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

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Page 1 of 29
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Filed & Recorded in Official Records
of MONO COUNTY
LYNDA ROBERTS
CLERK-RECORDER
Fee: \$0.00

Space Above for Recorder's Use

RESOLUTION NO. PC-2011-07

**A RESOLUTION OF THE MAMMOTH LAKES PLANNING
COMMISSION**

**ADOPTING NEGATIVE DECLARATION/MITIGATED NEGATIVE
DECLARATION AND APPROVING VESTING TENTATIVE TRACT
MAP 10-001, USE PERMIT 10-006, AND DESIGN REVIEW 10-002
TO ALLOW A NEW HOTEL AND RESIDENTIAL PROJECT
FOR PROPERTY LOCATED AT 3730, 3752, 3776, 3814 VIEWPOINT
ROAD, 11 AND 14 ALPINE CIRCLE, AND 3704 MAIN STREET.**

(APNs: 033-082-006 to 033-082-014)

WHEREAS, a request for consideration of a vesting tentative tract map, use permit, and design review was filed by Eva H. Hill, on behalf of the property owners, to allow a hotel and residential project, in accordance with Section 17.20.030 of the Town of Mammoth Lakes Municipal Code, for property located within the Commercial Lodging Zoning District at 3730, 3752, 3776, 3814 Viewpoint Road, 11 and 14 Alpine Circle, and 3704 Main Street; and

WHEREAS, the Planning Commission conducted a Noticed Public Hearing on the application request on August 10, 2011, at which time all those desiring to be heard were heard; and

WHEREAS, the Planning Commission considered, without limitation:

1. The staff report to the Planning Commission with exhibits;
2. The State Map Act, General Plan, Municipal Code, Design Review Guidelines, and associated Land Use Maps;
3. Oral evidence submitted at the hearing;
4. Written evidence submitted at the hearing; and

5. Project plans consisting of: Plan sheets 01.01 through 08.08, dated received by the Town of Mammoth Lakes on August 3, 2011.

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

SECTION 1. FINDINGS.

1. CEQA.

MND - California Environmental Quality Act Guidelines Section 15074:

- a. The Planning Commission considered the proposed Initial Study/Mitigated Negative Declaration together with all comments received during the public review process, including the Response to Comments and Mitigation Monitoring and Reporting Program, and finds that on the basis of the whole record, there is no substantial evidence that the Project will have a significant effect on the environment.
- b. The Planning Commission finds that the Initial Study/Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis.
- c. 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.
- d. A program for reporting on or monitoring the required mitigation measures has been prepared and will be adopted with the Initial Study/Mitigated Negative Declaration.
- e. The Planning Commission finds that the Project will not result in a safety hazard or noise problem for persons residing or working in the Project area with the incorporation of mitigation measures identified in the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.
- f. Mitigation Measure 3-1 regarding emissions reducing practices during construction activities has been revised as a result of the public review process and the revised language as identified in the Response to Comments and Mitigation Monitoring and Reporting Program is more effective in mitigating or avoiding potentially significant effects and that it in itself will not cause any potentially significant effect on the environment.
- g. All mitigation measures are included as conditions of Project approval (Conditions 154-162).

2. MUNICIPAL CODE FINDINGS.

FINDINGS FOR USE PERMIT

(Municipal Code Section 17.60.070)

- a. Consistent with the evidence contained within the staff report and provided at the public hearing, the Planning Commission finds that the proposed use is consistent with the General Plan because it supports a number of General Plan policies, including complementing neighboring land uses and preserving views to the surrounding mountains, retaining over 50% of the existing trees on the site, providing a range of visitor accommodations, and utilizing renewable energy resources and green building practices.
- b. The Planning Commission finds that the proposed location of the use is in accord with the objectives and purpose of the zone in which it is located because the project includes a hotel, residential condominiums, and a restaurant in accordance with zoning objectives and purpose for the Commercial Lodging (CL) Zoning District.
- c. The Planning Commission finds that the proposed site is adequate in size and shape and has adequate access for the proposed use because all of the buildings and density is contained on the site while still preserving 48% of the site as open space. Additionally, access to the site is provided via existing infrastructure and roadways.
- d. The Planning Commission finds that the proposed use will be operated in a way that will be compatible with surrounding uses and will not be detrimental to the public health, safety, and welfare nor be materially injurious to properties or improvements in the vicinity because the proposed uses are appropriate for the zone that the project is located in and all necessary utilities and infrastructure necessary to serve the site are in place or will be provided prior to the start of the project's operation.
- e. The Planning Commission finds that the proposed use complies with the applicable sections of the zoning regulations because the project is consistent with all zoning requirements for the CL zone.
- f. Pursuant to Municipal Code Section 17.20.040.G.4, the hotel building may exceed the average height of 35 feet and the maximum height of 45 since the majority of the ground floor is devoted to understructure parking. This approval allows the average height to be no more than 40 feet, with the maximum building height permitted to go up to 53 feet for no more than 20% of the building.

FINDINGS FOR DESIGN REVIEW PERMIT

(Municipal Code Section 17.32.120)

- a. The design of the project is consistent with the goals, policies, and objectives of the General Plan and the provisions of the Municipal Code since it will use natural, high quality building materials to reflect Mammoth Lakes' character and mountain setting.
 - b. The project design is consistent with the Design Guidelines to assure that colors, materials, illumination, and landscaping enhance the image, attractiveness, and environmental qualities of the Town since it will include natural and rugged materials such as reclaimed timber, corten siding, board-formed concrete, and cedar soffit and trim and the landscape plan proposes to retain as many trees and existing vegetation as possible while planting additional native and adaptive species.
 - c. The project will not detract from the value or utility of adjoining properties as a result of inappropriate, inharmonious, or inadequate design since the uses are consistent with those permitted in the CL zone and the project has been designed with the smaller buildings located nearest to its residential and condominium neighbors.
 - d. 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 will be developed within the disturbed areas of the site and will minimize the areas of raw land used for the project, will take advantage of the natural topography of the site by implementing a stepped site plan, and over 50% of the existing trees and vegetation on the site will be preserved.
 - e. The project ensures an architectural design of structures, materials, lighting, and colors which are appropriate to the function of the project and are visually harmonious with surrounding development and natural landforms, trees, and vegetation since the building design is appropriate to the proposed uses within the project and for the CL zone, the buildings are all proposed to have a similar architectural style and materials, and the buildings are all within the permitted height limit and below the tree canopy.
3. **SUBDIVISION MAP ACT FINDINGS.** (State Map Act Section 66474 and 66498.1)
- a. The proposed map is consistent with the General Plan as specified in Section 66451 of the Subdivision Map Act because the project conforms to the density standards for the General Plan.
 - b. The design and improvements of the subdivision are consistent with the General Plan since the project complies with the development standards of the

Commercial Lodging Zoning District and all other applicable Town Ordinances and agency requirements in effect at the time of this approval. The development conforms to current Municipal Code development standards that implement the goals and policies of the Town of Mammoth Lakes General Plan. The property is not located within a Specific Plan area.

- c. The site is physically suitable for the type of development because the two lots that will be created exceed the minimum lot size and dimensions for the Commercial Lodging zone.
- d. The site is physically suitable for the proposed density of development because the density of the project will be less than the maximum density that is permitted by the Municipal Code.
- 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 property is not located within an environmentally sensitive area and since a mitigated negative declaration was prepared pursuant to the California Environmental Quality Act (CEQA) Guidelines that determined that there would not be a significant effect on the environment as a result of the project with mitigation measures incorporated.
- f. The design of the subdivision and the types of improvements are not likely to cause serious public health problems since adequate access to the site exists or will be provided, a mitigated negative declaration was prepared pursuant to the CEQA that determined that there would not be a significant effect to public health as a result of the project, and no evidence has been submitted during the planning review process to indicate that the development would cause any serious public health problems. All necessary public services are currently provided, or can be extended to, the site to assure health and safety for those individuals occupying and using the site facilities.
- g. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision since the conditions of approval for the project require all necessary easements and irrevocable offers of dedications to be provided and the property has access to public streets with approved street alignments and widths. All utilities, and their easements, are currently in place on, or can be extended to, the property and the proposed subdivision will not impact upon adjacent property easements and/or common areas shared among condominium owners.

SECTION 2. PLANNING COMMISSION ACTIONS. The Planning Commission hereby takes the following actions:

1. Adopts the Mitigated Negative Declaration (SCH #2011052079) pursuant to the California Environmental Quality Act (CEQA) Guidelines; and

2. Approves Vesting Tentative Tract Map 10-001, Use Permit 10-006, and Design Review 10-002 subject to the following conditions:

SEE EXHIBIT A

PASSED AND ADOPTED this 10th day of August 2011, by the following vote, to wit:

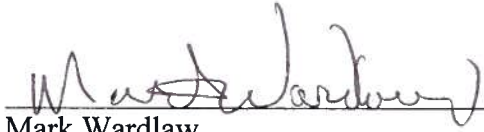
AYES: 4

NAYS: 0

ABSENT: 0

ABSTAIN: 0

ATTEST:


Mark Wardlaw
Community Development Director


Jay Deinken, Chair of the Mammoth
Lakes Planning Commission

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

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


Eva H. Hill
(Notary Required)

8/24/2011
Date

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of

Sacramento

On August 24, 2011

Date

before me,

Donna Marie Mix, Notary Public

Here Insert Name and Title of the Officer

personally appeared

Eva H. Hill

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.

WITNESS my hand and official seal.

Signature:

Donna Marie Mix

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____

Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Individual

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
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Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Individual

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
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EXHIBIT A
Resolution No. PC-11-07
Case No. VTTM 10-001, UPA 10-006, DR 10-002

PLANNING DIVISION CONDITIONS

GENERAL PLANNING AND PUBLIC WORKS CONDITIONS

1. This approval authorizes the following: A new 54-room hotel with understructure parking, 24 townhouse condominium units in two buildings, and 28 freestanding condominium cabin units (6 1-bedroom, 13 2-bedroom, 9 3-bedroom) with guest amenities such as a restaurant/bar, pool, spa building, hot tubs, and picnic areas. The project includes a minimum of 171 parking spaces throughout the site, including a parking garage under the hotel with 42 spaces. The project includes on- and off-site improvements identified as conditioned below and shown on vested tentative tract map (VTTM) sheets 08.03 – 08.05. This approval would allow the hotel to have an average height of no more than 40 feet, with the maximum building height permitted to go up to 53 feet for no more than 20% of the building.
2. This permit and all rights hereunder shall automatically terminate unless the business operation, site preparation or construction has been commenced within 24 months after the issuance of this permit and such work is diligently carried on until completion, or an extension of time has been granted in accordance with Municipal Code 17.60.160 and State law.
3. All new improvements constructed on the site shall be in compliance with all Town of Mammoth Lakes (TOML), County of Mono, Mammoth Community Water District (MCWD), the Mammoth Lakes Fire Protection District (MLFPD), the CRWQCB Lahontan District, Great Basin Air Pollution Control District, OSHA, State of California and United States of America laws, statutes, ordinances, regulations, directives, orders, and the like applicable thereto and in force at the time thereof. Any violation of the above may constitute grounds for revocation of the use permit under Section 17.60.130 of the Mammoth Lakes Municipal Code.
4. This resolution of approval, as conditioned herein, shall be recorded for the subject property by the Mono County Recorder's Office to commence the approved use on the property or the issuance of any building permits for new or remodeled structures.
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 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 prior to the issuance of a certificate of occupancy.
7. All conditions of this use permit shall be met or secured prior to final certificate of

occupancy of any new structures or tenant improvements.

8. All uses are subject to review by the Building Official of the TOML 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, or at the latest, prior to the first framing or "skeleton" inspection of the permit, the applicant shall pay all Development Impact Fees (DIF) and other fees as prescribed by ordinance for the building being constructed less existing credits from existing uses. The following credits of \$672,059.60 and 46.78 Unit Equivalents, were calculated using the DIF schedule and Interim Housing Policy in place at the time of this approval and will be allocated first to the building(s) in Lot 1 then the remaining credit will be allocated evenly based on square feet of the remaining building(s) area in Lot 2.
11. Where compliance with the conditions of approval or applicant initiated changes to the plans require additional staff review, that review time shall be billed at the Town's established billing rates. Prior to the issuance of a building or grading permit, the applicant shall pay all outstanding costs for the processing of this application.
12. The approved site and building plans shall be adhered to and maintained for the duration of the permit.
13. This action may be appealed to the Town Council within fifteen (15) calendar days from the date of Planning Commission approval in accordance with Municipal Code Chapter 17.68.
14. Pursuant to Government Code Section 66474.9 the subdivider shall defend, indemnify, and hold harmless the local agency and its agents, officers, and employees from any claim, action, or proceeding against the local agency and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the local agency, advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Government Code Section 66499.37. The Town shall promptly notify the subdivider of any claim, action, or proceeding and shall cooperate fully in the defense.
15. The project shall comply with the California Regional Water Quality Control Board, Lahontan District Guidelines for Erosion Control in the Mammoth area. This shall include submittal of a Report of Waste Discharge, if applicable.
16. For encroachments into the setback area along Main Street, the property owner shall execute a hold harmless agreement waiving any liability on the part of Caltrans for damage from snow removal or other standard street maintenance functions.
17. 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.

18. These 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.
19. The applicant shall pay the mitigated negative declaration fee to the County, where the filing is made at the time of the Notice of Determination, within 5 days of decision. The current fee is \$2,094.00 (\$2,044.00 plus a \$50.00 processing fee for the County).
20. The conditions of Use Permit 10-005 shall remain in effect for the life of the project.
21. This vesting tentative map vests the development standards in place as of March 10, 2011, the date the vesting tentative map is deemed complete. The vesting map does not vest building code requirements or fees. The vesting tentative map is valid for not less than one year, and no more than two years after the final map has been recorded.
22. 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 vesting tentative map boundary, and a copy of each and every adjacent map, deed or other document as necessary that establish, or were used for the survey of, and for the retracement of the subdivision boundary shall be submitted with the initial submittal of the final map. A subdivision guarantee shall be issued and dated within 30 days prior to final map approval by the Planning Commission.
23. The site grading design and all building construction shall conform to State and federal disabled access regulations.
24. Application shall be made to the Mammoth Community Water District (MCWD) for re-apportionment of any existing assessment lien(s) to the new lots and units proposed. The applicant shall submit a receipt of the application from MCWD to the Town prior to final map consideration by the Planning Commission.
25. Nothing in the approval of this vesting tentative tract map, and any amendment(s) thereto, shall be construed to allow for the deviation, adjustment, variance or non-conformance of any TOML Municipal Code or ordinance, or of any local, State or federal standard, policy, regulation or law, unless specifically provided for herein.
26. All grading and public improvements shall be consistent with the TOML Standard Plans for Public Works.
27. Right-of-way dedications for improvements (including off-site) of sidewalks along Alpine Circle and Mountain Blvd, bus turnout and shelter on Main Street (which will require the applicant to obtain a Caltrans encroachment permit), light poles, street transitions and drainage improvements and transitions from proposed to existing improvements as presented in VTTM sheets 08.03-08.05 shall be required as necessary.
28. In addition to the drainage, traffic related, or other requirements stated herein, other on-site or off-site improvements may be required if the complete improvement plans submitted to the Public Works Director vary materially from the approved vesting tentative plans.
29. All required grading, public and private street and drainage improvements, and all

“punchlist” items shall be completed to the satisfaction of the Public Works Director; the as-built plans shall be submitted, reviewed, and approved; and the required warranty sureties shall be posted prior to the issuance of the first certificate of occupancy for the project.

30. All deferred survey monumentation shall be completed, or surety posted, prior to the issuance of the first temporary, conditional, or final certificate of occupancy for the project.
31. All future site plans for grading permit, building permit, and any other applicable applications shall clearly and consistently identify the Caltrans right-of-way so that any and all encroachments into the right-of-way are clearly discernable.

LAND USE AND OPERATION

32. Signage shall be required that designates an individual surface parking space to each of the Type B cabin units. Parking spaces shall be located conveniently to each unit as shown in plan sheet 07.02. Signage shall be provided to designate surface guest parking as well.
33. The project is required to provide 150 square feet of recreation area per unit, or a total of 15,900 square feet of recreation area. Said area may include recreation rooms, swimming/spa facilities, tennis courts, play areas, etc., but shall not include lobby, meeting rooms, gear storage, or other similar areas.

MOBILITY

34. Bicycle racks, parking, storage, and other facilities shall be provided as required by the adopted California Green Building Standards Code. Storage areas and bicycle rack design within or adjacent to the Town right-of-way shall be consistent with the Town standards in place at the time of building permit submittal, if applicable.
35. 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 hotel lobby, or by other similar methods.
36. In consideration of the Town’s Vision Statement requiring a de-emphasis of the use of the automobile; the Town’s projections for occupancy and future preferred mode of travel; and to mitigate the impacts of the project on air quality as required by CEQA, the applicant and the owners association, if formed, shall execute a transit agreement with the Town prior to recordation of the final map. If no owners’ association is formed at that time, the applicant shall demonstrate, subject to review and approval of the Town Attorney, the ability to bind future homeowners to the transit agreement and shall execute the agreement on their behalf. The applicant shall be subject to an annual payment of \$121.00 per residential unit and as adjusted for inflation since inception (the Fiscal Year 2011-2012 rate is \$146.93 per unit). The annual payment shall be adjusted annually for inflation using the Los Angeles/Riverside Consumer Price Index. The transit service agreement, when executed, shall be recorded in the Official Records of Mono County and 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. Once recorded, the agreement can be modified only by mutual written agreement of the Town and the

owners' association when formed and the service shall not be discontinued for any reason without an amendment to the agreement.

37. 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.
38. All parking shall be consistent with the standard plans, including garage standards, unless otherwise determined by the Public Works Director.
39. A bus loading and drop-off facility shall be provided on-site. If on-site overnight bus parking is not provided, an offsite parking agreement shall be secured prior to issuance of a certificate of occupancy.
40. Pedestrian access, including any existing public trails, sidewalks, and bike lanes within the project limits 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.
41. Striping and signage shall be provided for the one-way portion of the summit loop road.
42. The project shall incorporate the following Transportation Demand Management (TDM) measures:
 - a. Residents and guests would be provided with information on local transit systems,
 - b. Residents and guests will have easy access to the closest public transit stop,
 - c. Bicycle parking and storage shall be provided onsite at a minimum rate of one space for every five condominium/hotel units and shall be safe and secure and located both indoors and outdoors in a visible/accessible location, and
 - d. Changing rooms and lockers shall be provided onsite for employees of the hotel who choose to walk or bike to work. The exact configuration and operational details of the changing rooms shall be determined prior to issuance of the building permit and/or certificate of occupancy.

DESIGN

43. New or changed improvements, exterior illumination, elevations, designs, materials, or colors shall conform to the adopted Design Guidelines of the TOML and will require review and approval from the TOML Community Development Department or Planning Commission pursuant to Municipal Code Section 17.32.120.
44. Roof vents, exhaust pipes, flues, and other mechanical appurtenances shall be combined and/or collected together on slopes of roof out of public view to the greatest extent possible.
45. Retaining wall design and material(s) shall be reviewed by the Town prior to grading permit issuance. All retaining and screening walls over 42 inches tall shall also require a building permit.

46. A Building Height Certificate shall be required during the construction period for each individual building that has an average or maximum height of 33 feet or taller 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.
47. The applicant shall satisfy the public art requirement based on the code in place as of March 10, 2011 by placing public art in the pedestrian plaza or in other public areas in or adjacent to the site. All public art shall be readily visible to the public. The applicant shall work with the Public Arts Commission and Town staff to determine appropriate artwork for this area. A plan to ensure that the Public Art requirement is satisfied shall be in place prior to issuance of a building permit.
48. All proposed outdoor trash and recycling receptacles shall be bear proof and meet the standards of the Public Works Department. Trash enclosures 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 buildings. Adequate space for recyclable materials shall be provided within the enclosures. The enclosures are not required to be gated. All dumpsters shall be located in areas that are easily accessible by Mammoth Disposal.

SNOW MANAGEMENT

49. A snow removal/storage plan shall be submitted by the applicant and approved by the Community Development Department as part of the final map application. This plan and provisions for maintenance of private driveways and drainage facilities shall be included in the CC&R's prior to final map approval by Town staff.
50. Prior to the issuance of an encroachment, grading, or improvement permit, the grading plan shall indicate all snow storage areas and drainage facilities.
51. Onsite pathways to transit and shuttle connections shall be cleared and maintained year-round.
52. Sufficient snow storage areas are not provided on all areas of the site; therefore, an offsite snow hauling agreement shall be required to truck the excess snow from the site. This agreement shall be in place and shall be recorded against the property prior to issuance of the first certificate of occupancy. Alternatively, the applicant could provide sufficient heat melted driveway areas to decrease the required snow storage areas on the site so that the project meets the 60% requirement. This shall be approved by the Town as part of the building permit.

LANDSCAPE/IRRIGATION

53. The project shall meet the requirements of Municipal Code Section 17.38 (Water Efficient Landscape Regulations) or the State Model Landscape Ordinance, 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 successfully established and 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 and shall be weather sensitive and programmable to accept day of week, time of day, and odd or even days for watering. The irrigation equipment and system shall be maintained in a proper working condition at all times. Landscaping and irrigation systems installed by the property owner within the public right-of-way or adjacent to the project area shall be maintained by the property owner, unless otherwise maintained by a benefit assessment district area.

54. 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 from the California Department of Forestry prior to any tree removal. The tree removal plan shall be consistent with the intent of the tree removal plan included as part of approved use permit package.
55. The grading plan shall include the permanent erosion control/landscape plan, 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. 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.
56. 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.
57. All required landscaping and irrigation improvements shall be constructed prior to issuance of the first certificate of occupancy for each phase of 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 Director.
58. 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.
59. The aspens proposed along Alpine Circle and Mountain Boulevard shall be removed from the landscape plan in order to provide readily accessible and usable snow storage areas.

LIGHTING

60. All exterior lighting shall comply with Chapter 17.34 of the TOML Municipal Code, Outdoor Lighting. Exterior light fixtures having a total of over 400 lumens of incandescent illumination shall be equipped with shields that extend below the horizontal plane of the light source to direct the light downward onto the structure or surrounding grounds.
61. All project lighting within the right-of-way will require an encroachment permit.

SIGNS

62. All signage shall be in compliance with the Town's sign ordinance. If a master sign plan is proposed and approved, all signage shall comply with the master sign plan. The applicant vests rights to the existing sign ordinance, but retains the right to utilize the future sign ordinance, if desired.
63. Project-related signs shall not be permitted within the Caltrans right-of-way unless otherwise approved by Caltrans.
64. Wayfinding signs along the sidewalks or bus shelter shall conform with the Mammoth Trail System Standards

NOISE

65. Appropriate noise attenuation features shall be included in the design of all facilities consistent with the adopted California Green Building Standards Code.
66. All construction and maintenance equipment shall be properly equipped and operated to minimize noise disturbance and shall be operated in accordance with TOML regulations. Improperly equipped vehicles shall not be permitted to operate.
67. Residential buildings shall be constructed to meet the TOML Municipal Code noise level limits of 35 dBA for residence interiors between 10:00 p.m. and 7:00 a.m.

AFFORDABLE HOUSING

68. Pursuant to the Town's interim housing policy (Resolution 09-76) in effect at the time the project was deemed complete, the project has been determined to generate a need for 2.92 workforce housing units. To satisfy this housing mitigation requirement, the applicant shall either: a) provide two units on site, and pay a proportionate share (92 percent) of the current in-lieu fee per unit of \$23,222; b) prepare an Alternate Housing Mitigation Plan (AHMP) subject to approval by the Planning Commission prior to approval of a building permit, that proposes an alternate means to satisfy the housing mitigation requirement; c) elect to pay the current in-lieu fee of \$67,808.24 (\$23,222 per unit x 2.92 workforce housing units) which the Planning Commission has approved as an Alternate Housing Mitigation Plan; or d) a combination of a, b, or c herein. This application intends to satisfy option c.

LIFE SAFETY

69. This project is protected by the MLFPD. 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.
70. Projects subject to a building permit shall have all required on and off-site improvements on a lot by lot basis completed and approved prior to final inspection and occupancy of any buildings or structures on the respective lots. 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 life safety, and the ordinary and intended use of buildings or structures. The Building Official, with the concurrence of the Public Works Director and Fire Marshal, may approve any plan or approve a change to an approved plan, which complies with the intent of this policy.

71. All pedestrian facilities, including plazas, pathways, and other areas, shall have adequate lighting, visible signage, and markings for pedestrian safety.
72. The Fire District will require access to the internal fire lanes to be a minimum of 16 feet wide with designated locations of 26 feet as determined by the Fire District and shown on VTTM sheet 08.03, subject to regulations at the time of construction.
73. For portions of exterior building walls that are located more than 150 feet from fire apparatus access, a stand/yard pipe system will be required to satisfy code requirements.
74. Access to and circulation through the project site for emergency vehicles shall be provided, per TOML Municipal Code and MLFPD and shown on VTTM sheet 08.03 and 08.07, subject to regulations at the time of construction.
75. Throughout the project area, a system of hydrants shall be developed in accordance with MLFPD regulations as shown in VTTM sheet 08.05, subject to regulations at the time of construction.
76. All structures shall be designed and constructed in accordance with the current California Green Building Standards Code incorporating lateral force requirements for the appropriate seismic zone.
77. 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.
78. The driveways on the north side of the Summit Loop Road shall be shortened to a reasonable length so that cars cannot park in front of the units. The desired driveway lengths are between 5 to 10 feet to allow for flexibility so that the buildings do not form a wall and to ensure that snow storage and removal for the buildings is not adversely affected.
79. The proponent will need to submit construction plans to the Building Division and the Fire District prior to issuance of a building permit and will need to comply with the adopted California Building and Fire Codes and any local amendments.
80. A conditional requirement of the proponent in order to build the project as proposed shall be the road widening and improvements to Viewpoint Road. The 2010 Fire Code states at 503.1.1 *"Buildings and Facilities: Approved fire apparatus access roads (ie: public road) shall be provided for every facility, building, or portion of building hereafter constructed or moved into or within the jurisdiction."* Until the road work is completed to code requirements on Viewpoint Road, the Fire District will not authorize the construction or stockpiling of combustible construction materials for any of the occupancies in that portion of the proposed project.

STORMWATER MANAGEMENT

81. Prior to the issuance of an encroachment, grading or improvement permit, the applicant shall submit a Notice of Intent, and comply with the requirements of the National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities from the State Water Resources Control Board (SWRCB), in accordance with Board

requirements. Applicant will furnish the Town with the SWRCB provided facility identification number or Water Discharge Identification (WDID) number.

82. Drainage across the property shall be maintained. The design of the grading and drainage facilities shall not create concentrated discharges to adjacent properties and/or public rights of way in excess of historical flows. A registered civil engineer shall investigate existing facilities and design adequate drainage facilities to intercept and conduct the drainage flows around or through the site in a manner that will not adversely affect adjacent or downstream properties. The Engineer shall verify that downstream facilities and drainage channels accepting site flows are not adversely affected by an increase in runoff from this development. If the project does create concentrated or sheet flows off-site that are greater than historical, the applicant shall demonstrate that the downstream facilities can accommodate the increased flows; otherwise, the applicant shall provide on-site detention for excess flows or the applicant shall up-grade any downstream facility accordingly.
83. Prior to the issuance of an encroachment, grading or improvement permit, a final hydrology and hydraulics study is required and shall be submitted with the grading and improvement plans for the project. The study shall be prepared in accordance with the grading chapter of the Municipal Code and the adopted Storm Drain Master Plan of the Town and shall be prepared by a registered civil engineer. The study shall include runoff from the entire site and shall also include runoff that enters the property from all upstream sources, and shall include all storm drains, infiltrators and surface flows. The study shall indicate the method of conveying surface and underground runoff and shall address drainage conveyances downstream to the extent they exit to an existing facility or natural drainage course. All existing drainage facilities on-site and tributary to the site shall be identified and shown on the grading plans. The hydraulic calculations shall include all pipe flows, velocities and head loss calculations sufficient to show the adequacy of all conveyance systems. Q100 and V100 and the hydraulic grade line for all public storm drains and all facilities with an equivalent diameter of 18 inches or greater shall be shown on the approved grading and improvement plans. The drainage study for the project and the final design of the storm drain system shall be approved prior to staff approval 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.
84. All parking areas including 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 TOML Stormwater and Sewer System. Flow from the oil and water separator shall be conveyed to the storm drain system, not the sanitary sewer. The applicant shall provide a management and inspection program for oil/water separators. The document shall include schedules and procedures for monitoring, inspection, and maintenance of all separators and associated facilities.

CONSTRUCTION & MANAGEMENT

85. 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.
86. A grading permit for the each phase of the project shall not be issued prior to submission of the second review for an application for a building permit for the same phase to the Building Division of the Community Development Department. The Building Official shall make the determination as to whether or not the building application resubmittal is complete.
87. Temporary and permanent erosion control plans shall be included with the grading and improvement plans. Continuous water spraying or other approved methods shall be used during grading operations to control fugitive dust. Drop inlet filters and other temporary Best Management Practices shall be employed to filter nuisance water from storm drain inlets affected by construction, on-site and off-site. Groundwater pollution from urban run-off water generated by the project shall be mitigated using best management practices (BMP's), per the requirements of the California Regional Water Quality Control Board, Lahontan District. The applicant shall apply for and obtain all required permits, written clearances or exemptions from the Lahontan District prior to any grading. All BMP's shall be shown on the erosion control plans. If the Town inspector determines that the BMP's in place are not adequate, then additional BMP's shall be installed at the discretion of the Town inspector or a revised erosion control plan shall be prepared for approval by the Engineering Services Division. Gravel bags shall be used in lieu of sand bags. All permanent erosion control measures shall be irrigated for at least one season. Permanent BMPs shall include sediment traps upstream of infiltrators and oil water separators for parking areas consistent with the General Plan.
88. A Construction Staging and Management Plan shall be submitted to, and approved by the Public Works Director prior to grading permit issuance. Said plan shall include provisions related to the parking of construction worker vehicles, construction equipment, construction materials, and controlled/restricted access into non-developed portions of the site and the storage of materials within these areas. The staging plan and temporary construction access roadway improvements shall all be approved by the MLFPD 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.
89. Prior to the issuance of an encroachment, grading or improvement permit, 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, Vesting TTM 10-001, and use permit, UP 10-001, 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. 2011xxxxxx, 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.

90. All export shall be taken to, and all import shall be taken from a permitted site, which shall be identified at grading permit issuance. Prior to the issuance of an encroachment, grading or improvement permit, 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.
91. 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.
92. Construction activities shall be in accordance with TOML regulations.
93. Construction hours shall be limited to those hours typically permitted by the TOML. Construction is prohibited outdoors on Sundays, unless otherwise approved by the Town.
94. Phasing and demolition shall be consistent with the phasing plan approved as part of the use permit application. The applicant must submit a Construction Waste Management Plan that complies with adopted California Green Building Standards Code.
95. Paved access is required to a maintained street during construction. Street and traffic signs shall meet Town standards.
96. 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.
97. No work within Town right-of-way shall be commenced until a traffic control plan has been approved by the Engineering Services Division of the Town.
98. A 10-foot Irrevocable Offer-of-Dedication shall be required to be made to the Town along Alpine Circle for street purposes as shown on VTTM sheet 08.01. This area shall not be used for snow storage. This document must be recorded prior to the Approval of the Final Map.
99. The ends of curbs and sidewalks shall be transitioned.
100. The project shall comply with all aspects of the adopted California Green Building Standards Code, including items such as providing bicycle racks and storage and designated parking for low emissions vehicles.
101. For any work within the Caltrans right-of-way, including but not limited to landscaping, tree planting and removal, undergrounding of utilities, and construction of sidewalks and/or retaining walls, an encroachment permit shall be obtained by the applicant from Caltrans. All plans for construction within the State right-of-way shall be submitted to the Town for review and approval prior to the issuance of the encroachment permit.

102. 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.
103. A phasing plan shall be submitted and approved with the grading permit. This plan should identify all phases of the project, including construction storage areas and access for each phase.

AIR QUALITY

104. One EPA Phase II woodstove or other solid fuel burning appliance is permitted in the lobby or other common area of the project.
105. Prior to the issuance of any demolition permit for existing buildings onsite, notification to the Great Basin Unified Air Pollution Control District shall be made and shall include the results of asbestos sampling and lab analyses.
106. 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.

GEOLOGY & SOILS

107. 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 Public Works Director for review and approval.
108. A Geotechnical Report shall be submitted to the Town prior to approval of the grading and improvement plans. The report shall confirm that the proposed infiltrator locations will not be subject to groundwater entering the infiltrators or cause leaching through an adjacent slope face. Any proposed grading within the street right-of-way shall be done under the direction of the soils testing engineer. Compaction tests of embankment construction, trench backfill, and all sub-grades shall be performed at no cost to the Town. Prior to placement of any base materials, and/or paving, a written report shall be submitted by the soils testing engineer to the Public Works Director for review and approval. The geotechnical report shall confirm that the proposed drywell locations will not be subject to groundwater entering the drywell or cause leaching through an adjacent slope face. Slope stability tests are required for all cuts or fills greater than 2:1 (H:V).
109. An "as-graded" soils report shall be provided to the Town upon completion of the grading. All building pads shall be certified for compaction and or subgrade suitability by a Geotechnical Consulting firm and copies provided to the Town.

UTILITIES

110. Water and sewer improvements require construction and connection permits from MCWD. Prior to the Town authorizing any construction, the applicant shall obtain water and sewer permits from MCWD and pay applicable fees to the District.
111. All onsite utilities shall be placed underground.

112. 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. All relocated utilities shall be placed underground unless approved by the Public Works Director.
113. Construction of water and sewer improvements shall require water and sewer permits from the MCWD. Grading plans shall be submitted to the Town for review and approval and a grading permit shall be obtained from the Town in accordance with the Municipal Code prior to any construction activity on the site. All mitigation measures and best management practices to prevent erosion and to protect existing trees shall be in place prior to work commencing for any and all water and sewer improvements.
114. The subject property has existing overhead utilities along the property frontage adjacent to State Route 203. Under grounding of these utilities is not being required of the project. However, the applicant is encouraged to request the Town to work with property owners and utility companies to evaluate under grounding options and funding sources for the conversion of the utilities to underground. The extent of the conversion shall be at a minimum along the property frontage, and could extend off-site to provide an economical project for any use of Rule 20 funds and to the extent that is necessary down-poles and guy wires without conflict to other improvements.

FINAL MAP

115. For condominium projects the following statement shall appear on the signature sheet of the final map: **"THIS SUBDIVISION IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 1350 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA, CONTAINING A MAXIMUM OF 52 RESIDENTIAL UNITS AND 5 COMMERCIAL UNITS AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT."**
116. The applicant shall submit to the Town an electronic file of the final map in AutoCAD, Version 2009, or other format as may be approved by the Public Works Director, within 30 days of Planning Commission approval of the final map. A surety of \$200.00 for each sheet shall be posted prior to staff approval of the final map to ensure receipt of the electronic final map.
117. A final map, consistent with the vesting tentative map and the conditions herein, shall be recorded with the County Recorder of Mono County prior to the expiration of the approved vesting tentative map. The final map shall conform to the Subdivision Map Act and the Subdivision Ordinance for the TOML. The vesting tentative map shall expire 24 months after the approval date. Failure to record the final map prior to the expiration will nullify all approvals, except such time limitation as may be extended by law or by the Planning Commission in accordance with the Subdivision Map Act.
118. Prior to staff approval of the final map, 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.

119. Prior to the staff approval of the final map, easements shall be designated and offered for dedication on the final map in a form and in content acceptable to the Public Works Director.
120. Prior to the staff approval of the final map, the final map shall conform to the requirements of TOML Ordinance 84-10 and all amendments thereto.
121. Prior to the staff approval of the final map, monumentation of the subdivision shall be installed or bonded for in accordance with the Subdivision Ordinance of the Town, Ordinance 84-10.
122. Prior to the staff approval of the final map, 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 final map by staff. Addressing shall also require approval from MLFPD.
123. All documents that are required to record prior to or concurrent with the recordation of the final map shall be reviewed and approved by the Town and shall be fully executed, notarized and ready for recordation prior to approval of the final map by town staff. The originals of the executed documents shall be delivered to the Town Engineer together with the final map prior to approval of the final map.
124. The Final Map shall note the resources reserved and the rights of the developer or future entity to use common areas or other easements.

SURETIES

125. Prior to the staff approval of the final map, sureties shall be posted for required grading, street and drainage improvements in accordance with the Municipal Code and the applicant shall enter into a subdivision improvement agreement for all required public improvements in accordance with the Subdivision Map Act. The agreement shall include provisions for the posting of warranty sureties for the accepted public improvements. Construction cost estimates for all required sureties shall be prepared and signed by a registered civil engineer. The estimates shall be at prevailing wages and shall include 20% for construction contingencies and 20% for administrative costs. All sureties shall be posted prior to the issuance of a grading permit and prior to approval by staff of the final map.
126. Prior to the staff approval of the final map, surety shall be posted with the Town in a form acceptable to the Public Works Director for any deferred final monumentation for the final map. The estimated amount of the surety shall be prepared by the licensed land surveyor preparing the final map and shall be approved by the Public Works Director.

ASSESSMENT DISTRICTS

127. The Town contemplates the formation of an assessment district for the construction of certain public improvements within and adjacent to the North Village Specific Plan Area and adjacent properties. Prior to final map approval by staff the Property Owner shall enter into an agreement with the Town to waive their rights to vote to oppose the formation of, and to agree to the annexation of the property into, an assessment district to be formed for the financing and construction of those public improvements. The agreement shall run with the land and shall be binding upon all future owners of the

property. The agreement shall be fully executed prior to approval of the final map by staff. The applicant shall not oppose the formation an assessment district to complete any undergrounding of utilities, including, but not limited to the high voltage power lines along Highway 203, or the formation of a Capital Improvement District to manage the construction of future improvements including sidewalks, other capital facilities, maintenance, and snow removal.

128. Prior to staff approval of the final map, the Property Owner shall enter into an agreement with the Town in which the Property Owner shall agree to annex the property into North Village Benefit Assessment District, BAD 2001-2, or other BAD as appropriate, for the operation, maintenance and repair, snow removal, heat trace, landscaping and irrigation, street lighting, and other improvements, of the public improvements along Mountain Boulevard, Alpine Circle, and Main Street along the property frontage. The Property Owner shall also enter into an agreement with the Town in which the Property Owner shall agree to waive their rights to vote in favor of the dissolution of the Benefit Assessment District, BAD 2001-2, or other BAD as appropriate. The agreements shall run with the land and shall be binding upon all future owners of the property. A note shall be placed on the final map stating that the property shall be subject to inclusion within the benefit assessment district.
129. The applicant may request the Town assist with the formation of a Benefit Assessment District for the maintenance and operation of Viewpoint Road for the purposes of construction, maintenance including paving, erosion control, landscape, and snow removal.
130. Although not required, the applicant may at its sole discretion enter into a reimbursement agreement with the Town or Benefit Assessment District for purchase of excess heat from its private geothermal system for use on public sidewalks and streets that are located adjacent to its property and within a Benefit Assessment District. The agreement shall be in a form and content approved by the Public Works Director.

EASEMENTS

131. All easements as shown on the vesting tentative map shall be granted on the final map, or recorded by separate document prior to or concurrent with recordation of the final map. Easements to be recorded by separate document shall be submitted to the Town for review and approval. The fully executed documents shall be submitted to the Public Works Director prior to staff approval of the final map. Easements shown on the vesting tentative map to be granted or dedicated shall indicate the beneficiary of the easement(s).
132. Prior to the staff approval of the final map, easements shown on the vesting 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.
133. Prior to the issuance of an encroachment, grading or improvement permit, all easements shall be shown on the plans.

CC&Rs

134. 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.
135. The final condominium plans for the project shall be submitted to the Town for review for conformance with the approved development plan, vesting tentative map, use permit and CC&Rs. The condominium plans shall conform to the conditions of approval with respect to ownership of required appurtenant use areas. Issuance of the first certificate of occupancy and recordation of the condominium plans shall not occur prior to Town approval of the condominium plans. The condominium plans shall be recorded prior to issuance of the first temporary, conditional or final certificate of occupancy for the project.
136. A homeowner's association shall be created and CC&R's recorded that contain provisions for the maintenance and snow removal of Lot 2 and the maintenance of the common area and/or amenities, trails, sidewalks and private drainage and detention facilities by the homeowner's association. CC&R's for this project shall be submitted to the community development department for review and approval to ensure consistency with the conditions of approval, the approved tentative map, the final map and Town policies and standards. The fully executed originals of the CC&R's shall be submitted to the planning division prior to final map approval by staff. The CC&R's shall be recorded concurrent with the final map. The CC&R's shall be a covenant that shall run with the land and shall be enforceable throughout the life of the use permit. The CC&R's shall contain the following provisions:
- a. A snow removal/storage plan and provisions for maintenance of private roadways and drainage facilities. This plan shall be submitted by the applicant and approved by the community development department prior to final map approval by Town staff. The plan shall be consistent with the grading plan and landscape and irrigation without conflict for access to required snow storage areas.
 - b. Provisions granting rights of access and parking over, along and across Lot 2 as necessary to the owners and the tenants, and their guests, of the condominium units.
 - c. The requirements as listed in the Special Conditions of the Use Permit Conditions, and as may be otherwise required within these conditions of approval, shall be included within the CC&R's.
137. The CCR's shall also provide information about the ownership of the resource and responsibility for maintenance of the geothermal facilities.

STREET & DRIVEWAY IMPROVEMENTS

138. Prior to the issuance of an encroachment, grading or improvement permit, an 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 with an application.
139. Prior to the issuance of an encroachment, grading or improvement permit, all driveways shall be designed in accordance with the driveway standards of the Town.

140. Prior to the issuance of an encroachment, grading or improvement permit, 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.
141. 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.
142. Construction of private streets and private facilities and related drainage improvements shall be inspected and certified by the Public Works Director according to Public Works Standard Plans.
143. Construction of the sidewalk along Mountain Boulevard and Alpine Circle as shown on VTTM sheet 08.03 is required to be completed by the applicant, prior to the issuance of the certificate of occupancy for the appropriate phase of development, to be determined by the Public Works Director. The sidewalk shall be a minimum of 6 feet side clear of obstructions.
144. A transit stop and shelter as shown in VTTM sheet 08.03 shall be constructed near the intersection of Main Street and Mountain Boulevard. The transit stop and shelter shall meet the Town's specifications and standards. The transit shelter shall be sized to meet the projected number of users as determined by the Town's Public Works Department and shall be no less than 6 feet by 15 feet on the inside dimension. The transit shelter shall be completed prior to the first certificate of occupancy for the first phase of construction and shall be included on all plans submitted for permitting. A 9-foot wide sidewalk in the bus turnout loading zone shall be required. The design of the sidewalk on Main Street, bus stop, bus turnout, and loading zone shall be incorporated into the final design of the project per the Town's specifications.
145. 24-foot tall Town standard light poles and fixtures shall be installed at the intersections of Mountain Boulevard and Main Street, Alpine Circle and Mountain Boulevard, and Viewpoint Road and Main Street and installation shall be complete prior to issuance of the certificate of occupancy for each phase of development.
146. Curb and gutter improvements are required along all property frontages with sidewalks as shown on VTTM sheet 08.03. No improvements are required west of the bus turnout. All new curb and gutter shall be consistent with the TOML Public Works standards. The design of the improvements shall provide for adequate drainage along all fronting streets.
147. Heat tracing or an alternative, similarly suitable automated method of ice removal that shall be approved by the Public Works Director, shall be provided in all sidewalks.
148. The applicant shall provide irrevocable offers of dedication for public improvements including the following:
 - a. Street frontage along Alpine Circle.
 - b. Bus stop and turnout at Main Street and Mountain Boulevard.

- c. Light poles on public right-of-way at Mountain Boulevard and Main Street, Alpine Circle and Mountain Boulevard and Viewpoint Road and Main Street.

SUSTAINABILITY

149. The applicant has stated that it intends to utilize geothermal as an energy source on this site. Therefore, upon completion of a test well the applicant shall submit a feasibility study prepared by a qualified civil or mechanical engineer to the Town's Public Works Department. The study shall address results from the test well and discuss how the geothermal energy can be implemented throughout the project, including but not limited to general heating and snowmelt. The study will provide information on potential costs of operation, implementation, and maintenance for each use. The study shall be submitted to the Town for review and comment at the time of a grading permit application submittal.
150. The 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, hotel rooms, and common areas.
151. EPA WaterSense certified water conservation devices, or equivalent, shall be installed in all residential and commercial structures.
152. The geothermal water will not be consumed, exposed to the atmosphere, or hydraulically connected to any other system without obtaining the appropriate local, State, and Federal approvals.
153. The developer retains to itself all geothermal and water rights. The developer also retains to itself the right to use the common areas for production facilities as may be need and associated with the energy production. In the event the energy production facilities are used by other properties in town the developer shall obtain a Special Use Permit and may be subject to a Franchise Agreement for facilities in the Town right of way.

MITIGATION MEASURES

154. 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 south-facing 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.
155. The Project applicant shall require that the following practices be implemented by including them in the contractor construction documents to reduce the emissions of pollutants generated by heavy-duty diesel-powered equipment operating at the Project site throughout the Project construction phases:
 - a. Water all construction areas at least twice daily; water trucks will be filled locally after the contractor makes water acquisition agreements and obtains any required permits.
 - b. Cover all trucks hauling soil, sand, and other loose materials;

- c. Apply clean gravel, water, or non-toxic soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
 - d. Remove excess soils from paved access roads, parking areas and staging areas at construction sites;
 - e. Sweep streets daily (with mechanical sweepers) if visible soil material is carried onto adjacent public streets;
 - f. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);
 - g. Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
 - h. Limit traffic speeds on unpaved roads to 15 miles per hour;
 - i. Install gravel-bags, cobble entries, or other Best Management Practices (BMPs) and erosion control measures to prevent silt runoff to public roadways;
 - j. Replant vegetation in disturbed areas as soon as possible;
 - k. Install wheel washers for all exiting trucks or wash off the tires or tracks of all trucks and equipment leaving the construction site;
 - l. Suspend excavation and grading activities (except operation of water trucks) when wind conditions are such that dust cannot be controlled and when sustained winds exceed 25 mph, increase the frequency of watering from twice daily, as described in Mitigation Measure 3-1a above, to three to four times a day;
 - m. The construction fleet will meet the terms set forth in the CARB Regulation for in-use Off Road Diesel Vehicles, paragraph (d)(3) Idling.
 - n. Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use;
 - o. All equipment shall be properly tuned and maintained in accordance with the manufacturer's specifications;
 - p. When feasible, alternative fueled or electrical construction equipment shall be used for the Project site;
 - q. Use the minimum practical engine size for construction equipment; and
 - r. Gasoline-powered equipment shall be equipped with catalytic converters, where feasible.
156. Previously unknown cultural resources identified during Project construction shall be protected through temporary redirection of work and possibly other methods such as fencing until formally evaluated for significance. In the event that previously unrecorded cultural resources are exposed during ground-disturbing activities, construction activities (e.g., grading, grubbing, or vegetation clearing) should be halted in the immediate vicinity of the discovery. An archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards (U.S. Secretary of

the Interior 1983) should be retained to evaluate the find's significance under CEQA. If the discovery proves to be significant, additional work, such as data recovery excavation, may be warranted and should be discussed in consultation with the lead agency. Construction activities may continue in other areas. If the discovery is evaluated as significant under CEQA, additional work such as data recovery excavation may be warranted to mitigate Project-related impacts to a less-than-significant level.

157. If any paleontological materials are encountered during the course of the Project development, construction activities (e.g., grading, grubbing, or vegetation clearing) should be halted in the immediate vicinity of the discovery. The services of a paleontologist shall be secured to assess the resources and evaluate the impact for significance under CEQA. If the discovery proves to be significant, additional work, such as data recovery excavation, may be warranted and should be discussed in consultation with the lead agency. Construction activities may continue in other areas. If the discovery is evaluated as significant under CEQA, additional work such as data recovery excavation may be warranted to mitigate Project-related impacts to a less-than-significant level.
158. Procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code §7050.5, Public Resources Code §5097.98 and the California Code of Regulations §15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Mono County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. Once the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in turn, notify the person the NAHC identifies as the most likely descendent (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC.
159. The design and construction of the Project shall occur in accordance with the applicable recommendations identified in a comprehensive geotechnical investigation prepared for the Project. The final grading, drainage, and foundation plans and specifications shall be prepared and/or reviewed and approved by a Registered Geotechnical Engineer and Registered Engineering Geologist. In addition, upon completion of construction activities, the Project Applicant shall provide a final statement indicating whether the work was performed in accordance with Project plans and specifications and with the recommendations of the Registered Geotechnical Engineer and Registered Engineering Geologist.
160. Prior issuance of a demolition permit by the Town, the Project Applicant shall have prepared an ACMs and a lead-based paint report(s) that identifies such materials

within the structures on the Project site to be demolished. The Project Applicant shall comply with all state and local standards regarding the abatement of ACMs and lead-based paint.

161. The Project Applicant shall require by contract specifications that the following construction BMPs be implemented to reduce construction noise levels:
 - a. Provide advance notification of construction to the immediate surrounding land uses near the Project site.
 - b. Ensure that construction equipment is properly muffled according to industry standards.
 - c. Place noise-generating construction equipment and locate construction staging areas away from noise sensitive land uses, where feasible.
 - d. Schedule high noise-producing activities between the hours of 8:00 AM and 5:00 PM to minimize disruption on sensitive uses.
 - e. Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, noise barriers or noise blankets.
162. The final landscaping plans for the Project must provide at least 150 feet of stopping sight distance at the intersection of Mountain Boulevard and Main Street.