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

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RESOLUTION NO. PEDC 2019-09

**A RESOLUTION OF THE MAMMOTH LAKES PLANNING AND
ECONOMIC DEVELOPMENT COMMISSION
APPROVING
DESIGN REVIEW 19-003 AND ADJUSTMENT ADJ 19-002
TO ALLOW THE MAMMOTH HOTEL PROJECT
LOCATED AT 452 OLD MAMMOTH ROAD
(APN: 033-043-002-000)**

WHEREAS, a request for consideration of a design review and height adjustment was filed by Drew Hild on behalf of 452 OM RD INVESTORS, LLC, a Delaware limited liability company, the property owner, to allow the Mammoth Hotel project, a mixed-use hotel project with 164 rooms in accordance with Chapter 17.88 (Design Review) of the Town of Mammoth Lakes Municipal Code, for property located within the Old Mammoth Road (OMR) zoning district at 452 Old Mammoth Road; and

WHEREAS, the Planning and Economic Development Commission conducted an administrative hearing on the application request on November 13, 2019, at which time all those desiring to be heard were heard; and

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

1. The staff report to the Planning and Economic Development Commission with exhibits;
2. The General Plan, Municipal Code, and Town of Mammoth Lakes Design Guidelines;
3. Oral evidence submitted at the hearing;
4. Written evidence submitted at the hearing; and
5. Project plans consisting of:
 - a. "Highmark Mammoth – Sierra Center Mall" Project Plans dated November 7, 2019;
 - b. 452 Old Mammoth Road Materials Board, dated received by the Town of Mammoth Lakes October 22, 2019;

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

SECTION 1: FINDINGS.

I. CEQA.

The Mammoth Hotel project (Project) is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15332, In-Fill Development Projects, because the following criteria are met:

- a. The Project is consistent with the General Plan and Zoning Code. Within the General Plan, the project site is designated as part of the Old Mammoth Road Character District, which anticipates a vibrant mix of uses and a pedestrian-oriented streetscape with amenities such as outdoor seating, landscaping and interesting sidewalk surfaces. The General Plan land use designation for the site is Commercial 2 (C-2), which “allows for the community’s medium- and large-scale commercial mixed uses. The maximum floor area ratio is 2.0. Intended uses include retail and office space for services as well as visitor lodging and residential uses.” Overall, the project is consistent with both the Old Mammoth Road character district and the C-2 land use designation in that it provides a new lodging use with accessory restaurant and retail at an floor area ratio (FAR) of roughly 1.48 while also enhancing the streetscape by providing a new outdoor seating area, textured crosswalks, a new covered bus stop and a small landscaped pocket park with public seating and bicycle amenities. With regards to the Zoning Code, the proposed project is consistent with MC Section 17.100.040.B, *Changes to a Nonconforming Structure*, because the addition is not more than 25 percent of the existing building floor area, excluding garages, and the addition would not increase the degree of nonconformity of the structure with regards to setbacks, required open space, building height or distance between structures. A request for a 10 percent building height Adjustment is included as part of the Design Review application to allow for the building to reach a height of 49’6”, as allowed by the Zoning Code.
- b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The Project site is within the Town’s Urban Growth Boundary (UGB); the site is approximately 1.93 acres; and the site is surrounded by retail, multi-family residential, and other urban uses.
- c. The Project site has no value as habitat for endangered, rare, or threatened species since the site is already fully developed. Additionally, Condition of Approval 26 recommends completion of a nesting bird survey within three days of site disturbance to avoid disturbance of suitable nesting habitat.
- d. Approval of the Project would not result in any significant effects related to traffic, noise, air quality, or water quality since the Project is consistent with the size of development allowed for the site; the Project conforms or is required to conform to the Municipal Code requirements for noise, air quality, and parking; the Project conforms or is required to conform to Public Works standards for site grading, stormwater retention, and drainage; and the Project will be required to obtain all

necessary permits for construction. Therefore, no significant effects on traffic, noise, air quality, or water quality will result from the proposed development of the site.

- e. The site can be adequately served by all required utilities and public services because all necessary utilities and services are currently provided or can be extended to the site. The Project plans were routed to the Mammoth Community Water District (MCWD) and the Mammoth Lakes Fire Protection District (MLFPD), and all comments received have been incorporated into the Project and/or conditions of approval. Additionally, at the time of building permit issuance, applicable development impact fees (DIF) for police, vehicle circulation, storm drainage, and fire will be paid.
- f. None of the exceptions set forth in CEQA Guidelines Section 15300.2 apply because (1) in-fill development projects are classified as Class 32 by the California Secretary for Resources and are not subject to the special circumstances applicable to projects classified as Classes 3, 4, 5, 6, and 11; (2) the cumulative impact from successive projects over time will not be significant because the proposed use is consistent with the allowed and previously anticipated uses for the zone and the density of the project is less than the maximum density allowed; (3) the proposed activity will not have a significant effect on the environment because the development site is largely disturbed due to the historic use of the site for a commercial shopping center and the proposed project is consistent with Municipal Code Section 17.100.040.B, *Changes to a Nonconforming Structure*, because the addition is not more than 25 percent of the existing building floor area, excluding garages, and the addition would not increase the degree of nonconformity of the structure with regards to setbacks, required open space, building height or distance between structures; (4) the site is not adjacent to a scenic highway; (5) the site is not located on a hazardous waste site pursuant to the list of Hazardous Waste and Substances maintained by the Town; and (6) there are no historical resources on the site and therefore there is no possibility of causing a substantial adverse change in the significance of an established historical resource as a result of the project.

II. MUNICIPAL CODE FINDINGS.

A. FINDINGS FOR DESIGN REVIEW PERMIT (Municipal Code Section 17.88.060):

1. The project is consistent with the applicable standards and requirements of the Municipal Code.

The proposed project is consistent with the standards for Changes to a Nonconforming Structure as set forth in Municipal Code Section 17.100.040 as follows:

- a. The proposed addition represents a 24.4 percent increase in floor area (the existing floor area is 100,633 sq. ft. and the proposed addition would add 24,607 sq. ft. for a total of 125,240 sq. ft.), which is within the maximum allowable expansion of 25 percent.

b. The project will maintain the existing setbacks and building footprint as well as the existing separation between buildings. The building currently meets the front yard and interior side yard setback requirements for the OMR zone (15 feet from back of curb and 0 feet, respectively), but does not meet minimum rear yard setback requirements (the existing rear yard (west) setback is 4 feet 2 inches” where 15 feet is required when adjacent to a residential district). With regards to open space, the OMR zone uses Floor Area Ratio to regulate building mass and open space, and the project is consistent with the maximum allowable FAR of 2.0 (the project site is roughly 1.93 acres or 84,491 square feet in size, and the proposed project has a total floor area of 125,240 square feet, for an FAR of 1.48).

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

The project is consistent with the General Plan. Within the General Plan, the project site is designated as part of the Old Mammoth Road Character District, which anticipates a vibrant mix of uses and a pedestrian-oriented streetscape with amenities such as outdoor seating, landscaping and interesting sidewalk surfaces. The General Plan land use designation for the site is Commercial 2 (C-2), which “allows for the community’s medium- and large-scale commercial mixed uses. The maximum floor area ratio is 2.0. Intended uses include retail and office space for services as well as visitor lodging and residential uses.” Overall, the project is consistent with both the Old Mammoth Road character district and the C-2 land use designation in that it provides a new lodging use with accessory restaurant and retail at an F.A.R. of roughly 1.48 while also enhancing the streetscape by providing a new outdoor seating area, textured crosswalks, a new covered bus stop and a small landscaped pocket park with public seating and bicycle amenities.

3. The project is consistent with the Town of Mammoth Lakes Design Guidelines.

Pursuant to Section 17.88.030 of the Municipal Code, Design Guidelines adopted by the Town Council provide recommendations to be used in the design review process. They are intended to promote high-quality and thoughtful site and building design; visually interesting, appropriate, well-crafted and maintained buildings and landscaping; the use of durable high-quality, and natural materials that reflect Mammoth Lakes' character and mountain setting; and attention to the design and execution of building details and amenities in both public and private projects. The Design Review process is intended to implement the recommendations of the Town Design Guidelines, and the design review criteria are intended to encompass the primary design objectives included therein. In this case, staff finds that the Design Review criteria sufficiently address those elements of the Town Design Guidelines that are applicable to this project, and that staff’s analysis of the design review criteria also effectively describes the project’s consistency with the Town Design Guidelines.

4. **The project is consistent with the following additional Design Criteria (Zoning Code §17.88.050):**
 - a. **The site design and building design elements including the architectural style, size, design quality, use of building materials, and similar elements, combine together in an attractive and visually cohesive manner that is compatible with and complements the desired architectural and/or aesthetic character of the area and a mountain resort community, encourages increased pedestrian activity, and promotes compatibility among neighboring land uses.**

In terms of building design, the project would completely replace all existing façade materials, and would incorporate new entry, window and balcony elements. The primary façade materials along Old Mammoth Road are a combination of fiber cement paneling and a wood-based composite paneling of different shades of brown, split between floors to create a clear visual delineation. The proposed window design incorporates a modern aesthetic, with square windows set into projecting black aluminum frames. At street level, new storefronts would incorporate floor-to-ceiling transparent windows with new weathered steel awnings extending over the seating area along Old Mammoth Road and the main hotel entrance, as well as extensive landscaping and a new board-formed concrete seating wall. The primary building entrance would be covered by a new composite paneling porte cochere/ awning feature, and would include hanging lights, recessed entries, and new landscaping. On Meridian Blvd, the existing trash pick-up/ loading area will be fully screened with a new decorative overhead door, and the façade elevations will be a mix of painted concrete block wall, cement board, and the wood composite paneling found on the eastern elevations with similar fenestration patterns and recessed balconies. Overall, the proposed building materials create an aesthetic with both modern and traditional elements that is appropriate for a luxury hotel while remaining consistent with the mountain character of Mammoth Lakes.

In addition to the proposed building improvements, a variety of site improvements are also proposed. Along Old Mammoth Road, the project would provide a new outdoor seating area for the proposed restaurant use, new landscaping, a new bus shelter, and a new “pocket park” feature at the southeast corner of the site that would provide seating, bike racks and a bike repair station. Additional site improvements include reconfiguring the existing site access to improve pedestrian safety, providing a covered, accessible pedestrian walkway between the outdoor seating area and the main entrance, and the addition of textured pavement at pedestrian crossings and the main hotel entrance.

Overall, the proposed building and site improvements combine together in an attractive and visually cohesive manner that is compatible with and complements the desired aesthetic character of a mountain resort community, encourages increased pedestrian activity, and improves compatibility with neighboring land uses

- b. The design of streetscapes, including street trees, lighting, and pedestrian furniture, is consistent with the character of commercial districts and nearby residential neighborhoods.**

The proposed streetscape design would add a new outdoor seating area, a variety of new street trees along Old Mammoth Road, and a new covered bus shelter and pocket park with seating and bicycle amenities. The proposed streetscape improvements will make the project more compatible with the existing streetscape to the north of the site, and will help to meet the intent of the Commercial District Standards to ensure that property frontages are *“utilized for active outdoor uses such as outdoor dining, or improved with landscaping, public art, and/or pedestrian amenities such as outdoor seating.”*

- c. Parking areas are located, designed and developed to foster and implement the planned mobility system for the area; buffer surrounding land uses; minimize visibility; prevent conflicts between vehicles and pedestrians and cyclists; minimize stormwater run-off and the heat-island effect; and achieve a safe, efficient, and harmonious development.**

The proposal includes several improvements to the existing parking area that help the project to meet the intent of the above criterion. Specifically, the new landscaping proposed along Old Mammoth Road and within the parking lot will help to buffer surrounding land uses and minimize visibility while mitigating stormwater runoff and the urban heat island effect; the new textured paving at crosswalks and the main building entrance along with the new separated pedestrian pathway will help to prevent conflicts between vehicles and pedestrians; and the modifications to the access drives will help to achieve a more safe and efficient development.

- d. Down-directed and shielded lighting and lighting fixtures are designed to complement buildings, be of appropriate scale, provide adequate light over walkways and parking areas to create a sense of pedestrian safety, minimize light pollution and trespass, and avoid creating glare.**

While the current plan set does not provide detailed lighting specifications, Condition of Approval #17 included in this Resolution requires all exterior lighting to comply with Chapter 17.36.030 of the Town of Mammoth Lakes Municipal Code, to be verified prior to issuance

of a certificate of occupancy. All lighting for the project will therefore be consistent with existing Municipal Code lighting requirements.

- e. **Landscaping is designed to conserve water resources, promotes a natural aesthetic, and be compatible with and enhance the architectural character and features of the buildings on site, and help relate the building to the surrounding landscape.**

The proposed landscaping is consistent with the recommendations of the Town of mammoth Lakes Design Guidelines, and will enhance the architectural features of the building, especially the natural coloration of the composite siding. In addition, the proposed pocket park will incorporate a mix of turf and crushed granite surfacing, thereby helping to conserve water resources.

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

As part of its application for Design Review, the Applicant is requesting the approval of a 10 percent Height Adjustment to allow for a total building height of 49 feet 6 inches where 45 feet is the maximum otherwise allowed per OMR zoning district standards. As indicated in Section II.B below, the project meets the required findings for the requested Height Adjustment, and is therefore consistent with the required Adjustment approval.

B. FINDINGS FOR HEIGHT ADJUSTMENT (Municipal Code Section 17.76.040):

Pursuant to Section 17.76.040, a request for an adjustment may be approved only after the following findings are made:

- 1. **The findings necessary to grant a variance (Subsection 17.72.040); or**

Not Applicable

- 2. **A significant public benefit will result (e.g., protection of trees or other significant features, enhanced circulation, or improved landscaping or snow storage); or**

Finding met. The proposed project includes numerous features that will provide a public benefit, primarily through the activation of the streetscape along Old Mammoth Road and through the improvement of pedestrian safety in and around the site. In terms of streetscape activation, the project provides a new outdoor seating area, improved landscaping and screening, a covered bus stop and a small pocket park at the southeast corner of the site with public seating and bicycle amenities. In terms of improving public safety, the project includes reorienting the existing curb cuts to slow down traffic entering and leaving the site, adding patterned paving at pedestrian crossings, and perhaps most significantly, adding a new covered pedestrian pathway that will allow people to access the building from Old Mammoth Road without having to

cross in front of the garage access drive. Overall, these improvements will significantly benefit the community by improving the property frontage on Old Mammoth Road, providing new public amenities for residents and visitors, and enhancing pedestrian and bicyclist safety. Condition of Approval #87 requires the Applicant to execute a Maintenance Agreement to ensure that all of the proposed public amenities will remain open to the public and will be maintained by the property owner in perpetuity.

3. Increased safety of occupants or the public would result.

Finding met. See above for description of significant public benefits, which in this case include increased safety of occupants and the public.

4. For adjustments to setbacks or the distance between structures, a finding shall also be made that adequate snow storage and shedding areas are provided.

Not Applicable.

SECTION 2: PLANNING AND ECONOMIC DEVELOPMENT COMMISSION ACTIONS.

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

1. Finds that this project is categorically exempt from the California Environmental Quality Act pursuant to Section 15332, In-Fill Development Projects; and
2. Approves Design Review 19-003 and Adjustment 19-002 subject to the following conditions:

(SEE EXHIBIT "A"); and

3. Directs staff to file a Notice of Exemption.

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PASSED AND ADOPTED this 13th day of November 2019, by the following vote, to wit:

AYES: Chang, Eckert, Kennedy, Burrows, Vanderhurst

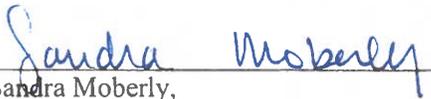
NAYS:

ABSENT:

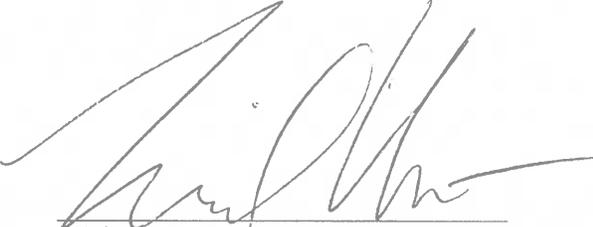
ABSTAIN:

RECUSED:

ATTEST:



Sandra Moberly,
Community and Economic Development
Director



Michael Vanderhurst
Chair of the Mammoth Lakes Planning
and Economic Development
Commission

NOTE: This action is subject to Chapter 17.104 of the Municipal Code, which specifies time limits for legal challenges.

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APPLICANT:

I, Drew Hild, Managing Member of 452 OM Management, LLC, as Manager for 452 OM RD Investors, LLC, a Delaware limited liability company, the property owner, do hereby attest that I have read, and agree to, the conditions stipulated within this Determination of Approval.



Drew Hild
(Notary Required)

Date: 11/18/2019

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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 Mono

On November 18, 2019 before me, Samantha Taylor, Notary Public personally appeared Drew Hild who proved to me on the basis of satisfactory evidence to be the persons whose name(s) is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity (ies), and that by his 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.

WITNESS my hand and official seal.

Samantha Taylor
Signature of Notary

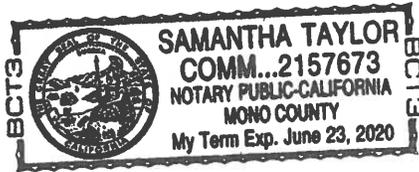


EXHIBIT "A"
Resolution No. PEDC 2019-
Case No. DR 19-003; ADJ 19-002

PLANNING DIVISION CONDITIONS

STANDARD PLANNING CONDITIONS

1. This approval authorizes the Mammoth Hotel project, which consists of a complete renovation and remodel of the existing 3-story Sierra Center Mall building, to create a new 4-story, 164-room hotel with accessory restaurant, retail, and office uses. The approval includes a 10 percent Height Adjustment to allow for a total building height of 49 feet 6 inches where 45 feet is the maximum otherwise allowed per OMR zoning district standards. A total of 185 parking spaces will be provided for the project, split between 117 underground garage spaces and 68 surface parking spaces, including 24 total valet spaces. The project design and colors shall substantially conform with the project plans dated November 7, 2019 and received by the Town on November 7, 2019 and consisting of Sheets A-G0.001, G0.002, A0.001, L1.01, A1.00B1, A1.001, A1.002, A1.003, A1.004, A2.000, A2.001, A2.002, A3.001, A7.001, A7.002, A7.003, A7.004, A7.005, A7.006, A7.007, A7.008, A7.009, A7.010, A7.011, A7.012, A7.013, A7.014, A7.015, A8.004, A8.005 and A8.006, and the materials board dated received by the Town on October 22, 2019.
2. This permit and all rights hereunder shall automatically terminate unless the site preparation or construction has been commenced within two years after the issuance of this permit and such work is diligently carried on until completion, or an extension of time has been granted in accordance with Municipal Code §17.60.060.B.
3. All new improvements constructed on the site shall be in compliance with all Town of Mammoth Lakes, County of Mono, Mammoth Community Water District, the Mammoth Lakes Fire Protection District, the CRWQCB Lahontan District, Great Basin Air Pollution Control District, OSHA, State of California and United States of America laws, statutes, ordinances, regulations, directives, orders, and the like applicable thereto and in force at the time thereof. Any violation of the above may constitute grounds for revocation under Chapter 17.128 of the Mammoth Lakes Municipal Code.
4. This resolution of approval, as conditioned herein, shall be recorded for the subject property by the Mono County Recorder's Office to commence the approved use on the property or the issuance of any building permits for new or remodeled structures.
5. The site shall be maintained in a neat, clean and orderly manner. All improvements shall be maintained in a condition of good repair and appearance. Outdoor storage of equipment and other materials, except for firewood, is prohibited. Non-operating vehicles, equipment and materials inappropriate to the site and its use shall not be stored within outdoor areas on the site.
6. Storage of construction materials and equipment off-site shall not be permitted without a permit issued by the Community and Economic Development Department of the Town. Any public or private property altered, damaged or destroyed by site preparation, grading, construction or use shall be restored to its pre-existing condition by the permittee.
7. All conditions of this permit shall be met or secured prior to final occupancy approval of any tenant improvements or new structures.
8. All uses are subject to review by the Building Official of the Town of Mammoth Lakes

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- and must conform to occupancy ratings of the structures to obtain occupancy.
9. Town staff shall have the right to enter the subject property to verify compliance with these conditions. The holder of any permit associated with this project shall make the premises available to Town staff during regular business hours and shall, upon request make records and documents available to Town staff as necessary to evidence compliance with the terms and conditions of this permit.
 10. Prior to the issuance of a building permit, the applicant shall pay all applicable fees as prescribed by ordinance and/or resolution and pay any fees due on this project processing account.
 11. Where compliance with the conditions of approval or applicant initiated changes to the plans require additional staff review, that review time shall be billed at the Town's established billing rates. Prior to the issuance of a building or grading permit, the applicant shall pay all outstanding costs for the processing of this application.
 12. The approved site and building plans shall be adhered to and maintained for the duration of the permit.
 13. This action may be appealed to the Town Council within fifteen (15) calendar days from the date of Planning and Economic Development Commission approval in accordance with Municipal Code Chapter 17.104.
 14. Prior to issuance of a grading or building permit, the applicant shall obtain a secondary source permit or letter of exemption from the Great Basin Unified Air Pollution Control District.
 15. The applicant shall defend, indemnify, and hold harmless the Town and its agents, officers, and employees from any claim, action, or proceeding against the Town and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the Town, advisory agency, appeal board, or legislative body concerning this approval. The Town shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense.
 16. 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. All exterior lighting shall comply with Chapter 17.36.030 of the Town of Mammoth Lakes Municipal Code, Exterior Lighting. Exterior light fixtures having a total of over 400 lumens of output shall be equipped with shields that extend below the horizontal plane of the light source to direct the light downward onto the structure or surrounding grounds. Accent lighting is permitted as described in Municipal Code Section 17.36.030.F.6. This shall be verified prior to issuance of a certificate of occupancy.
 18. The project shall comply with the Guidelines for Erosion Control in the Mammoth area. This shall include submittal of a Report of Waste Discharge, if applicable.
 19. A valid building permit and a permit from the Mammoth Lakes Fire Protection District are required before any building can begin on-site.

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20. 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.
21. New or changed improvements, exterior illumination, elevations, designs, materials, or colors shall conform to the adopted Design Guidelines of the Town of Mammoth Lakes and will require review and approval from the Town of Mammoth Lakes Community and Economic Development Department or Planning and Economic Development Commission pursuant to Municipal Code Chapter 17.88.
22. 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.
23. 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.
24. Developers of residential properties shall include a disclosure statement indicating that Mammoth Lakes is an area of habitat for mountain lions, which indicates a potential risk, particularly to small children and pets (General Plan Mitigation Measures 4.3-1).
25. If any retaining walls are required, retaining wall design and material(s) shall be reviewed and approved by the Community and Economic Development Department prior to grading or building permit issuance.
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 of site disturbance is recommended for projects that have the potential to disturb suitable nesting habitat, which may include riparian vegetation, mature trees, snags, and structures.

SPECIAL PLANNING CONDITIONS

27. The project shall meet the requirements of Municipal Code Chapter 17.40 (Water Efficient Landscape Regulations), including the Landscape Documentation Package. A final landscape and irrigation plan shall be submitted to, and approved by, the Community and Economic Development Department prior to building permit issuance. Said landscape and irrigation plan shall substantially conform to the preliminary landscape plan approved by the Planning and Economic Development Commission. All landscape plantings shall be maintained in a healthy and growing condition at all times (as applicable for the season) and individual plants shall be replaced if they become diseased or die. Landscaping and irrigation systems within the public right-of-way within or adjacent to the project area shall be maintained by the property owner, with the exception of benefit assessment district areas.
28. Prior to issuance of a certificate of occupancy for the project, all required vehicle parking shall be reviewed and approved by the Community and Economic Development Department and the Public Works Department for compliance with the Town's Public Works Standards. At a minimum, there shall be 169 vehicle parking spaces (145 stalls and

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24 valet stalls), with exterior surface parking spaces having a minimum size of 10-feet x 20-feet and interior or underground parking spaces having a minimum size of 9-feet x 19-feet, and 16 compact spaces (located in underground garage). The valet parking stalls within the parking garage are not required to be striped, but evidence shall be provided that there is adequate space for the stalls and drive aisle to coexist.

29. Prior to issuance of a certificate of occupancy for the project, bicycle parking shall be reviewed and approved by the Community and Economic Development Department and installed/operational. Pursuant to Municipal Code §17.44.090.A, the project shall provide bicycle parking at a minimum rate of 0.2 bicycle parking spaces per hotel unit for a minimum of 33 spaces (164 units x 0.2 = 32.8 spaces). Of those 33 spaces, 15% are required to be for short-term use (generally less than 8 hours) and 85% are required to be for long-term use (generally all day, overnight, or seasonally). The winter ski storage area within the building is permitted to be used as long-term bicycle storage during the summer months.
30. At a minimum, valet attendants shall be available during peak season from 6:00 a.m. to 9:00 p.m. Sunday through Thursday and 6:00 a.m. to 10:00 p.m. Friday and Saturday. This shall be included in a formal Valet and Parking Management Plan, which shall be reviewed and approved by the Community and Economic Development Department and Public Work Department prior to the approval of the building permit.
31. Sign permits are required prior to installation of any signage, and all signage shall comply with Municipal Code Chapter 17.48 (Signs) and the Town's Design Guidelines. The monument sign will require approval from the Planning and Economic Development Commission Design Committee. Depending on the number and size of the signs, a Master Sign Program may be required. The Master Sign Program will require subsequent review from the Community and Economic Development Department and approval from the Planning and Economic Development Commission.
32. A building height certificate completed by a licensed land surveyor will be required prior to 1st floor joist inspection and roof framing inspection.
33. Pursuant to the Federal Migratory Bird Treaty Act and California Fish and Game Code Sections 3503 and 3503.5, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird or bird-of-prey, except as otherwise provided by FGC or any regulation made pursuant thereto. Completion of a nesting bird survey by a biologist with relevant qualifications within three days of initiation of site disturbance is recommended for projects that have the potential to disturb suitable nesting habitat, which may include riparian vegetation, mature trees, snags, and structures.
34. No snow shall shed or be deposited onto adjacent properties or the Town's or State right-of-way. This shall include snow that is removed from any portion of the property, including, but not limited to, the structure, driveway, and/or common areas. All interim snow storage areas shall be on the subject property. The property owner shall be subject to fines pursuant to Municipal Code §12.16.030 (*Snow Removal – Violation/Penalty*) if found to be in violation of this condition.
35. Noise generated by the project shall meet the requirements of the Specific Plan and/or the Town's noise regulations, as applicable.

SPECIAL DISTRICT CONDITIONS

36. All requirements of the Mammoth Lakes Fire Protection District shall be met prior to

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issuance of grading or building permits, including, but not limited to, access roads, emergency access routes, private driveways, gates, fire hydrants, turnouts and turn-arounds, clear width for access, building access, vegetation management, fire-flow, water supply, fire suppression equipment, and fire sprinkler systems.

37. Prior to combustible materials being placed on-site, an all-weather access road shall be maintained or be constructed that serves all exterior portions of the structure to the satisfaction of MLFPD. During demolition and construction of the project, clear access shall be provided for fire apparatus and a reliable water supply shall be available at all times.
38. Access to and circulation through the project site for emergency vehicles shall comply with all Mammoth Lakes Fire Protection District and Town requirements. Access for emergency vehicles shall be provided to all areas of the site, including, but not limited to, the interior central common area. All circulation/access roadways, bridges, etc. shall be constructed to support the weight of emergency vehicles pursuant to the Mammoth Lakes Fire Protection District requirements.
39. The parking structure shall comply with all applicable building and fire codes, including, but not limited to, egress requirements and fire sprinkler requirements dependent on the use and occupancy classification of the parking garage.
40. Fire department connection's (FDC's) shall be provided in accordance with Mammoth Lakes Fire Protection District requirements. At a minimum, the FDC sites shall have a parking location outside of the roadway large enough for a large capacity fire engine and be located within 50-feet of a fire hydrant.
41. 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.
42. 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.
43. The project shall comply with all Wildland Urban Interface requirements including, but not limited to, construction techniques, materials, and vegetation requirements.
44. Roof access shall be in accordance with all Mammoth Lakes Fire Protection District requirements.
45. Propane lines serving the project shall meet all fire and building code requirements and shall be equipped with a readily available 90-degree shut-off isolation valve on the exterior of the project and an excess flow valve designed into the system.

ENGINEERING DIVISION CONDITIONS

STANDARD CONDITIONS / GENERAL REQUIREMENTS:

46. All new utility lines within, adjacent to, or serving the site shall be placed underground.
47. The site grading design and all building construction shall conform to State and federal disabled access regulations.
48. Paved access is required to a maintained street. Street and traffic signs shall meet the California Manual of Uniform Traffic Control Devices (MUTCD).

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49. 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.
50. 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.
51. All easements and dedications shall be in a form and content acceptable to the Public Works Director.

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

52. 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.
53. An application for an engineered grading permit shall be submitted to the Engineering Services Division of the Public Works Department in accordance Chapter 12.08 of the municipal code. No change to the existing conditions of the site, including site grading, drainage interruption, land clearing, etc. shall be commenced until grading and drainage plans have been approved by the Public Works Director.
54. An engineered grading permit for the project shall not be issued unless one of the following has occurred:
 - a. Submission of a complete application for a building permit to the building division of the Community and Economic Development Department. The building official shall make the determination as to whether or not the application is complete; or
 - b. A restoration bond for the site has been posted, which has also been reviewed and approved by the Public Works Director or designee. The bond shall be based upon a CA Professional Civil Engineer's stamped estimate and will include an additional 20% contingency and a 20% administration cost.
55. If any construction is proposed within Town rights-of-way or dedicated easements, an encroachment permit shall be obtained from the Town's Engineering Services Division prior to construction within the public right of way in accordance Chapter 12.04 of the Municipal Code
56. No work within Town right of way shall be commenced until a traffic control plan has been approved by the Town's Engineering Services Division, if required.
57. Street and public improvement plans for streets, sidewalks, drainage, and other public/private infrastructure shall be prepared by a registered civil engineer and submitted to the Town for review and approval. Existing topography and proposed grading with sufficient contours intervals (not to exceed two feet) shall be prepared by a registered civil engineer or a licensed land surveyor.
58. 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.

59. 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.
60. 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.
61. 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.
62. Slope stability tests are required for all cuts greater than 2:1 or fills greater than 3:1 (H:V).
63. 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.
64. All driveways shall be constructed in accordance with the driveway standards of the Town.
65. 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.
66. 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.
67. 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.

68. 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.
69. 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 DR 19-003, contained in the resolution recorded at the County Recorder's Office of Mono County as Document No. 2019xxxxx, shall be made a part of these plans and the grading permit and all conditions and requirements therein shall be adhered to by the contractor, his sub-contractors and any person performing any work on the project." This note shall also be included within the construction staging and management plan.
70. If necessary, a shoring plan shall be prepared and submitted for review that demonstrates how the cuts along and adjacent to the property lines can be made without encroachment onto the adjacent property and in conformance with OSHA requirements.
71. Existing Town streets that require construction or reconstruction, shall remain open for traffic at all times, with adequate detours and traffic control, during actual construction. A form of security listed in Government Code Section 66499(a) and acceptable to the Town shall be posted to cover the cost of grading and paving prior to approval by staff of the map.
72. The grading plan and building permit plans shall indicate all snow storage areas and drainage facilities.
73. All easements shall be shown on the grading and building permit plans.
74. 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.
75. A tree removal plan shall be approved prior to any land disturbance and the issuance of a grading or building permit. The tree removal plan shall indicate the size, number, location,

and species of trees being removed. A qualified professional shall determine which trees need to be removed based on health conditions or overstock and the removal of those trees that the qualified professional recommends for removal based on those factors do not need to be mitigated. A pre-construction meeting shall be held on-site prior to any land disturbance to inspect clearing limit fencing.

76. 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:

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

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

78. All required landscaping and irrigation improvements shall be constructed prior to issuance of a temporary, conditional or final certificate of occupancy for the project. A form of security listed in Government Code Section 66499(a) and acceptable to the Town shall be posted with the Town to the satisfaction of the Community and Economic Development Department for any required landscaping and irrigation improvements to be deferred and a schedule shall be submitted to the town for the construction of the deferred improvements. Deferral of the construction of any landscaping and irrigation improvements shall be at the sole discretion of the director of the Community and Economic Development Department.
79. Address numbers shall be placed on all new and existing structures in such a manner as to be plainly visible and legible from the access roadway or street, consistent with Municipal Code Chapter 16.32.
80. All required grading, public and private street and drainage improvements shall be completed, all "punchlist" items completed to the satisfaction of the Public Works Director, the as-built plans submitted, reviewed and approved and the required warranty security posted prior the issuance of a certificate of occupancy for the project.
81. 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.
82. All deferred survey monumentation shall be completed, or surety posted, prior to the issuance of a temporary, conditional or final certificate of occupancy for the project.

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83. All public, transit, and pedestrian improvements along Old Mammoth Road and Meridian Blvd shall be completed, inspected, and accepted by the Public Works Director and/or designee.
84. As-built drawings shall be submitted for all drainage, utility systems, and public and pedestrian improvements that are installed along Old Mammoth Road and Meridian Blvd.

SPECIAL ENGINEERING CONDITIONS

85. A final Snow Removal/Storage Management Plan shall be submitted by the applicant and approved by the Town's Community and Economic Development Department and Public Works Department prior to building permit issuance. The plan shall be in the form of a recorded document mutually agreed to between the property owner and the Town and shall describe features such as, but not limited to, location of snow storage areas, the method of snow hauling, frequency of pick-ups, pick-up areas, haul routes, hours of hauling operations, and snow deposit areas. Project shall use existing curb cuts and driveway approaches. Applicant shall not relocate or remove existing infrastructure. Applicant acknowledges that the existing driveway approaches do not conform to current TOML standards and that removal or demolition of existing infrastructure within TOML ROW will require such infrastructure to be replaced in conformance with current codes and standards.
86. Applicant shall construct a bus shelter on Old Mammoth Road as shown on the approved plans. Applicant shall not modify, relocate, or otherwise disturb the existing bus turnout or associated infrastructure without approval of the Public Works Director. Final design of the bus shelter shall be subject to review by the Public Works Director.
87. Prior to issuance of a building permit, Applicant shall execute a Maintenance Agreement with the Town to ensure that the approved public amenities, including the pocket park, bicycle facilities, bus shelter, pedestrian crossings and pedestrian walkway shown on the approved plans shall remain open to the public and be maintained by the property owner in perpetuity. The agreement shall also guarantee the maintenance and snow removal of all infrastructure approved as part of this project within the TOML ROW or public easements in perpetuity. The agreement shall be approved by the Director of Community and Economic Development.
88. Applicant shall provide onsite stormwater retention for all new and reconstructed impervious areas. The design of these systems shall be in compliance with TOML standards, TOML Drainage manual and these conditions.
89. Following issuance of a demolition permit, if work is halted for 6 months after demolition has commenced, or if the permit has expired, the remaining structure shall be deemed a nuisance subject to abatement by the Town.
90. Prior to issuance of a building permit, Applicant shall provide a Waste Management Plan that includes details on the storage and removal of waste and recyclable materials from the project as well as the mitigation of any potential associated negative effects on surrounding properties.