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RESOLUTION NO. 2016-48

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA APPROVING VESTING TENTATIVE TRACT MAP 16-001, USE PERMIT 16-001, AND DESIGN REVIEW 16-004 TO ALLOW THE REVISED OLD MAMMOTH PLACE PROJECT LOCATED AT 164, 202, AND 248 OLD MAMMOTH ROAD, CONSISTENT WITH DISTRICT ZONING AMENDMENT 15-002

(APNs: 035-230-005-000; 035-230-006-000, 035-230-007-000)

WHEREAS, a request for consideration of a vesting tentative tract map, use permit, and design review was filed by Brent Truax for the property owner, Metric Mammoth, LLC, to allow the Old Mammoth Place Amendment project, in accordance with Section 17.68 (Use Permits) and 17.88 (Design Review) of the Town of Mammoth Lakes Municipal Code and Section 10.0 of the Clearwater Specific Plan, for property located within the Clearwater Specific Plan Zoning District at 164, 202, and 248 Old Mammoth Road; and

WHEREAS, the Planning and Economic Development Commission conducted a duly noticed public hearing on the application request on June 15, 2016, at which times all those desiring to be heard were heard; and

WHEREAS, following the receipt of all oral and written testimony, the Planning and Economic Development Commission closed the public hearing on June 15, 2016 and adopted Resolution No. PEDC 2016-11 recommending adoption of the Addendum to the Clearwater Specific Plan Environmental Impact Report (EIR) and approval of the Old Mammoth Place Amendment Project to the Town Council, with conditions; and

WHEREAS, the Town Council conducted a noticed public hearing on the application request on July 20, 2016, at which time all those desiring to be heard were heard; and

WHEREAS, the Town Council considered, without limitation:

1. The staff report dated July 20, 2016 with all attachments and exhibits to the Town Council,

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2. The 2007 General Plan, Clearwater Specific Plan, State Map Act, Municipal Code, Design Review Guidelines, and associated Land Use Maps,

3. North Old Mammoth Road District Special Study,

4. Oral evidence submitted at the hearing,

5. Written evidence submitted at the hearing,

6. Project plans consisting of:
    a. Volume 1: Project Narrative, dated May 27, 2016
    b. Volume 2, dated June 7, 2016:
        i. Conceptual Design and Approach, Sheets 10-15; 20-23; and 30-32;
        ii. Architectural Drawings, Sheets A1.0 - A1.6; A2.0A – A2.0C; A2.1 – A2.7; A3.1 – A3.5; A4.1 – A4.3; and A.37 – A.39;
        iii. Landscape Drawings, Sheets L1.0 – L1.7 and 5.2, dated February 2, 2010;
        iv. Height, Massing & View Analysis, Sheets HA.2, HA.6, HA.7, HA.9, HA.12, AND HA.15; and
    c. Vesting Tentative Tract Map 16-001, Sheets C1.0 – C6.0, dated June 8, 2016

7. Addendum to the Clearwater Specific Plan Environmental Impact Report (EIR) (State Clearinghouse No. 2006062154), attached hereto as Exhibit "A",

8. The Clearwater Specific Plan Environmental Impact Report (EIR) (State Clearinghouse No. 2006062154), incorporated herein by reference,

9. Amendments to the Clearwater Specific Plan, consisting of the complete text of the Specific Plan with changes as indicated in redline/strikeout format, dated June 15, 2016, incorporated herein by reference,

10. Council Resolution 2016-47 making the required California Environmental Quality Act (CEQA) findings, and adopting the Addendum to the Clearwater Specific Plan Environmental Impact Report, incorporated herein by reference, and

11. Council Ordinance 16-05 approving District Zoning Amendment 15-002 for the Revised Old Mammoth Place Project and making findings in support thereof, incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Mammoth Lakes, California, as follows:

1. That the Town Council finds the above recitations are true and correct.

2. The Town Council incorporates by reference all exhibits and attachments cited in this Resolution.

3. Pursuant to the requirements of the California Environmental Quality Act (CEQA), the Town Council makes the findings contained in Exhibit "A" attached hereto.

4. Pursuant to the requirements of the Town of Mammoth Lakes Municipal Code, the Town Council makes the findings contained in Exhibit "B" attached hereto.

5. The Town Council approves Vesting Tentative Tract Map 16-001, Use Permit 16-001, and Design Review 16-004, subject to the conditions attached hereto as Exhibit "C".

6. Pursuant to the requirements of the California Environmental Quality Act (CEQA), the Town Council directs staff to file a Notice of Determination.

7. The documents and other materials that constitute the record of proceedings upon which the Town Council's decision is based are located in the Town Offices of the Town of Mammoth Lakes, at 437 Old Mammoth Road, Suite R, Mammoth Lakes, California 93546 and Jamie Gray, Town Clerk, is hereby designated as the custodian of these records.

APPROVED AND ADOPTED THIS 20th day of July, 2016

SHIELDS RICHARDSON, Mayor

ATTEST:

JAMIE GRAY, Town Clerk

I, Jim Demetriades, am the property owner for this project request and I do hereby attest that I have read, and agree to, the conditions of approval stipulated within this Resolution.

8-29-18

Jim Demetriades — Date
Metric Mammoth, LLC
(Notary Required)

ALL-PURPOSE ACKNOWLEDGMENT FOR CALIFORNIA

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF Los Angeles

On 8.29.18 (Date), before me, S. Wright notary public (Name And Title Of Officer (e.g. "Jane Doe, Notary Public"))

personally appeared Jim Demetriades (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

S. WRIGHT
COMM. #2234659
Notary Public - California
Los Angeles County
My Comm. Expires Apr. 2, 2022

NRO1 NRO1

Place Seal Above

WITNESS my hand and official seal.

Signature of Officer

EXHIBIT "A"
Resolution No. 2016-48
Case No. VTTM 16-001, UPA 16-001, and DR 16-004

FINDINGS

CALIFORNIA ENVIRONMENTAL QUALITY ACT

(EIR Addendum – California Environmental Quality Act Guidelines Section 15164)

a. The Town Council previously adopted the Addendum to the Clearwater Specific Plan Environmental Impact Report (EIR) (State Clearinghouse No. 2006062154), and considered the Addendum together with the EIR, any comments received, including the Mitigation Monitoring and Reporting Program, pursuant to the CEQA Guidelines, and finds that on the basis of the whole record, there is no substantial evidence that the proposed vesting tentative tract map, use permit, and design review will result in any new significant effects or a substantial increase in the severity of previously identified significant effects.

b. The Town Council previously found that the Addendum to the Clearwater Specific Plan EIR has been completed in compliance with CEQA and reflects the lead agency's independent judgment and analysis.

c. An addendum is adequate because the Addendum demonstrates that the environmental analysis and impacts identified in the Clearwater Specific Plan EIR remain substantively unchanged by the proposed vesting tentative tract map, use permit, and design review, and supports the finding that the proposed vesting tentative tract map, use permit, and design review do not result in any new environmental effects and does not exceed the level of impacts identified in the EIR.

d. The custodian and location of the documents and other material which constitute the record of proceedings upon which this decision is based is the Town Clerk at the Town of Mammoth Lakes Offices, 437 Old Mammoth Road, Suite R, Mammoth Lakes, California 93546.

e. The Town Council finds that the proposed vesting tentative tract map, use permit, and design review will not result in a safety hazard or noise problem for persons using the Mammoth Yosemite Airport or for persons residing or working in the Project area because the Project site is located approximately seven miles from the Mammoth Yosemite Airport and due to the nature and scope of the project, no impact to air traffic patterns are anticipated.

f. A program for reporting on or monitoring the required mitigation measures has been adopted and all of the mitigation measures remain applicable.

g. All mitigation measures shall be conditions of Project approval.

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EXHIBIT "B"
Resolution No. 2016-48
Case No. VTTM 16-001, UPA 16-001, and DR 16-004

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 and Title 17 and is consistent with any applicable specific plan or master plan because it would implement the goals and objectives of the Old Mammoth Road District and the Clearwater Specific Plan by providing a pedestrian-oriented mixed-use condominium-hotel development that has ground-floor retail that is oriented to the street; commercial corridors that are walkable year-round; distinctive mountain architecture; streetscapes that are safe and designed for the pedestrian; numerous public plazas, courtyards, and pedestrian links that create a sense of exploration; and mid-block pedestrian access.

   The project proposes a maximum of 488 condominium-hotel rooms, along with streetscape improvements, retail and restaurant uses, conference space, a spa and wellness center, and public open space areas. The streetscape improvements include wider sidewalks, landscaping, and a new pedestrian and vehicular mid-block connector road. Ground-floor retail and restaurants along Old Mammoth Road provides further animation by providing outdoor café seating and other pedestrian scaled elements. The project would not result in increased public view blockage of the Sherwin Range compared to the approved and permitted Old Mammoth Place project. The project would not exceed the maximum density allowed within the General Plan or the Clearwater Specific Plan.

   The Clearwater Specific Plan sets forth the required land use development standards for the site rather than Title 17 (Zoning Code). The proposed condominium hotel use and other associated uses are consistent with the Clearwater Specific Plan land use designation. As described in the staff report, incorporated herein by reference, the project is consistent with the Clearwater Specific Plan, with the exception of building height. The proposed amendment to the building height standard will achieve a project that is consistent with the Clearwater Specific Plan.

   The proposed use is consistent with the Clearwater Specific Plan because the project would create a condominium-hotel that includes ground-floor commercial and other associated uses (i.e., restaurant and retail spaces, understructure parking garage, conference space, spa and wellness center, and public open spaces). The mass of the buildings would be aggregated to the center of the site to reduce impacts to public views and to maintain a building height at street level that is consistent with the adjacent Zoning Districts. The project does not exceed the total allowable density in the General Plan or the Clearwater Specific Plan.

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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 because the proposed project will comply with the mitigation measures required by the Clearwater Specific Plan EIR and will include street and sidewalk improvements, pedestrian paths through the project site, and a transit stop on Old Mammoth Road.

c. The proposed amendments to the Clearwater Specific Plan Housing Section (Section 7.0), to allow mitigation of the affordable housing requirements of this project through compliance with the Housing Ordinance in effect that the time of building permit submittal, is adequate because the Housing Ordinance reflects the Town's visions, goals, and current strategies for affordable housing. Additionally, the Housing Ordinance found all forms of housing mitigation identified in the Ordinance as being appropriate ways to mitigate housing.

FINDINGS FOR DESIGN REVIEW PERMIT

(Municipal Code Section 17.88.060)

a. The proposed project is consistent with the applicable standards and requirements of the Mammoth Lakes Zoning Code because the project is consistent with the Clearwater Specific Plan development standards, which supersede Title 17 (Zoning Code), except for building height. The proposed amendment to the building height standard will achieve a project that is consistent with the Clearwater Specific Plan.

   As described in the staff report, incorporated herein by reference, the proposed project is consistent with the Clearwater Specific Plan because the project conforms to the Clearwater Specific Plan development standards including, but not limited to permitted uses, density, site coverage, building separation, setbacks, parking, and snow storage and removal. Additionally, the proposed amendment to the building height standard will achieve a project that conforms to the building height standard of the Clearwater Specific Plan.

b. The proposed project is consistent with the General Plan because it would implement the goals and objectives of the Old Mammoth Road District and the Clearwater Specific Plan by providing a pedestrian-oriented mixed-use condominium-hotel development that has ground-floor retail that is oriented to the street; commercial corridors that are walkable year-round; distinctive mountain architecture; streetscapes that are safe and designed for the pedestrian; numerous public plazas, courtyards, and pedestrian links that create a sense of exploration; and mid-block pedestrian access.

   The project proposes a maximum of 488 condominium-hotel rooms, along with streetscape improvements, retail and restaurant uses, conference space, a spa and wellness center, and public open space areas. The streetscape improvements include wider sidewalks, landscaping, and a new pedestrian and vehicular mid-block connector road. Ground-floor retail and restaurants along Old Mammoth Road provides further animation by providing outdoor café seating and other pedestrian scaled elements. The

project would not result in increased public view blockage of the Sherwin Range compared to the approved and permitted Old Mammoth Place project. The project would not exceed the maximum density allowed within the General Plan or the Clearwater Specific Plan.

The proposed project is consistent with the Clearwater Specific Plan because the project conforms to the Clearwater Specific Plan development standards including, but not limited to permitted uses, density, site coverage, building separation, setbacks, parking, and snow storage and removal. Additionally, the proposed amendment to the building height standard will achieve a project that conforms to the building height standard of the Clearwater Specific Plan. The proposed project is also consistent with the design guidelines of the Clearwater Specific Plan because it requires projects to be consistent with the Town's Design Guidelines (see below).

c. The proposed project is consistent with the Town of Mammoth Lakes Design Guidelines because the mass of the buildings is broken up through significant building façade articulation and stepping from the perimeter of the site to the center; the roofs have a dominant form with interesting design features such as changes of height and varied eaves; and the buildings adjacent to the street are at a scale that creates comfort and interest for the pedestrian environment. Additionally, the building materials and colors are appropriate to Mammoth Lakes since the buildings on the periphery of the site have a more rugged mountain feel achieved through the use of heavy timber, granite, rusted metal and a natural color palette of shingles, while the taller buildings in the center have a more refined mountain feel achieved through the use of heavy timber and channel glass accents. The building design would not result in increased public view blockage of the Sherwin Range compared to the approved and permitted Old Mammoth Place project. Furthermore, conflicts between pedestrian and vehicular circulation are minimized and the parking areas are screened from public view. The revised project was reviewed by the Planning and Economic Development Commission Design Committee and the Committee members were supportive of the revisions to the project and felt that the project remained consistent with the overall design intent of the approved Old Mammoth Place project.

d. The proposed site design and building elements integrate in an attractive and visually cohesive manner that is compatible with and complements the desired architectural character of the Clearwater Specific Plan area and a mountain resort community. The General Plan discourages architectural monotony (Policy C.2.U), and the proposed buildings would have unique architecture that expresses mountain character appropriate to the area. The project would encourage pedestrian activity in the area through the increased sidewalk width on Old Mammoth Road, the new pedestrian and vehicular mid-block connector, retail and restaurant uses at the ground level oriented to the street, café seating and other pedestrian scaled elements along Old Mammoth Road, and numerous public open space areas and plazas throughout the site. The project would promote compatibility among neighboring uses by limiting the maximum building height at the street level to at or below the building height standard for the adjacent Zoning Districts.

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e. The proposed project includes streetscape improvements, including landscaping, wider sidewalks, café seating and other pedestrian scaled elements, and a new pedestrian and vehicular mid-block connector that will be consistent with the desired pedestrian-oriented character of the Clearwater Specific Plan area and the Old Mammoth Road District.

f. The proposed project includes an understructure parking garage that will provide an adequate number of parking spaces to accommodate the proposed uses, or will be required to pay in-lieu fees for any short-fall of the parking supply as determined by the Public Works Director. The project does include valet parking to maximize efficiency of the understructure parking garage. The understructure parking garage will not be visible from the street since it will be primarily underground or blocked from view by the ground-floor retail and restaurant uses along Old Mammoth Road. Additionally, the access to the understructure parking garage will only be visible from Old Mammoth Place (the new mid-block connector Road). Conflicts between vehicles and pedestrians and cyclists will be prevented since access to the parking garage is only via Old Mammoth Place and no other curb cuts are necessary along Old Mammoth Road. Curb cuts along Sierra Nevada Road and Laurel Mountain Road will be minimal and are only for emergency vehicle access and/or delivery truck/bus parking. Stormwater run-off and the heat-island effect will be minimal since the landscaped open space areas account for 52% of the site and those landscaped areas atop the parking garage are required to have a minimal depth of four-feet (4') to allow for the rooting of vegetation and drainage. Additionally, the project will be required to comply with all stormwater management requirements of the Town and the State.

g. The proposed project will include attractive lighting that complements the proposed architecture and will comply with the Town's Outdoor Lighting regulations as required by the conditions of approval.

h. The proposed project landscaping will be required to comply with the Town's and the State's Water Efficient Landscape Ordinance and the Clearwater Specific Plan Landscape Design Guidelines. The landscaping is designed to help relate the buildings to the surrounding landscape and enhance the architectural character. The preliminary landscape plan was not revised as part of this project. A final landscape plan will be required as part of the future building permit submittal.

i. The proposed project is consistent with any approved tentative map, use permit, variance, or and Clearwater Specific Plan, as described above, because the design review permit is being processed concurrently with the district zoning amendment, vesting tentative tract map, and use permit, and therefore, will be consistent with these approvals.

j. The project does not indiscriminately destroy trees or natural vegetation, nor does it create excessive or unsightly grading, indiscriminate clearing of the property, or the destruction of natural significant landforms since the project site is already developed. Additionally, the conditions of approval require a surety bond prior to issuance of a grading permit for each tree that is larger than 12-inch diameter-at-breast height (DBH) that will remain.

FINDINGS FOR COMMUNITY BENEFITS/INCENTIVE ZONING

a. The proposed project would result in a project where the proposed community benefits and increment of development incentives are appropriate for the site and relate appropriately to the adjacent uses and structures because the project will accommodate the proposed uses and community benefits on site within the maximum development envelope approved in the Clearwater Specific Plan and the project will serve to revitalize this portion of Old Mammoth Road which may serve as a catalyst for other commercial developments in the area. Additionally, the project has been designed with the tallest portions of the building in the center of the site so as to effectively screen the mass from adjacent properties.

b. The proposal will be consistent with the accepted list and prioritization established in Section 3.6 of the Clearwater Specific Plan; and the proposed benefits would not otherwise result through provisions of the Town's policies, Codes, and other requirements. The project is consistent with the accepted community benefits list which is contained within the Clearwater Specific Plan. The Clearwater Specific Plan outlines the following community benefits for the proposed project, all of which are included in the Old Mammoth Place project and were the subject of a financial analysis completed by KMA and peer reviewed by EPS, incorporated into these findings by reference:

    i. Indoor meeting and conference space
    ii. Outdoor public events plaza
    iii. Commercial, retail, and restaurant uses along Old Mammoth Road
    iv. Underground parking
    v. Pedestrian and vehicular mid-block connectors
    vi. Dedication of property for the purpose of improving public right-of-way and sidewalks and achieving "complete streets"
    vii. Public access to the events plaza and mid-block connectors secured through easements

c. The proposal reflects a fair financial balance of costs and benefits to the applicant and the Town in that the financial analysis completed by KMA concluded that the financial value of the community benefits (excluding fiscal/economic benefits) outweighed the projected economic benefits to the developer by more than 10 times. The residual land value increase associated with the density bonus was estimated at approximately $2.5 million, whereas the value of the physical benefits provided by the project was estimated at over $26 million. From this, it can be concluded that the award of additional density will not result in a disproportionate "windfall" to the developer. Further, the benefits accruing to the community from the project's proposed features and amenities have been determined to achieve community goals, as defined in the General Plan, to a greater extent than would be achieved through the payment of impact fees and other exactions that may be foregone pursuant to Section 3.6.1 of the Clearwater Specific Plan.

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d. The project will not result in unacceptable environmental or other impacts as assessed through CEQA and the original Population at One Time (PAOT) assessment. An Addendum to the Clearwater Specific Plan EIR was completed for this project, which determined that on the basis of the whole record, there is no substantial evidence that the proposed project will result in any new significant effects or a substantial increase in the severity of previously identified significant effects. Since the project is not proposing to increase the overall density allowed by the General Plan or the Clearwater Specific Plan, PAOT would remain unchanged.

SUBDIVISION MAP ACT FINDINGS

(State Map Act Section 66474 and 66498.1)

a. The proposed map is consistent with applicable General and Specific Plan as specified in Section 65451 of the Subdivision Map Act because it would implement the goals and objectives of the Old Mammoth Road District and the Clearwater Specific Plan by providing a pedestrian-oriented mixed-use condominium-hotel development that has ground-floor retail that is oriented to the street; commercial corridors that are walkable year-round; distinctive mountain architecture; streetscapes that are safe and designed for the pedestrian; numerous public plazas, courtyards, and pedestrian links that create a sense of exploration; and mid-block pedestrian access.

   The project proposes a maximum of 488 condominium-hotel rooms, along with streetscape improvements, retail and restaurant uses, conference space, a spa and wellness center, and public open space areas. The streetscape improvements include wider sidewalks, landscaping, and a new pedestrian and vehicular mid-block connector road. Ground-floor retail and restaurants along Old Mammoth Road provides further animation by providing outdoor café seating and other pedestrian scaled elements. The project would not result in increased public view blockage of the Sherwin Range compared to the approved and permitted Old Mammoth Place project. The project would not exceed the maximum density allowed within the General Plan or the Clearwater Specific Plan.

   The proposed project is consistent with the Clearwater Specific Plan because the project conforms to the Clearwater Specific Plan development standards including, but not limited to permitted uses, density, site coverage, building separation, setbacks, parking, and snow storage and removal. Additionally, the proposed amendment to the building height standard will achieve a project that conforms to the building height standard of the Clearwater Specific Plan.

b. The design and improvements of the subdivision are consistent with the General and Specific Plan because the proposed condominium-hotel project would be consistent with the Old Mammoth Road District and standards of the Clearwater Specific Plan. The Clearwater Specific Plan development standards implement the goals and policies of the Town's General Plan because the Clearwater Specific Plan supersedes the Municipal Code Zoning requirements. Although the project requires an amendment to the specific

plan for building height; the proposed changes would allow for a financially viable project and achieve a critical mass of hotel rooms and associated amenities (i.e., restaurant and retail spaces, understructure parking garage, conference space, spa and wellness center, and public open spaces), while achieving an efficient and functional hotel layout. The project includes wider sidewalks and a new pedestrian and vehicular mid-block connector road consistent with General Plan, Clearwater Specific Plan, and Town standards.

Furthermore, the project is consistent with the Clearwater Specific Plan because the project conforms to the Clearwater Specific Plan development standards including, but not limited to permitted uses, density, site coverage, building separation, setbacks, parking, and snow storage and removal. Additionally, the proposed amendment to the building height standard will achieve a project that conforms to the building height standard of the Clearwater Specific Plan. The proposed project is also consistent with the design guidelines of the Clearwater Specific Plan and the Town's Design Guidelines since the mass of the buildings is broken up through significant building façade articulation and stepping from the perimeter of the site to the center; the buildings adjacent to the street are at a scale that creates comfort and interest for the pedestrian environment; conflicts between pedestrian and vehicular circulation are minimized; and the parking areas are screened from public view. The building design would not result in increased public view blockage of the Sherwin Range compared to the approved and permitted Old Mammoth Place project.

c. The site is physically suitable for the type of development because the site is already developed with a lodging establishment and the proposed re-development of the site would result in a pedestrian-oriented mixed-use lodging establishment that is consistent with the Clearwater Specific Plan, as amended and would include ground-floor commercial space and an understructure parking garage.

d. The site is physically suitable for the proposed density of development because the maximum density proposed for the site is 488 hotel rooms, which is the maximum allowable density for the site based on the 6.1 acre parcel size and a density of 80 hotel rooms/acre.

e. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat since the project is not located within an environmentally sensitive area and the Clearwater Specific Plan EIR and the Addendum to the Clearwater Specific Plan EIR found all impacts to biological resources would be less than significant.

f. The design of the subdivision and the types of improvements is not likely to cause serious public health problems since the required mitigation measures 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.

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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 since all easements are shown on the tentative map or are required through the conditions of approval, and the property has access to three existing public streets with approved street alignments and widths, proposes a new private road that will have a public access easement, and will grant a public access easement to the plaza areas on the site. 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.

EXHIBIT "C"
Resolution No. 2016-48
Case No. VTTM 16-001, UPA 16-001, and DR 16-004

PLANNING DIVISION CONDITIONS

STANDARD CONDITIONS

1. This approval authorizes the Old Mammoth Place Amendment project, a pedestrian oriented mixed-use project with a maximum of 488 hotel rooms (i.e., bedrooms) within 343 units; a maximum of 80 commercial units; understructure parking for no fewer than 597 vehicles; retail and restaurant space; conference and banquet facilities; a spa and wellness center; a new vehicular and pedestrian mid-block connector; street and sidewalk improvements along Old Mammoth Road, Sierra Nevada Road, and Laurel Mountain Road; and public plaza and open space areas throughout the project site. This approval supersedes the Old Mammoth Place entitlement (Vesting Tentative Tract Map 09-003, Use Permit 09-003, and Design Review 09-005 [Planning Commission Resolution 2010-05]). This approval is not effective until Ordinance 16-05, adopting District Zoning Amendment 15-002, is effective.

2. This permit and all rights hereunder shall automatically terminate unless the business operation, site preparation or construction has been commenced within 24 months after the issuance of this permit and such work is diligently carried on until completion, or an extension of time has been granted in accordance with Municipal Code 17.64.060.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 of the use permit under Section 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. Non-operating vehicles, equipment and materials inappropriate to the site and its use shall not be stored within outdoor areas on the site.

6. Storage of construction materials and equipment off-site shall not be permitted without a permit issued by the Community and Economic Development Department of the Town. Any public or private property altered, damaged or destroyed by site preparation, grading, construction or use shall be restored to its pre-existing condition by the permittee.

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7. All conditions of this use permit shall be met or secured prior to final occupancy approval of any tenant improvements or new structures.

8. All uses are subject to review by the Building Official of the Town of Mammoth Lakes and must conform to occupancy ratings of the structures to obtain occupancy.

9. Town staff shall have the right to enter the subject property to verify compliance with these conditions. The holder of any permit associated with this project shall make the premises available to Town staff during regular business and shall, upon request, make records and documents available to Town staff as necessary to evidence compliance with the terms and conditions of the permit.

10. Prior to the issuance of a building permit, the applicant shall pay Development Impact Fees as prescribed by ordinance 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 challenged in accordance with Municipal Code Chapter 17.104.020.D, Statute of Limitations.

14. Prior to receipt of a grading or building permit, the applicant shall obtain a secondary source permit or letter of exemption from the Great Basin Unified Air Pollution Control District.

15. Pursuant to Government Code Section 66474.9 the subdivider shall defend, indemnify, and hold harmless the 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 in writing of any claim, action, or proceeding and shall cooperate fully in the defense.

16. 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.

17. 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.

18. The property owner shall execute a hold harmless agreement waiving any liability on the part of the Town for damage from snow removal or other standard street maintenance functions.

19. Water and sewer improvements require a construction permit from Mammoth Community Water District. Prior to the Town authorizing any construction, the applicant shall obtain water and sewer permits from Mammoth Community Water District and pay applicable fees to the District.

20. 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.

21. A certificate of occupancy is required for all future tenant improvements within the subject structure. Tenant improvements shall identify occupancy separation requirements, disabled access requirements and compliance with all applicable building, electrical, plumbing, and fire code requirements.

22. Zoning entitlement conditions of approval shall be printed verbatim on all of the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the index.

23. 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.

24. Public trails and bike lanes must be maintained in a safe and usable condition during construction. Trails or bike lanes that are to be relocated must be relocated prior to removal of the existing facility.

25. 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 Measure 4.3-1)

26. Pursuant to the Federal Migratory Bird Treaty Act and California Fish and Game Code Sections 3503 and 3503.5, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird or bird-of-prey, except as otherwise provided by the Fish and Game Code or any regulation made pursuant thereto. Completion of a nesting bird survey by a biologist with relevant qualifications within three days of initiation if 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.

27. The project shall comply with all of the mitigation measures of the Clearwater Specific Plan EIR. These mitigation measures are included as conditions of project approval.

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SPECIAL PLANNING CONDITIONS

Land Use and Operation

28. Hours of operation and limits for noise levels for outdoor uses will be established prior to the issuance of any building permit under the Clearwater Specific Plan.

29. An administrative permit for events shall be obtained from the Tourism and Recreation Department for all outdoor events.

Mobility

30. Bicycle racks and parking shall be provided at a rate consistent with the Clearwater Specific Plan. Storage areas and bicycle rack design shall be consistent with the Town Standards in place at that time. Staff will verify compliance prior to the issuance of a building permit.

31. Guests shall be provided information on the local transit systems, bike routes, and public trails. Information could be provided through a kiosk area in the lobby and market, or by other similar methods.

32. Changing rooms and lockers shall be provided on-site for employees of the hotel and commercial units who choose to walk or bike to work. The final configuration and operational details of the changing rooms shall be determined prior to approval of a building permit.

33. The project shall encourage guests to explore the numerous recreational options around Mammoth Lakes by providing information including signage and wayfinding and providing appropriate on-site support facilities and infrastructure to connect to nearby recreation amenities as identified by MLTPA GIC points (see Appendix VI).

34. 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. Surety shall be posted to cover the cost of grading and paving prior to approval by staff of the map.

35. Prior to the staff approval of the final map, the applicant shall enter into an agreement with the Town for the cost sharing and reimbursement for the boiler capacity and heat trace source for the public sidewalk adjacent to the project, where necessary.

36. If applicable, prior to staff approval of the final map, the Property Owner shall make application with the Town for the creation of a parking district or for the annexation into an existing parking district for any parking shortage and could provide for inclusion of excess parking into a district. The property owner shall enter into an agreement with the Town in which the Property Owner shall agree to waive their rights to vote in favor of the dissolution of an existing district or against the creation of a future proposed district (in which the Property Owner's property is located) established for the purpose of managing parking (parking district). The agreement shall run with the land and shall be binding upon all future owners of the property.

37. The parking design shall be consistent with the standard plans, including garage standards and the valet parking program prepared by LSA dated December 28, 2009, unless otherwise determined by the Public Works Director.

38. The project shall satisfy the parking demand of the project and shall supply no fewer than 597 parking spaces, excluding on-street parking. Because the project parking program (prepared by LSA Associates, Inc. dated December 28th, 2009) contemplates satisfying a portion of the overall parking demand through valet operations, the Public Works Director shall approve the total number of parking spaces effectively provided on-site through the valet parking operation, and any short-fall of the parking supply shall be satisfied by payment of an in-lieu parking fee paid in full to the Town at the time of building permit. Parking spaces for patrons of the retail uses shall also be designated and shall be "self-park" within the on-site parking structure.

39. A valet parking service shall be provided for the project 24 hours a day, 365 days per year. The valet service shall be staffed at all times. The valet parking service shall be required for hotel guests and restaurant patrons. Valet service shall not be required for the residents and guests of the affordable housing units, nor for patrons of the retail uses, however these drivers may request valet service if desired and these vehicles must be parked in designated "self-park" spaces. The CC&Rs shall include language stating such. The level of service shall be a maximum five-minute return time for 99% of customers, or other equivalent criteria approved by the Public Works Director.

40. A parking utilization monitoring system shall be installed that consists of an automated vehicle counter installed at the garage entry ramp(s). The automated parking monitoring system shall record garage accumulation on an hourly basis, 365 days per year. Data collected from the system shall be submitted to the Town in a format approved by the Town on an annual basis.

41. A transportation demand management (TDM) program shall be implemented for the project that could include, but is not limited to, the following programs: employee ride-sharing, employee guaranteed rides home, and employee and hotel guest cash back discounts for not driving a vehicle to the hotel. A detailed narrative describing the TDM program to be implemented shall be submitted at the time of building permit.

42. Guests shall be provided information on the local transit systems, bike routes, and public trails. Information could be provided through a kiosk area in the lobby and market, or by other similar methods.

43. A separate shuttle service for hotel or condominium hotel guests shall be provided to and from, but not limited to, the following locations: Mammoth Mountain Ski Area portal(s), the Mammoth-Yosemite Airport, the golf courses, and Vons (or other major grocery store). Operational details shall be provided to and approved by the Town prior to issuance of the first certificate of occupancy.

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44. Bicycle parking and storage shall be provided on-site at a minimum rate of 2 spaces per commercial unit, 2 spaces per 2,500 square feet of plaza space, and 1 space for every 5 condominium /hotel units. All bicycles racks shall be large enough to accommodate a minimum of 6 bicycles at any one time. Condominium/hotel bicycle parking shall be safe and secure and shall be indoors or within a garage. The majority of bicycle storage shall be safe and secure and shall be indoors or in a garage, with 10-15 spaces, or other appropriate number as determined by the Community Development Director, of outdoor bicycle parking provided.

45. A bus loading and drop-off facility and overnight parking with electrical plug-ins for at least two busses shall be provided on-site.

46. The project shall provide an intelligent parking system that will indicate from Old Mammoth Place commercial space availability, valet parking, and other parking capacity information necessary to provide information for guest parking.

47. Review of the project traffic study and update shall be prepared and submitted for review and approval at each phase of construction to evaluate timing of mitigation measures and consistency with the original assumptions in the Clearwater Specific Plan FEIR.

48. A delivery management plan showing loading, unloading, and delivery locations shall be submitted to the Town with the final map application and approved as part of staff approval of the final map. A detailed delivery management plan, including commercial loading and delivery paths, shall be approved with the approval of the first building permit. In no case shall delivery vehicles impede traffic.

49. The porte-cochere shall be designed to accommodate 40 foot vehicle at check in area shall be designed to accommodate design template "CITY-BUS" design vehicle and have a clear height of 14 feet.

50. If the applicant wishes the connector road to be two-way throughout, two-way traffic on the connector shall be reviewed in conjunction with the commercial delivery management plan and a traffic Level of Service review in conjunction with the final map application.

51. The garage entrance ramp shall be heat melted.

Design

52. Retaining wall design and material(s) shall be reviewed by the Town prior to grading permit issuance. All retaining and screening walls shall also require a building permit.

53. A Building Height Certificate shall be required for each individual building on the site during the construction period to ensure that the roof heights are consistent with the approved plans. A building height verification stamp shall be placed on the plans prior to issuance of Building Permit to ensure the Building Height Certificate is provided. Staff shall verify each Building Height Certificate prior to the issuance of any certificates of occupancy.

54. A minimum separation of 9 feet shall be maintained between the pavement within the understructure parking garage and any obstructions above (i.e. ceilings, piping, signs, plumbing, light fixtures, etc.) including along ramp transition lanes. Clearance for head-in parking adjacent to walls may have reduced clearance to 5 feet over the "hood" area to allow for mechanical/electrical facilities and equipment.

55. A wayfinding plan that is complementary to the Town's wayfinding and design system shall be submitted to and approved by the Town prior to issuance of the first certificate of occupancy. Plan shall include information similar to the "Type 2 Kiosk System."

56. The applicant shall satisfy the public art requirement in effect at the time of building permit application submittal. If public art is required, the applicant shall satisfy the requirement by placing public art in the pedestrian plaza or in other public areas in or adjacent to the site and shall work with the Planning and Economic Development Commission and staff to determine appropriate artwork for this area. If public art is required, a plan to ensure that the Public Art requirement is satisfied shall be in place prior to issuance of a building permit.

57. All proposed outdoor trash and recycling receptacles shall be bear proof and meet the standards of the Public Works Department.

58. Any bike racks proposed to be placed in or adjacent to the public right of way shall be consistent with the approved Town standard specification in place at the time of installation.

Snow Management

59. The applicant shall apply for an annual snow storage permit in order to use the public right-of-way to access snow storage areas on the subject property.

60. Pathways to transit and shuttle connections shall be cleared and maintained year-round.

61. A snow removal/storage plan shall be submitted by the applicant and approved by the Community and Economic Development Department prior to approval by staff of the Final Map. 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.

Landscape / Irrigation

62. The project shall meet the requirements of Municipal Code Section 17.40 (Water Efficient Landscape Regulations) and the CA Model Water Efficient Landscape Ordinance (MWELO) including submittal of the Landscape Documentation Package. A final landscape and irrigation plan shall be submitted to, and approved by, the Community Development Department for inclusion in the project grading permit. Said landscape and irrigation plan shall substantially conform to the preliminary landscape plan reviewed and approved by the Planning Commission. All landscape plantings shall be maintained in a healthy and growing condition at all times (as applicable for the season) and individual plants shall be replaced if they become diseased or die. An automated irrigation system shall be provided for each landscape area. The irrigation equipment and system shall be maintained in a proper working condition at all times. Landscaping and irrigation systems within the public

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right of way or adjacent to the project area shall be maintained by the property owner or the benefit assessment district.

63. Box Elder (Acer negundo) shall be eliminated from the list of proposed plants and trees. A suggested replacement is Amur Maple or Mountain Maple which are both in the Design Guidelines.

64. Tree sizes shall include container or gallon size in addition to specified height.

65. A tree removal plan shall be approved prior to any land disturbance and the issuance of a grading or building permit. A pre-construction meeting shall be held on-site prior to any land disturbance. The applicant shall obtain the necessary Timber Harvest Permit, if required, prior to any tree removal.

66. The grading plan shall include tree protection measures to address how construction can occur with minimal disturbance to the drip-line of retained trees. The drip-line areas shall be "fenced" off with barriers to prevent disturbance during site grading. Additionally, finish grading shall minimize disturbance of existing understory vegetation and retained trees. Special care shall be taken to protect the perimeter trees to ensure that their root zones and trunks are protected to the greatest extent possible and that sidewalks are designed to go around the 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.

67. The maintenance of graded slopes and landscaped areas shall be the responsibility of the developer until the maintenance is officially assumed by an approved maintenance district or property owners association.

68. All required landscaping and irrigation improvements shall be constructed prior to issuance of the first certificate of occupancy for the project, unless sureties are posted with the Town to the satisfaction of the Public Works Director for any required landscaping and irrigation improvements to be deferred. 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 Community Development Department Director.

69. Due to the public benefit and value to the public derived from existing trees to remain, an assurance surety shall be required. All trees to remain greater than 12" diameter shall be covered by a damage surety to the Town of Mammoth Lakes in the amount of $5,000.00 each, to be paid prior to issuance of a grading permit. The release of the damage surety shall be at the sole discretion of the Town of Mammoth Lakes Community Development Department Director.

70. Due to the size and scale of the project and the intent of the conifer trees in the design, the minimum size at time of planting shall be 8 feet in height. The applicant shall provide the minimum caliper for deciduous trees of 1 ½ inch minimum at 8 - 10 feet high and 2-inch minimum at 10 - 12 feet high.

71. The stamp and signature of a Landscape Architect shall be on the landscape and irrigation plans submitted with a grading and/or building permit application.

72. The landscape plans shall provide soil composition and weight provisions for the landscape planting soils above the garage prior to the issuance of a building permit.

73. The landscape plan shall provide a value to value analysis of the trees removed and the trees provided as required by CSP objective 8.2.1.3 with a grading permit application.

Lighting

74. 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.

75. To reduce the potential for evening glare from interior lights, glazing that meets the performance of HP Sun II, or equivalent low-e factory installed gray tinted glass shall be used for all windows. 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 buildings or off-site.

76. All project lighting within the right-of-way will require an encroachment permit.

Signs

77. A master sign plan for the Specific Plan area is required to be submitted to and approved by the Community Development Department and the Advisory Design Panel at the design development stage, before any signs are installed, and all signage shall be in accordance with that plan. The master sign plan may allow large place making signage. Temporary signs such as a site development sign may be permitted without approval of a master sign plan, provided that they comply with the Town's sign ordinance.

Noise

78. Appropriate noise attenuation features shall be included in the design of all facilities.

79. All construction and maintenance equipment shall be properly equipped and operated to minimize noise disturbance.

80. Construction equipment shall be operated in accordance with Town of Mammoth Lakes regulations. Improperly equipped vehicles shall not be permitted to operate.

81. All development shall comply with all noise related mitigation measures established by the EIR.

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82. Residential buildings shall be constructed to meet the Town of Mammoth Lakes Municipal Code noise level limits of 35 dBA for residence interiors between 10:00 p.m. and 7:00 a.m.

Affordable Housing

83. 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.

84. Notwithstanding any other possible configurations or calculations, for purposes of calculating Owner's affordable housing in-lieu fee obligations, the Project shall be assumed to comprise 244 "keys" or separately lockable units or portions of units of base density, and the remaining "keys" or separately lockable units or portions of units constructed shall be considered incentive density.

Development Impact Fees

85. Notwithstanding any other possible calculations, for purposes of calculating Owner's DIF obligations, the Project shall be assumed to comprise 244 "keys" or separately lockable units or portions of units of base density and, the remaining "keys" or separately lockable units or portions of units constructed shall be considered incentive density.

Trash / Recycling

86. Exterior trash enclosure(s), if any, shall be improved with a concrete slab and constructed of masonry with an exterior of stone veneer or other materials compatible with that of the building(s). Adequate space for recyclable materials shall be provided within the enclosure(s). The enclosure(s) is/are not required to be gated.

87. Prior to the issuance of a building permit, the applicant shall submit a trash and recycling management plan that ensures efficient, convenient, and unobtrusive removal of trash, restaurant waste, shipping materials, and disposal of recyclables.

Life Safety

88. This project is protected by the Mammoth Lakes Fire Protection District. Prior to any construction occurring on any parcel, the applicant shall contact the Fire Marshal for verification of the then current fire protection requirements that will be required for the building permit.

89. 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 Town Engineer, may approve any plan or approve a change to an approved plan, which complies with the intent of this policy.

90. All pedestrian facilities, including plazas, pathways, and other areas, shall have adequate lighting, visible signage, and markings for pedestrian safety.

91. All development shall mitigate increased response times due to construction activity, increased visitation and project related traffic, particularly on Old Mammoth, Laurel Mountain, and Sierra Nevada Roads, to the satisfaction of MLFPD.

92. All development shall comply with current State and local fire code requirements in place at the time of an application submittal.

93. All delivery truck areas and tour bus parking areas shall be completely contained on-site and shall not block or occupy any portions of the sidewalk and/or adjacent roadway.

94. A snow cornice/icicle management plan shall be reviewed and approved by the Mammoth Lakes Fire Protection District and the Town prior to building permit issuance.

95. 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 "Market Commons" and "River Terrace" pool 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.

96. Old Mammoth Place road shall be a minimum of 24-feet wide from edge of asphalt with curbs and gutters outside this dimension. One-way roads that have only one-lane shall be a minimum width of 14-feet wide from edge of asphalt with curbs and gutters outside this dimension.

97. Fire lanes/emergency vehicle parking locations shall be provided on Old Mammoth Road, Sierra Nevada Road, and Laurel Mountain Roads in accordance with Mammoth Lakes Fire Protection District and Town requirements. The final locations shall be determined in conjunction with the Fire District and the Town. These locations can be shared with the transit system bus stops.

98. The parking garage 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.

99. Fire hydrants shall be provided in accordance with Mammoth Lakes Fire Protection District requirements.

100. Fire department connection's (FDCs) 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.

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101. 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.

102. The parking garage, all mid- and high-rise structures, and the "Festival Marketplace" shall all be equipped with a standpipe system, and may require a yard pipe system upon further evaluation of the building plans.

103. 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.

104. For any portion of the structure(s) where the floor elevation is 55-feet above the lowest level of fire department building access (i.e., ground level), those portions of the structure(s) shall be classified as a high-rise and are required to comply with all high-rise building and fire code requirements. For any high-rise portions of the structure(s), a fire pump and a secondary water source for fire protection shall be required and the Mammoth Lake Fire Protection District will require verification of a minimum fire flow on any high-rise roof area of 100 gallons per minute for a five minute period of time, prior to issuance of a final certificate of occupancy. Additionally, if the structure is classified as a high-rise, a fire department equipment room that complies with the requirements of the Mammoth Lakes Fire Protection District shall be located on the fourth floor of the high-rise portion of the structure.

105. The project shall comply with all Wildland Urban Interface requirements including, but not limited to construction techniques, materials, and vegetation requirements.

106. Roof access shall be in accordance with all Mammoth Lakes Fire Protection District requirements.

107. Atriums shall be constructed and managed per the requirements of the applicable Building and Fire Codes.

108. The skylight material and translucent roof panels shall comply with all Mammoth Lakes Fire Protection District requirements for ventilation.

109. Propane lines serving the project site 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.

110. All structures shall be designed and constructed in accordance with the current California Building Code incorporating lateral force requirements for the appropriate seismic zone.

111. A lateral force (seismic) analysis shall be prepared by a licensed structural or civil engineer for all building structures and submitted with the building permit application. The analysis must analyze lateral forces under maximum snow load conditions.

112. In areas where soils exhibit potential for liquefaction or other instability during a seismic event, building construction shall be avoided unless a soils engineering report indicates that remedial soils conditioning can eliminate hazards.

Stormwater Management

113. The parking garage plans shall show oil/water separators sufficient to serve the garage and any facilities in place to separate silt from storm water. Oil or other petroleum contaminants shall not be discharged to the Town of Mammoth Lakes Stormwater and Sewer System.

114. A stormwater operations plan shall be approved prior to the first certificate of occupancy.

Construction Management

115. Any approved phasing shall provide that construction work and traffic control be scheduled and constructed to provide for a minimum of inconvenience and a maximum of safety to the public vehicular and pedestrian traffic. Multi-seasonal impacts to the public sidewalks and streets shall not be approved. All work shall comply with the mitigation measures established in the EIR.

116. Construction activities shall be in accordance with Town of Mammoth Lakes regulations.

117. Construction hours shall be limited to those hours typically permitted by the Town of Mammoth Lakes. Construction is prohibited outdoors on Sundays.

118. Phasing and demolition shall be consistent with the phasing plan approved as part of the use permit application.

119. Prior to combustible materials being placed on-site, an all-weather access road shall be maintained serving all exterior portions of the structure to the satisfaction of MLFPD.

120. Safe pedestrian access around the site shall be maintained at all times during construction.

121. An approximately 10-foot border of sidewalk and "construction hoarding fence" shall be installed along Old Mammoth Road to provide attractive pedestrian access around the site, prior to the issuance of a grading permit and shall remain throughout the construction period.

122. 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.

Air Quality

123. No solid fuel burning appliances shall be installed in any of the multi-family residential units, consistent with General Plan Section R.10.J. As permitted for other similar projects, one solid fuel burning appliance may be permitted in the lobby or other similar common area, provided that it is consistent with the Town, State, and Federal air pollution control standards and subject to approval by the Community Development Director.

Geology and Soils

124. Prior to approval of the improvement plans, the applicant shall contract with a materials testing (or civil/qualified) 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 Town Engineer for review and approval.

Assessment Districts

125. Prior to staff approval of the final map, the Property Owner shall make application with the Town in which the Property Owner shall agree to annex the following property into the Old Mammoth Road Benefit Assessment District, BAD 2002-1, for the operation, maintenance and repair, snow removal, heat trace, landscaping and irrigation, street lighting, and other things, of the public improvements along the property frontage:

a. Old Mammoth Road frontage improvements;

b. Sierra Nevada Road frontage;

c. Laurel Mountain Road frontage; and

d. The new mid-block connector right of way.

126. The Property Owner shall also enter into an agreement with the Town in which the Property Owner shall agree to waive their rights to vote in favor of the dissolution of the Old Mammoth Road Benefit Assessment District, BAD 2002-1. The agreements shall run with the land and shall be binding upon all future owners of the property.

Street and Driveway Improvements

127. The offsite improvements under the circulation mitigations of the Clearwater Specific Plan EIR for the signals at Sierra Nevada Road and Old Mammoth Road and Azimuth and Meridian Boulevard, if required, shall be entirely funded by the developer and constructed by the Town of Mammoth Lakes. The traffic mitigations shall be installed and completed either when the intersection is determined to exceed a LOS "D" or by the first certificate of occupancy for the third phase of construction. They may be reimbursed for any intersection improvements that are included in the Development Impact Fee program at the time of building permit application submittal.

    a. To mitigate traffic at Laurel Mountain Road and Main Street, any traffic improvement along the Main Street corridor that will sufficiently mitigate the level of service impacts at this intersection will be acceptable. It is anticipated that the construction of a signal at USPO/Center Street and Main Street will mitigate this intersection level of service. These improvements are currently in design and planned to be constructed in the 2008/2009 Five Year Capital Improvement Plan by the Town of Mammoth Lakes. In the event the Town of Mammoth Lakes has not completed the required improvements before a certificate of occupancy is issued, the developer shall provide a schedule to the Town of Mammoth Lakes that will have the improvements completed before the issuance of the first certificate of occupancy.

    b. Prior to the first certificate of occupancy, The developer shall re-stripe and sign the intersections at Laurel Mountain and Main, Old Mammoth and Main Street, and Tavern Road and Old Mammoth Road to provide a through and left turn lane.

    c. Applicant shall stripe, paint, and sign all new bike lanes and street parking that will be constructed as part of this project prior to the first certificate of occupancy for each phase.

128. The developer and/or completed projects shall financially participate on a fair-share basis in the Town of Mammoth Lakes' annual traffic monitoring program until all certificates of occupancy have been issued for the project.

129. The proposed transit shelter shall meet the Town's specifications, including being a minimum dimension of 6 feet by 15 feet on the inside dimension and shall be complete with the first certificate of occupancy for the first phase of construction.

130. A 24-foot tall Town standard light pole and fixture shall be installed at the intersection of Laurel Mountain Road and Sierra Nevada Road, in addition to other street lights shown on the plans and shall be complete prior to issuance of the first certificate of occupancy for Phase II of construction.

131. Since the new mid-block connector is proposed to be one-way on the east side and two-way on the west side, the applicant shall install signage advising guests where the two-way section of the road ends and the westbound lane shall be on the north side of the road.

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132. For the new mid-block connector, a 40-foot irrevocable offer of dedication of the right-of-way to the Town will be required to be submitted with an application for a final map. The Town will accept the offer upon completion of construction of the improvements.

133. Curb and gutter improvements are required along the property frontages. All new curb and gutter shall be consistent with the Town of Mammoth Lakes Public Works standards. The design of the improvements shall provide for adequate drainage along all fronting streets. The existing drainage inlets at the intersection of Old Mammoth Road and Main Street shall be expanded with the first phase of development, if the project creates any additional runoff and completed prior to the first certificate of occupancy.

134. Heat tracing or an alternative, similarly suitable automated method of ice removal, that shall be approved by the Public Works Director, shall be provided along Old Mammoth Place, since the shadow studies indicate that the street and sidewalk will be in the shade for more than two hours per day and for longer than a week.

Sustainability

135. The Town encourages the project applicant to achieve the highest LEED certification possible; the project applicant shall seek, at a minimum, a LEED silver certification or equivalent. If the applicant does not wish to seek LEED certification, a third party review shall be provided to the Town verifying that the project is built to a LEED silver equivalent or higher. The Town shall review and approve any document prior to issuance of the first certificate of occupancy.

136. The applicant shall install water-efficient fixtures that will use 20 percent less water for all non-irrigation uses, and 50 percent less water for landscape irrigation, than a non-LEED certified baseline project in accordance with LEED Silver requirements.

137. The applicant has stated that it intends to utilize geothermal as an energy source on this site, if feasible. Therefore, the applicant shall drill a test hole of sufficient depth and prepare a feasibility study by a qualified civil or mechanical engineer. The study shall be submitted to the Town for review and comment at the time of a grading permit application submittal for the garage.

138. Testing and drilling for geothermal wells may require a permit from the State Department of Energy and the Mono County Health Department. Other applicable permits and a water basin analysis may also be required.

139. A project shall be equipped with waste compaction and recycling facilities to reduce the volume of waste disposed. Recycling bins shall be required in all residential units, commercial units, and common areas.

140. Water conservation devices shall be installed in all residential and commercial structures.

Water Resources

141. The project shall comply with the following recommendations from the Mammoth Community Water District. Feasibility studies shall be completed and submitted to the Town prior to or concurrent with the submittal of a grading permit.

a. Evaluate the feasibility (cost and water savings) of and consider plumbing the new buildings for dual-use of potable and recycled or grey water supply.

b. Evaluate the feasibility of and consider installing all irrigation plumbing systems to be completely separate from the site's potable service connections, and meet the State requirements for use of recycled water for irrigation and water features supply.

c. Evaluate the feasibility of and consider use of EPA Water Sense, CUWCC best management practices, and/or grey water dual plumbing per "a" to minimize water demands.

d. Evaluate the feasibility of and consider installing an 8-inch recycled water pipeline along the project frontage on Old Mammoth Road as part of the street widening and related improvements. This would facilitate eventual use of recycled water supply, once a more complete distribution system is in place.

e. Evaluate the feasibility of and consider a voluntary, private partnership between the project owner and a suitable off-site public or private building complex to fund water efficiency retrofits which would offset the increased water demands of the project, above the baseline project site water demands.

ENGINEERING DIVISION CONDITIONS

STANDARD CONDITIONS / GENERAL REQUIREMENTS:

142. 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.

143. 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. A

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subdivision guarantee shall be issued and dated within 30 days prior to final map approval by the Planning and Economic Development Commission.

144. 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 approved maintenance district or property owners association.

145. Slope rights adjacent to public rights of way shall be dedicated on the final map where necessary.

146. All new utility lines within, adjacent to or serving the site shall be placed underground.

147. The site grading design and all building construction shall conform to State and Federal disabled access regulations.

148. Paved access is required to a maintained street. Street and traffic signs shall meet the California Manual of Uniform Traffic Control Devices (MUTCD).

149. 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.

150. 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.

151. 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.

152. All easements and dedications shall be in a form and content acceptable to the Public Works Director.

153. 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.

154. All grading and public improvements shall be consistent with the Town of Mammoth Standard Plans for Public Works.

155. 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:

156. The final map shall conform to the requirements of Town of Mammoth Lakes Ordinance 84-10 and all amendments thereto.

157. 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.

158. A form of security listed in Government Code Section 64999(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 bonds 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 forms of security 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 forms of security shall be posted prior to the issuance of a grading permit and prior to approval by staff of the final map.

159. A form of security listed in Government Code Section 64999(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 security shall be prepared by the licensed land surveyor preparing the final map and shall be approved by the Town Surveyor.

160. Rights of way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing shall be required as necessary.

161. 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).

162. 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 owner's statement on the parcel map shall reserve said easements unto themselves, their heirs and assigns.

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163. 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.

164. Monumentation of the subdivision shall be installed in accordance with the Subdivision Ordinance of the Town, Ordinance 84-10.

165. 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.

166. Existing CC&Rs, if any, encumbering the property shall be amended as necessary for the proposed development of this project.

167. The applicant shall submit a request for unit, building and street addressing to the Town, and a request for street names for all streets within the subdivision. Approval of the addressing and street names shall be completed prior to approval of the map by Town staff and the Mammoth Lakes Fire Protection District.

168. 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 488 BEDROOMS WITHIN 343 UNITS, AND 80 COMMERCIAL UNITS, AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT."

169. 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.

170. As required by the Town's Subdivision Ordinance Section 17.08.035 and Council Resolution 14-28, the applicant shall pay a fee for each unit, parcel or lot, including lettered lots and parcels and common area lots or parcels, created to the Community and Economic Development Department for long range planning reimbursement prior to approval by staff of the final map.

171. If the subdivider elects to file multiple final maps, then prior to submittal of the first final map for the project, the applicant shall submit a development schedule of phasing and improvements for review and approval by the engineering and planning divisions of the town. The Town may impose additional conditions relative to phasing and the filing of multiple maps in accordance with Section 66456.1 of the Subdivision Map Act. Phasing may only be permitted if discontinuous right-of-ways and substandard lots are not created by the phasing.

172. A public access easement shall be provided to the Town for public plazas, access to the public plazas, and mid-block connectors.

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

173. 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.

174. An application for a grading permit shall be submitted to the Engineering Services Division of the Public Works Department in accordance with Chapter 12.08 of the Municipal Code. No change to the existing conditions of the site, including site grading, drainage interruption, land clearing, etc. shall be commenced until an engineered grading, drainage and landscape/irrigation plans have been approved by the Public Works Director.

175. If the project would disturb more than one acre, a National Pollutant Discharge Elimination System (NPDES) permit is required. The NPDES permit shall be approved by the State Water Resources Control Board and Waste Discharger Identification (WDID) number issued prior to the issuance of a Town grading permit.

176. A grading permit for the project shall not be issued prior to approval of the landscaping and irrigation plans per Municipal Code 17.40.

177. A grading permit for the project shall not be issued prior to submission of a complete application for a building permit to the building division of the Community and Economic Development Department, or a restoration bond for the site has been posted, which has also been reviewed and approved by the Public Works Director or designee. The building official shall make the determination as to whether or not the application is complete.

178. An encroachment permit or a letter of exemption shall be obtained from the Engineering Services Division of the Town prior to construction within the public right of way in accordance Chapter 12.04 of the Municipal Code.

179. No work within public 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.

180. 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 and Caltrans 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.

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181. 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.

182. 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.

183. 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.

184. 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.

185. Slope stability tests are required for all cuts greater than 2:1 or fills greater than 3:1 (H:V).

186. 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.

187. All driveways shall be constructed in accordance with the driveway standards of the Town.

188. 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.

189. The applicant shall submit a Notice of Intent and comply with the requirements of the General Construction Activity Storm Water Permit from the State Water Resources Control Board, in accordance with Board requirements.

190. 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.

191. 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.

192. 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.

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193. 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 vesting tentative tract map, VTTM 16-001, use permit, UPA 16-001, and design review, DR 16-004, and all mitigation measures within the Mitigation Monitoring and Reporting Program contained in the resolution recorded at the County Recorder's Office of Mono County as Document No. 2016xxxxxx, 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.

194. 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.

195. 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 64999(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.

196. The grading plan and building permit plans shall indicate all snow storage areas and drainage facilities.

197. All easements shall be shown on the grading and building permit plans.

198. 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.

199. A tree removal plan shall be approved prior to any land disturbance and the issuance of a grading or building permit. A pre-construction meeting shall be held on-site prior to any land disturbance to inspect clearing limit fencing. The applicant shall obtain the necessary Timber Harvest Permit prior to any tree removal.

200. 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:

201. Recordation of the final map. The applicant shall provide evidence to the Town that the map has recorded prior to issuance of the first building permit for the project. Evidence shall consist of the recording information of the final map.

202. For all retaining and screening walls, the applicant shall submit plans to and obtain a building permit from the building division.

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

203. All required landscaping and irrigation improvements shall be constructed prior to the first temporary, conditional or final certificate of occupancy for the project. A form of security listed in Government Code Section 64999(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 whose approval shall not be unnecessarily withheld.

204. 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 Section 16.32.

205. The final condominium plans, if any, for the project shall be submitted to the Town for review for conformance with the approved development plan, tentative map, use permit and CC&Rs. The condominium plans, if any, shall conform to the conditions of approval with respect to ownership of required appurtenant use areas. Issuance of the first certificate of occupancy and recordation of the condominium plans, if any, shall not occur prior to Town review of the condominium plans. The condominium plans, if any, shall be recorded prior to issuance of the first temporary, conditional or final certificate of occupancy for the project.

206. Construction of private facilities and related drainage improvements shall be inspected and certified by the Public Works Director and/or designee.

207. 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 to the issuance of the first certificate of occupancy for the project.

208. 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.

209. All deferred survey monumentation shall be completed, or security posted, prior to the issuance of the first temporary, conditional or final certificate of occupancy for the project.

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MITIGATION MEASURES

SHORT-TERM CONSTRUCTION AESTHETIC IMPACTS

AES-1 Construction equipment staging areas shall use appropriate screening (i.e., temporary fencing with opaque material) to buffer views of construction equipment and material, when feasible. Staging locations shall be indicated on Final Development Plans and Grading Plans.

AES-2 A grading plan shall be submitted concurrently with the development plans and shall be approved through the design review process by the Planning and Economic Development Commission. All grading and earthwork activities must be conducted in accordance with an approved construction grading plan and grading permit issued by the Mammoth Lakes Public Works Department. All grading plans must meet Lahontan Regional Water Quality Control Board standards for interim and permanent erosion control measures.

AES-3 The applicant shall prepare and submit a construction hauling plan to be reviewed and approved by the Community and Economic Development Department prior to issuance of grading permit. The plan shall ensure that construction haul routes do not affect sensitive uses in the project vicinity.

AES-4 All construction-related lighting shall be located and aimed away from adjacent residential areas and consist of the minimal wattage necessary to provide safety at the construction site. A construction safety lighting plan shall be submitted to the Community and Economic Development Department for review concurrent with Grading Permit application.

LONG-TERM AESTHETIC IMPACTS

AES-5 The overall color scheme shall be determined by the Town Design Guidelines and Town of Mammoth Lakes Advisory Design Panel, subject to approval by the Planning and Economic Development Commission. The color of exterior materials, whether applied or innate, shall reflect the appearance of the natural surroundings and not seem synthetic or man-made. Accent colors shall integrate with the overall color scheme and form of the building.

AES-6 All signs shall be in accordance with general provisions, prohibitions, exemptions, and special purposes delineated in Chapter 17.48 of the Town's Municipal Code, the Clearwater Specific Plan, and the Clearwater Landscape Design Guidelines as established and adopted hereafter by the Planning and Economic Development Commission.

AES-7 Landscape design shall be consistent with Municipal Code Chapter 17.40 and the California Model Water Efficiency Landscape Ordinance (MWELO), property development standards, and the Clearwater Specific Plan Landscape Design Guidelines. The landscape shall enhance the character of the on-site development and shall be compatible with, and complementary to, the natural environment in Mammoth Lakes and the surrounding region.

AES-8 Flat roofs shall be designed to carry snow accumulations of a minimum of 161 pounds per square feet, and have a minimum slope of 3/12 for adequate drainage. Roofs shall be designed to not shed ice and snow onto adjacent properties, walkways, plaza, driveways, and decks.

AES-9 Roof appurtenances shall be integral parts of the architecture of the structure. Non-functional roof ornamentation shall be avoided. Mechanical, electrical and roof access equipments, vents, and antennas shall be integrated into the roof design to avoid visual impact on other properties. Skylights, solar collectors and clerestories shall be designed as masses at angles relating to the primary roof, and building architecture, not applied forms. Exposed chimney flues shall not be permitted.

AES-10 All appurtenances (i.e., meters and electrical equipment, etc.) shall be integrated into the project design to avoid visual impact from pedestrians and other properties. These appurtenances shall be screened or placed in areas that are not highly visible, where possible.

AES-11 Fencing and outdoor enclosures shall be compatible in material, color, and design to adjacent structures, and the neighborhood and regional character. Fences and enclosures shall be designed to withstand heavy snowfall conditions and snow removal operations. Fences, walls, and enclosures shall be no higher than necessary to perform the intended function. Landscape features, fences, and walls in dedicated snow slope areas shall be designed to accommodate snow storage and removal activities.

AES-12 All outdoor furnishings shall complement adjacent building character and scale, and shall be appropriate to the project theme, allow for snow removal operations, and accessibility requirements. Tree grates shall be used in areas of high pedestrian activity and traffic. They shall be constructed of cast iron, metal, or concrete.

LONG-TERM LIGHT AND GLARE

AES-13 The applicant shall prepare and submit an outdoor lighting plan pursuant to the Town's Lighting Ordinance (Section 17.34.030, Exterior Lighting, of the Municipal Code) to the Community and Economic Development Director that includes a footcandle map illustrating the amount of light from the project site at adjacent light sensitive receptors.

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AES-14 Landscape lighting should be designed as an integral part of the project. Lighting levels shall respond to the type, intensity, and location of use. Safety and security for pedestrians and vehicular movements must be anticipated. Lighting fixture locations shall not interfere or impair snow storage or snow removal operations. Light fixtures shall have cut-off shields to prevent light spill and glare into adjacent areas.

SHADE AND SHADOW

AES-15 The applicant shall implement a snow plowing and cindering plan during the three worst-case shadow months of the year at any portion of a pedestrian or vehicular travelway that receives less than two hours of mid-day sun for more than a week. The Community and Economic Development Director shall review the methodology and effectiveness of the plan during its implementation. If it is determined by the Town that the plan does not adequately reduce hazards resulting from shadows (i.e. black ice), the Town shall require the applicant to install heat traced pavement at any portion of a pedestrian or vehicular travelway that receives less than two hours of mid-day sun for more than a week.

TRAFFIC GENERATION – LONG-TERM

TRA-1 Old Mammoth Road/Sierra Nevada Road. Since the project contributes to an existing, cumulative, and long-range General Plan deficiency at the intersection of Old Mammoth Road/Sierra Nevada Road, the project shall be required to submit a fair share contribution for the installation of a traffic signal. As part of the signalization, permitted left-turn phasing in the eastbound and westbound directions and protected phasing in the northbound and southbound directions would need to be constructed.

TRA-2 Azimuth Drive/Meridian Boulevard. Since the project contributes to an existing, cumulative, and long-range General Plan deficiency at the intersection of Azimuth Drive/Meridian Boulevard, the project shall be required to submit a fair share contribution for the installation of a traffic signal. As part of the signalization, permitted left-turn phasing in the northbound and southbound directions and protected phasing in the eastbound and westbound directions as well as a separate northbound left-turn lane would need to be constructed. Based on the access analysis, the project design shall be required to include separate eastbound left- and right-turn lanes at Old Mammoth Road/Old Mammoth Place.

INTERNAL CIRCULATION, PROJECT ACCESS, PEDESTRIAN CIRCULATION

TRA-3 Old Mammoth Road/Old Mammoth Place (two-way road scenario). Since the project contributes to a long-range General Plan deficiency at Old Mammoth Place, the project design shall be required to include separate eastbound left- and right-turn lanes at Old Mammoth Road/Old Mammoth Place.

PARKING

TRA-4 Prior to site plan approval, the applicant shall demonstrate to the satisfaction of the Community and Economic Development Director and the Public Works Director that the project meets or exceeds the requirements of the Clearwater Specific Plan parking requirements. The parking configuration shall be designed so that all project-related vehicles are parked on-site or the project is annexed into a parking district and all required in-lieu fees are paid as allowed by the Clearwater Specific Plan.

SHORT-TERM (CONSTRUCTION) AIR EMISSIONS

AQ-1 Prior to approval of the project plans and specifications, the Public Works Director, or his designee, shall confirm that the plans and specifications stipulate that, in compliance with Great Basin Unified Air Pollution Control District (GBUAPCD) Rule 401, excessive fugitive dust emissions shall be controlled by regular watering or other dust preventive measures, as specified in the GBUAPCD Rules and Regulations. In addition, GBUAPCD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors:

- All active portions of the construction site shall be watered to prevent excessive amounts of dust;
- On-site vehicles' speed shall be limited to 15 miles per hour (mph);
- All on-site roads shall be paved as soon as feasible or watered periodically or chemically stabilized;
- All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust; watering, with complete coverage, shall occur at least twice daily, preferably in the late morning and after work is done for the day;
- If dust is visibly generated that travels beyond the site boundaries, clearing, grading, earth moving or excavation activities that are generating dust shall cease during periods of high winds (i.e., greater than 25 mph averaged over one hour) or during Stage 1 or Stage 2 episodes; and
- All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.

AQ-2 Under GBUAPCD Rule 200-A and 200B, the project applicant shall apply for a Permit To Construct prior to construction, which provides an orderly procedure for the review of new and modified sources of air pollution.

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AQ-3 Under GBUAPCD Rule 216-A (New Source Review Requirement for Determining Impact on Air Quality Secondary Sources), the project applicant shall complete the necessary permitting approvals prior to commencement of construction activities.

AQ-4 Prior to demolition activities, the applicant shall demonstrate to the GBUAPCD that the project is consistent with the Toxic Substance Control Act (TSCA), (15 U.S.C. Section 2601 et. seq.) Title 2 - Asbestos Hazard Emergency Response for handling asbestos.

LONG-TERM (OPERATIONAL) AIR EMISSIONS

AQ-5 Prior to approval of building plans, the applicant shall provide confirmation, to the satisfaction of the Town's Community and Economic Development Department, that wood fired stoves or appliances would not be used on-site.

SHORT-TERM (CONSTRUCTION) NOISE IMPACTS

N-1 Prior to Grading Permit issuance, the project shall demonstrate, to the satisfaction of the Town's Community and Economic Development Department, that the project complies with the following:

- All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers;
- Construction noise reduction methods such as shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools, rather than diesel equipment, shall be used where feasible;
- During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers;
- During construction, stockpiling and vehicle staging areas shall be located as far as practical from noise sensitive receptors;
- Operate earthmoving equipment on the construction site, as far away from vibration sensitive sites as possible; and
- Construction hours, allowable workdays and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the Town or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action and report the action taken to the reporting party.

LONG-TERM (STATIONARY) NOISE IMPACTS

N-2 The proposed project shall be required to adhere to Section 8.16.090 (Prohibited Acts) of the Municipal Code, which prohibits loading activities between the hours of 10:00 P.M. and 7:00 A.M.

N-3 Mechanical equipment shall be placed as far practicable from sensitive receptors. Additionally, the following shall be considered prior HVAC installation: proper selection and sizing of equipment, installation of equipment with proper acoustical shielding, and incorporating the use of parapets into the building design.

WATER SUPPLY

USS-1 The applicant shall provide lateral sewer lines to the centerlines of the nearest adjacent roadways. The lateral sewer lines shall be constructed in accordance with Town and Mammoth Community Water District (MCWD) standards and specifications, to the satisfaction of the Town of Mammoth Lakes.

STATE OF CALIFORNIA)
COUNTY OF MONO) ss.
TOWN OF MAMMOTH LAKES)

I, JAMIE GRAY, Town Clerk of the Town of Mammoth Lakes, DO HEREBY CERTIFY under penalty of perjury that the foregoing is a true and correct copy of Resolution No. 16-48 adopted by the Town Council of the Town of Mammoth Lakes, California, at a meeting thereof held on the 20th day of July, 2016, by the following vote:

AYES:	Councilmembers Hoff, Sauser, Mayor Pro Tem Wentworth, and Mayor Richardson
NOES:	None
ABSENT:	None
ABSTAIN:	None
DISQUALIFICATION:	Councilmember Fernie

JAMIE GRAY, Town Clerk