program Environmental Impact Report (SPEIR) (State Clearinghouse No. 99-092082) for the 1999 North Village Specific Plan Amendment, dated October 2000, incorporated herein by reference;
7. The Yotelpad Project CEQA Conformance Documentation, dated May 2019, incorporated herein by reference.

NOW THEREFORE, THE PLANNING AND ECONOMIC DEVELOPMENT COMMISSION OF THE TOWN OF MAMMOTH LAKES DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

SECTION 1. FINDINGS.

1. CEQA.

On November 15, 2000, the Town Council certified the Subsequent Program Environmental Impact Report for the 1999 North Village Specific Plan Amendment project (1999 SPEIR) (SCH #99-092082). The 1999 SPEIR reviewed the existing conditions and conclusions of the original 1991 EIR and 1994 EIR Addendum, analyzed potential environmental impacts associated with the 1999 North Village Specific Plan (NVSP) Amendment in comparison to the previous environmental documentation, and identified mitigation measures to reduce potentially significant impacts. The 1999 SPEIR analyzed the potential impacts of developing the entire NVSP area with the maximum intensity permitted under the NVSP development standards. That amendment involved modifications to circulation and parking, height limitations, development opportunities, and setbacks and included the majority of the development standards and uses that are currently applicable. The 1999 SPEIR found that all impacts, with the exception of Air Quality, would be less than significant through compliance with existing standards and regulations and through the incorporation of the mitigation measures (modified as necessary) imposed under the 1991 EIR and 1994 EIR Addendum. The 1999 SPEIR concluded that impacts to Air Quality would be significant and unavoidable and that the project would contribute on some level to the ongoing violation of the state and federal PM₁₀ standards.¹

The proposed Yotelpad project, which is consistent with all applicable development standards of the NVSP and within the scope and intensity of the development that was intended for the site and analyzed in the 1999 SPEIR, will not result in any new environmental effects that were not previously analyzed in the certified 1999 SPEIR (SCH #99-092082). Pursuant to CEQA Guidelines §15168[c][2], when a project will not result in any new environmental effects that were not previously analyzed in a certified Program EIR, no new environmental compliance document is required since the scope and intensity of the project was fully covered by the 1999 SPEIR and none of the criteria outlined in CEQA Guidelines §15162 for when a subsequent environmental compliance document has occurred, as discussed below:

- a. There are no substantial changes to the project from what was analyzed in the 1999 SPEIR that will require revisions to the previous EIR, and therefore, no new significant environmental effects or a substantial increase in the severity of previously identified significant effects will occur. The project is consistent with all applicable NVSP development standards for the RG zone, including, but not limited to, density, height, setbacks, site coverage, and parking, and the 1999 SPEIR found that the potential impacts from a project at this site that conforms to all of the development standards would result in less than significant impacts with the

¹ The Town has since been re-designated by the United States Environmental Protection Agency (EPA) as in attainment for the federal air quality standard for particulate matter less than 10 microns (PM₁₀).

incorporation of the mitigation measures imposed under the 1999 EIR and 1994 EIR Addendum.

- b. There are no substantial changes with respect to the circumstances under which the project is being undertaken that will require major revisions to the previous EIR since the project site remains in the same condition as it was when it was originally analyzed in the 1999 SPEIR and the project, as proposed, is consistent with what was analyzed in the 1999 SPEIR for this site. Additionally, no changes or amendments to the 1999 SPEIR with respect to the project site have occurred. Therefore, since the circumstances under which the project is being undertaken remain unchanged, no new significant environmental effects or a substantial increase in the severity of previously identified significant effects are anticipated to occur.
- c. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, to show that:
 - (1) the project will have one or more significant effects not previously discussed since, as discussed in the Yotelpad CEQA Conformance Documentation, no changes have occurred with respect to the intensity of the development that was previously analyzed in the 1999 SPEIR have occurred and all potential environmental effects were found to be adequately analyzed in the 1999 SPEIR;
 - (2) significant effects previously examined will be substantially more severe than shown in the previous EIR since, as discussed in the Yotelpad CEQA Conformance Documentation, only impacts with regards to Air Quality were found to be significant in the previously certified 1999 SPEIR and the potential impacts with regards to Air Quality from the proposed project were found to have been covered in the 1999 SPEIR since the project is within the scope of development that was intended for the site;
 - (3) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative, since the mitigation measures in the 1999 SPEIR reduce all potential impacts to a less than significant level, with the exception of impacts related to Air Quality, which were found to be significant due to ongoing region-wide violations of the State and Federal PM₁₀ standards and no mitigation measure or alternative would adequately reduce that impact to a less than significant level, and therefore, there are no additional mitigation measures or alternatives that would be feasible that would reduce one or more significant effects of the project; and
 - (4) mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR and would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative, since the mitigation measures in the 1999 SPEIR reduce all potential impacts to a less than significant level, with the exception of impacts related to Air Quality, which were found to be significant due to ongoing region-wide violations of the State and Federal PM₁₀ standards and no mitigation measure or alternative would adequately reduce that impact to a less than significant level, and therefore, there are no other mitigation measures or alternatives from those analyzed in the 1999 SPEIR which would reduce one or more significant effects on the environment.

Therefore, since none of the criteria in CEQA Guidelines §15162 apply and the scope and intensity of the project was fully covered by the 1999 SPEIR, no new environmental compliance document is required pursuant to CEQA Guidelines §15168[c][2]. The applicable mitigation measures from the 1999 SPEIR remain applicable and are included as conditions of approval for the project.

2. MUNICIPAL CODE FINDINGS.

FINDINGS FOR USE PERMIT (Municipal Code Section 17.68.050)

- a. *The proposed use is consistent with all applicable sections of the General Plan, Title 17 of the Municipal Code, and any applicable specific plan.*

The proposed use is consistent with all applicable sections of the General Plan because it would implement the goals and objectives of the North Village Specific Plan (NVSP) and the North Village District (see the *General Plan Neighborhood and District Character Element*) by providing a mixed-use condominium-hotel lodging development that has supporting restaurant and lounge uses; pedestrian connectivity through the site and the North Village area; distinctive mountain architecture with a contemporary design; and numerous outdoor plazas and courtyards and pedestrian links that create a sense of exploration.

The project proposes a maximum of 198 rooms within 177 condominium-hotel units, along with streetscape improvements, restaurant and lounge uses, and guest amenities, such as a fitness center, pool and hot tub, game room, and other resort amenities. The streetscape improvements include a sidewalk along the western property frontage adjacent to Minaret Road and pedestrian pathways that connect to the hotel lobby and the restaurant. The restaurant use at the prominent southwest corner of the site provides further animation by providing a large outdoor dining area. The project would not result in a significant public view blockage of the Sherwin Range or the Knolls because of how the project is sited on the site and since the height is consistent with the height that is permitted for this site by the NVSP. Lastly, the project would not exceed the maximum density allowed within the General Plan and the NVSP for this site.

The North Village Specific Plan (NVSP) sets forth the land use development standards for this site rather than Title 17 (Zoning Code). The proposed condominium-hotel use and other associated uses are consistent with the NVSP land use designation since the project proposes a mixed-use condominium-hotel lodging product that has a supporting restaurant and lounge bar area. Additionally, the site will have numerous amenities to enhance the visitor experience and support long-term visitation, including, a fitness center, a pool and hot tub, game room, and kitchens within each unit.

The proposed project is consistent with the North Village Specific Plan (NVSP) because the project conforms to all of the applicable NVSP development standards, including, but not limited to, permitted uses, density, building area, site coverage, snow storage, building height, setbacks, and parking.

- b. *The proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health and safety nor materially injurious to properties or improvements in the vicinity.*

The proposed use and the conditions under which it will be operated or maintained will not be detrimental to the public health and safety nor materially injurious to properties or improvements in the vicinity because the proposed project will comply with the mitigation measures required by the certified Subsequent Program Environmental Impact Report for the 1999 North Village Specific Plan Amendment project (1999 SPEIR) (SCH #99-092082), and will include sidewalk improvements along the property frontage and pedestrian paths through the project site. Additionally, the use is consistent with the intended uses for the site as specified in the North Village Specific Plan (NVSP) and the project complies with the density standards as specified in the NVSP for the subject site and evaluated in the 1999 SPEIR.

FINDINGS FOR DESIGN REVIEW PERMIT
(Municipal Code Section 17.88.060)

- a. *The project is consistent with the applicable standards and requirements of the Municipal Code.*

The project is consistent with the applicable standards and requirements of the Mammoth Lakes Zoning Code because the project is consistent with the North Village Specific Plan (NVSP) development standards, which supersedes Title 17 (Zoning Code).

As described in the staff report, incorporated herein by reference, the proposed project is consistent with the NVSP since the project conforms to all applicable development standards of the NVSP including, but not limited to, permitted uses, density, building area, site coverage, snow storage, building height, setbacks, and parking.

- b. *The project is consistent with the General Plan and any applicable specific plan or master plan.*

The project is consistent with the General Plan because it would implement the goals and objectives of the North Village Specific Plan (NVSP) and the North Village District (see the *General Plan Neighborhood and District Character Element*) by providing a mixed-use condominium-hotel lodging development that has supporting restaurant and lounge uses; pedestrian connectivity through the site and the North Village area; distinctive mountain architecture with a contemporary design; and numerous outdoor plazas and courtyards and pedestrian links that create a sense of exploration.

The project proposes a maximum of 198 rooms within 177 condominium-hotel units, along with streetscape improvements, restaurant and lounge uses, and guest amenities, such as a fitness center, pool and hot tub, game room, and other resort amenities. The streetscape improvements include a sidewalk along the western property frontage adjacent to Minaret Road and pedestrian pathways that connect to the hotel lobby and the restaurant. The restaurant use at the prominent southwest corner of the site provides further animation by providing a large outdoor dining area. The project would not result in a significant public view blockage of the Sherwin Range and the Knolls because of the location of the project on the site and because the height is consistent with the height that is permitted for this site by the NVSP. Lastly, the project would not exceed the maximum density allowed within the General Plan and the NVSP for this site.

The proposed project is consistent with the North Village Specific Plan (NVSP) because the project conforms to all of the applicable NVSP development standards, including, but not limited to, permitted uses, density, building area, site coverage, snow storage, building height, setbacks, and parking.

- c. *The project is consistent with the Town of Mammoth Lakes Design Guidelines.*

Since the project is within the North Village Specific Plan Area (NVSP), it is subject to the North Village Design Guidelines. The project is consistent with the North Village Design Guidelines because: (1) the site design takes advantage of the topography of the site; (2) the buildings are sited to minimize impacts to neighboring land uses and shading of adjacent land uses and public areas by placing the buildings with lower building heights on the north and east side of the site; (3) the design of buildings preserve sunlight into public places by leaving the southern area of the site free and clear of buildings; (4) the visual of the flat roof is varied and creates visual interest through offsets in the building forms; (5) the mass of the buildings are broken up through building offsets and changes in materials; (6) the base of the building is scaled to the pedestrian form through the use of storefront windows and an awning above to define the pedestrian space; (7) the materials and colors are appropriate since they include natural earth-tone colors and materials that create visual interest; and (8) the landscape design

proposes the use of native plants and trees and human scaled elements that provide social gathering spaces.

d. *The project is consistent with the following additional Design Criteria (Zoning Code §17.88.050):*

1. The site design and building design elements combine together in an attractive and visually cohesive manner that is compatible with and complements the desired architectural and/or aesthetic character of the North Village Specific Plan (NVSP) area and a mountain resort community. The General Plan discourages architectural monotony, and the proposed building would have a unique contemporary design that is expressive of the mountain character and appropriate to the area. The project would encourage pedestrian activity in the area through additional sidewalk areas, outdoor dining, and other pedestrian scaled elements such as the various courtyards and seating areas. The project would promote compatibility among neighboring uses by siting the buildings with a lower maximum height along the northern and eastern property lines adjacent to the neighboring hotel and residential uses.
2. The proposed project includes streetscape improvements, including landscaping, a new sidewalk, and outdoor restaurant seating, that are consistent with the desired pedestrian-oriented character of the North Village Specific Plan (NVSP) area.
3. The proposed project includes 201 parking spaces (187 spaces in the understructure parking garage, 9 oversized vehicles parking spaces along the northern driveway ramp, and 5 surface parking check-in stalls), which exceeds the number of parking spaces required and includes valet parking to maximize efficiency of the understructure parking garage. Access to the parking garage will not be visible from off-site public places and will be located on the north side of the site. Conflicts between vehicles and pedestrians and cyclists will be prevented since only one curb cut is proposed for the site. The heat-island effect will be minimal since the site has minimal surface parking lots and includes large landscaped areas. The project will be required to comply with all stormwater management requirements of the Town and the State.
4. The proposed project will include attractive lighting that complements the building architecture and is required to comply with the Town Outdoor Lighting Regulations and be down-directed and shielded.
5. The proposed project landscaping will be required to comply with the Town's and the State's Water Efficient Landscape Ordinance and the North Village Specific Plan (NVSP) Landscape Design Guidelines. The landscaping is designed to help relate the buildings to the surrounding landscape and enhance the architectural character. The conceptual landscape plan was reviewed as part of this project and a final landscape plan will be required prior to building permit issuance.

e. *The project is consistent with any approved tentative map, use permit, variance, or other planning or zoning approval that the project required.*

The project is consistent with all other planning approvals required for the project since the design review permit is being processed concurrently with the vesting tentative tract map and use permit, and therefore, will be consistent with those approvals.

3. **SUBDIVISION MAP ACT FINDINGS.** (State Map Act §66474)

a. *The proposed map is consistent with applicable general and specific plans.*

The proposed map is consistent with applicable General and Specific Plans as specific in Section 65451 of the Subdivision Map Act because it would implement the goals and objectives of the North Village District and the North Village Specific Plan (NVSP) by providing a mixed-use condominium-hotel lodging development that has supporting restaurant and lounge uses; pedestrian connectivity through the site and the North Village area; distinctive mountain architecture with a contemporary design; and numerous outdoor plazas and courtyards and pedestrian links that create a sense of exploration.

The project proposes a maximum of 198 rooms within 177 condominium-hotel units, along with streetscape improvements, restaurant and lounge uses, and guest amenities, such as a fitness center, pool and hot tub, game room, and other resort amenities. The streetscape improvements include a sidewalk along the western property frontage adjacent to Minaret Road and pedestrian pathways that connect to the hotel lobby and the restaurant. The restaurant use at the prominent southwest corner of the site provides further animation by providing a large outdoor dining area. The project would not result in a significant public view blockage of the Sherwin Range or the Knolls, as evidenced in the photo simulations. For the Sherwins, the photo simulations show that the only vantage point where the views of the Sherwins will be slightly changed by the project occurs from Minaret Road adjacent to the Alpenhof Lodge and the views along the remainder of the corridor from Forest Trail to Main Street will be unaffected and this slight change is considered insignificant since it only affects the view of the foothills and not the main ridgeline. For the Knolls, the photo simulations should that there will be no changes to the public views of the Knolls as a result of the project. Lastly, the project would not exceed the maximum density allowed within the General Plan and the NVSP for this site.

The proposed project is consistent with the North Village Specific Plan (NVSP) because the project conforms to all of the applicable NVSP development standards, including, but not limited to, permitted uses, density, building area, site coverage, snow storage, building height, setbacks, and parking.

b. *The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.*

The design and improvements of the subdivision are consistent with the applicable General and Specific Plan because the proposed condominium-hotel project would be consistent with the standards of the North Village Specific Plan (NVSP). The NVSP development standards implement the goals and policies of the Town's General Plan because the NVSP supersedes the Municipal Code zoning requirements. The project would provide a mixed-use condominium-hotel lodging development that has supporting restaurant and lounge uses; pedestrian connectivity through the site and the North Village area; distinctive mountain architecture with a contemporary design; and numerous outdoor plazas and courtyards and pedestrian links that create a sense of exploration.

Furthermore, the project is consistent with the North Village Specific Plan (NVSP) because the project conforms to the NVSP development standards, including, but not limited to, permitted uses, density, building area, site coverage, snow storage, building height, setbacks, and parking. The project is consistent with the North Village Design Guidelines because: (1) the site design takes advantage of the topography of the site; (2) the buildings are sited to minimize impacts to neighboring land uses and shading of adjacent land uses and public areas by placing the buildings with lower building heights on the north and east side of the site; (3) the design of buildings preserve sunlight into public places by leaving the southern area of the site free and

clear of buildings; (4) the visual of the flat roof is varied and creates visual interest through offsets in the building forms; (5) the mass of the buildings are broken up through building offsets and changes in materials; (6) the base of the building is scaled to the pedestrian form through the use of storefront windows and an awning above to define the pedestrian space; (7) the materials and colors are appropriate since they include natural earth-tone colors and materials that create visual interest; and (8) the landscape design proposes the use of native plants and trees and human scaled elements that provide social gathering spaces.

c. *The site is physically suitable for the type of development.*

The site is physically suitable for this type of development because the project is consistent with the intended uses for the site as specified in the North Village Specific Plan (NVSP) and the project complies with the density standards as specified in the NVSP for the subject site and evaluated in the certified Subsequent Program Environmental Impact Report for the 1999 North Village Specific Plan Amendment project (1999 SPEIR) (SCH #99-092082).

d. *The site is physically suitable for the proposed density of development.*

The site is physically suitable for the proposed density of development because the maximum density proposed for the site is 198 rooms, which is consistent with the allowable density for the site as specified in the NVSP and evaluated in the certified Subsequent Program Environmental Impact Report for the 1999 North Village Specific Plan Amendment project (1999 SPEIR) (SCH #99-092082).

e. *The design of the subdivision or the proposed improvements are not likely to cause substantial environment damage or substantially and avoidably injure fish or wildlife or their habitat.*

The design of the subdivision is not likely to cause substantial environment damage or substantially injure fish or wildlife because the project is not located within an environmentally sensitive area and the certified Subsequent Program Environmental Impact Report for the 1999 North Village Specific Plan Amendment project (1999 SPEIR) (SCH #99-092082) found all impacts to biological resources would be less than significant.

f. *The design of the subdivision and types of improvements is not likely to cause serious health problems.*

The design of the subdivision is not likely to cause serious public health problems since the required mitigation measures from the certified Subsequent Program Environmental Impact Report for the 1999 North Village Specific Plan Amendment project (1999 SPEIR) (SCH #99-092082) reduce health-related impacts to a less than significant level 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.

g. *The design of the subdivision and 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.*

The design of the subdivision will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision since all easements are shown on the tentative map or are required through the conditions of approval, and the property has access to Minaret Road which has a standard street alignment and width and an easement will be granted to the public for use of the new sidewalk that will be adjacent to Minaret Road along the western property frontage. 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.

SECTION 2. PLANNING AND ECONOMIC DEVELOPMENT COMMISSION ACTIONS.

The Planning and Economic Development Commission hereby takes the following actions:

1. Finds that the previously certified Subsequent Program Environmental Impact Report for the 1999 North Village Specific Plan Amendment project (1999 SPEIR) (SCH #99-092082) adequately covered all of the potential environmental impacts of the Yotelpad project and no new or increased environmental impacts are expected to occur as a result of the project and that no new environmental compliance document is required pursuant to CEQA Guidelines §15168[c][2]; and
2. Approves the Yotelpad project consisting of Vesting Tentative Tract Map 18-003, Use Permit 18-005, and Design Review 18-006 subject to the following conditions:

(SEE EXHIBIT “A”); and

3. Directs staff to file a Notice of Determination.

EXHIBIT "A"
Resolution No. PEDC 2019-__
Case No. VTTM 18-003, DR 18-006, UPA 18-005

PLANNING DIVISION CONDITIONS

STANDARD PLANNING CONDITIONS

1. This approval authorizes the Yotelpad project, a mixed-use condominium-hotel project with 198 bedrooms within 177 units. The units will be under individual ownership and will include 156 studio and 1-bedroom units and 21 two-bedroom townhome units. The project also includes approximately 4,100 square feet of restaurant space, a 1,000 sq. ft. lounge bar area, understructure parking with a minimum of 187 parking spaces (161 stalls and 26 valet stalls), nine (9) oversized vehicle parking spaces along the northern driveway ramp, a surface parking area for guests checking in with five (5) valet parking stalls, and associated owner/guest related amenities (e.g., fitness center, pool and hot tub, game room). The project design and colors shall substantially conform with the project plans dated received by the Town on April 26, 2019 and consisting of Sheets A.1, B.1, C.1-C.2, D.1-D.7, E.1-E.3, F.0-F.3, G.1-G.5, H.1-H.11, J.1-J.4, K.1, and L.1 and the materials boards dated received by the Town on March 25, 2019.
2. This permit and all rights hereunder shall automatically terminate unless the site preparation or construction has been commenced within two years after the issuance of this permit and such work is diligently carried on until completion, or an extension of time has been granted in accordance with Municipal Code §17.60.060.B.
3. All new improvements constructed on the site shall be in compliance with all Town of Mammoth Lakes, County of Mono, Mammoth Community Water District, the Mammoth Lakes Fire Protection District, the CRWQCB Lahontan District, Great Basin Air Pollution Control District, OSHA, State of California and United States of America laws, statutes, ordinances, regulations, directives, orders, and the like applicable thereto and in force at the time thereof. Any violation of the above may constitute grounds for revocation under Chapter 17.128 of the Mammoth Lakes Municipal Code.
4. This resolution of approval, as conditioned herein, shall be recorded for the subject property by the Mono County Recorder's Office to commence the approved use on the property or the issuance of any building permits for new or remodeled structures.
5. The site shall be maintained in a neat, clean and orderly manner. All improvements shall be maintained in a condition of good repair and appearance. Outdoor storage of equipment and other materials is prohibited, except as allowed through a temporary construction management plan approved by the Public Works Director.
6. Storage of construction materials and equipment off-site shall not be permitted without a permit issued by the Community and Economic Development Department of the Town. Any public or private property altered, damaged or destroyed by site preparation, grading, construction or use shall be restored to its pre-existing condition by the permittee.
7. All conditions of this permit shall be met or secured prior to final occupancy approval of any tenant improvements or new structures.
8. All uses are subject to review by the Building Official of the Town of Mammoth Lakes and must conform to occupancy ratings of the structures to obtain occupancy.
9. Town staff shall have the right to enter the subject property to verify compliance with these conditions. The holder of any permit associated with this project shall make the premises available to Town staff during regular business hours and shall, upon request make records and documents available to Town staff as necessary to evidence compliance with the terms and conditions of this permit.

10. Prior to the issuance of a building permit, the applicant shall pay all applicable fees as prescribed by ordinance and/or resolution and pay any fees due on this project processing account.
11. Where compliance with the conditions of approval or applicant initiated changes to the plans require additional staff review, that review time shall be billed at the Town's established billing rates. Prior to the issuance of a building or grading permit, the applicant shall pay all outstanding costs for the processing of this application.
12. The approved site and building plans shall be adhered to and maintained for the duration of the permit.
13. This action may be appealed to the Town Council within fifteen (15) calendar days from the date of Planning and Economic Development Commission approval in accordance with Municipal Code Chapter 17.104.
14. 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. The applicant shall defend, indemnify, and hold harmless the Town and its agents, officers, and employees from any claim, action, or proceeding against the Town and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the Town, advisory agency, appeal board, or legislative body concerning this approval. The Town shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense.
16. Pursuant to Government Code Section 66474.9 the subdivider shall defend, indemnify, and hold harmless the Town and its agents, officers, and employees from any claim, action, or proceeding against the Town and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the Town, advisory agency, appeal board, or legislative body concerning this approval, 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.
17. 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, if formed, shall submit a petition to be annexed into the Transit and Transportation Fee Community Facility District (CFD 2013-03) and pay all fees associated with the annexation process prior to final map approval by staff. CFD 2013-03 shall be referenced in the project CC&Rs, as well as in any disclosure documents required by the California Department of Real Estate for the project.
18. All exterior lighting shall comply with Chapter 17.36.030 of the Town of Mammoth Lakes Municipal Code, Exterior Lighting. Exterior light fixtures having a total of over 400 lumens of output shall be equipped with shields that extend below the horizontal plane of the light source to direct the light downward onto the structure or surrounding grounds. Accent lighting is permitted as described in Municipal Code Section 17.36.030.F.6. This shall be verified prior to issuance of a certificate of occupancy.
19. 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.
20. A valid building permit and a permit from the Mammoth Lakes Fire Protection District are required before any building can begin on-site.
21. 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.

22. New or changed improvements, exterior illumination, elevations, designs, materials, or colors shall conform to the adopted Design Guidelines of the Town of Mammoth Lakes and will require review and approval from the Town of Mammoth Lakes Community and Economic Development Department or Planning and Economic Development Commission pursuant to Municipal Code Chapter 17.88.
23. 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.
24. 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.
25. Roof vents, exhaust, pipes, and flues shall be combined and/or collected together on slopes of roof out of public view to the greatest extent possible.
26. Developers of residential properties shall include a disclosure statement indicating that Mammoth Lakes is an area of habitat for mountain lions, which indicates a potential risk, particularly to small children and pets (General Plan Mitigation Measures 4.3-1).

SPECIAL PLANNING CONDITIONS

27. The affordable housing requirements for this project shall be mitigated through compliance with the Housing Ordinance in effect at the time of building permit submittal. The subject property was assigned 40.41 Full-Time Equivalent Employee (FTEE) credits via a previous Implementation Agreement and Assignment of Credits and pursuant to the Town's Housing Ordinance, these credits can be used to satisfy the affordable housing requirements for this project. The value of the credits shall be established by a Town Council policy and the number of credits used for the proposed project will be dependent on the Town Council fee value policy that is in effect at the time of building permit submittal.
28. Notwithstanding any other possible configurations or calculations, for purposes of determining the affordable housing impact mitigation requirements for this project, the base density of the project shall be assumed to be 125 "rooms," with a room being equal to a key (*A key is defined as a separately lockable lodging room or portion of a lodging room*).

The remaining 73 rooms are considered to be density bonus that was provided in exchange for 4.41 acres of unimproved property that was ultimately developed with affordable housing (i.e., Aspen Village Apartments) and those 73 rooms are exempt from the affordable housing impact mitigation requirements pursuant to the 2007 Implementation Agreement that is associated with the subject property.
29. The project shall comply with all applicable mitigation measures from the Subsequent Program Environmental Impact Report for the 1999 North Village Specific Plan Amendments. The applicable mitigation measures are included as conditions of project approval.
30. The project shall meet the requirements of Municipal Code Chapter 17.40 (Water Efficient Landscape Regulations), including the Landscape Documentation Package. A final landscape and irrigation plan shall be submitted to, and approved by, the Community and Economic Development Department prior to building permit issuance. Said landscape and irrigation plan shall substantially conform to the preliminary landscape plan approved by the Planning and Economic Development 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. 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.

Pursuant to the North Village Specific Plan, all trees greater than 12 inches dbh (diameter at breast height) that are required to be removed due to improvements, shall be replaced on a one-to-one basis either on-site or on an off-site approved by the Community and Economic Development Director. Trees recommended for removal based on health, overstock, etc. by a qualified professional are not required to be replaced. Trees used for revegetation and landscaping purposes shall be a minimum size of 2-inch caliper. Selective use of smaller native trees may be permitted. Shrubs used for revegetation and landscaping purposes shall be a minimum size of 2-gallon container category. If trees larger than 2-inch caliper are used, the total number of replacement trees may be reduced, subject to approval by the Community and Economic Development Director.

31. Prior to building permit issuance for the first condominium structure, the applicant shall submit a delivery operational plan that addresses all delivery vehicle parking and unloading, including large trucks. The plan shall require all deliveries to occur off of Minaret Road either in the 'Delivery Truck Parking' area located on the north side of the property or within the porte-cochere/valet parking area. At no time shall any delivery vehicle be parked and unloaded on Minaret Road or within the State right-of-way. This shall be reviewed and approved by the Community and Economic Development Department and the Public Works Department prior to the issuance of the building permit for the first condominium structure. The Town shall enforce the terms of the delivery operations plan through code compliance efforts.
32. Prior to issuance of a certificate of occupancy for the project, all required vehicle parking shall be reviewed and approved by the Community and Economic Development Department and the Public Works Department for compliance with the North Village Specific Plan requirements and the Town's Public Works Standards. At a minimum, there shall be 201 vehicle parking spaces with a minimum parking space size of 9-feet x 18-feet (161 stalls, 26 valet stalls, 9 exterior oversize vehicle parking stalls, and 5 check-in stalls). The valet parking stalls within the parking garage are not required to be striped, but evidence shall be provided that there is adequate space for the stalls and drive aisle to coexist.
33. Prior to issuance of a certificate of occupancy for the project, bicycle parking shall be reviewed and approved by the Community and Economic Development Department and installed/operational. Pursuant to Municipal Code §17.44.090.A, the project shall provide bicycle parking at a minimum rate of 0.2 bicycle parking spaces per hotel unit for a minimum of 35 spaces (177 units x 0.2 = 35.4 spaces). Of those 35 spaces, 15% are required to be for short-term use (generally less than 8 hours) and 85% are required to be for long-term use (generally all day, overnight, or seasonally). The winter ski storage area within the parking structure is permitted to be used as long-term bicycle storage during the summer months.
34. At a minimum, valet attendants shall be available during the hours of 6:00 a.m. to 11:00 p.m. Sunday through Thursday and 6:00 a.m. to 12:00 a.m. Friday and Saturday. This shall be included in the CC&Rs for the project, which shall be reviewed and approved by the Community and Economic Development Department and Public Work Department prior to the approval of the final map.
35. As required by the North Village Specific Plan (NVSP), the applicant shall comply with NVSP Housing Policy #3 that prohibits construction workers who reside outside of Mono or Inyo County to be housed in the RMF-1 zoning district. Documentation of the provision of housing for contractor employees shall be provided to the Town, upon request.
36. Since the project is proposed to be a condominium-hotel, the condominium-hotel floor plans and uses shall substantially conform with those shown in the plans approved by this Resolution, and shall meet the 'Hotel and Motel Requirements' described in Municipal Code §17.52.120.D.2. Evidence of compliance with the Hotel and Motel requirements shall be reviewed and approved by the Community and Economic Development Department prior to issuance of a certificate of occupancy. Project CC&Rs shall allow transient rentals and shall be reviewed and approved by

the Community and Economic Development Department prior to approval of the final map.

37. A minimum separation of nine feet (9') pursuant to Town Standard 116 shall be maintained between the pavement within the understructure parking garage and any obstructions above (i.e., ceilings, piping, signs, plumbing, fixtures, etc.). Depending on the slope of the transition lane, an increased clearance may be required along the ramp transition lane pursuant to Town Standard 116. Clearance for head-in parking adjacent to walls may have reduced clearance to five feet (5') over the "hood" area to allow for mechanical/electrical facilities and equipment.
38. Pursuant to Mitigation Measure 5.3-3c from the 1999 SPEIR (see attached Mitigation Measures), the project shall use minimally reflective glass and all of the window glazing shall meet the performance standards of HP Sun II, or equivalent, low-e factory installed gray tinted glass in order to reduce reflectivity. All interior lights shall be "ambient" lighting with the fixtures directed upwards onto the walls and ceilings so as not to be directly visible through windows. Canned, recessed lights should not be visible through the windows from outside of the building or off-site.
39. Sign permits are required prior to installation of any signage, and all signage shall comply with Municipal Code Chapter 17.48 (Signs) and the Town's Design Guidelines. The monument sign will require approval from the Planning and Economic Development Commission Design Committee. Depending on the number and sign of the signs, a Master Sign Program may be required. The Master Sign Program will require subsequent review from the Community and Economic Development Department and approval from the Planning and Economic Development Commission.
40. The restaurant may be open to the public and exterior signage for the restaurant is allowed, provided the signage complies with the requirements in Condition of Approval #39. A sign permit will be required prior to installation of any signage for the restaurant, and all signage shall comply with Municipal Code Chapter 17.48 (Signs) and the Town's Design Guidelines. If a Master Sign Program is required, signage for the restaurant shall be included in said Master Sign Program.
41. The exterior trash enclosure shown on the plans for the northwest corner of the site shall be improved with a concrete slab and be constructed of materials and roofing compatible with that of the buildings and have an appearance that is architecturally compatible with that of the buildings. The enclosure shall be large enough to allow for the dumpster to be fully enclosed within the structure. All trash enclosures, receptacles, and food storage areas shall be animal resistant. A gated enclosure is strongly encouraged. The final location of the trash enclosure shall be reviewed and approved by the Town's Community and Economic Development Department and Public Works Department and Mammoth Disposal prior to building permit issuance.

The dumpster shall only be placed outside of the parking garage on days that trash pickup is scheduled and shall be placed back in the parking garage directly after trash pick-up. The Town shall enforce this through code compliance efforts.
42. Since the proposed building height is within two-feet of the maximum building height permitted, a building height certificate completed by a licensed land surveyor will be required prior to 1st floor joist inspection and roof framing inspection.
43. Pursuant to the Federal Migratory Bird Treaty Act and California Fish and Game Code Sections 3503 and 3503.5, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird or bird-of-prey, except as otherwise provided by FGC or any regulation made pursuant thereto. Completion of a nesting bird survey by a biologist with relevant qualifications within three days of initiation of site disturbance is recommended for projects that have the potential to disturb suitable nesting habitat, which may include riparian vegetation, mature trees, snags, and structures.

44. No snow shall shed or be deposited onto adjacent properties or the Town's or State right-of-way. This shall include snow that is removed from any portion of the property, including, but not limited to, the structure, driveway, and/or common areas. All interim snow storage areas shall be on the subject property. The property owner shall be subject to fines pursuant to Municipal Code §12.16.030 (*Snow Removal – Violation/Penalty*) if found to be in violation of this condition.
45. Noise generated by the project shall meet the requirements of the Specific Plan and/or the Town's noise regulations, as applicable.
46. All of the condominium-hotel units within the project that will be rented on a transient nightly basis are subject to the regulations of the Town's Quality of Life Ordinance (Municipal Code Chapter 5.40). Pursuant to Municipal Code Section 5.40.050.G.2, the one-bedroom and two-bedroom townhome condominium-hotel units shall be permitted to have a higher number of persons who may occupy the premises as an overnight guest than the standard condominium allowance (i.e., two persons per bedroom, plus two). The condominium-hotel units shall be authorized to have the following occupancies: (a) studio units: a maximum of four (4) persons; (b) 1-bedroom units: a maximum of six (6) persons; (c) 2-bedroom townhome units: a maximum of ten (10) persons. However, the maximum number of vehicles that each renter or tenant of the units are permitted to have on the premises shall be limited as follows: (a) studio and 1-bedroom units shall be restricted to a maximum of one (1) vehicle; and b) two-bedroom townhome units shall be restricted to a maximum of two (2) vehicles. The maximum number of persons allowed per unit type and the maximum number of vehicles allowed per unit type shall be included in the CC&Rs for the project, which shall be reviewed and approved by the Community and Economic Development Department prior to the approval of the final map. Additionally, the maximum occupancy and the maximum number of vehicles will be specified on the Transient Occupancy Tax (TOT) certificate that will be issued to each unit that is used as a transient rental. A valid Business Tax Certificate and a valid Transient Occupancy Tax (TOT) certificate shall be required for each unit that will be used as a transient rental and the Business Tax and Transient Occupancy Tax Certificates shall be maintained at all times.

SPECIAL DISTRICT CONDITIONS

47. All requirements of the Mammoth Lakes Fire Protection District shall be met prior to issuance of grading or building permits, including, but not limited to, access roads, emergency access routes, private driveways, gates, fire hydrants, turnouts and turn-arounds, clear width for access, building access, vegetation management, fire-flow, water supply, fire suppression equipment, and fire sprinkler systems.
48. Prior to combustible materials being placed on-site, an all-weather access road shall be maintained or be constructed that serves all exterior portions of the structure to the satisfaction of MLFPD. During demolition and construction of the project, clear access shall be provided for fire apparatus and a reliable water supply shall be available at all times.
49. Access to and circulation through the project site for emergency vehicles shall comply with all Mammoth Lakes Fire Protection District and Town requirements. Access for emergency vehicles shall be provided to all areas of the site, including, but not limited to, the interior central common area. All circulation/access roadways, bridges, etc. shall be constructed to support the weight of emergency vehicles pursuant to the Mammoth Lakes Fire Protection District requirements.
50. The parking structure shall comply with all applicable building and fire codes, including, but not limited to, egress requirements and fire sprinkler requirements dependent on the use and occupancy classification of the parking garage.

51. Fire department connection's (FDC's) shall be provided in accordance with Mammoth Lakes Fire Protection District requirements. At a minimum, the FDC sites shall have a parking location outside of the roadway large enough for a large capacity fire engine and be located within 50-feet of a fire hydrant.
52. A fire control room with exterior access in the vicinity of the primary Fire Department Connection (FDC) shall be provided. The final location and size shall be determined in conjunction with the Mammoth Lakes Fire Protection District.
53. The Mammoth Lakes Fire Protection District reserves the right, at the owner's expense, to require the installation of a radio transceiver whenever a structure is constructed which inhibits standard portable two-way emergency radio communications.
54. The project shall comply with all Wildland Urban Interface requirements including, but not limited to, construction techniques, materials, and vegetation requirements.
55. Roof access shall be in accordance with all Mammoth Lakes Fire Protection District requirements.
56. Propane lines serving the project shall meet all fire and building code requirements and shall be equipped with a readily available 90-degree shut-off isolation valve on the exterior of the project and an excess flow valve designed into the system.
57. The emergency egress gate adjacent to Minaret Road shall be kept clear of snow and other obstacles and be accessible for emergency vehicles at all times. The locking mechanism on the egress gate shall be keyed to the master key for the property and be located in the knox box.
58. Pursuant to CA Senate Bill 7, water sub-meters shall be required for each individual condominium unit. This shall be shown on the plumbing plans and installation shall be verified by the Mammoth Community Water District prior to issuance of a certificate of occupancy.

ENGINEERING DIVISION CONDITIONS

STANDARD CONDITIONS / GENERAL REQUIREMENTS:

59. 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 as such time limitation may be extended by law or by the Planning and Economic Development Commission in accordance with the Subdivision Map Act.
60. 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 of each record map 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.
61. 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 officially assumed by an appropriate district or property owners association.
62. Slope rights adjacent to public rights of way shall be dedicated on the final map where necessary.
63. All new utility lines within, adjacent to, or serving the site shall be placed underground.
64. The site grading design and all building construction shall conform to State and federal disabled access regulations.
65. Paved access is required to a maintained street. Street and traffic signs shall meet the California Manual of Uniform Traffic Control Devices (MUTCD).

66. Landscaping and irrigation systems within the public right of way, adjacent to the project area and within the project shall be maintained by property owner, with the exception of benefit assessment district areas.
67. The applicant shall obtain an easement or letter of permission to grade all areas requiring off-site grading prior to issuance of a grading permit or a building permit. These areas shall be contour graded.
68. The applicant shall submit to the Town an electronic file of the final map in AutoCAD, or other format as may be approved by the Public Works Director, within 30 days of approval of the final map.
69. All easements and dedications shall be in a form and content acceptable to the Public Works Director.
70. 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.
71. All grading and public improvements shall be consistent with the Town of Mammoth Standard Plans for Public Works.
72. Any off-site improvements required, such as installation of roads, sewers, water lines, or drainage improvements, which are of benefit to land other than the land located within the subdivision, shall be subject to an approved agreement between the Town and the subdivider to reimburse him in whole or in part for the use of the improvement by lands other than those developed by the subdivider, pursuant to Section 17.16.190 of the subdivision ordinance.

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

73. The final map shall conform to the requirements of Town of Mammoth Lakes Ordinance 84-10 and all amendments thereto.
74. A preliminary soils report shall be filed with and reviewed by the Public Works Director. 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.
75. A form of security listed in Government Code Section 66499(a) and acceptable to the Town shall be posted to secure completion of all 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 two weeks prior to Planning and Economic Development Commission approval of the final map. 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.
76. A form of security listed in Government Code Section 66499(a) 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.
77. Rights of way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing shall be required as necessary.

78. 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 in a form and in content acceptable to the Town. 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 Public Works Director 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).
79. 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.
80. 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 Public Works Director together with the final map prior to approval of the final map.
81. Monumentation of the subdivision shall be installed in accordance with the Subdivision Ordinance of the Town, Ordinance 84-10.
82. The CC&Rs shall contain provisions granting rights of access and parking, as necessary, to the owners, tenants, and their guests, of the condominium units.
83. The CC&Rs shall specify that regardless of who owns the lower patio area space (i.e., Restaurant Seating / Flex Space), both the HOA and the restaurant shall have nonexclusive use of that space for events and other functions.
84. Existing CC&Rs, if any, encumbering the property shall be amended as necessary for the proposed development of this project.
85. The applicant shall submit a request for unit, building and street addressing to the Town. Approval of the addressing shall be completed prior to approval of the map by staff.
86. 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 6542 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA, CONTAINING A MAXIMUM OF 198 ROOMS WITHIN 177 RESIDENTIAL UNITS AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT."
87. 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.

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

88. 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 and best management practices to prevent erosion and to protect existing trees shall be constructed prior to work commencing for any and all water and sewer improvements.
89. An application for an engineered 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 grading and drainage plans have been approved by the Public Works Director.

90. An engineered grading permit for the project shall not be issued unless one of the following has occurred:
- a. Submission of a complete application for a building permit to the building division of the Community and Economic Development Department. The building official shall make the determination as to whether or not the application is complete; or
 - b. A restoration bond for the site has been posted, which has also been reviewed and approved by the Public Works Director or designee. The bond shall be based upon a CA Professional Civil Engineer's stamped estimate and will include an additional 20% contingency and a 20% administration cost.
91. Encroachment permits shall be obtained from Caltrans prior to construction within the State right-of-way. Copies of the Caltrans encroachment permits shall be provided to the Town's Engineering Services Division prior to construction within the State right-of-way. The applicant shall adhere to all requirements of the Caltrans encroachment permit, including providing ADA compliance certificates, as-built drawings of all improvements that are installed along Minaret Road, and adherence to the following regulations regarding archaeological resources and/or human remains:
- a. If archaeological resources are discovered within or near construction limits, stop all work within 60 feet of the discovery. Do not disturb the materials and immediately inform the project foreman and/or engineer. If the discovery occurs within the Caltrans right of way, also immediately inform the Caltrans District 9 Archaeologist at 760-872-8319. The project applicant will then retain the services of a professional archaeologist who meets the Secretary of the Interior's Standards to document, evaluate, and recover the find as appropriate in accordance with CEQA section 15064.5. Do not resume work within the area of the find until directed to do so by the archaeologist.
 - b. In accordance with California Health and Safety Code 7050.5, if human remains are discovered within or near construction limits, stop all work within 60 feet of the discovery and immediately contact Mono County Coroner. If the remains are found within the Caltrans right of way also immediately contact the Caltrans District 9 Archaeologist at 760-872-8319. If the Coroner determines that the remains are Native American in origin, the coroner must contact the Native American Heritage Commission within 24 hours of the discovery. The Native American Heritage Commission will appoint a Most likely descendant in accordance with Public Resource Code §5097.98. The Most Likely Descendant has 48 hours to inspect the remains and the area of discovery and make a recommendation for disposition in conjunction with the land owner. Do not resume work within the location of find until directed to do by the project foreman and/or engineer. The project applicant must also provide security to protect the remains until an agreement on final disposition has occurred.

If any construction is proposed within Town right-of-ways or dedicated easements, an encroachment permit shall be obtained from the Town's Engineering Services Division prior to construction within the public right of way in accordance Chapter 12.04 of the Municipal Code

92. No work within Town right of way shall be commenced until a traffic control plan has been approved by Caltrans and the Town's Engineering Services Division, if required.
93. Street and public improvement plans for streets, sidewalks, drainage, and other public/private infrastructure shall be prepared by a registered civil engineer and submitted to the Town for review and approval. Existing topography and proposed grading with sufficient contours intervals (not to exceed two feet) shall be prepared by a registered civil engineer or a licensed land surveyor.
94. Street profile grades shall not be less than 0.5% unless the engineer of work at the time of submittal of the improvement plans provides justification to the satisfaction of the Public Works Director confirming the adequacy of the grade and provided that drainage can be adequately maintained.

95. 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.
96. Prior to approval of the improvement plans, the applicant shall contract with a soils testing engineer. 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 Public Works Director for review and approval.
97. A geotechnical report is required that confirms that the proposed infiltrator locations will not be subject to groundwater entering the drywell or cause leaching through an adjacent slope face. A sediment and oil water separator shall be installed in conjunction with the infiltrator, substantially in conformance with water quality Phase 2 requirements.
98. Slope stability tests are required for all cuts greater than 2:1 or fills greater than 3:1 (H:V).
99. A thorough evaluation of the structural street section, to include parkway improvements, from a qualified civil and/or geotechnical engineer, shall be submitted to the engineering services division.
100. All driveways shall be constructed in accordance with the driveway standards of Caltrans and the Town.
101. In addition to the drainage, traffic related, or other requirements stated herein, other "on-site" or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to the Public Works Director.
102. 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.
103. 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, drywells, 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.

104. Temporary and permanent erosion control plans shall be included with the grading, improvement, and building 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 (BMPs), 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 BMPs shall be shown on the erosion control plans. If the Town inspector determines that the BMPs in place are not adequate, then additional BMPs 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. Permanent BMPs shall include sediment traps upstream of infiltrators and oil water separators for parking areas consistent with the General Plan.
105. A Construction Staging and Management Plan shall be submitted to, and approved by the Public Works Director prior to grading or building permit issuance. Said plan shall include provisions related to the parking of construction worker vehicles, construction equipment, construction materials, 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. 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.
106. On the cover sheet of the grading plans and in a very conspicuous location place the following note: “The conditions of approval for the approved tentative tract map, VTTM 18-003, UPA 18-005, and DR 18-006, contained in the resolution recorded at the County Recorder’s Office of Mono County as Document No. 2019xxxxx, shall be made a part of these plans and the grading permit and all conditions and requirements therein shall be adhered to by the contractor, his sub-contractors and any person performing any work on the project.” This note shall also be included within the construction staging and management plan.
107. If necessary, 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.
108. Existing Town streets that require construction or reconstruction, shall remain open for traffic at all times, with adequate detours and traffic control, during actual construction. A form of security listed in Government Code Section 66499(a) and acceptable to the Town shall be posted to cover the cost of grading and paving prior to approval by staff of the map.
109. The grading plan and building permit plans shall indicate all snow storage areas and drainage facilities.
110. All easements shall be shown on the grading and building permit plans.
111. All export shall be taken to, and all import shall be taken from a permitted site, which shall be identified at grading permit issuance. The applicant shall prepare a haul route, subject to the approval of the Public Works Director prior to the import or export of material for the site.

112. A tree removal plan shall be approved prior to any land disturbance and the issuance of a grading or building permit. The tree removal plan shall indicate the size, number, location, and species of trees being removed. A qualified professional shall determine which trees need to be removed based on health conditions or overstock and the removal of those trees that the qualified professional recommends for removal based on those factors do not need to be mitigated. A pre-construction meeting shall be held on-site prior to any land disturbance to inspect clearing limit fencing.
113. 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.

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

114. Recordation of the final map. The applicant shall provide evidence to the Town that the map has been recorded prior to issuance of the first building permit for the project. Evidence shall consist of the recording information of the final map.
115. For all retaining and screening walls, the applicant shall submit plans to and obtain a building permit from the building division.

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

116. All required landscaping and irrigation improvements shall be constructed prior to issuance of a temporary, conditional or final certificate of occupancy for the project. A form of security listed in Government Code Section 66499(a) and acceptable to the Town shall be posted with the Town to the satisfaction of the Community and Economic Development Department for any required landscaping and irrigation improvements to be deferred and a schedule shall be submitted to the town for the construction of the deferred improvements. Deferral of the construction of any landscaping and irrigation improvements shall be at the sole discretion of the director of the Community and Economic Development Department.
117. Address numbers shall be placed on all new and existing structures in such a manner as to be plainly visible and legible from the access roadway or street, consistent with Municipal Code Chapter 16.32.
118. The final condominium plans for the project shall be submitted to the Town for review for conformance with the approved development plan, tentative map, and CC&Rs. The condominium plans shall conform to the conditions of approval with respect to ownership of required appurtenant use areas. Issuance of a certificate of occupancy and recordation of the condominium plans shall not occur prior to Town approval of the condominium plans. The condominium plans shall be recorded prior to issuance of a temporary, conditional, or final certificate of occupancy for the project.
119. Construction of private streets and private facilities and related drainage improvements shall be inspected and certified by the Public Works Director and/or designee.
120. All required grading, public and private street and drainage improvements shall be completed, all “punchlist” items completed to the satisfaction of the Public Works Director, the as-built plans submitted, reviewed and approved and the required warranty security posted prior the issuance of a certificate of occupancy for the project.

121. Projects subject to a building permit shall have all required on and off-site improvements completed and approved prior to final inspection of any buildings or structures. The installation of any on or off-site improvements shall be sufficiently completed so as to assure protection from storm or drainage run off, a safe and drivable access for fire and safety, and the ordinary and intended use of buildings or structures. The Building Official, with the concurrence of the Public Works Director, may approve any plan or approve a change to an approved plan, which complies with the intent of this policy.
122. All deferred survey monumentation shall be completed, or surety posted, prior to the issuance of a temporary, conditional or final certificate of occupancy for the project.
123. All pedestrian improvements along Minaret Road shall be completed, inspected, and accepted by the Public Works Director and/or designee and Caltrans.
124. As-built drawings shall be submitted for all drainage, utility systems, and improvements that are installed along Minaret Road.

SPECIAL ENGINEERING CONDITIONS

125. Prior to or concurrent with approval of the final map, the applicant shall provide an easement to the Town for the property that supports pedestrian oriented infrastructure along Minaret Road. The easement shall be for street, pedestrian infrastructures, and snow storage purposes. This shall be shown on the final map, reviewed and approved by the Public Works Director or his/her designee, and recorded in title with recordation of the final map. Alternatively, if mutually agreed to between the property owner and the Town, an irrevocable offer of dedication (IOD) can be provided for the pedestrian oriented infrastructure along Minaret Road in place of an easement.
126. Prior to recording the Final Map, the property owner shall petition the Town to annex into the existing North Village Benefit Assessment District (BAD 2002-02), or create a new maintenance district, to support the ongoing operation, maintenance, repair, landscaping, irrigation, and snow removal costs associated with the sidewalks, lighting, curb and gutter, and related infrastructure within the maintenance district area. The property owner shall enter into an agreement with the Town in which the property owners shall agree to waive their rights to vote in favor of the dissolution of the maintenance district. The agreements shall run with the land and shall be binding upon all future owners of the property.
127. The final design for the sidewalk, driveway, and emergency egress driveway shall be reviewed and approved by Caltrans, the Town, and the Mammoth Lakes Fire Protection District prior to the start of construction and the design shall include the sidewalk, curb and gutter, curb ramps, driveway approaches, street and safety lighting, and other appurtenances as required by the Town, Caltrans, and/or the Mammoth Lakes Fire Protection District. The sidewalk and emergency egress driveway shall be installed and be completely functional prior to issuance of a certificate of occupancy.
128. A final Snow Removal/Storage Management Plan shall be submitted by the applicant and approved by the Town's Community and Economic Development Department and Public Works Department and Caltrans prior to building permit issuance for the first condominium structure. The plan shall be in the form of a recorded document mutually agreed to between the property owner and the Town and shall describe features such as, but not limited to, location of snow storage areas, the method of snow hauling, frequency of pick-ups, pick-up areas, haul routes, hours of hauling operations, and snow deposit areas. Pursuant to the North Village Specific Plan, the plan shall include provisions stating that snow and ice shall be removed daily and pedestrian areas shall be maintained to a safe condition. The plan shall also include methods to address potential cornice and ice falling onto pedestrian and vehicular areas and methods to address hazardous snow and ice build-up on public streets and public pedestrian pathways and sidewalks that will receive less than two hours of mid-day sun for more than a week. Approved methods to address hazardous snow and ice build-up include plowing, application of cinderling, and potential of heat-traced

pavement. This plan and provisions for maintenance of private driveways and drainage facilities shall be included in the CC&Rs prior to final map approval by Town staff.

MITIGATION MEASURES FROM THE 1999 SPEIR

The project shall comply with all applicable mitigation measures from the Subsequent Program Environmental Impact Report for the 1999 North Village Specific Plan Amendment (1999 SPEIR) including:

AESTHETICS

- 5.3-1a: To the maximum extent practical, the proposed project shall retain forested areas, and the development shall remain subordinate to the natural character of the site and surrounding landscape.
- 5.3-1b: Prior to final approval of project development plans, the applicant shall submit a tree preservation and replacement plan pursuant to the Municipal Code, Zoning, requirements related to grading and clearing. The Preservation and Replacement Plan, including the type, size, number and location of replacement trees shall be subject to the approval of the Town of Mammoth Lakes Community Development Director.
- 5.3-1c: Contour grading shall be used to blend manufactured slopes into the natural terrain. Grading shall be minimized to preserve existing landform and vegetation to the greatest extent possible.
- 5.3-1d: The landscape design for the site shall maximize the use of existing vegetation, and where new plants are introduced, they shall include, and/or blend with, plants native to the Mammoth Lakes environment. Landscape plans for the site shall be completed by a certified landscape architect.
- 5.3-1e: To the maximum extent practical, native trees and landscaping shall be concentrated around all structures located on the project site.
- 5.3-1f: Grading techniques shall be used which minimize the area of disturbance and shall incorporate such methods as decorative retaining walls rather than slopes to minimize the area of disturbance.
- 5.3-1j: Staging locations shall be indicated on project Building Permit and Grading Plans and shall be subject to review by the Town of Mammoth Lakes Community Development Director in accordance with Municipal Code requirements.
- 5.3-1k: Upon submittal of Final Development Plans to the Town for the development site, the applicant shall demonstrate that long-range views of the Sherwin Range are incorporated into the project design.
- 5.3-1m: The buffer for properties adjacent to the specific plan boundaries shall be defined as a building setback area of not less than 20 feet to buildings up to 35 feet tall. Portions of buildings which exceed 35 feet adjacent to the Specific Plan boundaries shall require an additional setback of generally 1 foot for every two feet of building height beyond the 20 foot minimum setback. Trees shall be maintained within the buffer area, except for required vehicular and pedestrian access.
- 5.3-2a: Adoption of the North Village Specific Plan shall include all provisions for design review stated in the Plan, with all phases and developments proposed within the Specific Plan area undergoing review by a Town-appointed Design Review Committee and/or Planning Commission.
- 5.3-2b: The architectural style for the development shall blend with the site's natural setting. Rooflines shall reflect the slope of the site, and natural "earth tone" colors and materials such as stone and wood shall be emphasized. Conformance shall be assured through the Town's design review procedures.

- 5.3-3a: Low-intensity street lighting and low-intensity exterior lighting shall be used throughout the development to the degree feasible. Lighting fixtures shall use shielding, if necessary, to prevent spill lighting on adjacent off-site uses.
- 5.3-3b: Lighting used for various components of the development plan be reviewed under North Village Specific Plan design guidelines which shall include review of light intensity levels, fixture height, fixture location, and design.
- 5.3-3c: The project shall use minimally reflective glass and all other materials used on exterior buildings and structures shall be selected with attention to minimizing reflective glare.
- 5.3-3d: Vegetative buffers shall be used to reduce light intrusion on residential development and on forested areas located adjacent to the project site.

AIR QUALITY

- 5.5-1a: In order to reduce fugitive dust emissions, each development project shall obtain permits, as needed, from the Town and the State Air Pollution Control District (APCD) and shall implement measures during grading and/or construction of the individual development sites to ensure compliance with permit conditions and applicable Town and APCD requirements.
 - a. The individual development projects shall comply with State, APCD, Town, and Uniform Building Code dust control regulations, so as to prevent the soil from being eroded by wind, creating dust, or blowing onto a public road or roads or other public or private property.
 - b. Adequate watering techniques shall be employed on a daily basis to partially mitigate the impact of construction-generated dust particulates.
 - c. Clean-up on construction-related dirt on approach routes to individual development sites/improvements shall be ensured by the application of water and/or chemical dust retardants that solidify loose soils. These measures shall be implemented for construction vehicle access, as directed by the Town Engineer. Measures shall also include covering, watering or otherwise stabilizing all inactive soil piles (left more than 10 days) and inactive graded areas (left more than 10 days).
 - d. Any vegetative ground cover to be utilized on the individual development sites/improvements shall be planted as soon as possible to reduce the amount of open space subject to wind erosion. Irrigation shall be installed as soon as possible to maintain the ground cover.
 - e. All trucks hauling dirt, soil or other loose dirt material shall be covered.
- 5.5-1b: To reduce the potential of spot violations of the CO standards and odors from construction equipment exhaust, unnecessary idling of construction equipment shall be avoided.
- 5.5-2a: In order to reduce emissions associated with both mobile and stationary sources (i.e., wood burning stoves and fireplaces), the project shall adhere to the regulations contained in the Air Quality Management Plan for the Town of Mammoth Lakes and Chapter 8.30, Particulate Emission Regulations, of the Town's Municipal Code. The commercial use tenants throughout the Specific Plan area shall, at a minimum, include the following, as appropriate:
 - a. Bicycle racks, lockers or secure storage areas for bicycles;
 - b. Transit access, including bus turnouts;
 - c. Site access design shall avoid queuing in driveways; and
 - d. Mulch, groundcover, and native vegetation to reduce dust

- 5.5-2b: The project shall contribute on a fair share basis to the Town's street sweeping operations in order to reduce emissions and achieve the required Federal standard.

BIOLOGICAL RESOURCES

- 5.9-2a: The project shall preserve existing native vegetation to the maximum extent feasible. Landscaping shall emphasize the use of native plants indigenous to the Jeffrey Pine-Fir Forest plant community. Whenever possible, native plants used on-site shall be selected for their replacement habitat value. Site designs shall be subject to the Design Review procedure of the Town.
- 5.9-2b: Landscape materials shall be used that allow for the protection and preservation of existing trees. Native plant species, preferably from seed or cuttings from local plants, shall be used where possible. The Landscape Plan shall be approved by the Planning Director prior to issuance of any construction permits.
- 5.9-2c: Irrigation, fertilization and other landscape management practices shall be designed to minimize effects on existing trees and other vegetation.
- 5.9-2d: To the extent possible, native vegetation shall be retained and protected during construction. A Revegetation Plan, prepared by a qualified Landscape Architect and approved by the Town of Mammoth Lakes, shall be completed prior to the commencement of the project, which will describe in detail the species of trees and shrubs that will be used, where they will be planted and in what numbers, and the methods of planting and maintenance, which will ensure successful growth. It shall include a monitoring program to follow the progress of new plantings and ensure replacement of unsuccessful plants. Landscaping with native species of trees and shrubs shall be undertaken to enhance wildlife use of cleared areas.
- 5.9-2e: Under AB3180, once mitigation plans designed to off-set habitat losses are approved and the specific areas where they will be located are identified, the proponent must provide a program to monitor their progress for a period of time (usually three to five years) deemed sufficient by the Planning Director to assure their successful development. Adequate security shall be deposited with the Town to ensure successful implementation of this measure.
- 5.9-2f: All construction activities, including movement and storage of vehicles and the storage of building and other materials, shall be confined to areas slated for development. Care shall be taken during construction to avoid damage to vegetation and habitats not directly involved in project construction. Any vegetation inadvertently damaged outside of the area slated for development shall be replaced on a one-to-one basis on- or off-site. Off-site replacement shall require the approval of the Town Planning Director.
- 5.9-2g: To prevent erosion and siltation into intermittent creeks, areas cleared of vegetation, fill or other materials shall be stabilized after clearing and grading. Hay bales, silt screens or similar devices shall be used to prevent siltation. To further protect the drainage system and prevent erosion, all grading and construction shall be completed during the summer months, or after October 15 of each year be in a condition to be stabilized within 48 hours should inclement weather threaten.
- 5.9-2h: A Forest Condition Survey shall be conducted by a professional forester and approved by the Town of Mammoth Lakes, prior to the commencement of each individual development project. All trees greater than 12-inches dbh (diameter at breast height (54 inches above ground)) and significant stands on each project site shall be mapped prior to issuance of grading permits or clearing. A registered forester or arborist shall then determine the age and condition of these trees and whether they should be retained

or removed based upon health and visual significance of the trees, except for removal required by approved improvements. Once this determination is made, those trees shall be retained and integrated into the design of each project. A program of specific protection measures shall be prepared by the developer and approved by the Town prior to issuance of any construction permits (e.g., construction fencing, grading controls, grading design, etc.). Any trees removed unavoidable by each final project approval shall be in accordance with Town policies. Off-site replacement shall require approval by the Town's Planning Director.

5.9-2i: Slash generated from construction or thinning operations shall be hauled from the site concurrent with the operation to prevent a breeding site for IPS. Logs shall be removed from the site as soon as possible.

5.9-2j: Construction and site development, such as grading and trenching, shall be prohibited within the dripline of retained trees. Equipment shall not be stored or driven under trees. Grading shall not cover the ground surface within the dripline of existing trees. Grading limits shall be clearly defined and protected.

CULTURAL RESOURCES

5.11-1e: In the event that a material or potential cultural significance is uncovered during grading activities on the project site, all grading in the area of the uncovered material shall cease and the project applicant shall retain a professional archaeologist to evaluate the quality and significance of the material. Grading shall not continue in the area where a material of potential cultural significance is uncovered until resources have been completely removed by the archaeologist and recorded as appropriate.

5.11-2: If human remains are discovered, work shall cease and an appropriate representative of Native American Indian Groups and the County Coroner shall both be informed and consulted.

GEOLOGY AND SOILS

5.7-1: Prior to issuance of grading or building permits, geotechnical studies shall be completed and their recommendations shall be incorporated in the project design, as required by the Town's Safety Element.

5.7-2a: Soils and foundation analyses shall be approved by Town staff prior to final project design approval, as required by the Town's Safety Element. All measures required by the Town shall be incorporated into final grading and building plans.

5.7-2b: The project applicant shall provide grading plans and receive approval from the Town Engineer. Said plans shall also show that new slopes within the project area are designed pursuant to slope requirements set forth within the Specific Plan and the standards of the Town's Municipal Code.

5.7-2c: All work shall be overseen by a licensed Civil Engineer (CE), Certified Engineering Geologist (CEG), or similar appropriately qualified professional, who shall report to the Town Engineer in order to ensure the standards of the applicable codes are met.

5.7-4: A comprehensive Erosion and Sediment Transport Control Plan shall be prepared by the project applicant and approved by the Town Engineer prior to the issuance of any grading or building permits. The Plan shall be included in the project design, as required by the Town's Safety Element. The Plan shall also meet the requirements of the Regional Water Quality Control Board and the Town Municipal Code.

- 5.7-7: The project operators shall cooperate with the Town in designing and disseminating information to assist citizens and visitors in responding to emergency situations that are likely to arise. All structures shall be designed and built to at least the standards of UBC Seismic Zone 4.

HYDROLOGY AND WATER QUALITY

- 5.8-1: All drainage collection, retention, and infiltration facilities on the site shall be constructed and maintained in accordance with the *Mammoth Lakes Storm Drain Master Plan (SDMP)* and shall be designed in accordance with the *Master Plan Design Manual*, to the satisfaction of the Town of Mammoth Lakes Town Engineer, prior to the issuance of grading permits.
- 5.8-1b: A more complete hydrology analysis for design purposes shall be required to be completed to estimate the amounts of runoff, which will be required to be retained on-site for each development. The analysis shall be approved prior to issuance of a grading permit.
- 5.8-1c: The following water conservation procedures shall be incorporated into project elements where feasible: landscape with low water-using plants; install efficient irrigation systems that minimize runoff and evaporation and maximize the water that will reach the plant roots, such as drip irrigation, soil moisture sensors, and automatic irrigation systems; and use pervious paving material whenever feasible.
- 5.8-2a: An Erosion and Sediment Control Plan shall be prepared by the project proponents prior to issuance of grading permits. The Plan shall be reviewed and approved by the Town of Mammoth Lakes and the Lahontan Regional Water Quality Control Board and be in accordance with the erosion control guidelines as contained in the *Mammoth Lakes SDMP* and be in compliance with the Water Quality Control Plan (for the Lahontan Region [Basin Plan]). General grading activities, including those related to demolition and construction, would be regulated by the Uniform Building Code and Town of Mammoth Lakes Grading Ordinance. The required Erosion and Sediment Control Plan shall outline methods that will be implemented to control erosion and sediment transport from graded or cleared portions of the individual redevelopment/improvement sites.
- 5.8-2c: A Waste Discharge Report (related to soil disturbance) shall be prepared by the project applicant and submitted to the Lahontan Regional Water Quality Control Board not less than 90 days before the intended start of construction activities of a new development to obtain a Waste Discharge Permit or waiver to ensure that proper control measures for the protection of water quality are taken and adhered to during all phases of the development project. A copy of the Waste Discharge Report shall be submitted to the Town of Mammoth Lakes engineering division prior to issuance of a grading permit for the project.
- 5.8-3: Best Management Practices (BMPs) shall be implemented to the satisfaction of the Lahontan Regional Water Quality Control Board and NPDES Program requirements in order to protect the receiving waters from degradation and correct existing problems. BMPs include structural controls such as retention/detention basins, oil-water separators, which could be implemented in the overall design of the proposed drainage facilities for individual development sites.

NOISE

- 5.6-1a: Pursuant to Chapter 8.16.090 of the Town's Noise Ordinance, construction activities shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday and prohibited on Sunday or holidays, or as otherwise permitted by Chapter 8.16.090.

- 5.6-1b: Construction equipment shall be muffled or controlled, if required, to meet Chapter 8.16 requirements for maximum noise generated by construction equipment. Contracts shall specify that engine-driven equipment be fitted with appropriate noise mufflers.
- 5.6-1c: The construction contractor shall provide temporary sound barriers around pile driving sites to the satisfaction of the Town Engineer should such activities take place in areas within 400 feet of existing residential units, if required to meet Chapter 8.16 requirements.
- 5.6-2a: The proposed project shall be located or architecturally designed to reduce the project noise impacts upon properties adjacent to each master planned area or project property line, such that the exterior noise levels will not exceed Town Noise Ordinance requirements for an urban and multiple family setting. Design features could include setbacks, berms, landscaping, and architectural features, adjacent to both arterial and interior streets.
- 5.6-2b: Multi-family buildings shall be located or architecturally designed so the interior noise level will not exceed 45 Ldn. As a minimum, multi-family housing shall comply with Title 24 of the California Code of Regulations.
- 5.6-3c: Outdoor PA systems shall not be permitted to operate between the hours of 10:00 p.m. and 7:00 a.m. and shall not exceed the Town's Noise Ordinance standards at project property lines. Adherence with this measure is subject to periodic site inspections by the Town of Mammoth Lakes.
- 5.6-3d: Directional speakers shall be shielded and/or oriented away from off-site residences to the satisfaction of the Town Building Inspector.

PUBLIC SERVICES / RECREATION

- 5.10-1b: Access roads to all structures, and areas of use, shall comply with Mammoth Lakes Fire Protection District Ordinance 98-01 (or any updated version of that ordinance).
- 5.10-1c: An approved water supply system capable of supplying required fire flow for fire protection purposes, as determined by the Fire District, shall be approved.
- 5.10-3: In accordance with A.B. 2926, the developer shall pay Developer Fees for commercial uses and for residential uses (condominiums).
- 5.10-4a: The project proponent shall contribute a fair share financial contribution in accordance with the Town's DIF Mitigation Program established under Resolution 98-06 (or any updated version of that ordinance).

TRANSPORTATION AND TRAFFIC

- 5.4-5: The developer shall prepare and provide to the Town Engineer for review and approval, a Traffic Control Officer Monitoring Plan. The Plan shall outline at a minimum, scheduled days of monitoring together with a program to determine additional days of monitoring as may be determined by projected occupancy rates, performance criteria, duration of monitoring, and responsible parties.
- 5.4-6: New development shall participate on a fair share basis in the development and operation of a community-wide winter transit system to achieve the ridership levels assumed in the MTM.

UTILITIES AND SERVICE SYSTEMS

- 5.10-4b: The project applicant shall pay the appropriate fees to the Mammoth Community Water District (MCWD). All new water and wastewater conveyance facilities shall be located and installed within public rights-of-way or utility easements.

- 5.10-9: Prior to issuance of a building permit, the applicant shall provide an Integrated Solid Waste Management Plan (ISWMP) consistent with the Town's SRRE. The plan shall address, at a minimum, the following measures: construction demolition; recycling; composting; source reduction programs; storage areas for collected recyclable materials, and disposal of hazardous waste materials used on-site.