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RESOLUTION NO. 2015-16

A RESOLUTION OF THE MAMMOTH LAKES TOWN COUNCIL AFFIRMING THE PLANNING AND ECONOMIC DEVELOPMENT COMMISSION'S APPROVAL OF TENTATIVE TRACT MAP 15-001, VARIANCE 15-001, USE PERMIT 15-001, DESIGN REVIEW 15-001, AND ADJUSTMENT 15-001 TO ALLOW THE MOUNTAINSIDE PROJECT FOR PROPERTY LOCATED AT 413 RAINBOW LANE.

(APN: 031-190-002-000)

WHEREAS, a request for consideration of a tentative tract map, variance, use permit, design review, and adjustment permit were filed by John Hooper to allow a 16-unit townhome project (Mountainside), in accordance with Section 17.20 (Residential Zoning Districts), 17.68 (Use Permits), 17.72 (Variances), 17.76 (Adjustments), and 17.88 (Design Review) of the Town of Mammoth Lakes Municipal Code, for property located within the Residential Multi-Family 2 (RMF-2) Zoning District at 413 Rainbow Lane; and

WHEREAS, the Planning and Economic Development Commission conducted a noticed public hearing on the application request on April 29, 2015, 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 and attachments;
2. The General Plan, State Subdivision Map Act, Municipal Code, Design Review Guidelines, Subdivision Ordinance, and associated Land Use Maps;
3. Oral evidence submitted at the hearing;

4. Written evidence submitted at the hearing; and
5. Project plans consisting of:
 - a. Tentative Tract Map 15-001 Sheets 1-4, dated April 1, 2015;
 - b. Building A Sheets A2.1, A.2.2, A2.3, A2.4, A3.1, A3.2, A3.3, A3.4, and A3.5, dated April 6, 2015;
 - c. Building B Sheets A2.1, A.2.2, A3.1, A3.2, and A3.3, dated April 6, 2015;
 - d. Building C Sheets A2.1, A.2.2, A2.3, A2.4, A3.1, A3.3, A3.4, and A3.5, dated April 6, 2015 and Building C Sheet A3.2, dated April 30, 2015;
 - e. Building D Sheets A2.1, A.2.2, A3.1, A3.2, and A3.3, dated April 6, 2015;
 - f. Building A, B, C, and D color elevations, two sheets per building, dated received by the Town of Mammoth Lakes on March 17, 2015;
 - g. Mountainside Townhomes – Typical Materials Model, which identifies exterior color and materials, dated received by the Town of Mammoth Lakes on April 3, 2015;
 - h. Preliminary landscape plan, dated received by the Town of Mammoth Lakes on April 2, 2015; and
 - i. Photosimulation of project, dated received by the Town of Mammoth Lakes on April 22, 2015.

WHEREAS, following the receipt of all oral and written testimony, the Planning and Economic Development Commission closed the public hearing on April 29, 2015 and adopted Resolution No. PEDC 2015-05 approving the Mountainside project (Tentative Tract Map 15-001, Variance 15-001, Use Permit 15-001, Design Review 15-001, and Adjustment 15-001) with a 4-0 vote; and

WHEREAS, on May 14, 2015 an appeal was filed against the Planning and Economic Development Commission's approval of the Mountainside project; and

WHEREAS, the Town Council conducted a noticed public hearing on the Mountainside project approval appeal request on June 3, 2015, at which time all those desiring to be heard were heard; and

WHEREAS, the Town Council considered, without limitation:

1. The staff report to the Town Council with exhibits and attachments;
2. The April 29, 2015 staff report to the Planning and Economic Development Commission with exhibits and attachments, including public comments and handouts provided at the April 29, 2015 Planning and Economic Development Commission public hearing;
3. The General Plan, State Subdivision Map Act, Municipal Code, Design Review Guidelines, Subdivision Ordinance, and associated Land Use Maps;

4. Oral evidence submitted at the hearing;
5. Written evidence submitted at the hearing; and
6. Project plans consisting of:
 - a. Tentative Tract Map 15-001 Sheets 1-4, dated April 1, 2015;
 - b. Building A Sheets A2.1, A.2.2, A2.3, A2.4, A3.1, A3.2, A3.3, A3.4, and A3.5, dated April 6, 2015;
 - c. Building B Sheets A2.1, A.2.2, A3.1, A3.2, and A3.3, dated April 6, 2015;
 - d. Building C Sheets A2.1, A.2.2, A2.3, A2.4, A3.1, A3.3, A3.4, and A3.5, dated April 6, 2015 and Building C Sheet A3.2, dated April 30, 2015;
 - e. Building D Sheets A2.1, A.2.2, A3.1, A3.2, and A3.3, dated April 6, 2015;
 - f. Building A, B, C, and D color elevations, two sheets per building, dated received by the Town of Mammoth Lakes on March 17, 2015;
 - g. Mountainside Townhomes – Typical Materials Model, which identifies exterior color and materials, dated received by the Town of Mammoth Lakes on April 3, 2015;
 - h. Preliminary landscape plan, dated received by the Town of Mammoth Lakes on April 2, 2015; and
 - i. Photosimulation of project, dated received by the Town of Mammoth Lakes on April 22, 2015.

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

SECTION 1. FINDINGS.

1. **CEQA.** The project is categorically exempt pursuant to CEQA Guidelines Section 15332, In-Fill Development Projects because the following criteria are met:
 - a. The project is consistent with the General Plan because the project is consistent with the High Density Residential 2 (HDR-2) designation since the project is a multi-unit townhouse development at a density of 9.6 units per acre, which is below the maximum allowable density of 12 units per acre. Additionally, the project provides a high quality townhome product available for nightly rentals in an appropriate location, the design respects the natural environment by preserving the steeply sloped portion of the lot, the architecture and building exteriors are appropriate to the Eastern Sierra, building height would remain below tree heights on the site, and pedestrian connectivity is provided (General Plan Policies C.2.L, C.2.N, C.2.T, C.2.V, C.2.X, C.4.C, L.3.A, L.5.B, L.5.C, and S.3.H).

The project is consistent with the Zoning Code because the project complies with all applicable regulations for the Residential Multi-Family 2 (RMF-2) Zone, including but not limited to density, lot coverage, snow storage, parking, solid waste/recycling, and specific land use regulations identified in Municipal Code Section 17.52.210. The project includes variance requests for a reduced front yard setback and increased building height, which are allowed pursuant to Municipal Code Chapter 17.72. The project also includes an adjustment request for increased building height, which is allowed pursuant to Municipal Code Chapter 17.76.

- b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses because the project site is within the Town's Urban Growth Boundary, the site is approximately 1.67 acres, and the site is surrounded by condominium developments and a parking lot.
- c. The project site has no value as habitat for endangered, rare, or threatened species because a biological resources assessment for the project site dated April 3, 2015 and prepared by Dr. Jim Paulus, documents that the site has no value as habitat for endangered, rare, or threatened species.
- 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 below the maximum density allowed for the site, the project conforms or is required to conform to Municipal Code standards for noise, air quality and lot coverage, the project conforms or is required to Public Works standards for improvements, parking, driveways, and storm drain systems, and the project will be required to obtain necessary permits for construction, including a National Pollutant Discharge Elimination System (NPDES) permit.
- 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 plans were routed to Mammoth Community Water District (MCWD), the Mammoth Lakes Fire Protection District (MLFPD), Amerigas, Mammoth Disposal, Southern California Edison (SCE), and the United States Forest Service (USFS), and all comments received have been incorporated into the project and/or conditions of approval. Additionally, at time of building permit, development impact fees (DIF) will be paid.

2. MUNICIPAL CODE FINDINGS.

FINDINGS FOR USE PERMIT

(Municipal Code Section 17.68.050)

- a. The proposed use is consistent with all applicable sections of the General Plan because the project is consistent with the High Density Residential 2 (HDR-2) designation since the project is a multi-unit townhouse development at a density of 9.6 units per acre, which is below the maximum allowable density of 12 units per acre. Additionally, the project provides a high quality townhome product available for nightly rentals in an appropriate location, the design respects the natural environment by preserving the steeply sloped portion of the lot, the architecture and building exteriors are appropriate to the Eastern Sierra, building height would remain below tree heights on the site, and pedestrian connectivity is provided (General Plan Policies C.2.L, C.2.N, C.2.T, C.2.V, C.2.X, C.4.C, L.3.A, L.5.B, L.5.C, and S.3.H).

The proposed use is consistent with all applicable sections of Title 17 because the project complies with all applicable regulations for the Residential Multi-Family 2 (RMF-2) Zone, including but not limited to density, lot coverage, snow storage, parking, solid waste/recycling, and specific land use regulations identified in Municipal Code Section 17.52.210. The project includes variance requests for a reduced front yard setback and increased building height, which are allowed pursuant to Municipal Code Chapter 17.72. The project also includes an adjustment request for increased building height, which is allowed pursuant to Municipal Code Chapter 17.76.

There is no applicable specific plan or master plan.

- b. The proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health and safety nor materially injurious to properties or improvements in the vicinity because transient use of townhomes is consistent with what is permitted in the RMF-2 Zone and the HDR-2 land use designation, and the project is similar to existing uses on properties in the vicinity.
- c. The Alternate Housing Mitigation Plan (AHMP) is to pay the current in-lieu fee for projects of nine or fewer units (\$23,222 per market rate unit) or the current in-lieu fee established at time of building permit issuance at the developer's discretion. This AHMP is approved pursuant to the following findings:
 - i. On-site housing is undesirable for the community or infeasible because the site is focused towards nightly rentals due its location across from Canyon Lodge, and because this location is also relatively far from Vons, schools, the hospital, and other resident facilities and services

(e.g., post office, gym, etc.). Also, although Canyon Lodge is a major employment center during the winter season, Canyon Lodge is typically open only about five months per year. Additionally, there is a possibility that the California Supreme Court's decision in the *CBIA v. City of San Jose* case (expected this summer) could invalidate the Town's current Interim Affordable Housing Mitigation Policy, which includes a 10% inclusionary requirement. Lastly, the Town Council has directed the update of the housing mitigation regulations to include allowing an option for payment of a fee instead of mandating on-site housing. Thus, the AHMP proposal reflects recent Council direction regarding how developers may mitigate housing impacts.

- ii. Substantial additional housing benefit is derived because \$232,220 (\$23,222 x 10 units) in housing fees would be paid before an on-site deed restricted unit would be required (10th certificate of occupancy). The Town would have the ability to utilize these funds for priority affordable housing programs and activities.
- d. Pursuant to Municipal Code Section 17.36.130.C, the Community and Economic Development Director and the Planning and Economic Development Commission find that the location of the dumpster/recyclable materials storage in the east side yard setback is appropriate because it would be readily accessible to refuse collection and recycling vehicles, would be located within an enclosure, and would be screened with a four-foot retaining wall.

FINDINGS FOR VARIANCE

(Municipal Code Section 17.72.040 and
California Government Code Section 65906)

- a. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of this Zoning Code deprives the property of privileges enjoyed by other property in the vicinity and under the identical zoning district because the site is steeply sloped, ranging from 7% to up to 30% at the southern portion of the site.
 - i. Front Yard Setback – The Zoning Code requires a 25-foot front yard setback, which would locate buildings farther south and result in substantial disturbance to the steeply sloped southern portion of the lot, which would not be consistent with General Plan policies and Design Guidelines regarding preservation of trees and natural features, such as steep slopes. A 16-foot front yard setback allows preservation of the steepest sloped portion of the site and additional trees by providing an approximately 60-foot rear setback when only a 20-foot rear setback is required. Nearby properties, Snowbird, Courchevel, and Chamonix, in the same RMF-2 Zone as the project, have buildings located less than 25 feet from Rainbow Lane, with some buildings approximately 10 to 16 feet from Rainbow Lane.
 - ii. Building Height – The Zoning Code allows a maximum building height of 35 feet as measured from finished grade, and an average building height calculation is utilized in this case because the average slope of the lot is greater than 10 percent. Since the General Plan and Design Guidelines require preservation of trees and natural features, such as steep slopes, to the maximum extent feasible, a large portion of the site is proposed to remain undisturbed and undeveloped. The undisturbed area located within required setbacks is more than 12,000 square feet, which is 30% of the required minimum lot size (40,000 square feet) in the RMF-2 Zone. Due to design considerations, density and lot coverage remain below the maximum allowed. Therefore, it is reasonable to allocate additional building envelope (i.e., height) to the proposed buildings. Developments in the vicinity and under the same zoning include the 1849 Condominiums, which are approximately 60 feet in height, and the Snowbird Condominiums, which are approximately 43 feet in height.
- b. The approval of the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zone as follows:
 - i. Front Yard Setback – The front yard setback would be reduced from 25 feet to 16 feet pursuant to this Variance. The setback reduction is not a grant of special privileges because properties in the vicinity and

under the same zoning, including Snowbird, Courchevel, and Chamonix, have buildings located less than 25 feet from Rainbow Lane, with some buildings approximately 10 to 16 feet from Rainbow Lane.

- ii. Building Height – Building heights requested pursuant to this Variance range from 38.8 feet to 43.9 feet. The increase in building height is not a grant of special privileges because developments in the vicinity and under the same zoning include the 1849 Condominiums, which are approximately 60 feet in height, and the Snowbird Condominiums, which are approximately 43 feet in height.
- c. Granting the variance would not authorize a use or activity which is not otherwise expressly authorized by the zone governing the property for which the application is made because a multi-family residential development that allows nightly rentals is permitted in the Residential Multi-Family 2 Zone.
- d. Granting the variance would not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and zoning district in which the property is located as follows:
 - i. Front Yard Setback – The setback variance would not be detrimental to the public health, safety, or welfare, or injurious to property or improvements in the vicinity because Rainbow Lane has adequate right-of-way (60 feet) and sufficient snow storage and storm drain infrastructure would be provided on the project site. Although Rainbow Lane is currently shaded by the existing tree cover on the project site, the reduced setback may increase the amount or modify the extent of shading on Rainbow Lane. Due to implementation of the Town's snow management policy, the potential change in shading would not be significant, and Town staff determined that the project would not have an associated detrimental impact. Additionally, the project would be required to comply with all applicable Building Code, Fire Code, and Public Works Standards during construction and operation. Both density (9.6 units per acre) and lot coverage (48%) would be below the maximum allowed. Furthermore, a hold harmless agreement would be executed as required by Condition of Approval 23.
 - ii. Building Height – The building height variance would not be detrimental to the public health, safety, or welfare, or injurious to property or improvements in the vicinity because the building height and massing would be similar to surrounding buildings and below the height of trees on site, consistent with the General Plan Vision, goals, and policies. The building height increase would allow for a 6:12 roof pitch, which is more functional in snow conditions compared to a lower pitched roof, and would provide a desirable roof pitch and design that is consistent with the General Plan and Town's Design Guidelines. Additionally, the project would be required to comply

with all applicable Building Code, Fire Code, and Public Works Standards during construction and operation.

- e. The variance is consistent with the General Plan and any applicable specific plan because the project complies with the General Plan Vision, goals, and policies, including that the project is below the maximum density allowed, provides a high quality townhome product available for nightly rentals in an appropriate location, the design respects the natural environment by preserving the steeply sloped portion of the lot, the architecture and building exteriors are appropriate to the Eastern Sierra, building height would remain below tree heights on the site, and pedestrian connectivity is provided (General Plan Policies C.2.L, C.2.N, C.2.T, C.2.V, C.2.X, C.4.C, L.3.A, L.5.B, L.5.C, and S.3.H). There is no applicable specific plan.
- f. The variance is the minimum departure from the requirements of the Town of Mammoth Lakes Zoning Code necessary to grant relief to the applicant, consistent with Findings a and b, above as follows:
 - i. Front Yard Setback – The setback variance would allow the project to meet the required Public Works standards for parking and driveway slopes, Zoning Code parking requirements, and Mammoth Lakes Fire Protection District requirements while preserving the steeply sloped portion of the property. The setback reduction would be nine feet, while the rear yard setback will exceed the minimum setback required by approximately 40 feet. Density and lot coverage would remain below the maximum allowed. Therefore, the request is reasonable and is the minimum departure necessary to grant relief.
 - ii. Building Height – Building heights requested pursuant to this Variance range from 38.8 feet to 43.9 feet. The building height increase would provide a desirable roof pitch and design that is consistent with the General Plan and Town's Design Guidelines. Considering the steep slope and large portion of the lot that would remain undisturbed, the request is reasonable and the minimum departure necessary to grant relief.
- g. The approval of the variance is in compliance with the requirements of the California Environmental Quality Act (CEQA) because the project was found to be categorically exempt from CEQA pursuant to CEQA Guidelines §15332, In-Fill Development Projects, as documented in Section 1, Findings – CEQA, herein.

FINDINGS FOR DESIGN REVIEW PERMIT

(Municipal Code Section 17.88.060)

- a. The proposed project is consistent with the applicable standards and requirements of the Mammoth Lakes Zoning Code because the project complies with all applicable regulations for the Residential Multi-Family 2 (RMF-2) Zone, including but not limited to density, lot coverage, snow storage, parking, solid waste/recycling, and specific land use regulations identified in Municipal Code Section 17.52.210. The project includes variance requests for a reduced front yard setback and increased building height, which are allowed pursuant to Municipal Code Chapter 17.72. The project also includes an adjustment request for increased building height, which is allowed pursuant to Municipal Code Chapter 17.76.
- b. The proposed project is consistent with the General Plan and any applicable specific plan or master plan because the project is consistent with the High Density Residential 2 (HDR-2) designation since the project is a multi-unit townhouse development at a density of 9.6 units per acre, which is below the maximum allowable density of 12 units per acre. Additionally, the project provides a high quality townhome product available for nightly rentals in an appropriate location, the design respects the natural environment by preserving the steeply sloped portion of the lot, the architecture and building exteriors are appropriate to the Eastern Sierra, building height would remain below tree heights on the site, and pedestrian connectivity is provided (General Plan Policies C.2.L, C.2.N, C.2.T, C.2.V, C.2.X, C.4.C, L.3.A, L.5.B, L.5.C, and S.3.H). There is no applicable specific plan or master plan.
- c. The proposed project is consistent with the Town of Mammoth Lakes Design Guidelines and any applicable design guidelines adopted by the Town Council because natural site features are recognized by locating buildings away from the steepest portion of the site; grading is reduced as a result of the variance to reduce the front yard setback; parking areas are screened from the street; landscaping includes plants recommended for Mammoth Lakes; building forms, roofs, and facades provide variation and visual interest; a clear building base is provided; and materials and colors are appropriate for the neighborhood, natural environment, and Mammoth Lakes.
- d. The site design and building design elements, including 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 character and/or aesthetic character of the area and a mountain resort community, encourages increased pedestrian activity, and promotes compatibility among neighboring uses because the buildings' architecture and exterior treatment are of high quality that is complementary to a mountain environment and the neighborhood. The building massing is similar to projects in the vicinity and zoning district. The project

includes a pedestrian walkway that connects the west portion of the site to Rainbow Lane.

- e. The design of streetscapes, including street trees, lighting, and pedestrian furniture, is consistent with the character of commercial districts and nearby residential neighborhoods because the project includes landscaping in the front yard that consists of plantings appropriate to Mammoth Lakes. The project is not located in a commercial district and does not require the installation of street trees, street lighting, or pedestrian furniture, which is consistent with the surrounding residential neighborhoods. The project includes a pedestrian walkway that provides a separate pedestrian connection to Rainbow Lane.
- f. Parking areas are located, designed and developed to foster an 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 because parking is screened from the street by buildings, retaining walls, and landscaping. The project driveway meets Public Works standards, which will minimize conflicts between vehicles and pedestrians and cyclists. Also, the project is 12% below the maximum allowable lot coverage and includes the installation of necessary storm drain infrastructure.
- g. 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 because the project lighting will comply with the Town's Outdoor Lighting regulations (Condition of Approval 19).
- h. 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 because the landscaping consists of species that are drought tolerant and appropriate to Mammoth Lakes, and the preliminary landscape plan reflects snow storage areas and the proposed site and building design. Conditions of Approval 20 and 38 require landscaping with minimal water requirements consistent with State mandates.
- i. The proposed project is consistent with any approved tentative map, use permit, variance, or other planning or zoning approval that the project required because the design review permit is being processed concurrently with the tentative tract map, variance, use permit, and adjustment, and therefore, will be consistent.

FINDINGS FOR ADJUSTMENT

(Municipal Code Section 17.76.040)

- a. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of this Zoning Code deprives the property of privileges enjoyed by other property in the vicinity and under the identical zoning district because the site is steeply sloped, ranging from 7% to up to 30% at the southern portion of the site. Since the General Plan and Design Guidelines require preservation of trees and natural features, such as steep slopes, to the maximum extent feasible, a large portion of the site is proposed to remain undisturbed and undeveloped. The undisturbed area located within required setbacks is more than 12,000 square feet, which is 30% of the required minimum lot size (40,000 square feet) in the RMF-2 Zone. Due to design considerations, density and lot coverage remain below the maximum allowed. Therefore, it is reasonable to allocate additional building envelope (i.e., height) to the proposed buildings. Developments in the vicinity and under the same zoning include the 1849 Condominiums, which are approximately 60 feet in height, and the Snowbird Condominiums, which are approximately 43 feet in height.
- b. The approval of the adjustment does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zone because building heights requested pursuant to this Adjustment range from 36.9 feet to 37.8 feet. The increase in building height is not a grant of special privileges because developments in the vicinity and under the same zoning include the 1849 Condominiums, which are approximately 60 feet in height, and the Snowbird Condominiums, which are approximately 43 feet in height.
- c. Granting the adjustment would not authorize a use or activity which is not otherwise expressly authorized by the zone governing the property for which the application is made because a multi-family residential development that allows nightly rentals is permitted in the Residential Multi-Family 2 Zone.
- d. Granting the adjustment would not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and zoning district in which the property is located because the building height and massing would be similar to surrounding buildings and below the height of trees on site, consistent with the General Plan Vision, goals, and policies. The building height increase would provide a desirable roof pitch and design that is consistent with the General Plan and Town's Design Guidelines. Additionally, the project would be required to comply with all applicable Building Code, Fire Code, and Public Works Standards during construction and operation.
- e. The adjustment is consistent with the General Plan and any applicable specific plan because the project complies with the General Plan Vision, goals, and policies, including that the project provides a high quality townhome product available for nightly rentals in an appropriate location, the design respects the natural environment by preserving the steeply sloped portion of the lot, the architecture and building exteriors are appropriate to the Eastern Sierra,

building height would remain below tree heights on the site, and pedestrian connectivity is provided (General Plan Policies C.2.L, C.2.N, C.2.T, C.2.V, C.2.X, C.4.C, L.3.A, L.5.B, L.5.C, and S.3.H). There is no applicable specific plan.

- f. The adjustment is the minimum departure from the requirements of the Town of Mammoth Lakes Zoning Code necessary to grant relief to the applicant, consistent with Findings a and b, above because building heights requested pursuant to this Adjustment range from 36.9 feet to 37.8 feet, which is less than a 10% increase as allowed with an adjustment. The building height increase would allow for a 6:12 roof pitch, which is more functional in snow conditions compared to a lower pitched roof, and would provide a desirable roof pitch and design that is consistent with the General Plan and Town's Design Guidelines. Considering the steep slope and large portion of the lot that would remain undisturbed, the request is the minimum departure necessary to grant relief.
- g. The approval of the adjustment is in compliance with the requirements of the California Environmental Quality Act (CEQA) because the project was found to be categorically exempt from CEQA pursuant to CEQA Guidelines §15332, In-Fill Development Projects, as documented in Section 1, Findings – CEQA, herein.

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

- a. The proposed map is consistent with applicable General and Specific Plans as specified in Section 65451 of the Subdivision Map Act because the project is consistent with the High Density Residential 2 (HDR-2) designation since the project is a multi-unit townhouse development at a density of 9.6 units per acre, which is below the maximum allowable density of 12 units per acre. Additionally, the project complies with the General Plan Vision, goals, and policies, including that the project provides a high quality townhome product available for nightly rentals in an appropriate location, the design respects the natural environment by preserving the steeply sloped portion of the lot, the architecture and building exteriors are appropriate to the Eastern Sierra, building height would remain below tree heights on the site, and pedestrian connectivity is provided (General Plan Policies C.2.L, C.2.N, C.2.T, C.2.V, C.2.X, C.4.C, L.3.A, L.5.B, L.5.C, and S.3.H).

There is no applicable specific plan.

The Trail System Master Plan (TSMP) shows a "long-term sidewalk" along Rainbow Lane. The TSMP describes that the sidewalk recommendations included in the TSMP should be considered in future mobility planning efforts (e.g., Pedestrian Master Plan and Mobility Plan/Element). The 2014 Pedestrian Master Plan and the current draft Mobility Plan/Element do not show a sidewalk along Rainbow Lane. Therefore, this project is not required to construct a sidewalk along Rainbow Lane.

- b. The design and improvements of the subdivision are consistent with applicable general and specific plans because the project complies with Municipal Code development standards such as density, parking, lot coverage, and snow storage, which implement the goals and policies of the Town of Mammoth Lakes General Plan. Furthermore, the project complies and is conditioned to comply with all Public Works standards for all improvements. The property is not located within a specific plan area.
- c. The site is physically suitable for the type of development because the project complies with density standards while preserving the steeply sloped portion of the lot. A reduced setback and increased building height, approved through a variance and adjustment, are allowed by state law and the Municipal Code.
- d. The site is physically suitable for the proposed density of development because the density proposed is 9.6 units per acre and a maximum of 12 units per acre is permitted. A reduced setback and increased building height, approved through a variance and adjustment, are allowed by state law and 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 is Categorically Exempt from environmental review pursuant to Section 15332, In-Fill Development Projects, of the California Environmental Quality Act (CEQA) Guidelines.

- f. The design of the subdivision and the types of improvements is not likely to cause serious public health problems since 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. Grading and building permits will be obtained to ensure all applicable health and safety requirements are complied with.
- g. That the design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision since all easements are shown on the tentative tract map and the property has access to a public street 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. TOWN COUNCIL ACTIONS. Based on all the findings and all the evidence in the record of proceedings in this matter, the Town Council hereby takes the following actions:

1. Determines that substantial evidences exists to support the Planning and Economic Development Commission's approval of the Mountainside project (Tentative Tract Map 15-001, Variance 15-001, Use Permit 15-001, Design Review 15-001, and Adjustment 15-001) and to deny the appeal;
2. Affirms the Planning and Economic Development Commission's approval of the Mountainside project (Tentative Tract Map 15-001, Variance 15-001, Use Permit 15-001, Design Review 15-001, and Adjustment 15-001);
3. Finds that this project is categorically exempt pursuant to Section 15332, In-Fill Development Projects, of the California Environmental Quality Act (CEQA) Guidelines;
4. Approves Tentative Tract Map 15-001, Variance 15-001, Use Permit 15-001, Design Review 15-001, and Adjustment 15-001 subject to the following conditions:
(SEE ATTACHMENT "A"); and
5. Directs staff to file a Notice of Exemption.

PASSED AND ADOPTED this 3rd day of June 2015, by the following vote, to wit:

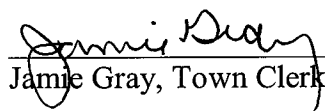
AYES: Bacon, Fernie, Raimondo, Richardson, Wentworth

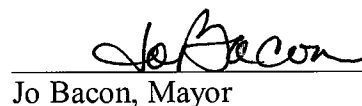
NAYS:

ABSENT:

ABSTAIN:

ATTEST:


Jamie Gray, Town Clerk


Jo Bacon, Mayor

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

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I, John Hooper of Mountainside One, LLC am the property owner and 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.

6-10-15

John Hooper Date
Mountainside One, LLC
(Notary Required)

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.

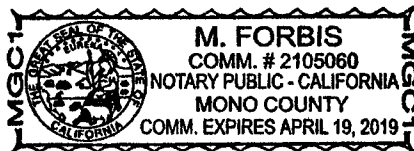
ALL-PURPOSE ACKNOWLEDGMENT FOR CALIFORNIA

STATE OF CALIFORNIA
COUNTY OF Mono

On June 10, 2015, before me, M. Forbis, notary public
Date Name And Title Of Officer (e.g. "Jane Doe, Notary Public")
personally appeared John Hooper
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.



Place Seal Above

WITNESS my hand and official seal.

[Signature]
Signature of Officer

ATTACHMENT "A"
Resolution No. 2015-16
Case No. TTM 15-001, VAR 15-001, UPA 15-001, DR 15-001, ADJ 15-001

PLANNING DIVISION CONDITIONS

STANDARD PLANNING CONDITIONS

1. This approval authorizes the following: A 16-unit townhome project, Mountainside, located at 413 Rainbow Lane. A variance is approved to reduce the front yard setback along Rainbow Lane from 25 feet to 16 feet and to increase building heights of Lots 2-5 to 38.8 feet and Lots 11-16 to 43.9 feet. An adjustment is approved to increase building heights of Lots 6-9 to 37.8 feet and Lot 10 to 36.9 feet.
2. This permit and all rights hereunder shall automatically terminate unless the business operation, 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 Section 17.64.060.B.
3. All new improvements constructed on the site shall be in compliance with all Town of Mammoth Lakes, County of Mono, Mammoth Community Water District, the Mammoth Lakes Fire Protection District, the CRWQCB Lahontan District, Great Basin Air Pollution Control District, OSHA, State of California and United States of America laws, statutes, ordinances, regulations, directives, orders, and the like applicable thereto and in force at the time thereof. Any violation of the above may constitute grounds for revocation of the use permit under 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 use permit shall be met or secured prior to final occupancy approval of any tenant improvements or new structures.

8. All uses are subject to review by the Building Official of the Town of Mammoth Lakes and must conform to occupancy ratings of the structures to obtain occupancy.
9. Town staff shall have the right to enter the subject property to verify compliance with these conditions. The holder of any permit associated with this project shall make the premises available to Town staff during regular business and shall, upon request, make records and documents available to Town staff as necessary to evidence compliance with the terms and conditions of the permit.
10. Prior to the issuance of a building permit, the applicant shall pay Development Impact Fees as prescribed by ordinance and/or resolution and pay any fees due on this project processing account.
11. Where compliance with the conditions of approval or applicant initiated changes to the plans require additional staff review, that review time shall be billed at the Town's established billing rates. Prior to the issuance of a building or grading permit, the applicant shall pay all outstanding costs for the processing of this application.
12. The approved site and building plans shall be adhered to and maintained for the duration of the permit.
13. This action may be challenged in accordance with Municipal Code Chapter 17.104.
14. Prior to receipt of a grading or building permit, the applicant shall obtain a secondary source permit or letter of exemption from the Great Basin Unified Air Pollution Control District.
15. The applicant shall defend, indemnify, and hold harmless the Town and its agents, officers, and employees from any claim, action, or proceeding against the Town and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the Town, advisory agency, appeal board, or legislative body concerning this approval. The Town shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense.
16. Pursuant to Government Code Section 66474.9 the subdivider shall defend, indemnify, and hold harmless the Town and its agents, officers, and employees from any claim, action, or proceeding against the Town and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the Town, advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Government Code Section 66499.37. The Town shall promptly notify the subdivider of any claim, action, or proceeding and shall cooperate fully in the defense.
17. In consideration of the Town's Vision Statement requiring a de-emphasis of the use of the automobile, occupancy and mode of travel expectations and to mitigate the impacts of the project on air quality as required by CEQA, the applicant and the owners association, if formed, shall submit a petition to be annexed into the Transit and Transportation Fee Community Facility District (CFD 2013-03) and pay all fees associated with the annexation process prior to final map approval by staff. CFD

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2013-03 shall be referenced in the project CC&Rs, as well as in any disclosure documents required by the California Department of Real Estate for the project.

18. The trash enclosure 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 enclosure. All trash enclosures, receptacles, and food storage areas shall be animal resistant. The enclosure is not required to be gated.
19. 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.
20. 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 for inclusion in the project grading permit. Where no grading permit is required, the final landscape plan must be submitted to and approved by the Town prior to issuance of a building permit. Said landscape and irrigation plan shall substantially conform to the preliminary landscape plan reviewed and approved by the Planning and Economic Development Commission (also see Condition of Approval 38). All landscape plantings shall be maintained in a healthy and growing condition at all times (as applicable for the season) and individual plants shall be replaced if they become diseased or die. An automated irrigation system shall be provided for each landscape area. The irrigation equipment and system shall be maintained in a proper working condition at all times. Landscaping and irrigation systems within the public right-of-way within or adjacent to the project area shall be maintained by the property owner, with the exception of benefit assessment district areas.
21. 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 prior to any tree removal.
22. 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.
23. The property owner shall execute a hold harmless agreement waiving any liability on the part of the Town for damage from snow removal or other standard street maintenance functions.
24. 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.

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25. 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.
26. 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.
27. 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.
28. Roof vents, exhaust, pipes and flues shall be combined and/or collected together on slopes of roof out of public view to the greatest extent possible.
29. Retaining wall design and material(s) shall be reviewed by the Town prior to grading permit issuance.

SPECIAL PLANNING CONDITIONS

30. Prior to the issuance of each building permit for each of the seven duplex buildings, the applicant shall elect to pay either \$23,222 per unit (i.e., \$46,444 per duplex building permit) for a total project fee payment of \$325,108, or the current fee in effect at time of building permit issuance. This shall be ensured by the Community and Economic Development Department prior to building permit issuance.
31. The trash/recyclable materials enclosure shall be installed prior to the issuance of the third certificate of occupancy for the project. This shall be reviewed and approved by the Community and Economic Development Department.
32. Prior to the issuance of each building permit, the applicant shall pay the required public art fees. This shall be ensured by the Community and Economic Development Department prior to building permit issuance.
33. Roof eaves encroaching into setback areas shall be protected with snow restraint devices. This shall be reviewed and approved by the Community and Economic Development Department prior to issuance of a certificate of occupancy.
34. As shown on Tentative Tract Map 15-001 Sheet 2, Lot 9 (Building A) and Lot 16 (Building C) shall not have any habitable area that encroaches into the east 10-foot side yard setback. This shall be reviewed and approved by the Community and Economic Development Department prior to building permit issuance.
35. The water supply and rough-in roadway system capable of supporting 75,000 pounds shall be in place prior to the delivery of combustible construction products. Due to the tight working area, the developer shall provide location(s) for staging area(s) of

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construction material and employee parking. This shall be reviewed and approved by the Mammoth Lakes Fire Protection District prior to grading permit issuance.

36. A key box shall be provided with an individual master key that provides access to each structure. This shall be reviewed and approved by the Mammoth Lakes Fire Protection District prior to building permit issuance.
37. A wildland fuels management plan, including fire hazard reduction analysis, shall be completed for the area between the proposed structures and the south property line. This shall be reviewed and approved by the Mammoth Lakes Fire Protection District prior to building permit issuance.
38. Condition of Approval 20, above, requires the final landscape and irrigation plan to substantially conform to the preliminary landscape plan approved by the Planning and Economic Development Commission; however, if substantial changes to the landscape plan are required to comply with new state regulations regarding water usage, those changes shall be reviewed and approved by the Community and Economic Development Department prior to building permit issuance.
39. The applicant shall terminate any lease or agreement that would conflict with the ability of the project to comply with the Municipal Code snow storage requirements prior to the issuance of a building permit. This shall be reviewed and approved by the Community and Economic Director prior to issuance of the first building permit.
40. The revised Building C north elevation, Sheet A3.2, dated April 30, 2015, is approved by the Planning and Economic Development Commission. The Community and Economic Development Department shall ensure that the building permit plans for Building C confirm to this revised elevation prior to issuance of a building permit for Building C.
41. The west elevation of Building D shall be revised to incorporate similar design features as shown on the revised Building C north elevation, Sheet A3.2, dated April 30, 2015. This shall be reviewed and approved by the Community and Economic Development Department prior to issuance of a building permit for Building D.
42. The dumpster shall be relocated to the west side of the project site subject to approval by Mammoth Disposal. This shall be reviewed and approved by the Community and Economic Development Director prior to grading permit issuance.

ENGINEERING DIVISION CONDITIONS

STANDARD CONDITIONS / GENERAL REQUIREMENTS:

43. A final map, consistent with the tentative map and the conditions herein, shall be recorded with the County Recorder of Mono County prior to the expiration of the approved tentative map. The final map shall conform to the Subdivision Map Act and the Subdivision Ordinance for the Town of Mammoth Lakes. The tentative map shall expire 24 months after the approval date. Failure to record the final map prior to the expiration will nullify all approvals, except as such time limitation may be extended by law or by the Planning and Economic Development Commission in accordance with the Subdivision Map Act.
44. Copies of all exceptions, easements, restrictions and encumbrances listed in the preliminary title report together with a copy of the current grant deed and a current title report, a copy of each record map for the subject property shown within the tentative map boundary, and a copy of each and every adjacent map, deed or other document as necessary that establish, or were used for the survey of, and for the retracement of the subdivision boundary shall be submitted with the initial submittal of the final map. A subdivision guarantee shall be issued and dated within 30 days prior to final map approval by the Planning and Economic Development Commission.
45. The maintenance of graded slopes and landscaped areas shall be the responsibility of the developer until the transfer to individual ownership or until the maintenance is officially assumed by an approved maintenance district or property owners association.
46. Slope rights adjacent to public rights of way shall be dedicated on the final map where necessary.
47. All new utility lines within, adjacent to or serving the site shall be placed underground.
48. The site grading design and all building construction shall conform to State and federal disabled access regulations.
49. Paved access is required to a maintained street. Street and traffic signs shall meet the California Manual of Uniform Traffic Control Devices (MUTCD).
50. 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.
51. 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.

52. The applicant shall submit to the Town an electronic file of the final map in AutoCAD, or other format as may be approved by the Public Works Director, within 30 days of approval of the final map.
53. All easements and dedications shall be in a form and content acceptable to the Public Works Director.
54. Nothing in the approval of this tentative tract map shall be construed to allow for the deviation, adjustment, variance or non-conformance of any Municipal Code or ordinance, or of any local, State or federal standard, policy, regulation or law, unless specifically provided for herein.
55. All grading and public improvements shall be consistent with the Town of Mammoth Standard Plans for Public Works.
56. Any off-site improvements required, such as installation of roads, sewers, water lines, or drainage improvements, which are of benefit to land other than the land located within the subdivision, shall be subject to an approved agreement between the Town and the subdivider to reimburse him in whole or in part for the use of the improvement by lands other than those developed by the subdivider, pursuant to Section 17.16.190 of the subdivision ordinance.

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

57. The final map shall conform to the requirements of Town of Mammoth Lakes Ordinance 84-10 and all amendments thereto.
58. A preliminary soils report shall be filed with and reviewed by the Public Works Director. The report shall address and make recommendations as to the compacted and un-compacted fills on-site. A note shall be placed on the final map indicating which lots require grading remediation. An "as-graded" soils report shall be provided to the Town upon completion of the grading.
59. A form of security listed in Government Code Section 66499(a) and acceptable to the Town shall be posted to secure completion of all required grading, street and drainage improvements in accordance with the Municipal Code and the applicant shall enter into a subdivision improvement agreement for all required public improvements in accordance with the Subdivision Map Act. The agreement shall include provisions for the posting of warranty sureties for the accepted public improvements two weeks prior to Planning and Economic Development Commission approval of the final map. Construction cost estimates for all required sureties shall be prepared and signed by a registered civil engineer. The estimates shall be at prevailing wages and shall include 20% for construction contingencies and 20% for administrative costs. All sureties shall be posted prior to the issuance of a grading permit and prior to approval by staff of the final map.

60. A form of security listed in Government Code Section 66499(a) shall be posted with the Town in a form acceptable to the Town Surveyor for any deferred final monumentation for the final map. The estimated amount of the surety shall be prepared by the licensed land surveyor preparing the final map and shall be approved by the Town Surveyor.
61. Rights of way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing shall be required as necessary.
62. All easements as shown on the tentative map shall be granted on the final map, or recorded by separate document prior to or concurrent with recordation of the final map in a form and in content acceptable to the Town. Easements to be recorded by separate document shall be submitted to the Town for review and approval. The fully executed documents shall be submitted to the Public Works Director prior to approval of the final map. Easements shown on the tentative map to be granted or dedicated shall indicate the beneficiary of the easement(s).
63. Easements shown on the tentative map to the benefit of an agency other than the Town or to other parties shall be shown on the final map as "Easements Reserved". The owners statement on the parcel map shall reserve said easements unto themselves, their heirs and assigns.
64. All documents that are required to record prior to or concurrent with the recordation of the final map shall be reviewed and approved by the Town and shall be fully executed, notarized and ready for recordation prior to approval of the final map by town staff. The originals of the executed documents shall be delivered to the Public Works Director together with the final map prior to approval of the final map.
65. Monumentation of the subdivision shall be installed in accordance with the Subdivision Ordinance of the Town, Ordinance 84-10.
66. A snow removal/storage plan shall be submitted by the applicant and approved by the Community and Economic Development Department. This plan and provisions for maintenance of private driveways and drainage facilities shall be included in the CC&Rs prior to final map approval by Town staff.
67. 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.
68. Existing CC&Rs, if any, encumbering the property shall be amended as necessary for the proposed development of this project.
69. The applicant shall submit a request for unit, building and street addressing to the Town, and a request for street names for all streets within the subdivision. Approval of the addressing and street names shall be completed prior to approval of the map by staff.
70. For condominium projects the following statement shall appear on the signature sheet of the final map: "THIS SUBDIVISION IS A PLANNED DEVELOPMENT AS DEFINED IN SECTION 6562 OF THE CIVIL CODE OF THE STATE OF

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CALIFORNIA, CONTAINING A MAXIMUM 48 ROOMS WITHIN 16 UNITS AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT.”

71. Prior to approval of the final map by staff, the applicant shall provide evidence to the Town that the property taxes have been pre-paid to Mono County Tax Collector or their payment has been secured by the filing of a surety bond or other cash-equivalent security acceptable to the County.
72. As required by the Town's Subdivision Ordinance Section 17.08.035 and Council Resolution 14-28, the applicant shall pay a fee for each unit, parcel or lot, including lettered lots and parcels and common area lots or parcels, created to the Community and Economic Development Department for long range planning reimbursement prior to approval by staff of the final map.
73. If the subdivider elects to file multiple final maps, then prior to submittal of the first final map for the project, the applicant shall submit a development schedule of phasing and improvements for review and approval by the engineering and planning divisions of the town. The Town may impose additional conditions relative to phasing and the filing of multiple maps in accordance with Section 66456.1 of the Subdivision Map Act. Phasing may only be permitted if discontinuous right-of-ways and substandard lots are not created by the phasing.

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

74. 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.
75. An application for a grading permit shall be submitted to the Engineering Services Division of the Public Works Department in accordance Chapter 12.08 of the municipal code. No change to the existing conditions of the site, including site grading, drainage interruption, land clearing, etc. shall be commenced until an engineered grading, drainage and landscape/irrigation plans have been approved by the Public Works Director.
76. A grading permit for the project shall not be issued prior to approval of the landscaping and irrigation plans per Municipal Code 17.40.
77. An encroachment permit or a letter of exemption shall be obtained from the Engineering Services Division of the Town prior to construction within the public right of way in accordance Chapter 12.04 of the Municipal Code.

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78. 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.
79. 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.
80. 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.
81. 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.
82. 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.
83. 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.
84. Slope stability tests are required for all cuts greater than 2:1 or fills greater than 3:1 (H:V).
85. 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.
86. All driveways shall be constructed in accordance with the driveway standards of the Town.
87. 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.

88. 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.
89. A final hydrology and hydraulics study is required and shall be submitted with the grading and improvement plans for the project. The study shall be prepared in accordance with the grading chapter of the municipal code and the adopted Storm Drain Master Plan of the Town and shall be prepared by a registered civil engineer. The study shall include runoff from the entire site and shall also include runoff that enters the property from all upstream sources, and shall include all storm drains, drywells, infiltrators and surface flows. The study shall indicate the method of conveying surface and underground runoff and shall address drainage conveyances downstream to the extent they exit to an existing facility or natural drainage course. All existing drainage facilities on-site and tributary to the site shall be identified and shown on the grading plans. The hydraulic calculations shall include all pipe flows, velocities and head loss calculations sufficient to show the adequacy of all conveyance systems. Q100 and V100 and the hydraulic grade line for all public storm drains and all facilities with an equivalent diameter of 18 inches or greater shall be shown on the approved grading and improvement plans. The drainage study for the project and the final design of the storm drain system shall be approved prior to approval by staff of the grading and improvement plans and the final map. Infiltrators and storm water pollution prevention facilities are to be designed to accept the "first flush" levels of runoff. The capacity of these facilities shall not be assumed to reduce storm water flows of other drainage facilities that may be required for the project.
90. 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

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least one season. Permanent BMPs shall include sediment traps upstream of infiltrators and oil water separators for parking areas consistent with the General Plan.

91. 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.
92. On the cover sheet of the grading plans and in a very conspicuous location place the following note: "The conditions of approval for the approved tentative tract map, TTM 15-001, VAR 15-001, UPA 15-001, DR 15-001, and ADJ 15-001, contained in the resolution recorded at the County Recorder's Office of Mono County as Document No. 2015xxxxx, 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.
93. Prior to combustible materials being placed on-site, an all-weather access road shall be constructed serving all exterior portions of the structure to the satisfaction of MLFPD.
94. 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.
95. 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.
96. The grading plan and building permit plans shall indicate all snow storage areas and drainage facilities.
97. All easements shall be shown on the grading and building permit plans.
98. 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.

99. A tree removal plan shall be approved prior to any land disturbance and the issuance of a grading or building permit. A pre-construction meeting shall be held on-site prior to any land disturbance to inspect clearing limit fencing. The applicant shall obtain the necessary Timber Harvest Permit prior to any tree removal.
100. 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:**

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

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

102. All required landscaping and irrigation improvements shall be constructed prior to the first temporary, conditional or final certificate of occupancy for the project. A form of security listed in Government Code Section 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.
103. 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.
104. The final condominium plans for the project shall be submitted to the Town for review for conformance with the approved development plan, tentative map, use permit and CC&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.

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105. Construction of private streets and private facilities and related drainage improvements shall be inspected and certified by the Public Works Director and/or designee.
106. 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 the first certificate of occupancy for the project.
107. 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.
108. 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.

SPECIAL ENGINEERING CONDITIONS

109. A 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.
110. Since the project would disturb more than one acre, a National Pollutant Discharge Elimination System (NPDES) permit is required. The NPDES permit shall be approved by the State Water Resources Control Board and Waste Discharger Identification (WDID) number issued prior to the issuance of a Town grading permit.
111. Prior to the issuance of building permits one of the following shall be completed:
 - a. Recordation of the final map. The applicant shall provide evidence to the Town that the map has recorded prior to issuance of the first building permit for the project. Evidence shall consist of the recording information of the final map; or
 - b. If a building permit is issued prior to the recordation of the final map, the project shall be considered an apartment development under one ownership

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to comply with State Subdivision Map Act unless and until the final map is recorded. Under this scenario, no certificate of occupancy may be issued and no sale or offer for sale of the units may be made by the owner until a final map is recorded.

112. The final alignment of the pedestrian path shall reflect the updating circulation and parking plan for the Canyon Lodge parking lot. The final alignment shall comply with applicable setback requirements. The final alignment shall be reviewed and approved by the Public Works Director and the Community and Economic Development Director prior to the issuance of a grading permit for the pedestrian path.

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

I, JAMIE GRAY, Town Clerk of the Town of Mammoth Lakes, DO HEREBY CERTIFY under penalty of perjury that the foregoing is a true and correct copy of Resolution No. 15-16 adopted by the Town Council of the Town of Mammoth Lakes, California, at a meeting thereof held on the 3rd day of June, 2015, by the following vote:

AYES: Councilmembers Fernie, Richardson, Wentworth, Mayor Pro Tem
 Raimondo, and Mayor Bacon

NOES: None

ABSENT: None

ABSTAIN: None

DISQUALIFICATION: None



JAMIE GRAY, Town Clerk