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AGENDA BILL

Subject: Appeal of the Planning Commission's Determination to Approve Tentative Tract Map 36-235 and Use Permit 2005-09 to Construct a 193-Unit Condominium Hotel Having Lock-off Units Totaling 225 "Keys" with Understructure Parking for 259 Vehicles with Full-Time Valet Parking Services, Spa, Pool and Patio, Meeting Facilities, Restaurant/Bar, Twenty-four Workforce Housing Units, and Associated Landscape Improvements on Five Parcels of Land Totaling Seven Acres.

Applicant: Mammoth Hillside, LLC

Appellant: John Walter, Chair for Advocates for Mammoth

Initiated by: Craig Olson, Senior Planner

BACKGROUND:

On January 12, 2006, the Planning Commission voted (3-2: with Commissioners Tenney and Saari voting no) to approve the Tentative Tract Map and Use Permit request to permit the construction of the Mammoth Hillside project as conditioned by staff. An appeal of the Commission's determination was filed on January 27, 2006.

ANALYSIS/DISCUSSION:

Exhibit "1" contains the appeal request. The appeal contends that the Mammoth Hillside project does not comply with several areas of the General Plan, the North Village Specific Plan (NVSP), and Town Ordinances. The appellant cites eight specific instances in which it is stated that the project is non-compliant. The following summarizes the content of the appeal and staff's presentation to the Planning Commission.

The appeal contends that the project does not conform to the NVSP Goals as follows:

1. "Development policies and standards established in the Plan address improvements to infrastructure, particularly roads, that will not only be

helpful in accommodating the new development, but will also improve existing conditions.” The appeal contends that the project will aggravate what is already a poor situation related to traffic on the main road to Canyon Lodge, to the drop-off area for the Village and Village Gondola, and to the Village parking structure.

- Response: A Traffic Impact Analysis was prepared for the project by LSA Associates. The report recommended three mitigation measures: (1) Re-stripe the Lakeview Road/Lake Mary intersection southbound approach from Lakeview to provide dedicated left and right turn lanes onto Lake Mary Road, (2) Widen Canyon Boulevard by ten feet to provide a northbound left-turn lane onto the project access driveway, and (3) Provide a line-of-sight for drivers exiting the site and turning right from the driveway onto Canyon by prohibiting any obstructions within 10 feet of the property line for a 120-foot span south of the driveway.

The Town requested a peer review of the LSA study by LSC Transportation Consultants. The peer review agreed with the Levels of Service (LOS) analysis and the cumulative traffic generation analysis that indicated acceptable LOS for all roadway segments and intersections within the vicinity except for Lakeview Road at its intersection with Lake Mary. LSC identified that drivers exiting onto Canyon from the project’s access driveway may have their northerly line-of-sight obstructed by buses that park within the transit turnout bays to the north of the driveway intersection. Staff included a condition that additional analysis will need to be provided assuming that buses are parked in the bays. Unless it can be proven that adequate sight distance to the north can be achieved, additional mitigation will need to be required including, but not limited to, the reduction of speeds along Canyon Boulevard, the redesign of the transit center bus parking, and/or relocation of the driveway. Additionally, LSC identified the need for hydronic heating of Lakeview at its approach to Lake Mary Road consistent with the Town’s Capital Improvement Program and signing of the dedicated left and right turn lanes. These roadway improvements are included as conditions of the project’s approval.

2. “Development of the North Village area as a unified and centralized project will strengthen the mountain resort image and character of the community. Building heights are held generally below the existing tree canopy. Architectural and landscape detailing will conform to the regional mountain character of Mammoth Lakes.” The appeal contends that the project does not provide “connectivity” to the Village, that the pedestrian bridge over Canyon Boulevard has been deleted, and that the project takes advantage of the NVSP by using the maximum height allowances.

- Response: NVSP Objectives 3, 4, and 5 encourage the creation of a pattern of land uses which enable the development of a

concentrated resort dependent upon a functional pedestrian system. As determined by the Advisory Design Panel (ADP) and the Planning Commission, the Mammoth Hillside project will help to unify and integrate the Village core through pedestrian linkages along the west side of Canyon Boulevard and by providing a future pedestrian bridge over-crossing of Canyon Boulevard to the Gondola Building and the Village Plaza. Use Permit Condition Number 10 requires the applicant to apply for a Design Review Permit for the bridge prior to the first Certificate of Occupancy (C of O) for the project and that the bridge be constructed within eight months from the issuance of the first C of O.

Building height is regulated by Section 5 (page 32) of the NVSP. Within the Plaza Resort (PR) designation and Resort Lodging overlay, 1 to 7 building levels are allowed with a maximum permitted height of 75 feet and a maximum projected height of 90 feet. Since the project area crosses the land use boundaries of the PR and Specialty Lodging (SL) designations, Section 5.c, page 32 of the NVSP allows the highest permitted and projected heights of the PR designation to apply to the entire structure subject to Design Review approval.

Section 5.d, page 33 of the NVSP allows building height to be measured from the understructure garage roof elevation to the top of the roof ridgeline. Building projections above the 75-foot permitted height to the 90-foot maximum height may be allowed provided that a roughly equivalent reduction is provided below the permitted height and no more than 50% of the building square footage exceeds the permitted height. The project architect provided a height study to show that 11% of the building is proposed at the 90-foot maximum height and that 89% of the building is at or below the 75-foot permitted height. 31% of the building that is below the permitted height does not exceed 50 feet. Therefore, the building height conforms to the NVSP standards.

3. "The Specific Plan sets coverage and density restrictions similar to those established by the Town zoning regulations to ensure that some open space is preserved... The coverage and massing of buildings will create open spaces and preserve viewsheds throughout the development. Existing trees will be retained as possible and substantial new tree stands will be planted." The appeal contends that the project does not provide evidence on the effect of the project on viewsheds, that site coverage standards may be inconsistent due to site coverage transfers, and that the conditions do not require that all removed trees be replaced on-site.

- Response: NVSP Policy number 7 encourages a varied skyline. The proposed buildings have varying eave and roof ridge heights. The NVSP Design Guidelines encourage dormers to be built into

the roof and gabled over hip roof ends. Visual simulations were provided for the ADP and the Commission's review. The ADP and Commission determined that the project's roof design adheres to these guidelines. It was also noted that the upward slope of the adjacent terrain will allow for mountain views from the Westin (Monache) project over the Mammoth Hillside structure.

The NVSP (Section 3, page 31) allows a maximum site coverage of impervious surfaces of 75% in the PR Zone and 60% in the SL Zone. The PR zoned portion of the property had a site coverage transfer of 14,881 square feet that basically brings its site coverage to 60% as well. The Phase I project area proposes a building footprint of 82,760 square feet and 53,700 square feet of impervious area for driveways, pathways, and the pool and spa area for a total of 136,460 square feet. When the 136,460 square foot coverage is divided by the 5.21-acre Phase I site (4.6-acres + 0.61-acre Lake Mary vacation = 5.21-acres or 226,948 square feet), the site coverage is 60%. Therefore, the 60% site coverage standard is adhered to by the Phase I portion of the project.

Consistent with the NVSP (item 16, page 47) and Use Permit Condition 8 of the approved Resolution, all removed trees greater than 12 inches diameter shall be replaced on a one-for-one basis either on-site or on an off-site location approved by the Town. Trees used for re-vegetation shall be native to the Mammoth Lakes community. Consistent with the Timber Valuation Report, the applicant shall provide the Town with the valuation of trees to be planted at a replacement cost of \$21,034.50 or more prior to installation of the landscape plantings.

4. "The pedestrian orientation of North Village adds shopping, recreational, and an accommodation experience not now present in Mammoth Lakes. This diversity will benefit the entire community." The appeal contends that the project only provides parking to accommodate the project and that on-site services are only available to owners and guests thereby conflicting with the goal of providing a benefit for the entire community.

- Response: It is true that the services within the hotel will be primarily for the use of owners and guests and that the number of parking spaces provided within Phase I does not include parking for off-site customers. This is consistent with the NVSP Land Use Description for the Specialty Lodging portion of the site (page 27) that states: "Commercial and restaurant uses are only permitted within these uses [i.e.: hotels, resort condominiums, etc.] solely to provide service for their guests."

5. "The NVSP allows... new recreational and commercial facilities which will be available to both visitors and residents." The appeal references item 4, above.

- Response: See item 4, above.

6. "The NVSP establishes standards to protect the soil, water quality, and natural open space of the project area and surrounding lands. Scenic view corridors will be maintained and have been carefully laid out to achieve best solar orientation." The appeal contends that no evidence is given to support view corridors being laid out to achieve best solar orientation.

- Response: The Mammoth Hillside project was reviewed by the Town's ADP and a design workshop was held by the Planning Commission. The applicant provided shade and sun studies to depict differing times of the year. It was determined that shade will impact the westerly Canyon Boulevard sidewalk south of the bus transfer stop. This would be true for any significant project built on the property in conformance with the NVSP development standards. Use Permit Condition 21 requires the project to install heat-tracing improvements along this portion of the sidewalk in addition to the heat-tracing provided on project walkways and driveways.

Review by the ADP and Commission resulted in several design revisions including breaking the linear projection of the structure along the Canyon Boulevard frontage by providing a building separation of 24 feet at a location to the northwest of the main entry, design of the balconies to prevent stacking and repetitiveness, reducing the roof profiles and heights at the ends of the structure to reduce bulk and mass, and bringing the structure closer to the Canyon and Lake Mary intersection to reduce building height and the bulk and mass of the structure.

7. "Fundamental to the success of the North Village development is the establishment of an integrated transportation system. The system will include improved street circulation, increased emphasis on public transportation, and development of a comprehensive pedestrian circulation system with connection to the town-wide trail system, bicycle paths, and bus stops, all in proximity to major destinations." The appeal contends that no evidence has been submitted to demonstrate the integration of the proposed project with the Town circulation system.

- Response: Objectives of the NVSP relate to creating a pattern of land uses which enable the development of a concentrated resort dependent upon a functional pedestrian system that provides the necessary levels of services, facilities and infrastructure as development occurs. As designed, the Mammoth Hillside project will help to unify and integrate the Village core through pedestrian linkages along the west side of Canyon Boulevard and by providing a future pedestrian bridge over-crossing of Canyon to the Gondola Building and the Village Plaza. The project site planning and architectural design will help achieve a project that will complement the "high-profile visitor activity core" and will

provide facilities and infrastructure to support the development that integrate into the recent improvements made within the Village core. The project is located adjacent to the Village transit hub to allow convenient access to destinations throughout the Town by transit buses.

8. "The NVSP addresses the construction of an improved system of infrastructure, including a transit system necessary to support the development area. The Plan responds to community needs by providing major public recreational facilities, public plazas..., and paths, trail, and gondola connections to community-wide and mountain recreation corridors." The appeal contends that no evidence has been presented to demonstrate the integration of the proposed project with the Town circulation system.

- Response: See item 7, above.

REQUEST FOR APPEAL FEE WAIVER:

The appellant requests a waiver of the appeal fee stating that the appeal was filed "in the best interest of all the citizens of Mammoth Lakes." Appeals impose costs to both the property owner and the Town related to time delays, preparation of the analysis to respond to the issues raised in the appeal, public noticing costs, and the preparation and distribution of the Agenda Bill packet. Therefore, staff recommends that the request for waiver of the appeal fee be denied.

ENVIRONMENTAL CONSIDERATIONS:

A report entitled "Environmental Documentation Relating to the Mammoth Hillside Project's Conformance to the Program Environmental Impact Report for the North Village Specific Plan" was prepared and distributed to the Planning Commission. The document concludes that the project is substantially within the scope and analysis of the EIR and that, as mitigated and conditioned, no additional environmental documentation is required for the project. As conditioned, project design revisions will need to be made to address Mitigation Measure 5.3-1m relating to the maintenance of a "forested buffer" along Lake Mary and the requirement of a 20-foot setback from abutting non-NVSP property.

The NVSP EIR analyzed a potential room count of 730 for the project area and an additional 80 bedrooms for workforce housing when assessing environmental impacts. The total project area (Phases I and II) proposes a 432-room density and 37 workforce-housing rooms for a total of 469 rooms, or 261 rooms less than analyzed by the EIR.

OPTIONS ANALYSIS

Option 1: That the Town Council affirm the Planning Commission's approval of Tentative Tract Map 36-235 and Use Permit 2005-09 by Minute Motion.

Option 2: That the Town Council modify the Planning Commission's approval and return the project to the Commission for further review.

Option 3: That the Town Council find that the appeal has merit and reverse the decision of the Planning Commission and deny Tentative Tract Map 36-235 and Use Permit 2005-09.

VISION CONSIDERATIONS:

The project conforms to the Town's Vision Statement in that it will provide a quality condominium hotel within the "bustling, tightly knit pedestrian resort" core of the community. The Vision Statement encourages "many hotels, inns, restaurants and shops oriented around a central plaza. Parking is understructure and housing is provided on-site for those people wishing to reside closer to work and play." The project provides these types of amenities in conformance with the Vision Statement.

FINANCIAL CONSIDERATIONS:

The affirmation, modification, or reversal of the Planning Commission's approval of Tentative Tract Map 36-235 and Use Permit 2005-09 will have no substantial financial impact on the Town since the project area is currently vacant and a similar development of the site could be proposed in the future.

LEGAL CONSIDERATIONS:

The affirmation, modification, or reversal of the Planning Commission's approval of Tentative Tract Map 36-235 and Use Permit 2005-09 is within the authority of Town Council pursuant to Municipal Code Chapter 17.68.

RECOMMENDATION:

Staff recommends that the Town Council find that the project, as conditioned and mitigated, conforms to the NVSP EIR, the NVSP, and the Town of Mammoth Lakes Ordinances and affirm the Planning Commission's approval of Tentative Tract Map 36-235 and Use Permit 2005-09 by Minute Motion and 2/15/06 that the request for waiver of the appeal fee be denied.

Exhibit "1" – Appeal

Exhibit "2" – Planning Commission Resolution, Minutes and Agenda Report

APPROVED ON: _____
MAMMOTH LAKES TOWN COUNCIL
Christa Hatter
TOWN CLERK



TOWN CLERK

P. O. Box 1609 Mammoth Lakes, CA 93546
(760) 934-8989 Ext. 227 Fax (760) 934-8608

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE MAMMOTH LAKES TOWN COUNCIL will hold a **PUBLIC HEARING** at the Council Chambers/Suite Z, Minaret Village Shopping Center, Mammoth Lakes, California, on Wednesday, February 15, 2006 at 6:00 p.m. to consider all evidence and reports relative to the application described below:

Appeal of the Planning Commission's determination to approve Tentative Tract Map 36-235 and Use Permit Application 2005-09, request by Mammoth Hillside LLC to Construct Phase I Improvements Including a 193-Unit Condominium Hotel with 225 Lock-off units ("keys"), Understructure Parking for 259 Vehicles with Full-Time Valet Parking Services, Spa, Pool and Patio Facilities, Meeting Facilities, Restaurant/Bar, and Associated Landscape Improvements on a 4.6-acre Portion of a Seven Acre Site. Location: West Side of Canyon Boulevard, North of Lake Mary Road (APNs: 33-020-10, -11, -21, -33 and 31-110-27). Appellant: Advocates for Mammoth

A copy of the appeal is available for public review at the Mammoth Lakes Town Offices, 437 Old Mammoth Road, Suite R, P.O. Box 1609, Mammoth Lakes, CA 93546. For additional information, contact Craig Olson, Senior Planner, at 760 934-8989, ext. 269.

All persons having an interest in the lands subject to the aforementioned application or in any lands within three hundred (300) feet of the exterior boundaries therefore may appear before the Town Council either in person or represented by counsel and present testimony or may, prior to said hearing, file with the Town Clerk written correspondence pertaining thereto.

Anyone wishing to challenge, in court, the decisions made on the above application, is limited to raising only those issues raised at the public hearing described above, or in written correspondence delivered to the Town Council at, or prior to, the public hearing.

BY ORDER OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES.

Dated: January 27, 2006


Anita Hatter, Town Clerk

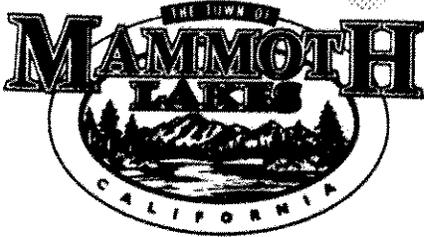


EXHIBIT "1"

COMMUNITY DEVELOPMENT
P.O. Box 1609, Mammoth Lakes, CA 93546
(760) 934-8989 ext. 224, fax (760) 934-8608

RECEIVED
JAN 27 2006
TOWN OF MAMMOTH LAKES

APPEAL OF DECISION OF PLANNING COMMISSION

This form must be filed within fifteen (15) days of the stated action in order to be valid.

APPLICATION NUMBER APPEALED TTM 36-235 & UPA 2005-09
DATE OF STATED ACTION 1-27-06 (PC APPROVAL DATE: 1-12-06)
APPELLANT'S NAME Advocates for Mammoth
ADDRESS PO Box 2005
Mammoth Lakes, CA 93546

APPEAL FEE: \$1,695.00 Pd \$1,695.00 1-27-06

Action taken by the Planning Commission which is being appealed:

- Denial
- Approval
- Approval with Conditions
(Attach a copy of conditions and indicate those you wish waived or modified.)

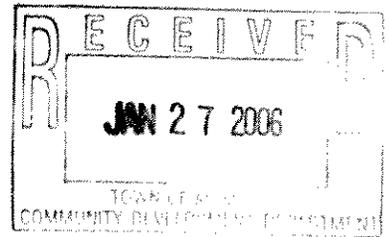
Nature of Appeal (set forth what is being appealed): Planning Commission decision to grant conditional use permit to Hillside Project

Reason for Appeal: non-compliance of Project to general plan, AVSP, TRM ordinances, etc.

I certify that I am the: Legal Owner Authorized Legal Agent Other Interested Party

Date: 1-27-06
[Signature]
Signature of Appellant

ADVOCATES FOR MAMMOTH
P. O. BOX 2005, MAMMOTH LAKES, CA 93546



January 27, 2006

To The Town Council, Mammoth Lakes, California

APPEAL OF A RESOLUTION OF THE MAMMOTH LAKES PLANNING COMMISSION APPROVING TENTATIVE TRACT MAP 36-235 AND USE PERMIT 2005-09 TO ALLOW THE SUBDIVISION OF A 7.01-ACRE PARCEL TO CONSTRUCT A 193-CONDOMINIUM HOTEL ON 4.6-ACRES AS THE PHASE I PORTION OF THE MAMMOTH HILLSIDE PROJECT FOR PROPERTY LOCATED ON THE WEST SIDE OF CANYON BOULEVARD, NORTH OF LAKE MARY ROAD

This appeal is based on non-compliance by the proponent of the Hillside Project with several areas of the General Plan, the North Village Specific Plan (NVSP), and Town of Mammoth Lakes Ordinances. It is also based on (1) the great number of conditions that are attached to the approval, many of which can be reasonably expected to result in significant changes to the Project without requiring that the Project be returned to the Planning Commission for approval, and (2) the failure to fully implement the staff recommendations into the conditions of approval.

In order to demonstrate the North Village Specific Plan's relationship to the General Plan, the Specific Plan's compliance with the nine overall goals of the General Plan is stated in the NVSP as follows:

1. **"Development policies and standards established in the Plan address improvements to infrastructure, particularly roads, that will not only be helpful in accommodating the new development, but will also improve existing conditions."** There is no evidence presented that the proposed Project will improve the existing condition, particularly with respect to roads. In fact, the additional traffic - vehicular, pedestrian, and transit - can be expected to aggravate what is already a poor situation on the main road to Canyon Lodge, to the drop-off area for the Village and Village Gondola, and to the proposed Village parking structure.
2. **"Development of the North Village area as a unified and centralized project will strengthen the mountain resort image and character of the community. Building heights are to be held generally below the existing tree canopy. Architectural and landscape detailing will conform to the regional mountain character of Mammoth Lakes."** The proposed Project is connected to the balance of the Village only through some rather narrow sidewalks. An overpass that was originally planned and included in the staff recommendations has been deleted from the conditions of the conditional use permit. Yet the Project takes advantage of a loophole in the NVSP by using the maximum

Resort Plaza height allowances even though a good portion of the Project lies outside the Resort Plaza area. Since the Project is clearly not part of the "Plaza" we feel it is unjustified to use the Plaza height allowances. As approved, it appears that the Project will have the tallest building in Mammoth Lakes.

3. **"The Specific Plan sets coverage and density restrictions similar to those established by the Town zoning regulation to ensure that some open space is preserved....The coverage and massing of buildings will create open spaces and preserve viewsheds throughout the development. Existing trees will be retained where possible and substantial new tree stands will be planted."**

1. No evidence is presented on the effect of the Project on viewsheds.
2. There is possible inconsistency in the site coverage percentage due to the allowance of site-coverage transfers.
3. The conditions of the permit do not require that all removed trees are replaced on the Project site but may be placed in other Town locations.

4. **"The pedestrian orientation of North Village adds shopping, recreational, and an accommodation experience not now present in Mammoth Lakes. This diversity will benefit the entire community."** In an apparent attempt to avoid being required to provide adequate parking for public access to shops, restaurants, etc., the proponent has declared that these amenities are primarily in support of the hotel. This is in direct conflict with the statement that the Village will benefit the entire community.

5. **The NVSP allows ...new recreational and commercial facilities, which will be available to both visitors and residents."** See comments on #4.

6. **"The NVSP establishes standards to protect the soil, water quality, and natural open space of the project area and surrounding lands. Scenic view corridors will be maintained and have been carefully laid out to achieve best solar orientation."** No evidence is given to support view corridors being laid out to achieve the best solar orientation.

7. **"Fundamental to the success of the North Village Development is the establishment of an integrated transportation system. The system will include improved street circulation, increased emphasis on public transportation, and development of a comprehensive pedestrian circulation system with connection to the town-wide trail system, bicycle paths, and bus stops, all in proximity to major destinations."** No evidence is presented to demonstrate the integration of the proposed Project with the Town circulation system.

8. **"The NVSP addresses the construction of an improved system of infrastructure, including a transit system necessary to support the development area. The Plan responds to community needs by providing major public recreation facilities, public plazas..., and paths, trail, and gondola connections to community-wide and mountain recreation corridors."** No evidence is presented to demonstrate the integration of the proposed Project with the Town circulation system.

The Hillside Project violates the Town's concept and vision statement of the NVSP in the above areas. In light of these violations in the areas of parking for both residents and guests, traffic, community amenities, integration with the Village, pedestrian friendly access, and possible inconsistency in affordable housing and density bonuses, the appellant requests that the Project be returned to the proponent and the staff for detailed evaluation against the above General Plan and NVSP criteria.

The re-submittal should contain:

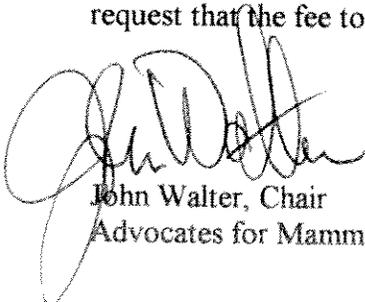
1. Detailed height and mass, viewshed, and solar corridor presentations. It is particularly important that the height and silhouettes of the structures from many viewpoints be examined and presented.
2. Detailed maps and elevations explaining the integration of the proposed Project with the various other portions of the NVSP and its various areas (plaza, walkways, etc.)
3. A thorough analysis of the circulation ramifications of the Project, both vehicular and pedestrian.
4. Redesign of the Project to either make it truly a part of the pedestrian Resort Plaza, or make the height compatible with the requirements of the non-resort plaza sections of the NVSP.

The staff report does an admirable job of analyzing many of the numerous detailed deficiencies of the Project in terms of parking, affordable housing, setbacks, bus circulation, check-in areas, etc. However, the conditions attached to the Project do not fully recognize the deficiencies raised in the staff report. It is also unclear which changes, if any, would require the Project to be returned to the Planning Commission.

All the recommendations in the original staff report for the Hillside Project need to be included as conditions in any subsequent use permits issued. Meeting all of the conditions listed would almost certainly require a complete redesign of the Project. No conditional use permit should be issued to this Project, or any project, with so many outstanding features that make it impossible to determine the full impacts of the Project.

We request that the conditional use permit for the Hillside Project be revoked and this Project be returned for redesign. In addition, any subsequent reports or permits must include accurate maps and descriptions to allow proper analysis of the Project.

We feel that this appeal is in the best interest of all the citizens of Mammoth Lakes, so we request that the fee to appeal be waived.



John Walter, Chair
Advocates for Mammoth

EXHIBIT "Z"

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

Space Above for Recorder's Use

RESOLUTION NO. PC 2006-01

**A RESOLUTION OF THE
MAMMOTH LAKES PLANNING COMMISSION
APPROVING TENTATIVE TRACT MAP 36-235
AND USE PERMIT 2005-09 TO ALLOW THE SUBDIVISION
OF A 7.01-ACRE PARCEL
TO CONSTRUCT A 193-CONDOMINIUM HOTEL ON 4.6-ACRES
AS THE PHASE I PORTION OF THE
MAMMOTH HILLSIDE PROJECT FOR PROPERTY LOCATED ON
THE WEST SIDE OF CANYON BOULEVARD,
NORTH OF LAKE MARY ROAD**

(APNs: 33-020-10, -11, -21, -33 and 31-110-27)

WHEREAS, a request for consideration of Tentative Tract Map 36-235 and Use Permit 2005-09 to subdivide an approximately 7.01-acre parcel into a 4.6-acre Phase I site for the construction of a 193-Unit Condominium Hotel (Mammoth Hillside) having 325 bedrooms of market rate condominium units, Lock-off Units totaling 225 "keys," and 24-on-site workforce housing units. The development includes three levels of understructure parking accessed from Canyon Boulevard with full-time valet parking services, a service loading dock, spa/fitness area of 9,038 square feet, meeting facilities of 6,300 square feet, restaurant of 5,070 square feet, guest services area of 2,700 square feet, pool and patio area, and associated landscape and street frontage improvements was submitted by Sean Combs of Mammoth Hillside, LLC; and

WHEREAS, the Planning Commission conducted a noticed public hearing on the application requests on January 12, 2006, at which time all those desiring to be heard were heard; and

WHEREAS, the Planning Commission considered, without limitation:

1. The Agenda Report to the Planning Commission with exhibits;
2. The State Map Act, General Plan, Municipal Code, North Village Specific Plan and Program EIR, Subdivision Ordinance, and associated Land Use Maps;
3. The environmental documentation prepared for the project;
4. Oral evidence submitted at the hearing;
5. Written evidence submitted at the hearing;
6. Project plans consisting of the Tentative Tract Map and thirty-five sheets of the project plans consisting of Site Plans, Floor Plans, Building Elevation Drawings and Perspectives, Building Section Drawings, Preliminary Landscape Plans, Lighting Plans, Preliminary Grading Plan, Preliminary Utility Plan, and Tree Analysis all dated received by the Town of Mammoth Lakes on November 21 and December 2, 2005; and

WHEREAS, the Planning Commission made the following findings pursuant to Ordinance 84-10 of the Town of Mammoth Lakes, related to Subdivisions and Land Divisions, Section 66474 (Subdivisions) of the California Government Code, and Municipal Code Section 17.60.070 (Use Permits):

(SEE ATTACHMENT "A")

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Mammoth Lakes hereby approves Tentative Tract Map 36-235 and Use Permit 2005-09 subject to the following conditions:

(SEE ATTACHMENT "B")

BE IT FURTHER RESOLVED that the Planning Commission, in its independent judgment, has reviewed the environmental documentation for the project and finds that the Environmental Documentation was prepared in accordance with Section 15168 of the CEQA Guidelines and that the project is located within an area covered by the North Village Specific Plan. The Town Council reviewed and certified, pursuant to the California Environmental Quality Act (CEQA) Guidelines, the Subsequent Program Environmental Impact Report (EIR) for the North Village Specific Plan Amendment, identified as State Clearinghouse No. 99-092082. The Certified EIR analysis covers the project area and the mitigation measures established by the EIR will be incorporated into conditions of project approval to reduce any adverse environmental impacts to a level below significance.

ATTACHMENT "A"
Resolution No. PC 2006-01

Findings for Tentative Tract Map Approval

(State Map Act Section 66474)

1. The proposed map is consistent with applicable General Plan standards as specified in Section 66451 of the Subdivision Map Act since the Planning Commission finds, based upon the evidence presented in the staff report dated January 12, 2006, that the project conforms to the density standards of the General Plan and the maximum density yield for the Plaza Resort (PR) and Specialty Lodging (SL) Designations established by the North Village Specific Plan. The Commission further finds that the proposed condominium development complies with Zoning Code development standards that implement the goals and policies of the General Plan and all utilities and access roadways can be improved and/or extended to service the project area.
2. The design and improvements of the subdivision are consistent with General Plan standards since the Planning Commission finds that the project, as conditioned, complies with the development standards of the PR and SL Designations and the project's approval is conditioned to require compliance with all other applicable Town Ordinances and applicable agency requirements in effect at the time the subdivision request was submitted for review.
3. The site is physically suitable for the type of development since the Planning Commission finds that the proposed structure, as conditioned, is situated on the site to accommodate the grading needed to construct the under structure parking, the building pad, the access driveways, and the extension of utilities while preserving as much of the surrounding site as possible to provide for adequate setbacks and landscaped buffer areas. The project will not adversely impact significant natural landforms since no significant landforms were identified on the property. No evidence has been presented during the planning review process to indicate that the proposed improvements are not physically suitable to the site.
4. The site is physically suitable for the proposed density of development since the Planning Commission finds that the project conforms to the density standards of the General Plan and the density yield for the number of rooms permitted for similar development established for the PR and SL Designations pursuant to the North Village Specific Plan and the project, as conditioned, meets all development requirements of the Town of Mammoth Lakes Municipal Code, North Village Specific Plan, and the North Village Specific Plan EIR as described in the staff report dated January 12, 2006.
5. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat since the Planning Commission finds that the mitigation measures imposed on the project have been determined to be adequate to reduce impacts to a less than significant level as described in the Subsequent Program Environmental Impact Report for the North Village 1999 Specific Plan Amendment (EIR). A Statement of Overriding Considerations has been accepted for air quality impacts. The site has been identified by the EIR as not supporting any threatened or endangered fish, wildlife or habitat. The Certified EIR analysis covers the project area and the mitigation measures established by the EIR will be incorporated into conditions of project approval to reduce any adverse environmental impacts to a level below significance.

6. The design of the subdivision or the types of improvements are not likely to cause serious public health problems since the Planning Commission finds that the mitigation measures adopted in the EIR document reduce health related impacts to a level below significant and that all necessary public services and utilities can be extended to the site to assure health and safety for those individuals occupying and using the improved site facilities.
7. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision since the Planning Commission finds that all utilities, and their easements, are indicated on the Tentative Tract Map and that the subdivision will not adversely impact upon any existing public easements.

Findings for Use Permit Approval
(Municipal Code Section 17.60.070)

1. The proposed use is consistent with the General Plan since, as designed and conditioned, the proposal conforms to all development standards established for the Plaza Resort (PR) and Specialty Lodging (SL) Designations pursuant to the North Village Specific Plan and achieves the General Plan goals and policies as they relate to development within these Specific Plan zoning designations.
2. The proposed location of the use is in accord with the objectives and purpose of the zones in which it is located since resort condominium hotels and appurtenant facilities are permitted uses within the PR and SL Designations and the condominium form of ownership is approved by this Use Permit.
3. The proposed site is adequate in size and shape and has adequate access for the proposed use, as conditioned, since access to the understructure parking area will be improved and will adequately access the site to Canyon Boulevard that is improved as a Public Roadway. The site will be improved to accommodate year-round emergency vehicle access and to accommodate adequate access and width for anticipated traffic to the developed site.
4. 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 since mitigation measures have been applied which have been developed to ensure compatibility as evaluated in the Program EIR. The proposed development is designed to be compatible with its surrounding topography and the architectural design will enhance the site and surrounding development. All utilities are available, or can be extended, to adequately serve the proposed development.
5. The proposed use complies with the applicable sections of the zoning regulations since all development requirements established by the PR and SL Designations of the North Village Specific Plan and other applicable development standards of the Municipal Code can be met by the project as designed and/or conditioned.
6. Consistent with Chapter 17.36 of the Municipal Code related to Affordable Housing Mitigation Regulations (AHMR), the applicant is providing affordable housing mitigation for the Mammoth Hillside project assuming an employee housing credit of 29 Full Time Equivalent Employees (FTEEs) from the In-Lieu Housing Agreement associated with the 8050 Project. The number of FTEEs for the project is based upon a formula of .225 FTEE

per sleeping area, or $325 \times .225 = 73.1$. Less the in-lieu credit of 29 FTEEs the project requires 44.1 FTEEs for the sleeping area count. The 23,108 square feet of services associated with the project are assessed at 0.42 FTEE per 1,000 square feet and result in 10 FTEEs required for a total Phase I project count of 54.1 FTEEs. To establish the amount of units required, one FTEE equals 250 square feet of living area, or 13,525 square feet. The square footage of the living area is then divided by 500 square feet to arrive at a studio or one bedroom count of 27 for Phase I. To qualify for the 35% state density bonus, the project must provide 36 rooms of very-low income housing on-site.

ATTACHMENT "B"
Resolution No. PC 2006-__

Use Permit Conditions

1. This approval authorizes a 193-Unit Condominium Hotel (Mammoth Hillside) having a maximum of 352 total bedrooms including 36 bedrooms for very-low income qualified renters and a maximum of market rate Lock-off Units totaling 225 "keys," and understructure parking accessed from Canyon Boulevard. The project proposes full-time valet parking services. The development includes a service loading dock, spa/fitness area of 9,038 square feet, meeting facilities of 6,300 square feet, restaurant of 5,070 square feet, guest services area of 2,700 square feet, pool and patio area, and associated landscape and street frontage improvements on a 4.6-acre portion of the seven-acre site. The 2.4-acres Phase II portion of the project shall be designated as a "Remainder Parcel" on the Final Tract Map. Phase II has a maximum density of 107 rooms pursuant to the NVSP Density and the density adjustments as described in the staff report dated January 12, 2006.
2. A contract with a four or five star hotel operator shall be provided to the Town prior to the issuance of a Certificate of Occupancy or Conditional Certificate of Occupancy for the first unit within the project.
3. The project parking must be redesigned to meet the following requirements:
 - a) All interior dimensions including aisle widths, turn radii, and ramp grades.
 - b) The project must provide additional parking to accommodate all on-site housing parking in addition to guest accommodation parking.
 - c) Tandem parking is permitted for affordable housing parking only. All other stalls must be individually accessible.
 - d) Vertical clearance must be a minimum of 8 feet 6 inches and must take grade changes into account.
 - e) The site plan must accommodate up to 14 vehicles for check-in parking without blocking ingress and egress. These may be parallel spaces in the vicinity of the porte-cochere.
4. Line-of-sight from the driveway onto Canyon Boulevard shall be evaluated to assure adequate sight distance to the north when transit buses are parked in the adjacent bays. Given the vertical curve of Canyon Boulevard to the south additional review by a qualified Traffic Engineer shall be required to determine if the southern sight distance is adequate. If adequate line-of-sight is not achieved, the following mitigation measures may be imposed by the Public Works division: a reduction of the posted speed along Canyon, redesign of the transit bus parking area at no cost to the Town, and/or moving the driveway.
5. Building setbacks along non-NVSP property lines shall maintain a minimum of 20 feet for buildings up to 35 feet in height plus one-foot for every two feet of building height above 35 feet.
6. The applicant shall provide a Tour Bus Parking Program to be reviewed and approved by the Community Development Department. Tour bus access to the lobby area at the porte-

cohere and along the driveway shall be provided and approved by the Community Development Department.

7. A revised Landscaping and Grading Plan for the southerly portion of the site fronting onto Lake Mary shall be provided to assure a minimum setback of ten feet for the patio/spa area, to demonstrate the preservation of as many existing native trees in this area as possible, and to show replacement planting with native trees. The revised Landscaping and Grading Plan shall be reviewed and approved by the Community Development Department.
8. The project shall provide a revised landscaping plan detailing tree retention and replacement along Canyon and Lake Mary and the relocated southerly building wing. The project shall implement the improvements shown on the revised Landscape Plan. Consistent with the NVSP (item 16, page 47), all removed trees greater than 12 inches diameter shall be replaced on a one-for-one basis either on-site or on an off-site location approved by the Town. Trees used for re-vegetation shall be native to the Mammoth Lakes community. Consistent with the Timber Valuation Report (David Early, May 8, 2005), the applicant shall provide the Town with the valuation of trees to be planted at a replacement cost of \$21,034.50 or more prior to installation of the landscape plantings. The mitigation measures established by the Forest Condition Survey (David Early, May 2005) shall be adhered to by the applicant to the satisfaction of the Community Development Department.
9. For the purpose of calculating Affordable Housing Mitigation, the Conditions, Covenants, and Restrictions (CC&Rs) for the project shall include the following language: "No more than 316 market rate "Sleeping Areas" are permitted for the Mammoth Hillside project. All other rooms are prohibited from having beds, sofa beds, or any other type of sleeping furniture, armoires, or closets. The operator shall have the ability to manage the Fixtures, Furnishings, and Equipment (FF&Es) within each unit to assure that this condition is implemented. The Town of Mammoth Lakes shall be allowed to enforce this provision and shall not be denied reasonable access to the property to determine compliance with this restriction." Should the Town relax the provisions for calculating Affordable Housing Mitigation so this condition is not needed, this condition and the CC&Rs may be amended, modified, or this condition may be eliminated accordingly.
10. The project proposes a future pedestrian bridge over Canyon Boulevard to connect the site to the Gondola Building and the Village Plaza. Prior to the first Certificate of Occupancy or Conditional Certificate of Occupancy for the Mammoth Hillside project, the Canyon Boulevard Bridge shall apply for and have received Design Review approval. The bridge shall be constructed within eight months from the issuance of the first Certificate of Occupancy or Conditional Certificate of Occupancy for the Mammoth Hillside project.
11. The applicant must provide 25 one-bedroom units of workforce mitigation at the affordability levels specified in the Municipal Code. These units may be exempted from the density limit for the property. Gross area for the units shall be a minimum of 12,500 square feet. The final determination of workforce housing required may be modified based upon the number of market rate sleeping areas constructed.
12. Thirty-six bedrooms of housing must be designated for very-low income households for the project to qualify for the state density bonus of 35%. Housing required for state density bonus compliance that exceeds the requirement of the Town for workforce housing mitigation is not exempted from density limits.

13. A revised Colors and Materials Board shall be provided for the project that provides actual samples of materials and colors to be used on the structure's exterior. Consistent with Advisory Design Panel (ADP) review, the gray/green exterior color shall be of a warmer tone than reviewed by the Planning Commission and additional architectural treatments, increases to widow sizes, heavy trim treatments, and roof line variations will need to be provided for the structural elevations between the southerly and northerly buildings and the elevation fronting onto the Monache project.
14. The applicant shall request annexation into, and reapportionment of, Community Facilities District 2001-1 and participate in the community transit system, provide public access and easements, contribute to emergency facilities and parks, and adhere to the Vested Rights of the North Village Development Agreement.
15. The project area shall be annexed into the Benefit Assessment District (BAD 2001-2) for the purpose of maintaining, operating, repairing, removing snow, heat tracing, landscaping, irrigation, street lighting, and other matters along the Canyon Boulevard and Lake Mary Road frontages. To continue this effort uniformly the applicant will be required to "annex" into the District prior to Final Tract Map approval.
16. The project shall comply with the Town's adopted Source Reduction and Recycling requirements. Recycling and trash compaction facilities required by the North Village Specific Plan and Program EIR shall be provided and shown on building permit plans. Necessary solid waste permits shall be obtained from the Mono County Public Works Department. A trash compactor system and recycling facilities shall be located adjacent to, or in coordination with, the solid waste storage facilities to be accommodated within the loading dock structure. Approval of these solid waste facilities and their locations by Mammoth Disposal is required prior to Building Permit issuance.
17. Construction worker housing is required pursuant to the NVSP Housing Policy #3. Contractors and sub-contractors that hire employees from outside Mono or Inyo Counties (who will need to reside in Town for 90 days or longer) are prohibited from housing these workers within the RMF-1 Zone. Prior to Building Permit issuance, the applicant shall provide a Construction Worker Housing plan to the Town for review and approval.
18. Building Permits are required for all future structural, electrical, and/or plumbing improvements within the subject property.
19. Prior to Building Permit issuance, the applicant shall pay any fees due on the Tentative Tract Map and Use Permit processing account.
20. All other regulations of the Town of Mammoth Lakes shall apply, including, but not limited to, conformance with applicable zoning standards. All public improvements shall be consistent with the Village at Mammoth Specific Plan improvements.
21. Walkways and driveways shall be provided with heat-tracing to encourage snowmelt during winter months. Heat-tracing shall also be provided within the Canyon Boulevard sidewalk from the transit pull-out area southerly to a point as approved by the Public Works Director to compensate for building shadow within this area. Said heat-tracing systems shall be convertible to geothermal when available to the area. The project shall be designed for consideration of renewable and energy efficient practices in the planning and construction of the project.

22. The project will participate in the required North Village traffic and circulation mitigation measures on a fair share basis.
23. The applicant shall create an area of interest for pedestrians at the Canyon Boulevard Bridge location and the intersection of Canyon Boulevard and Lake Mary Road by providing landscaped seating areas with decorative street furniture and/or other public art at these locations.
24. The final development plans shall be routed to the Mammoth Lakes Fire Protection District for review and approval prior to the issuance of Building Permits.
25. All retaining walls and exposed walls for the understructure-parking garage shall be treated with rock veneer to match the structure, or be of a dry rock stack design.
26. 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 not normally associated with a residential resort project is prohibited except for the storage of firewood. Non-operating vehicles, equipment and materials inappropriate to the site and its use shall not be stored within outdoor areas on-site.
27. Municipal Code Section 17.16.195 allows for the reservation of land for parks and recreation purposes as authorized by the state Quimby Act. The Parks and Recreation Element Policies of the General Plan identifies that five acres of parkland is needed per 1,000 population within the community. Development Impact Fees (DIFs) will pay for four acres per 1,000 population leaving a balance of one acre per 1,000 to be provided by the developer. The 193 residential units multiplied by 4.0 persons per unit equals 772 individuals. The 772 individuals divided by 1,000 population equals 0.772 times \$0.5 Million per acre, the project's balance is \$386,000. This number may be modified by the project's final design.
28. Prior to Building Permit issuance, a conceptual site plan for Phase II shall be submitted limiting all construction storage/tree removal areas to those areas clearly needed for future building and access.
29. Payment of street-sweeping mitigation fees shall be made prior to issuance of a building permit consistent with the Air Quality mitigation measures established by the North Village Environmental Impact Report.
30. 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 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, to the satisfaction 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 (as adjusted each fiscal year beginning July 1, 2005 by the annual percentage increase in the Los Angeles/Riverside Consumer Price Index). The transit service agreement, when executed, 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. 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.

31. The use and all existing and new improvements constructed on the site shall be in compliance with all Town of Mammoth Lakes, County of Mono, Mammoth Lakes Fire Protection District, Mammoth Community Water District, Great Basin Air Pollution Control District, Lahontan Regional Water Quality Control Board, 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.
32. It is the intent of these conditions of approval that all provisions herein are to be consistent with and in accordance to the Specific Plan, all municipal codes and ordinances, and all local, State and federal standards, policies, regulations and laws, unless specifically provided for herein. To the extent that there is a conflict between the various provisions of law regarding implementation of these conditions, the provision which will most effectively carry out the goals and policies of the Town as set forth in the Specific Plan shall control. This Use Permit application, subject to conditions of approval, must clearly demonstrate consistency among the approved Tract Map conditions and zoning provisions or this approval shall be invalid.
33. The uses allowed under this approval shall be those that are described in Condition 1. No other uses shall be allowed, including professional offices, medical or post office uses, except by issuance of additional use permits or amendment to the Specific Plan.
34. No building permit shall be issued for Mammoth Hillside prior to filing of the Final Tract Map per Subdivision Map Act Section 66499.30.
35. No wood burning appliances or fireplaces may be permitted in this project.
36. Noise generated by the project shall meet the requirements of the Specific Plan and/or the Town's noise regulations, as applicable. Construction days and hours shall be limited to the Town's adopted Construction Site Regulations pursuant to Municipal Code Section 15.08.020.
37. A snow management plan for private property shall be submitted and approved by the Community Development Department, prior to recordation of the Final Tract Map, describing such features as, but not limited to, location of snow storage areas, snowmelt areas, the method for snow hauling, frequency of pick-ups, pick-up areas, haul routes, hours of hauling operations and deposit areas. This plan shall include provisions stating that, when applicable, snow removal shall be preformed daily prior to the opening of any business and will be maintained to a safe condition during business hours. The plan's effectiveness, in conjunction with Town policies regarding snow hauling, will determine whether the plan will be approved. A Town permit shall be obtained for any off-site snow storage, if required. The applicant, or a homeowners or master association, if formed, shall provide the Town with documentation that prior to occupancy, contracts or other arrangements have been entered into to provide snow management required by this condition and the Specific Plan. All such contracts, or other arrangements, along with any renewals or amendments, shall be in full force and effect for the life of this project.
38. A maintenance plan for private common area facilities shall be submitted by the applicant for review and approval by the Community Development Department. This plan shall include provisions for maintenance of private facilities, including, but not limited to, driveways, parking areas, sidewalks, and plazas and all common areas, snowmelt systems, private utilities, retaining walls and drainage facilities. The applicant, or a homeowners or master association, if formed, shall provide the Town documentation that prior to filing a

- Final Tract Map, contracts or other arrangements have been entered into to provide maintenance required by this condition and the Specific Plan. All such contracts, or other arrangements, along with any renewals or amendments, shall be in full force and effect for the life of this project.
39. Lot coverage shall meet or be less than the NVSP requirement of 60%. Alterations to the landscape and paving plan may be necessary to comply with his requirement.
 40. Town staff shall have the right to enter the subject property to verify compliance with these conditions. The holder of this Use Permit approval shall make the property available to permit Town staff to make site visits to confirm compliance to these conditions and shall, upon request, make records and documents available to Town staff as are necessary to evidence compliance with the terms and conditions of this approval.
 41. All grading and site improvements shall adhere to the applicable mitigation measures established by the Subsequent Program Environmental Impact Report (EIR) for the North Village Specific Plan Amendment, identified as State Clearinghouse No. 99-092082. Prior to submittal of a Grading Permit application request, the project proponents shall meet with Community Development Department staff and the Town Engineer to establish the specific environmental mitigations for the project site.
 42. All lighting fixtures mounted on the exterior of the structures or within walkways or exterior common areas are to have shielded light sources in accordance with the Town's adopted "Outdoor Lighting Ordinance" (M.C. Chapter 17.34). Landscape accent lighting is also to be shielded to prevent spill-off glare. Any pole-mounted lighting fixtures (if proposed) are to be provided with shields to obscure the light source and direct light downward to the satisfaction of the Community Development Department.
 43. Any future signage within the project area shall be found in conformance with the Sign Ordinance and approved by Community Development Department staff prior to the erection of such signage.
 44. These conditions shall be recorded with the clerk of Mono County.

STANDARD ENGINEERING CONDITIONS FOR TENTATIVE MAP 36-235

A. STANDARD CONDITIONS / GENERAL REQUIREMENTS:

1. 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 such time limitation as may be extended by the Planning Commission in accordance with the Subdivision Map Act.
2. 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(ies) of each record map(s) 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 Commission.
3. 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.
 4. 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.
 5. Landscaping and irrigation systems within the public right of way and within public landscaping easements adjacent to the project area shall be maintained by Benefit Assessment District BAD 2001-2. Landscaping and irrigation plans shall be submitted to the Town for review and approval for these areas.
 6. Town staff shall have the right to enter the subject property to verify compliance with these conditions. The holder of any permit associated with this project shall make the premises available to Town staff during regular business hours and shall, upon request, make records and documents available to Town staff as necessary to evidence compliance with the terms and conditions of the permit.
 7. All new utility lines within, adjacent to or serving the site shall be placed underground.
 8. The site grading design and all building construction shall conform to the American Disabilities Act (ADA) requirements as may be applicable.
 9. This project shall be required to pay all Development Impact Fees in accordance with Town ordinances and the municipal code.
 10. No off-site grading is permitted by this Tentative Map and Use Permit. For any off-site grading, the Applicant shall obtain an easement or letter of permission from the affected property owner and shall be permitted only as provided in the Municipal Code.
 11. Surety shall be posted with the Town in a form acceptable to the Town Engineer 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 Engineer.
 12. Mylar copies of the recorded final map shall be submitted to the Town within 60 days of map recordation. A cash surety in the amount of \$200 for the first sheet and \$100 per additional map sheet shall be submitted to the Town for the faithful performance of this requirement. The Applicant shall also submit to the Town an electronic file of the final map in AutoCAD, Version 2000, or other format as may be approved by the Town Engineer, prior to approval of the final map.
 13. All required easements and dedications shall be in a form and content acceptable to the Town Engineer.
 14. Application shall be made to the Mammoth Community Water District 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.
 15. The Applicant shall pay a fee of \$57,900.00 (\$300.00 per unit for 193 units) to the Community Development Department for long range planning reimbursement prior to

approval by staff of the final map. This total may be adjusted based upon the final number of units constructed. The remainder parcel created as a result of the filing of a final map shall be subject to the requirements of Section 66424.6 of the Subdivision Map Act. The remainder parcel created shall be subject to payment a fee of \$300.00 per parcel to the Community Development Department for long range planning reimbursement prior to approval of a certificate of compliance is issued for that parcel.

16. This project is protected by the Mammoth Lakes Fire Protection District. Prior to any construction occurring on any parcel, the Applicant shall contact the Fire Marshal for verification of current fire protection development requirements.
17. The property owner, Applicant/Developer and holder of any and all permits associated with this property shall conform to the requirements of the Town of Mammoth Lakes and Federal, State, County and Local agency requirements, as they may apply. This includes, at a minimum, the CRWQCB, Lahontan District, the Great Basin Air Quality Control District, OSHA, the Mammoth Lakes Fire Protection District, and the Mammoth Community Water District.
18. 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.

B. THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO APPROVAL BY THE TOWN OF THE FINAL MAP:

19. The final map shall conform to the requirements of Town of Mammoth Lakes Subdivision Ordinance 84-10 and all amendments thereto.
20. The conditions of Use Permit 2005-09 shall remain in effect for the life of the project.
21. A preliminary soils report shall be filed with and reviewed by the Town Engineer. An "as-graded" soils report shall be provided to the Town upon completion of the grading.
22. 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.
23. This tentative tract map is for a project to be developed on one lot and within a single phase. The area shown as Phase 2 on the tentative map shall be designated as a remainder parcel on the final map.
24. Prior to approval of the final map by staff the Applicant shall apply for annexation into benefit assessment district BAD 2001-2.
25. Prior to approval of the final map by staff the Applicant shall apply for re-apportionment of community facilities district CFD 2001-1 for the inclusion of the project into the district.

26. The sale of the excess right of way along Lake Mary Road, from the Town to the Applicant, vacated in accordance with Street Vacation 2005-01, shall be completed prior to approval of the final map by staff and prior to the issuance of a grading permit for the project.
27. All storm drain facilities within the development shall be private facilities and shall be maintained by the Homeowner's Association to be created for the development.
28. An encroachment agreement shall be executed by the Applicant and recorded for any private improvement constructed within a public or Town easement or within the public right of way.
29. Relinquishment of Abutter's Right of Vehicular Access shall be indicated on the Final Map along Canyon Blvd. and Lake Mary Road except in the locations where driveways are shown on the tentative map, one on Canyon Blvd and one on Lake Mary Road.
30. An irrevocable offer of dedication for right of way shall be offered on the final map for the right of way required for Canyon Blvd. The irrevocable offer of dedication shall be accepted subject to improvement and acceptance by the Town. A statement to this affect shall be written on the cover sheet of the final map.
31. Easements and rights of way of record held by the Town that are to be abandoned, relinquished or vacated shall not be shown on the final map and a statement shall be placed on the cover sheet of the final map indicating the deposition of the interest being abandoned in accordance with Section 66499.20½ of the Subdivision Map Act.
32. An easement shall be granted to the Town and to the benefit of the public for those portions of the public sidewalk along Canyon Blvd. that traverse onto private property. An easement shall be granted to the Town for landscaping and the maintenance of the area between the Canyon Blvd. right of way and the public sidewalk along Canyon Blvd.
33. All proposed 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. 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 Town Engineer 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).
34. 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.
35. Monumentation of the subdivision shall be installed in accordance with the Subdivision Ordinance of the Town, Ordinance 84-10. A street centerline monument well and monument shall be installed at the intersection of Canyon Blvd. and Lake Mary Road, on the centerline of Lake Mary Road at the prolongation of the project's westerly property line, on the centerline of Canyon Blvd. approximately 240 feet north of the intersection with Lake Mary Road, or on appropriate offsets, to the satisfaction of the Town Surveyor.
36. A homeowner's association shall be created and CC&R's recorded that contain provisions for the maintenance and snow removal of the common area driveways and parking areas, and maintenance of the 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 Community Development Department 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.

37. For condominium projects the following statement shall appear on the signature sheet of the final parcel 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 193 RESIDENTIAL UNITS AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT".

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

38. 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 to prevent erosion and to protect existing trees shall be constructed prior to work commencing for any and all water and sewer improvements.
39. 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 and drainage plan has been approved by the Town Engineer and an engineered grading permit has been issued.
40. An encroachment permit or a letter of exemption shall be obtained from the Engineering Services Division of the Town prior to construction within public right of way in accordance Chapter 12.04 of the municipal code.
41. No work within Town right of way shall be commenced until a Traffic Control Plan has been prepared by the Applicant and approved by the Engineering Services Division of the Town.
42. Final 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. Overhead utilities shall be converted to underground.
43. 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 Town Engineer for review and approval. A geotechnical report is required that confirms 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). An "as-graded" soils report shall be provided to the Town upon completion of the grading.

44. Monument signs shall be approved by the Planning Division of the Community Development Department. All private signs shall be located outside of the public right of way and outside of the line of sight of vehicles within the right of way and any driveway for the project.
45. Street and public improvement plans shall be prepared by a Registered Civil Engineer and submitted to the Town for review and approval. All public sidewalks shall be constructed to a minimum width of 8 feet clear of obstructions. Grade and alignment of the public sidewalks shall be consistent with all local, State and federal requirements and regulations. All new striping and replaced striping shall be in-laid thermal-plastic and shall meet Caltrans standards. Pavement re-surfacing for trench restoration and pavement widening shall extend to the nearest lane line. All improvements shall be consistent with Town standards. The Applicant may apply for Development Fee Impact credits for public improvements as may be applicable. The following improvements shall be constructed by the Applicant and shall be completed to the satisfaction of the Public Works Director prior to the first certificate of occupancy for the project:
 - a. The Applicant shall have an updated traffic impact analysis prepared that shall include the trip generation for the "Mammoth College and Cultural Center", including the County public library and dormitory rooms. The updated analysis shall include the projects along Hillside Drive and Lakeview Blvd., including the proposed parking structure at Hillside Drive and Canyon Blvd. The analysis shall be reviewed and approved by the Town and its traffic consultant. The Applicant shall be responsible to implement the traffic mitigation measures as may be prescribed by the analysis.
 - b. Canyon Blvd. shall be widened by a minimum of 11 feet to accommodate a left turn pocket for the left turning movements to and from the project. The length and the width of the pocket and transitions shall be determined by a traffic study prepared by qualified traffic engineer and shall be reviewed and approved by the Town. Through lanes shall be 12 feet wide and bike lanes shall be on each side of the street with a minimum width of 5 feet.
 - c. A public sidewalk shall be constructed along Canyon Blvd. along the property frontage. The sidewalk shall be heat traced consistent with Town standards and shall include facilities for, but not limited to, heat source, metering and controls. The sidewalk may meander and easements shall be granted to the Town for the benefit of the public for those portions of the sidewalk that cross onto private property. At the driveway on Canyon Blvd. and at the intersection of Canyon Blvd. with Lake Mary Road the sidewalk shall be within the public right of way.
 - d. Curb, gutter and sidewalk shall be constructed along Lake Mary Road along the property frontage from Canyon Blvd. to the west side of the proposed driveway on Lake Mary Road. Additional pavement shall be constructed to provide for 12-foot wide through lanes, a minimum width of 11 feet for the eastbound left-turn lane, and five-foot wide shoulders. The signal at Canyon Blvd. shall be modified to include a protected eastbound left-turn phase. The existing signal poles and mast arms shall be re-located, modified or replaced as necessary to meet current applicable standards. An improved roadside swale shall be constructed from the west side of the driveway to the western property line, an inlet constructed and a storm drain line shall be extended westerly along Lake Mary Road to beyond the proposed driveway to intercept roadside drainage. The existing overhead utility lines along the north side of Lake Mary Road along the property frontage shall be converted to underground. The

- conversion shall extend from the existing utility pole at the northeast corner of Lake Mary Road and Canyon Blvd. to the first utility pole west of the property's western property line.
- e. Streetlights shall be constructed along Lake Mary Road and Canyon Blvd. and the public sidewalk along Canyon Blvd. Spacing shall be determined by a luminaire plan to be approved by the Town. At a minimum at least one streetlight shall be placed within 10 feet of all driveways.
 - f. The Applicant shall have a "Line of Sight" study prepared that demonstrates adequate sight distance can be achieved to the north of the Canyon Blvd. driveway assuming that a bus is parked adjacent to the Canyon Blvd, and vertical curve sight distance along Canyon Blvd. for vehicles entering and exiting the site from the Canyon Blvd. driveway, in accordance with the mitigation measures as listed in the "80/50 Hillside Traffic Impact Analysis Second Peer Review" prepared by LSC Transportation Consultants, Inc. dated December 5, 2005. If mitigation is required then the mitigation may include, but is not limited to, the redesign and re-construction of the transit center bus parking.
 - g. Lakeview Road shall be re-stripped to include one northbound lane, a southbound right turn lane and a southbound left turn lane and bicycle lanes. The striping shall be in-laid thermal-plastic. Additional pavement shall be constructed as necessary. Hydronic heating and a heat source shall be installed in the northbound and southbound lanes to the satisfaction of the Public Works Director.
46. The Applicant shall construct a pedestrian bridge, accessible to the public, across Canyon Blvd. from the project to the existing gondola building on the east side of Canyon Blvd. Surety shall be posted with the Public Works Department for the faithful performance of this requirement prior to the first certificate of occupancy for the project. The bridge shall be completed to the satisfaction of the Building Official of the Community Development Department within 8 months of issuance of the first certificate of occupancy for the project. The bridge shall be designed such that snow shall not shed from the bridge into the public right of way or sidewalk. An easement shall be granted to the Town to the benefit of the public for access to and across the bridge. The applicant shall enter into an agreement with the Town for the maintenance of the bridge.
47. All driveways shall be constructed in accordance with the driveway standards of the Town.
48. 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 Town Engineer.
49. A grading permit for the project shall not be issued prior to approval of the landscaping and irrigation plans.
50. The Applicant shall submit a Notice of Intent and comply with the requirements of the General Construction Activity Storm Water Permit from the State Water Resources Control Board, in accordance with Board requirements.
51. The project shall comply with the Guidelines for Erosion Control in the Mammoth Area. Prior to issuance of a grading permit, the applicant shall obtain written clearance from the California Regional Water Quality Control Board, Lahontan District, and provide a copy to

the Public Works Department, Engineering Services Division, or provide evidence that the Board's Executive Officer has issued a written waiver:

Lahontan Region,
3737 Main Street, Ste. 500,
Victorville, CA 92501-3339: (909) 782-4130

52. 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 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. Drywells 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.
53. Erosion control plans shall be included with the grading and improvement plans. 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, and as indicated in the "New Development and Redevelopment Guidelines". 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 Service Division. Gravel bags shall be used in lieu of sand bags. All permanent erosion control measures shall be irrigated for at least one season.
54. A Construction Staging and Management Plan shall be submitted to, and approved by the Town Engineer prior to Grading Permit issuance. Said plan shall include provisions related to the parking of construction worker vehicles, construction equipment, construction materials, loading and un-loading of construction materials and equipment, snow storage and removal, tree protection, 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 existing Construction Management Plan for the "8050 Project" currently under construction shall be revised to the satisfaction of the Public Works Director to accommodate the loss of the subject property as parking, construction staging and management.

55. A grading permit shall not be issued for the project that would result in the loss of any required temporary parking necessary for the Fireside condominium residents and guests, unless adequate replaced parking is provided as mitigation.
56. Storage of construction materials and equipment off-site shall not be permitted without a permit issued by the community development department of the Town.
57. Existing Town streets that require construction or reconstruction, shall remain open for traffic at all times, with adequate detours and traffic control, during actual construction. Surety shall be posted to cover the cost of grading and paving prior to approval by staff of the map.
58. The grading plan shall indicate all snow storage areas and drainage facilities. All easements shall be shown on the grading plan.
59. 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 Town Engineer prior to the import or export of material for the site.
60. 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. 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.

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

61. 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.
62. Prior to issuance of a building permit a shoring plan shall be prepared and submitted for review that demonstrates how the cuts along and adjacent to the property lines and along Canyon Blvd. can be made without encroachment onto the adjacent property and in conformance with OSHA requirements. The shoring plan shall include shoring as necessary to retain existing trees to remain.
63. For all retaining and screening walls, the Applicant shall submit plans to and obtain a building permit from the Building Division.

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

64. Street address numbers shall be placed on all new structures in such a manner as to be plainly visible and legible from the street. The Applicant shall submit a request for street numbers to the Town.
65. 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&R's. 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 be recorded prior to Town approval of the condominium plans.

66. 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 sureties posted prior the issuance of the first certificate of occupancy for the project. Deferral of any required grading, improvements or landscaping may be permitted upon written approval and at the sole discretion of the Public Works Director, and provided the public's health, safety and welfare is maintained.

Mitigation Monitoring and Reporting Program

1. **Aesthetics/Light and Glare Impacts:** Mitigation measures 5.3-1a through 5.3-1f and 5.3-1j and k, which mitigate impacts on visual character; mitigation measures 5.3-2a and b, which mitigate impacts on scenic vistas and resources; and mitigation measures 5.3-3a through 5.3-3d, which mitigate impacts on light and glare. Including: (1) Grading shall be minimized to the extent feasible to accommodate the proposed project. Cut slopes and fill slopes shall be contoured to help blend with the adjacent natural terrain; (2) All graded areas shall be immediately re-vegetated to blend with existing native landscape. Native plant materials shall be utilized throughout the project; (3) Removal of existing trees shall be avoided where possible. Excessive covering of tree roots with fill material shall be avoided; (4) Retaining walls shall be faced with rock material or constructed of other decorative material to the satisfaction of the Community Development Director; (5) The Landscape Plan shall be implemented with the project construction; and (6) All exterior lighting will conform to the Town of Mammoth Lakes requirements for shielding, glare reduction, down-direction, and lumen level output as required by the Town's adopted Lighting Ordinance. The specific fixtures selected will be reviewed through the Town's Design Review and discretionary approval process. Implementation of these mitigation measures shall be assured by the Town's Community Development Department and Engineering staff. Building location will need to be revised to maintain a 20-foot setback along non-NVSP boundaries.
2. **Traffic and Circulation Impacts:** based upon the traffic analysis used as the basis for the Program EIR assessment of traffic/circulation impacts, the following mitigation measures are required for the Mammoth Hillside project: 5.4.1a through c, 5.4-2c, 5.4-2i, 5.4.2, 5.4-3a, and 5.4-4 through 5.4-6. Pursuant to mitigation measure 5.4-3a, a site-specific share parking analysis is required.

The mitigation measures recommended by the traffic analysis will be required for the project. In addition, adequate site distance to the north shall be demonstrated, or additional mitigation will be required. A total of 261 parking spaces will also be required, in addition to fourteen check-in spaces. Parking space dimensions and layout shall be clarified and/or revised.

3. **Air Quality Impacts:** The following mitigation measures recommended in the Program EIR will be incorporated as part of the Mammoth Hillside project: Mitigation measures 5.5-1a and 5.5-1b, which mitigate short-term air quality impacts; and mitigation

measure 5.5-2a through c, which mitigates long-term PM₁₀ air quality impacts. The primary air quality concerns are short-term fugitive dust emissions resulting from construction-related ground disturbance. To reduce this potentially significant impact, air quality mitigation measures consisting of a comprehensive erosion and sediment control plan will be required as mitigation. For this project, the Town shall require and monitor dust control measures during site grading operations including watering to control fugitive dust emissions. The submittal of plans to control airborne dust, erosion, and sediment transport shall be required as part of the grading permit application to the Town. In addition, disturbed areas will be re-vegetated to provide permanent soil stabilization. An air quality permit is required from the Great Basin Unified Air Pollution Control District (GBUAPCD). Increased particulate matter (PM 10) from wood burning appliances and road dust exceeds the State of California thresholds and is considered significant and unavoidable. Only EPA Phase II wood-burning or gas heating appliances will not be permitted. Road dust will be controlled by street sweeper maintenance. The project must conform to the requirements of the Air Quality Management Plan and the Particulate Emissions Regulations of the Town Municipal Code. The applicant shall enter into a Transit Agreement with the Town for the payment of \$121 per year per unit (as adjusted each fiscal year beginning July 1, 2005 by the annual percentage increase in the Los Angeles/Riverside Consumer Index) to the Town for its Transit Programs.

4. **Noise Impacts:** In connection with development of the Mammoth Hillside project, the following mitigation measures recommended in the Program EIR shall be incorporated: Mitigation measures 5.6-1a through 5.6-1c, which mitigate short-term construction noise impacts; mitigation measures 5.6-2a, which mitigates long-term noise impacts; and mitigation measures 5.6-3a through 5.6-3d, which mitigate stationary noise impacts. Consistent with Municipal Code standards, construction hours are limited to between 7 a.m. and 8 p.m. Mondays through Saturdays and is prohibited on Sundays and holidays. Adherence to the Town noise standards will reduce adverse noise impacts to a level below significance. A site-specific noise analysis is required pursuant to Mitigation Measure 5.6-3a to address the impacts of stationary noise sources associated with operation of the project.
5. **Geology/Soils Impacts:** In connection with the Mammoth Hillside project, the following mitigation measures recommended in the Program EIR will be incorporated: Mitigation measure 5.7-1, which mitigates impacts on topography; Mitigation Measures 5.7-2a through 5.7-2c, which mitigate impacts on slopes and stability; Mitigation measure 5.7-3, which mitigates soils impacts; mitigation measure 5.7-4 and 5.7-5, which mitigate impacts relating to erosion hazards; mitigation measure 5.7-6, which mitigates impacts relating to seismic hazards; and mitigation measure 5.7-7, which mitigates impacts relating to volcanic hazards. As explained in the Program EIR, individual projects will be subject to review and approval by the Town Engineer on a project-by-project basis and conditions may be imposed as a result of site-specific studies in compliance with applicable Town, state and federal codes. Topsoil removed during construction activities will be stockpiled on site and compacted for re-use as fill material beneath the proposed hospital structure. Erosion and sediment control best management practices will be employed. A grading permit application will be required from the Town; a Storm Water Pollution Prevention Plan (SWPPP) will be provided as part of that application to describe temporary and permanent best management practices to limit erosion and prevent sediment transport. The applicant shall apply for coverage under the Statewide NPDES Construction Permit through the

Lahontan Regional Water Quality Control Board (RWQCB). Following the completion of construction, permanent soil stabilization measures (including landscaping) will be used to minimize erosion. The project shall comply with building code requirements for Seismic Zone 4 and all recommendations contained within the Soils Engineering Report (Sierra Geotechnical Services, Inc.; January 19, 2001) shall be followed during site preparation work and structural foundation design and construction work. Implementation of these mitigation measures shall be assured by the Town's Community Development Department and Engineering staff. A preliminary geotechnical report has been prepared based on conceptual plans. The report indicated that the project engineering is feasible. However, final grading and foundation plans should be reviewed to determine whether the conclusions of the report warrant reconsideration.

6. **Hydrology/Drainage/Water Quality Impacts:** The impacts of the Mammoth Hillside project were covered in the Program EIR and the Mammoth Hillside project does not increase the impacts beyond those anticipated. In connection with development of the Mammoth Hillside project, the following mitigation measures recommended in the Program EIR will be incorporated: mitigation measures 5.8-1a through 5.8-1c, which mitigate impacts relating to drainage and runoff; and mitigation measures 5.8-2a through d and 5.8-3, which mitigate impacts relating to surface water quality. Best management practices will be required to limit erosion and sediment transport during and after construction. A grading permit application will be required from the Town; a Report of Waste Discharge will be provided as part of that application to describe temporary and permanent best management practices to limit erosion and prevent sediment transport. Consistent with RWQCB standards, the project shall conform to all requirements for controlling erosion onsite through BMPs that may include NPDES and SWPPP permitting. Implementation of these mitigation measures shall be assured by the Town's Community Development Department and Engineering staff. A preliminary drainage study has been prepared (CFA, Inc., November 2005). The report was prepared assuming a 60 percent coverage of impervious surfaces, while project plans indicate a 68 percent coverage. Either the report needs to be revised, or project plans need be revised to be consistent. The report indicates that drainage system will utilize drop inlets, swales, and grading to direct flows from the proposed structures. Erosion control and storm water treatment measures will be placed in areas of possible erosion.
7. **Biological Resources Impacts:** The following mitigation measures identified in the Program EIR will be incorporated in the Mammoth Hillside project: Mitigation measures 5.9-2a through 5.9-2d and 5.9-2 f through k, which mitigate impacts relating to sensitive natural communities. The Mammoth Hillside project is located adjacent to developed lands. The site is also developed with existing facilities and structures. However, in order to limit the impacts to biological resources, several measures are to be incorporated into this project. As part of the grading permit application and inspection process, the Town will ensure the following: (1) The establishment of limits of site disturbance and planned site access routes; (2) tree protection; (3) erosion and sediment control measures; and (4) restrictions on the movement of heavy equipment. These protective measures will be clearly marked on site plans for the contractor and developer and will be assured during site construction by the Town's Building and Engineering inspection staff.
8. **Public Services and Utilities Impacts:** The Program EIR concludes that impacts are mitigated to a less than significant level with incorporation of specific mitigation measures.

The impacts of the Mammoth Hillside project were covered in the Program EIR and the Mammoth Hillside project does not increase impacts beyond those anticipated. The Specific Plan requires developers to provide five acres of land per 1000 population increase. Payment of applicable Development Impact Fees (DIFs) will satisfy this requirement. In connection with development of the Mammoth Hillside project, Development Impact Fees will be paid in accordance with the Town's current DIF Mitigation Program in order to mitigate impacts on public facilities and services covered by the DIF program. In addition, the following mitigation measures recommended in the Program EIR will be incorporated: Mitigation measures Section 5.10-1a through 5.10-1c and 5.10-2, which mitigate impacts relating to fire protection and police protection; mitigation measure 5.10-3, which mitigates impacts to schools; mitigation measures 5.10-4a and b, which mitigate impacts on snow removal and roadway maintenance; mitigation measure 5.10-5, which mitigates impacts on libraries; mitigation measure 5.10-6, which mitigates impacts on recreation; mitigation measures 5.10-7 and 5.10-8, which mitigate impacts to wastewater (sewer) and water, including payment of fees to Mono County Water District; and mitigation measure 5.10-9, which mitigates impacts relating to solid waste. All solid waste will be lawfully hauled to the Benton Crossing Landfill (or another site as may be approved by Mono County). To mitigate solid waste disposal impacts and to extend the life of the landfill, all demolition materials generated by the project will be recycled to the extent feasible. The developed project shall initiate a recycling program for its owners and guests to divert recyclable materials to the extent feasible. These mitigation measures shall be assured by the Community Development Department to divert recyclable materials from the County landfill and to reduce adverse utility and service system impacts to a level below significant.

9. **Cultural Resources Impacts:** In connection with development of the Mammoth Hillside project, the following mitigation measure recommended in the Program EIR will be incorporated: Mitigation measure 5.11-1e, which mitigates impacts relating to archaeological/historical resources and mitigation measure 5.11-2 which mitigates impacts on burial sites. Two mitigation measures are included for this project in the event that unanticipated cultural resources are discovered during construction; specifically: (1) Should evidence of potentially significant cultural resources be discovered during construction of the project, a mitigation plan shall be developed and completed prior to further construction or earth disturbance, and (2) The Professional Guide for the Preservation of Native American Remains and Associated Grave Goods shall be utilized to protect Native American burial sites should they be discovered. Implementation of these mitigation measures shall be assured by the Town's Community Development Department and Engineering staff.
10. **Land Use and Planning Impacts:** The Mammoth Hillside project does not conform to setback requirements. Either project plans require modification to address these issues, or finding for a variance shall be made.
11. **Population/Housing Impacts:** The workforce housing plan and densities will be conditioned to be in conformance with Town and state regulations.

14, 2005, 6:00 p.m. meeting, with the following corrections: Page 3, first paragraph, line 4 from the bottom, should be amended to read: "...that the staff should consider ALIMAR's proposal to sit down and go..."; page 5, third line from the bottom of the page should be amended to read: "...been able to enforce the lighting ordinance except on a complaint basis because of development pressures."; and page 7, twelfth and thirteenth lines from the top of the page should be amended to read: "...transportation. Mammoth Mountain Ski Area has limited its parking. The community needs reliable and frequent transportation. Additionally, Mrs...."

3. Minutes of December 20, 2005 – 6:00 p.m. meeting

Action: It was moved by Commissioner Tenney, seconded by Commissioner Duggan, and unanimously carried to approve the Minutes of December 14, 2005, 6:00 p.m. meeting, with the following corrections: Page 2, paragraph 3, lines three and four, should be amended to read: "...consideration of town-wide interpretative trails with guides to explain the natural surroundings. Commissioner Saari also stated..." and page 7, last line of the last sentence should be amended to read: "...and glad to know she had the support of the Planning Commission to deal with the issue."

VI. PUBLIC HEARINGS

1. Tentative Tract Map 36-235 and Use Permit Application 2005-09 – request to construct Phase I Improvements including a 193-unit condominium hotel with 225 lock-off units ("keys"), understructure parking for 259 vehicles with full-time valet parking services, spa, pool and patio facilities, meeting facilities, restaurant/bar, and associated landscape improvements on a 4.6 acre portion of a seven acre site. Location: west side of Canyon Boulevard, north of Lake Mary Road (APNs: 33-020-10, 11, 21, 33 and 31-110-27). Proponent: Mammoth Hillside, LLC. Staff contact: Craig Olson, Senior Planner, x269.

Senior Planner Craig Olson presented a summary of the proposed project known as Mammoth Hillside. Assistant Planner Dennis Hartwick provided a slide show showing the location of the project, an aerial of the project, and views of neighboring properties. Photographs of the project site and on-site photographs were also provided. Mr. Olson stated that the issues requiring additional clarification or revision are: parking area design, setbacks from non-NVSP boundaries, number of parking spaces provided, driveway line-of-site, tour bus parking, tree loss, paved area setbacks, workforce housing, and color and material boards. In conclusion, Mr. Olson noted that staff had received a letter from the Helios Homeowners Association objecting to the use of Lakeview Boulevard as the primary

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staging area and then reviewed three possible actions available to the Commission.

The Commission questioned staff regarding parking for employees housed on the site, lack of the originally proposed performing arts facility, tire chaining activities, undergrounding of utilities, alternatives for intersection of Lake Mary Road and Canyon Boulevard, 30-foot turning radius in the garage, modification of speed limit on Canyon Boulevard, affordable housing redesignation of units, three versus 14 parking spaces for check-in, and tour bus access. Staff responded to the Commission's inquiries.

Tourism and Recreation Director Danna Stroud provided the Commission with survey results from peer resorts indicating the importance of providing bus accessibility for tour and conference groups.

Assistant Planner Dennis Hartwick stated that staff and the Advisory Design Panel (ADP) are pleased with the proposed changes as they are aesthetically pleasing, with a proposed subtle change in the color scheme. Regarding horizontal versus vertical orientation of the color scheme, Mr. Hartwick noted that the colors are oriented horizontally and that a vertical scheme of colors would not work for this project due to its linear length.

Open public hearing at 4:06 p.m.

Sean Combs, President of Meridian Development, discussed the positive aspects of the proposed development being the first project in the history of Mammoth Lakes to provide all employee housing on site and the first true five star conference hotel, an iconic resort of Mammoth with the Ritz Carlton as the proposed operator. Mr. Combs noted this project will become the jewel of Transient Occupancy Tax (TOT). Mr. Combs stated that tandem parking is efficient and that tandem parking with valet service is optimum in today's market.

Don Harrier of Hill Glazier Architects reviewed the architecture and design issues of the project.

Steve Black, Director of Development, reviewed the nine remaining items suggesting changes to the conditions of approval, as follows: paving area is not a problem as snow will be hauled; the loss of trees will be replaced as required by the North Village Specific Plan; a 26-foot turnaround is appropriate; tandem parking is appropriate; valet parking works well and is efficient; provided a handout to accommodate the setbacks to Mammoth View Villas; suggested additional language to accommodate three or more vehicles at check-in without blocking ingress and egress; will address parking stalls contingent on employee housing and configuration of

compact stalls to the satisfaction of staff; will address line of sight on Canyon Boulevard to the satisfaction of staff; will work with staff to address bus access; and will work with staff to pull spa patio out of the setback.

Mr. Black further stated that final map condition 67 is inconsistent with State law and should be stricken; requested removal of condition 2 requiring review of the Ritz Carlton contract prior to issuance of certificate of occupancy as inappropriate; requested item 9 be amended as an unreasonable request as the project could be held hostage by other parties to the pedestrian bridge; snow management plan will be submitted with recordation of final map; and requested clarification of item 45 of engineering conditions regarding the applicant's fair share, rather than the Town's traffic plan.

David Natali representing the 84 owners of the Hidden Valley condominiums expressed concern about additional traffic, tree removal, water runoff, and parking as they are experiencing "interlopers" from the Intrawest project. Additionally, Mr. Natali stated that the problem he experienced initially in Laguna Beach was the war of where employees parked versus visitors.

John Walter representing the Advocates for Mammoth expressed his concern that the public did not have sufficient time to obtain and review the packet prior to the meeting. Mr. Walter stated that the project does not represent a village in the trees as it is extremely tall. Mr. Walter also expressed concern about pedestrian circulation, retail at Canyon level, lack of analysis of parking for commercial areas, traffic model, public transportation, and the difficulty in replanting 50 or 100 year old trees.

Peter Maw stated that it is exciting to see the energy and believes the project conforms to the overall general plan and will bring people to the Village area and keep them there. Mr. Maw encouraged the Commission to move in a quick direction and not to lose the opportunity.

Andrea Clark, Executive Director of Mammoth Lakes Housing, informed the Commission that the project's housing will be mitigated on site. Ms. Clark stated that she is looking forward to working with the applicant to accommodate young seasonals as well as families. Ms. Clark requested review of the final parking plan to assure accommodation of one parking space per bedroom.

Julie Yost requested that the Commission give this project much consideration; although she has not seen the staff report or drawings, this project will be in the busiest part of Town and will impact two signaled intersections. Mrs. Yost recommended that the Commission give extra

consideration to parking, bus access, believes that the staggering of guests may be difficult, and that the project should provide more than three check-in parking places.

Emily Evans, owner of Splash in the Village, stated that the project is important to businesses in the Village that are barely holding on, as it will bring the animation, people, and restaurants necessary to the area.

Closed public hearing at 5:21 p.m.

Vice Chair Saari stated that he is not prepared to approve this project until the issues of tandem parking in a snow area, review of a larger staging area than proposed, check-in spaces are addressed, and where off-site employees and service people park. Vice Chair Saari stated his support for a continuance of this matter.

Commissioner Duggan commended staff and the applicant on the thoroughness of presentation, reviewed her likes and dislikes of the project, and stated her support for Alternative One with the caveat that the parking issues of the project's guests be addressed to the satisfaction of staff and that she believed that the Town, not the applicant should mitigate parking in other areas off site.

Commissioner Harvey stated that parking issues can be addressed and his belief that the first step to moving to achieve the end result is to approve the conditional use permit with the applicant and staff working together to resolve the remaining issues. Commissioner Harvey stated his faith in staff and the proponent to produce an excellent project and therefore supports Alternative One.

Commissioner Tenney stated that while the project is impressive and exciting, she becomes uncomfortable when she is given information at a meeting that she does not have sufficient time to review. Commissioner Tenney stated that she is uncomfortable with Alternative One, is concerned about pedestrian circulation, how Lake Mary Road connects with the proposed project(s), has heard a cursory review of the pros but no discussion on the cons, even in light of ADP's recommendation for additional retail and the lack of a materials board. Commissioner Tenney stated that she requires more information and does not feel responsible if she has not had sufficient time to review a project

Chair McCarroll stated his support of Alternative One and his confidence in staff and the applicant to solve remaining issues. Chair McCarroll stated his agreement with Commissioner Harvey that approval of a conditional use permit is just the beginning of the process. Additionally, Chair McCarroll stated that Council has enacted ordinances regarding

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funds for traffic mitigation and transit and that until a joint meeting with Council and staff is held to discuss how we solve the problems experienced over Christmas, he will not be approving further projects.

Action: It was moved by Commissioner Harvey, seconded by Commissioner Duggan, and approved by a 3-2-0 vote, Commissioner Tenney and Vice Chair Saari voting no, to approve Tentative Tract Map 36-235 and Use Permit 2005-09 with the findings and conditions as presented in the staff report.

VII. BUSINESS MATTERS

1. Appointments to Commission Sign Subcommittee and review of role.

Consensus: Commissioners Duggan and Harvey appointed to Commissioner Sign Subcommittee. A review of the subcommittee's role was tabled.

VIII. DIRECTOR'S REPORT

1. Director's Department Report.

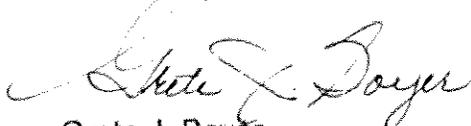
Community Development Director Mark Wardlaw stated that staff and consultants are moving forward to complete response to comments and that he will be approaching Town Council asking for a special meeting between the Town Council and the Planning Commission to discuss the status of the General Plan.

IX. ADJOURNMENT

The meeting adjourned at 6:12 p.m. to the next regular meeting of January 25, 2006.

Respectfully submitted,

Mark Wardlaw
Community Development Director



Greta J. Boyer
Administrative Assistant



COMMUNITY DEVELOPMENT

P.O. Box 1609 Mammoth Lakes, CA 93546

MEETING DATE: January 12, 2006

TO: Planning Commission

SUBJECT: Tentative Tract Map 36-235 and Use Permit Application 2005-09 to Construct a 193-Unit Condominium Hotel Having Lock-off Units Totaling 225 "Keys" with Understructure Parking for 259 Vehicles with Full-Time Valet Parking Services, Spa, Pool and Patio, Meeting Facilities, Restaurant/Bar, Twenty-four Workforce Housing Units, and Associated Landscape Improvements on Five Parcels of Land Totaling Seven Acres.

FROM: *COO* Craig Olson, Senior Planner

APPLICANT: Mammoth Hillside, LLC

LOCATION: West Side of Canyon Boulevard, North of Lake Mary Road (APNs: 33-020-10, -11, -21, -33 and 31-110-27)

ZONING/GENERAL PLAN: The Property is Designated Plaza Resort (PR) and Specialty Lodging (SL) by the North Village Specific Plan and Designated as Specific Plan (SP) with an Activity Node Overlay by the General Plan.

(See Location Map Next Page)

STAFF RECOMMENDATION: Staff recommends that the Planning Commission conduct a public hearing, review the Agenda Report, and determine either:

1. The project can be re-designed as conditioned by staff to meet the requirements and objectives of the Specific Plan and EIR and approve the Tentative Tract Map and Use Permit based upon the findings and conditions in the attached Resolution;
2. Continue the item to receive design revisions and further information;
3. Find that the project is not consistent with the objectives and policies of the Specific Plan and EIR and deny the application.

DEVELOPMENT PROPOSAL

The applicant requests Tentative Tract Map and Use Permit approval to construct a development consisting of a 193-Unit Condominium Hotel (Mammoth Hillside) having 325 bedrooms with Lock-off Units totaling 225 “keys” and an additional 24 one-bedroom workforce housing units. Three levels of understructure parking accessed from Canyon Boulevard accommodate 259 vehicles to be served by full-time valet parking attendants. The development includes a service loading dock, spa/fitness area of 9,038 square feet, meeting facilities of 6,300 square feet, restaurant of 5,070 square feet, guest services area of 2,700 square feet, pool and patio area, and associated landscape and street frontage improvements on a 4.6-acre portion of the seven-acre site. A second phase of the project is proposed to include the construction of 41 two and three-bedroom Townhome Condominiums having 107 bedrooms with understructure parking for 72 vehicles on approximately two acres of the site. Phase II will take access from Lakeview Boulevard. Only the Phase I portion of the development proposal is being considered under the current application request.

SUBJECT PROPERTY AND SURROUNDING LAND USES

The property is located on the west side of Canyon Boulevard north of its intersection with Lake Mary Road. The northerly 2.27-acres of the property is located within the Plaza Resort (PR) Zone and the southerly 4.7-acres of the site is located within the Specialty Lodging (SL) Zone. A 0.61-acre portion of excess right-of-way along Lake Mary Road has been vacated and is proposed to be purchased and included with the five parcels of land that make up the total seven-acre project area. The site is forested and slopes upward from Lake Mary Road and Canyon from an elevation of approximately 8,060 feet to 8,105 feet. The site was formerly the location of the Engelhof and Ponderosa Lodges and is currently being used as a construction staging area for the 8050 and Monache (Westin) projects. Abutting property to the west is developed with the Helios South and Mammoth View Villas Condominiums. Property to the north is being developed with the Monache Condominium Hotel project. Property to the south across Lake Mary is the “old green church” site and property to the east across Canyon is developed with the Village Plaza, the Gondola Building, the 8050 project, the Fireside Condominiums, and the old Inyo-Mono Title office site.

PROJECT ISSUES SUMMARY

As discussed in greater detail in the “Issues Analysis” section of this report, staff has conducted a thorough and comprehensive review of the plans and documentation submitted by the applicant to determine conformance to the objectives of the North Village Specific Plan (NVSP), the project’s zoning designations, the Specific Plan Environmental Impact Report (EIR), the North Village Design Guidelines, and the Town’s adopted Design Guidelines. Attachments to this report include: Attachment 1: Project Summary, Attachment 2: Design Review Checklist, Attachment 3: Advisory Design Panel (ADP) Meeting Notes of September 8, 2005 and January 5, 2006, Attachment 4: Application and Background Material, and Attachment 5: the Environmental Conformance Report to the Program EIR for the NVSP that is presented as a separate document. The applicant and their design team have worked with the Advisory Design Panel (ADP) and staff to present an architecturally pleasing project. However, staff has identified the following project issues that require additional clarifications or revisions to determine the application request to be in compliance with the development standards for the project area:

1. Parking area design.
2. Setbacks from non-NVSP boundaries.
3. Number of parking spaces provided.
4. Driveway line-of-site.
5. Tour bus parking.
6. Tree loss.
7. Paved area setbacks.
8. Workforce housing.
9. Color and Materials Board.

The nine issues identified above are discussed in greater detail within the “Project Issue Discussion” section below. To address these issues, the applicant will need to redesign portions of the project. This will result in revised setbacks, building design revisions, grading revisions, landscape design clarification, and parking revisions. The following discussion identifies the project’s conformance and non-conformance to the applicable development standards in greater detail.

ISSUES ANALYSIS

Vision Statement: The project conforms to the Town’s Vision Statement in that it will provide a quality condominium hotel within the “bustling, tightly knit pedestrian resort” core of the community. The Vision Statement encourages “many hotels, inns, restaurants and shops oriented around a central plaza. Parking is understructure and housing is provided on-site for those people wishing to reside closer to work and play.” The project provides these types of amenities in conformance with the Vision Statement.

Conformance to the General Plan and the North Village Specific Plan: The North Village Specific Plan 2000 was adopted for the Specific Plan area with the finding that it conforms to the Town’s General Plan. The project area is designated Plaza Resort (PR) and Specialty Lodging (SL) by the NVSP. The following is an overview of staff’s analysis of the Mammoth Hillside project’s conformance to these objectives.

Land Use Objectives: There are ten overall land use objectives of the NVSP, five PR objectives, and four SL objectives. The land use objectives of the NVSP and the PR and SL Zones were established to assure compliance with the nine overall goals of the Town’s General Plan. Consistent with NVSP Land Use Objectives 1 and 2: The project must be found “to enhance the image of the Town of Mammoth Lakes as a destination resort by providing quality services, recreational elements, and amenities comparable to other destination resort areas” and “to establish the North Village area as a high-profile visitor activity core in the Town of Mammoth Lakes.” The project, as a “flag” condominium hotel development is consistent with these objectives in that it will provide quality accommodations and services, full-time valet parking, restaurant, spa and pool facilities, and meeting facilities for its owners and guests. A condition of approval will require a contract with a four or five star operator to assure conformance.

NVSP Objectives 3, 4, and 5 relate to creating a pattern of land uses which enable the development of a concentrated resort dependent upon a functional pedestrian system, provide

the necessary levels of services, facilities and infrastructure as development occurs, and to provide for development that is planned as a unified and integrated resort area. As designed, the Mammoth Hillside project will help to unify and integrate the Village core through pedestrian linkages along the west side of Canyon Boulevard and by providing a future pedestrian bridge over-crossing of Canyon to the Gondola Building and the Village Plaza. The project site planning and architectural design will help achieve a project that will complement the "high-profile visitor activity core" and will provide facilities and infrastructure to support the development that integrate into the recent improvements made within the Village core.

NVSP Objectives 6, 7, 8, 9 and 10 relate to encouraging development that incorporate environmental sensitivity and sustainability into design features and amenities, that demonstrate a reduction in vehicle miles traveled to meet state and federal air quality standards, that avoid "strip commercial" development, that create a "critical mass" of commercial development oriented to pedestrian activity, and that assure an adequate supply of affordable housing. Due to the amount of grading required by the project's design to provide access to the site without exceeding driveway slope requirements, the Canyon Boulevard and Lake Mary frontages, as well as areas along the sides of the structure, will lose significant tree coverage. This conflicts with the objective of incorporating environmental sensitivity into the project design. Staff has identified this "tree loss" as a project issue and has proposed conditions to mitigate the proposed impact. The project is consistent with Objectives 7, 8, 9, and 10 in that it is a pedestrian oriented development situated near transit facilities, it does not create a "strip commercial" use, and workforce housing is to be provided on-site.

An objective of the NVSP is to create a "small town character." The NVSP also includes a goal of creating a high-density commercial village that encourages pedestrian use. There is an intended average density of 52 rooms per acre in the North Village. This is the highest density neighborhood planned for Mammoth Lakes. Inherent in this concept is a village area that is not small scale. The Mammoth Hillside project is consistent with the NVSP goals of creating a high-density commercial village while providing on-site workforce housing. The "small town character" must be evaluated through project design, vertical building expressions, and a "town square" style of pedestrian experiences. This development plan for the Village area is consistent with small European villages that concentrate density toward the village core in order to provide lesser density in the surrounding areas of the Town and to protect the environment outside the urban limits. In this respect, the Mammoth Hillside project adheres to the NVSP objectives.

Land Use Policies: The proposal meets NVSP Policies 1, 3 through 6, and 8 through 10 as it creates a variety of uses and reaches a market niche tailored to a pedestrian orientation. With the need to reduce automobile traffic, the project has adjacent access to the ski area gondola and commercial services within the project and the Village. The Design Guidelines for the Village at Mammoth have been adopted to ensure that high architectural standards are met. Parcel consolidation has been achieved which minimizes access points and utility connections. The NVSP EIR mitigation measures will be incorporated into the conditions of approval. A separate analysis has been prepared to review these requirements. The project will impact existing trees and the re-planting of native trees is included in the landscape plan.

Policy 2 states that site-specific development plans shall be sensitive to physical and environmental constraints. Due to the natural slope of the site and the need to provide access driveways and parking that conform to slope standards, grading along Canyon and Lake Mary

will be required and this policy may be difficult to achieve but can be addressed through project design.

Policy 7 encourages a varied skyline. The proposed buildings have varying eave and roof ridge heights. The NVSP Design Guidelines encourage dormers to be built into the roof and gabled over hip roof ends. The roof design adheres to these guidelines.

Policy 11 encourages detailing of storefronts along the pedestrian corridor. The project provides sidewalks that bring pedestrians closer to the structure, but commercial services and the restaurant will not be available to the public.

Policy 12 encourages employee housing in North Village. The project incorporates workforce housing into its design.

PROJECT ISSUE DISCUSSION

1. Parking area design. The layout of the parking spaces and the one-way width of the drive aisles within the understructure garage do not conform to Town parking standards. The NVSP does not specify the requirements for parking stall dimensions or the width of drive aisle lanes and, therefore, the Municipal Code applies. Municipal Code Section 17.20.040R.1 requires enclosed parking spaces to measure 9 by 18 feet when not obstructed by walls or other barriers and to have a minimum unobstructed back up distance of 24 feet. There is insufficient back-up distance (15 to 16 feet) where one-way drive aisles are shown. Section 17.20.040S.2 requires a 24-foot aisle width when vehicles pass in two directions. Support pillars block the access aisles and access into some of the spaces and aisle widths are insufficient in other locations. The width of spaces located adjacent to obstructions are not dimensioned to determine if additional width is needed to make them functional. The turn radius onto the ramp accessing different levels is as small as 16 feet. Municipal Code Section 17.20.040R.1.f requires a minimum outside turn radius of 30 feet to adequately accommodate vehicles common to the community. The parking garage design must be modified to meet Town standards. Additionally, the NVSP (Table 6, page 63) only allows for valet parking when "parking demand exceeds parking supply." As designed, the garage does not provide for additional parking spaces in excess of the minimum number of spaces required and is actually two spaces below the minimum required. Therefore, the garage must be modified or the NVSP will need to be amended.
2. Setbacks from non-NVSP boundaries. Building setbacks along side yards are allowed at ten feet except where the property line abuts the Specific Plan boundary. The NVSP EIR mitigation measure 5.3-1m requires a setback of 20 feet for buildings up to 35 feet in height and an additional setback of one foot for every two feet of building height beyond the twenty-foot minimum setback. Where the property abuts Mammoth View Villas near the southwest corner of the property, the structure is 30-feet in height and is shown to be setback a minimum of 11 to 12 feet and a maximum of approximately 12 feet 11 inches in this area. Therefore, the structure within this area needs to be relocated or the mitigation measure needs to be revised. Revision of the mitigation measure would require a continuance to conform to CEQA.

3. Number of parking spaces provided. Consistent with the NVSP (Table 6, page 62), all projects shall have a minimum of three check-in parking spaces for projects of 50 rooms and guest access to a minimum of 10% of the total number of parking spaces. The applicant has indicated that three check-in parking spaces can be accommodated at the porte-cochere entry to the lobby. These spaces are not shown on the plan. Based upon 225 "keys" and observation of other lodging projects, the project needs to provide additional check-in parking at 3 spaces per 50 units. This results in check-in parking for 14 vehicles. This parking may be provided along the turn-around at the porte-cochere, provided that circulation is not obstructed. The applicant shall provide a plan showing how the check-in parking will function. 259 parking spaces are provided within the understructure garage. The project requires 261 spaces in addition to the check-in spaces required. Therefore, the project is two parking spaces below the minimum number required for the project's design. Valet parking cannot be used as justification for a reduction in the number of parking spaces required by unit and number of bedrooms as specified within Table 6 of the NVSP.
4. Driveway line-of-site. Drivers exiting onto Canyon from the driveway may have their northerly line-of-sight obstructed by buses that park within the transit turnout bays to the north of the driveway intersection. Sight distance measurements from the driveway need to assume that a bus is parked in the bays. Unless it can be proven that adequate sight distance to the north can be achieved, mitigation will need to be required. This mitigation may include, but is not limited to, the reduction of speed along Canyon Boulevard, the redesign of the transit center bus parking, and/or moving the driveway. Additionally, the southerly line-of-sight may be reduced due to the vertical curve of Canyon. These potential line-of-sight limitations require additional analysis.
5. Tour bus parking. The NVSP (item 8.e, page 63) requires tour bus parking to be provided for all transient uses pursuant to Municipal Code Section 3.12.030D. This Code Section states that if the transient occupancy facility books rooms with persons who utilize tour buses, the operator is required to furnish, or make suitable arrangements to furnish adequate parking for the tour bus at either on-site or off-site locations. The applicant will need to provide a tour bus parking program.

Tour bus access to the porte-cochere and lobby is also necessary. Due to the inadequate turn radius of the driveway near the porte-cochere, buses cannot be accommodated on-site. The driveway from Lake Mary to the service delivery area cannot be used for tour bus access since the buses would interfere with delivery vehicles and the service bay does not provide a functional or attractive guest portal. Therefore, the project, as currently designed, does not conform to this standard, and redesign is necessary.

6. Tree loss. Due to the amount of grading required by the project's inclusion of a patio/spa area on the south, the Lake Mary frontage will lose virtually all tree coverage. This conflicts with NVSP EIR Mitigation Measure 5.3-1m that states: "A forested buffer shall be maintained for parcels which front along Lake Mary Road. The buffer... shall consist of preservation of trees within the 200-foot... right-of-way... to the extent that vehicular and pedestrian travel is not impeded. This will require that buildings be designed and constructed so that the buffer area is maintained." The applicant proposes a landscape design along the structure's sides, and adjacent to Lake Mary and Canyon to introduce plantings that "replace" the natural experience by making the Mammoth

Hillside project appear as if it has been developed in a natural setting. Review of the landscape plan and the tree removal and retention plan by the ADP determined that an opportunity exists for a redesign of the patio/spa and Lake Mary driveway area to retain as many mature trees as possible. The applicant will need to provide a revised grading plan to indicate the number of trees to be retained along the Lake Mary frontage.

7. Paved area setbacks. The paving of the driveway turn from the porte-cochere extends to within 10 feet of the Canyon Boulevard property line. The hammerhead portion of the driveway to the service entry from Lake Mary also extends to within 10 feet of the property line and portions of the patio/spa deck extend to within 3 or 4 feet. Setback areas are needed for landscaping, for roadway snow storage, and to protect people and property from snow removal activities. Table 5 (page 35) of the NVSP allows structures of less than 24 feet in height to be setback 10 feet from the property line but does not set standards for driveways. Therefore, the Municipal Code and Public Works standards control. Therefore, at grade paving surfaces and the patio/spa deck, except for sidewalks and the portions of driveways directly accessing the site, should retain a minimum setback of ten feet or more from the property line.
8. Workforce housing. The 24 units of workforce housing required for Phase I assumes a transfer of 34 FTEEs from the 8050 project. However, of the 51 FTEE credits received in the In-Lieu Agreement, 22 credits were used for the 8050 project leaving only 29 FTEE credits for the Mammoth Hillside project. This results in 27 1-bedroom units of workforce mitigation housing needed for Mammoth Hillside Phase I instead of the 24 units proposed. However, in order to qualify for the 35% state density bonus, a total of 36 very low-income bedrooms must be provided. Only the 27 bedrooms of mitigation housing are exempted from density.
9. Color and Materials Board. The color and materials board submitted by the applicant has pictures of the exterior materials to be used, rather than the actual samples of the materials. The "Moonstone" (light gray/green) color proposed for much of the siding does not meet the Town Design Guideline that states: "on larger planer surfaces, select a color that is slightly darker than surrounding natural colors." The North Village Guidelines prefer colors to be expressed vertically, whereas, Hillside's are expressed horizontally. Construction will be Type 1, Fire Resistive with exterior walls having a minimum of 2-hour fire rating and openings requiring ¾-hour protection within 20 feet of the property line. The applicant must demonstrate adherence to this requirement given the exterior "wood" applications proposed. As recommended by the ADP, the gray/green color will need to be darkened and the elevations between the southerly and northerly structures and the elevation fronting the Monache project will need to be provided with architectural detail, increased window sizes, heavy trim treatments, and roof line variations.

Development Agreement Requirements: Some of the project area was purchased from Intrawest and the project is subject to the Development Agreement for the North Village Intrawest holdings. Consistent with the agreement, the project is subject to the Bond Lien for Community Facility District 2001-1 and the applicant shall request reapportionment of CFD 2001-1 and participate in the community transit system, annex into the maintenance district, provide public access and easements, contribute to emergency facilities and parks, and adhere to the Vested Rules. Additionally, the project shall pay Development Impacts Fees at the rate

established at the time Building Permits are issued by the Town. No additional requirements of the Development Agreement have been identified that would be applicable to the Mammoth Hillside project. Fees established by the NVSP EIR to mitigate impacts for police and fire protection, transit facilities, and air quality will be required.

Project Density: The density standards for the PR designation allows for a maximum of 80 rooms per acre and the SL designation allows for 48 rooms per acre. A “room” is defined as: “(a) One hotel room, (b) One bedroom, loft, or other sleeping area in residential uses, or (c) 450 square feet of commercial or restaurant space.” For the proposed project, the NVSP excludes the commercial and restaurant space from density since they will only serve the owners and guests of the Condominium Hotel. A density transfer of 87.04 rooms from the PR portion of the property to the East Village occurred in 2004. The applicant is seeking a density bonus of 35% for the on-site workforce housing in accordance with state guidelines. Given these density allowances, bonuses, and transfers, the entire 7-acre project area yields a total of 432 “sleeping” rooms. The project proposes 325 bedrooms within the 193 units of the Phase I development and 107 bedrooms within 41 units within the Phase II development area for a total bedroom count of 432. In addition to these units, a total of 24 one-bedroom workforce-housing units are proposed (27 are required when the proper In-Lieu FTEEs are applied) within the Phase I development. Consistent with the NVSP Housing Element (Section 17.36.040E), the workforce housing mitigation units required for the development are not counted in the density calculations.

Provided that the project is a housing development project and provides affordable housing consistent with state law, the allowable density breakdown would be as follows:

| <u>Area</u> | <u>Acres</u> | <u>Rooms/Ac</u> | <u>Density Transfer</u> | <u>Rooms</u> | <u>35% Density Bonus</u> | <u>Total Bedrooms</u> |
|----------------------|--------------|-----------------|-------------------------|------------------------|--------------------------|-----------------------|
| <u>SL</u> | 4.09 | 48 | 0 | 196.32 | 68.712 | 265.032 |
| <u>PR</u> | 2.27 | 80 | (-87.04) | 94.56 (181.6-87.04) | 33.096 | 127.656 |
| <u>Lake Mary ROW</u> | 0.61 | 48 | 0 | 29.28 | 10.248 | 39.528 |
| <u>Total:</u> | 6.97 | N/A | N/A | 320.16 | 112.056 | 432.216 |

If as finally configured, the project is not a housing development project or does not meet the affordability requirements, a reduction of 112 rooms would be required.

Project Access / Parking / Traffic Generation: The site is accessed from Canyon Boulevard. The access driveway is to be located across from the driveway on the east side of Canyon that serves the 8050 project. The driveway provides access to the main lobby under a “portecochere” and to the understructure parking entry. The 24-foot wide entry door to the understructure parking only indicates an 8-foot vertical clearance. With larger sport utility vehicles, ski and board racks, and roof mounted storage containers, the minimum vertical clearance of 8 feet 6 inches is required at the garage entry and within all portions of the understructure parking garage. A condition of approval will require this ceiling height.

A Traffic Impact Analysis (LSA Associates, December 2005) has been prepared for the project that recommends three mitigation measures: (1) Re-stripe the Lakeview Boulevard/Lake Mary intersection southbound approach from Lakeview to provide dedicated left and right turn lanes onto Lake Mary Road, (2) Widen Canyon Boulevard by ten feet to provide a northbound left-turn lane onto the project access driveway, and (3) Provide a line-of-sight for drivers exiting the site and turning right from the driveway onto Canyon by prohibiting any obstructions within 10 feet of the property line for a 120-foot span south of the driveway.

The Town requested a peer review of the LSA study by LSC Transportation Consultants. The peer review agreed with the LOS analysis and the cumulative traffic generation analysis. However, LSC identified that drivers exiting onto Canyon from the driveway may have their northerly line-of-sight obstructed by buses that park within the transit turnout bays to the north of the driveway intersection. It is recommended that sight distance measurements from the driveway need to assume that a bus is parked in the bays. Unless it can be proven that adequate sight distance to the north can be achieved, additional mitigation will need to be required. This mitigation may include, but is not limited to, the reduction of speeds along Canyon Boulevard, the redesign of the transit center bus parking, and/or relocation of the driveway. Staff would not support a redesign of the transit center unless no costs would be incurred by the Town and the relocated center would function well as a Transit Hub for the Village. Additionally, LSC identified the need for hydronic heating of Lakeview at its approach to Lake Mary Road consistent with the Town's Capital Improvement Program, signing of the dedicated left and right turn lanes, and an 11-foot wide left turn lane onto the driveway from Canyon Boulevard.

A second driveway from Lake Mary Road provides access to a loading dock where service deliveries will be made. No access to the understructure parking area is provided from the Lake Mary driveway. The receiving dock will be capable of servicing vans and delivery vehicles. Deliveries received at the loading dock will be hand trucked to the service elevator and to their destinations within the project.

The NVSP (Table 6, page 62) requires parking to be provided based on bedrooms within the units. The retail/restaurant/conference areas are solely for the use of owners and guests and their parking requirements are factored into the number of spaces required by the project's unit/bedroom count. The 103 studio and one-bedroom units and the 32 two-bedroom units require one parking space per unit. The 20 two-bedroom units with lock-offs, the 20 three-bedroom units, the 12 three-bedroom units with lock-off units, the 4 four-bedroom units, and the 2 three-bedroom penthouse units require 1.75 spaces per unit. The total number of parking spaces required by unit/bedroom count is 236.5 spaces. An additional 24 spaces are needed for the 24 one-bedroom workforce housing units resulting in 261 parking spaces required.

The understructure garage accommodates 259 vehicle spaces. The NVSP parking requirements are less than the number of parking spaces required by Municipal Code standards for similar uses within other areas of Town not governed by the Specific Plan. The rationale for this reduction is the pedestrian orientation of the Village, the accessibility of the Town's transit hub, and that many of the individuals utilizing the on-site accommodations will also patronize commercial operations within the Village thereby reducing their need to utilize private vehicles. The applicant will need to demonstrate how the two additional parking spaces are to be provided. Section 8.f of the NVSP does allow for "compact" spaces of 7 feet 6 inches wide and 15 feet long for no more than 5% of the stalls. The applicant has not provided information to determine if this allowance will be utilized. Section 8.i of the NVSP states that no transient occupancy project shall have less than 1.05 parking spaces per "key." At 225 keys, the project

conforms to this standard (i.e.: $225 \times 1.05 = 236.25$ spaces), but lacks some of the required spaces for the workforce housing units.

The applicant has provided a "Valet Parking Proposal" for the project stating that valet parking will be provided at all times. The proposal states that: "Valet parking would accommodate a larger number of guests and visitors to the resort as well as aid in alleviating congestion during busy vehicle traffic times. Support services (spa, restaurant, meeting facilities, guest services, etc.) are for use by guests and owners exclusively and valet parking for these services would allow the resort operator to offer a higher level of service and convenience to those using these amenities." The proposal also states that a key system will be utilized that ensures that valet parking staff and management know at all times how to access specific keys for specific vehicles and where those vehicles are located.

The only mention of valet parking within the NVSP is within Table 6. The section reads: "Parking management, such as valet parking, shall be provided when parking demand exceeds parking supply." This section relates to high occupancy periods in Town such as Christmas and the New Year holidays and was meant to mitigate the reduction from the normal Municipal Code standards that was authorized through the Specific Plan.

The number of parking spaces provided are a maximum number of spaces that can be accommodated within the understructure garage. The intent of the allowance for valet parking during peak weekends is that excess space within the parking structure could accommodate additional vehicles. Since this additional accommodation is not provided by the project's design, staff contends that the valet parking cannot be used for a reduction in the number of parking spaces required by unit and number of bedrooms as specified within Table 6 and does not meet the intent of the specific plan.

Architecture / Building Height / Site Coverage: The Mammoth Hillside project has been reviewed by the Town's Advisory Design Panel (ADP) and a design workshop was held by the Planning Commission. These reviews have resulted in several design revisions including breaking the linear projection of the structure along the Canyon Boulevard frontage by providing a building separation of 24 feet at a location to the northwest of the main entry, redesign of the balconies to prevent stacking and repetitiveness, reducing the roof profiles and heights at the ends of the structure to reduce bulk and mass, and bringing the structure closer to the Canyon and Lake Mary intersection to reduce building height and the bulk and mass of the structure. The southwest portion of the structure was eliminated to reduce the structure's bulk and mass when viewed from Lake Mary Road. Large timbers are being used for trusses and brackets. The building is broken up into different levels. Window and door trim will be required to be of heavy material.

The use of stone, shingle and board and batten siding, asphalt shingle and slate roofing, and wood balconies conform to the Village and Town Design Guidelines. The color and materials board submitted by the applicant has pictures of the exterior materials to be used, rather than an actual sample of the materials. Due to the height of the structure, non-combustible exterior materials must be used. However, the materials are manufactured to simulate wood. The "Moonstone" (light gray/green) color proposed for much of the siding does not meet the Town Design Guideline that states: "on larger planer surfaces, select a color that is slightly darker than surrounding natural colors." However, the color is pleasing. Trim is a dark brown and the asphalt roofing is brown and the slate is a dark gray. The North Village Guidelines prefer colors to be expressed vertically, whereas, Hillside's are expressed horizontally. Color elevation drawing (with trim colors) of the current design when viewed from the Village Plaza and the Canyon Lake Mary frontage have been provided by the applicant. The most recent

ADP review determined that additional architectural detail, increasing window size, trim treatments, and roof line variations will be needed for the elevations between the southerly and northerly structures and the elevation fronting the Monache project.

Building height is regulated by Section 5 (page 32) of the NVSP. Within the PR designation and Resort Lodging overlay, 1 to 7 building levels are allowed with a maximum permitted height of 75 feet and a maximum projected height of 90 feet. Since the project area crosses the land use boundaries of the PR and SL designations, Section 5.c, page 32 of the NVSP allows the highest permitted and projected heights of the PR designation to apply to the entire structure subject to Design Review approval. Section 5.d, page 33 of the NVSP allows building height to be measured from the understructure garage roof elevation to the top of the roof ridgeline. Building projections above the 75-foot permitted height to the 90-foot maximum height may be allowed provided that a roughly equivalent reduction is provided below the permitted height and no more than 50% of the building square footage exceeds the permitted height. The project architect has provided a height study to show that 11% of the building is proposed at the 90-foot maximum height and that 89% of the building is at or below the 75-foot permitted height. 31% of the building that is below the permitted height does not exceed 50 feet. Therefore, the building height conforms to the NVSP standards.

One of the goals of the NVSP (item 2, page 3) is that building heights are to be held generally below the existing tree canopy. Existing mature trees in the area measure approximately 50 to 75 feet in height and most retained trees are on the higher portions of the site. The area where mature trees will be retained is adjacent to the pool and spa to the west of the structure. With approximately 89% of the structure ranging in height at or below 50 feet to 75 feet in this area, this goal is substantially achieved. When measured from the Lake Mary travel lane adjacent to the property, the central portion of the structure will measure approximately 110 feet. With no trees retained between the building and Lake Mary Road and Canyon, this façade will not be screened by trees, but is lower than the treetops behind. The architectural massing of the structure is broken up by utilizing a stepped roof design as the structure steps down from the maximum 90-foot height at the central lobby area to roof heights of 45, 35, and to a low of 25 feet along the structure's sides. Tree planting on the disturbed areas to the south and west will be required.

The NVSP (Section 3, page 31) allows a maximum site coverage of impervious surfaces of 75% in the PR Zone and 60% in the SL Zone. The PR Zoned portion of the property had a site coverage transfer of 14,881 square feet that basically brings its site coverage to 60% as well. The Phase I project area proposes a building footprint of 82,760 square feet and 53,700 square feet of impervious area for driveways, pathways, and the pool and spa area for a total of 136,460 square feet. When the 136,460 square foot coverage is divided by the 5.21-acre Phase I site (4.6-acres + 0.61-acre Lake Mary vacation = 5.21-acres or 226,948 square feet), the site coverage is 60%. Therefore, the 60% site coverage standard is adhered to by the Phase I portion of the project.

Within the PR Zone, the NVSP (Section 4, page 32) allows for a maximum building floor area of 87,000 square feet per acre, excluding structured parking. Within the SL Zone, 75,000 square feet of building floor area is allowed per acre. The 2.27-acre PR portion of the site and the 4.7-acre SL portion of the site yield an allowable building floor area of 549,990 square feet and the Phase I building area is 409,450 square feet.

Setbacks and Snow Storage: Building setbacks are measured in correspondence to building height as indicated on Table 5 (page 35) of the NVSP. Heights up to 24 feet from Lake Mary and Canyon may come to within 10 feet of the property line, heights between 25 to 34 feet are

setback 20 feet, heights between 35 to 54 feet are setback 30 feet and heights over 55 feet are setback 40 feet. Roof eaves are allowed a four-foot encroachment into the setback areas. The plans conform to these setback criteria for the Lake Mary and Canyon frontages. Building setbacks along internal side yards are allowed at ten feet except where the property line abuts property outside of the Specific Plan boundary. As described earlier, the NVSP EIR mitigation measure 5.3-1m requires a setback of 20 feet for buildings up to 35 feet in height and an additional setback of one foot for every two feet of building height beyond the twenty-foot minimum setback. Where the property abuts Mammoth View Villas near the southwest corner of the property, the structure is 30-feet in height and shown to be setback a minimum of 11 to 12 feet and a maximum of approximately 12 feet 11 inches in this area. Therefore, the project does not conform to the EIR setback standard in this area. A building re-design to meet this mitigation measure, or a continuance of this application request to allow time to revise the EIR mitigation is required.

Section 20 (page 42) of the NVSP requires a snow storage, snowmelt, and removal plan to be submitted with the application. The applicant has indicated that all driving surfaces, pedestrian paths, and the spa/pool deck areas will be equipped with a snowmelt system. The Site Plan (Sheet C2.0) indicates the areas proposed for snow storage. The driveway and path areas are shown to measure 46,000 square feet. At 75% of this area, 34,125 square feet of on-site snow storage area is required. The Site Plan indicates areas totaling 36,595 square feet that can be utilized for the storage of snow.

Solid Waste: Discussion within the NVSP (page 51) states that “developments will be required to be equipped with waste compaction and recycling facilities.” The Site Plan states that solid waste will be stored in conditioned space inside the building prior to pick up. Sheet C2.0 of the plans indicates that solid waste storage will be accommodated within the loading dock structure. Approval of the project will be conditioned to require a trash compactor system and recycling facilities to be located within this area.

Workforce Housing: The NVSP contains a Housing Element (page 69) that requires developers to provide affordable housing for employees that are unable to afford housing at current market rates. The Housing Mitigation Regulations are the same as the Townwide workforce housing requirements. Businesses within the North Village and throughout Town depend on low to moderate-income employees to support their operations. A supply of sufficient amounts of housing affordable to these employees is critical to the economic survival of the community.

The number of FTEEs for the project is based upon a formula of .225 FTEE per sleeping area, or 73.1 FTEEs. The applicant has proposed that the Mammoth Hillside project receive an employee housing credit of 34 Full Time Equivalent Employees (FTEEs) from the In-Lieu Housing Agreement associated with the 8050 Project. However, of the 51 FTEE credits received in the In-Lieu Agreement, 22 credits were used for the 8050 project leaving only 29 FTEE credits for the Mammoth Hillside project. Less the in-lieu credit of 29 FTEEs the project requires 44.1 FTEEs for the sleeping area count. The 23,108 square feet of services associated with the project are assessed at 0.42 FTEE per 1,000 square feet and result in 10 FTEEs required for a total Phase I project count of 54 FTEEs. Depending on the final programming of the service space, this requirement may be reduced. To establish the number of units required, one FTEE equals 250 square feet of living area for the 13,500 square feet of workforce housing required for the project. The square footage of the living area is then divided by 500 square feet to arrive at a studio or one bedroom count of 27 for Phase I.

Housing Density Bonus: Because the project is a Housing Development Project as outlined in the State Density Bonus Law (available for long-term occupancy), it is eligible for a density

increase for the provision of affordable housing. To receive the maximum bonus, the project must provide 11% of the site density before bonus at a very-low income level or 20% of the site density before bonus at a low-income level. Because the North Village Specific Plan measures density by room, the Town is computing the affordable housing mitigation requirement by room. With a base density of 321 rooms, the project must provide 36 rooms of very-low income housing or 65 rooms of low-income housing on-site to qualify for a 35% density bonus. The applicant is proposing to provide housing at the very-low income level in order to qualify for the density bonus.

The Phase I portion of the project area will need to assume a credit of 29 FTEEs instead of the 34 credits currently assumed by the applicant to comply with the workforce housing requirements discussed above. In part, the Town's Affordable Housing Mitigation regulations are based upon sleeping areas. When approved, a condition will require a prohibition on the market rate unit's "non-bedroom" areas so that they may not be furnished with beds, sofa beds, or any other type sleeping furniture, armoires, or closets. The Covenants, Codes, and Restrictions (CC&Rs) will stipulate this requirement be enforced by the Owners Association and Town staff will be permitted access to verify compliance. Since the Condominium Hotel is managed such that owners may not furnish their individual units, the hotel operator has the exclusive ability and is responsible for enforcing the CC&Rs that limit the number of sleeping areas. Additionally, the Use Permit conditions of approval and the wording in the CC&Rs will allow for the verification of the limitations on "sleeping areas" by the Town.

Impact on Density: The 321 rooms base density plus the 35% bonus net 432 total rooms. Housing required for mitigation may be exempted from density calculations, any additional housing required to meet the state formula for density bonuses must be included in the project density. Based upon the calculations above, the project must provide a total of 36 rooms of very-low income housing on site to qualify for the density bonus. Twenty-seven rooms of the on-site affordable housing may be exempted from the density calculations pursuant to Town Affordable Housing Mitigation Regulations. Nine rooms must be included in the density calculations.

On-Site Recreational Amenities and Public Park Fees: Consistent with the Parks and Recreation Element (page 84) of the NVSP, all hotels, full-service or specialty lodging projects shall provide appropriate recreational amenities for their guests. In addition, projects must pay their fair-share contribution to the Town for public parks and other recreational amenities. The project provides a spa area with sauna and steam rooms, massage rooms, an exercise room, swimming pools, a lounge area, and other recreational amenities. These areas total approximately 40,300 square feet to address the Parks and Recreational Element of the Specific Plan. An area to the west of the structure will be retained in its natural forested area and improved with walking trails as a recreational amenity for the project.

Municipal Code Section 17.16.195 allows for the reservation of land for parks and recreation purposes as authorized by the state Quimby Act. The Parks and Recreation Element Policies of the General Plan identifies that five acres of parkland is needed per 1,000 population within the community. Development Impact Fees (DIFs) will pay for four acres per 1,000 population leaving a balance of one acre per 1,000 to be provided by the developer. As currently proposed, the 193 residential units multiplied by 4.0 persons per unit equals 772 individuals. The 772 individuals divided by 1,000 population equals 0.772 times \$0.5 Million per acre, the project's balance is \$386,000. This number may be modified by the project's final design.

Construction / Staging Areas: The applicant has provided a Construction Management Plan. This plan calls for storage of some construction materials at rented space at the Mammoth-Yosemite Airport. The Airport Zone does not allow for off-site material storage. Storage and construction parking areas are also to be located on the Phase II portion of the site. Access will be taken from Lakeview, Lake Mary, and Canyon. Traffic control, site security, construction worker parking, material storage, and haul routes must be approved by the Town and shall be coordinated with other construction activities in the vicinity. During construction, it is anticipated that up to three tower cranes will be used for erection of the superstructure. The three tower crane locations are shown on the Site Logistics Plan submitted within the report. Portions of the on-site storage and staging areas are in areas slated for Phase II development. A conceptual site plan for Phase II must be submitted and all construction storage/tree removal will be limited to those areas clearly needed for buildings and access.

Construction Worker Housing: Construction worker housing is required pursuant to the NVSP Housing Policy #3. A condition of approval will prohibit the applicant's contractors and sub-contractors that hire employees from outside Mono or Inyo Counties (who will need to reside in Town for 90 days or longer) from housing them in the RMF-1 Zone.

Transit: The NVSP EIR (Section 5) documented a need to reduce particulate emissions from road dust and the Town's Vision Statement and the NVSP policies encourage a pedestrian oriented community. Consistent with this, a fair share contribution of \$121 per year per unit (as adjusted each fiscal year beginning July 1, 2005 by the annual percentage increase in the Los Angeles/Riverside Consumer Index) will be paid to the Town for its Transit Programs. Additionally, a "fair share" contribution of a street sweeper (\$70.26 per unit) shall be paid to address road dust impacts.

Public Improvements: The project area shall be annexed into the Benefit Assessment District (BAD 2001-2) for the purpose of maintaining, operating, repairing, removing snow, heat tracing, landscaping, irrigation, street lighting, and other matters along the Canyon Boulevard and Lake Mary Road frontages. To continue this effort uniformly, the applicant will be required to "annex" into the District prior to Final Tract Map approval. Consistent with the agreement, the project is subject to the Bond Lien for Community Facility District 2001-01 and the applicant shall request reapportionment of CFD 2001-01 and participate in the community transit system, provide public access and easements, contribute to emergency facilities and parks, and adhere to the Vested Rules.

CEQA COMPLIANCE

An Environmental Document relating to the Mammoth Hillside project's conformance to the Program Environmental Impact Report for the North Village Specific Plan area has been prepared and distributed to the Planning Commission under separate cover. The document concludes that the project is substantially within the scope and analysis of the EIR and that, as mitigated, no additional environmental documentation will be required for the Mammoth Hillside project. However, project design revisions will need to be made to address Mitigation Measure 5.3-1m relating to the maintenance of a "forested buffer" along Lake Mary and the requirement of a 20-foot setback from abutting non-NVSP property. Otherwise, there will need to be a continuation of the project review to allow time to revise the NVSP EIR.

The NVSP EIR analyzed a potential room count of 730 for the project area and an additional 80 bedrooms for workforce housing when assessing environmental impacts. The total project

area (Phases I and II) proposes a 432-room density and 37 workforce housing rooms for a total of 469 rooms, or 261 rooms less than analyzed by the EIR.

RECOMMENDATION

Staff recommends that the Planning Commission conduct a public hearing, review the Agenda Report, and determine either:

1. The project can be re-designed as conditioned by staff to meet the requirements and objectives of the Specific Plan and EIR and approve the Tentative Tract Map and Use Permit based upon the findings and conditions in the attached Resolution;
2. Continue the item to receive design revisions and further information;
3. Find that the project is not consistent with the objectives and policies of the Specific Plan and EIR and deny the application.

Attachment 1: Project Summary

Attachment 2: Design Review Checklist

Attachment 3: Advisory Design Panel (ADP) Meeting Notes of September 8, 2005 and January 5, 2006

Attachment 4: Application, Background Material, and Agency Comments

Attachment 5: Environmental Documentation Base Upon the North Village Program EIR (separate cover)

Attachment 6: LSA & LSC Traffic Studies (separate cover)

Attachment 1
PROJECT SUMMARY

| | |
|--|---|
| APPLICATION TITLE & CASE NO: | |
| Mammoth Hillside: TTM 36-253 & UPA 2005-09: 193-unit Condominium Hotel having 325 bedrooms with Lock-off Units totaling 22 "keys." An additional 24 one-bedroom workforce housing units are included in the Phase I portion of the project. An understructure parking garage for 259 vehicles with full-time valet parking services is also included in the project. Additionally, spa, pool and patio facilities, meeting facilities, restaurant/bar, and associated landscape improvements are proposed on the 4.61-acre Phase I portion of the seven acre site. | |
| PROJECT ADDRESS/LOCATION: | APPLICANT INFORMATION: |
| West Side of Canyon Boulevard, North of Lake Mary Road (APNs: 33-020-10, -11, -21, -33 and 31-110-27) | Rhona Hunter Mammoth Hillside, LLC (8050) P.O Box 100-595 Mammoth Lakes, CA 93546 (760) 924-1018 |
| PERMIT/APPLICATION TYPE(S): | |
| <input type="checkbox"/> Administrative Permit <input checked="" type="checkbox"/> Use Permit <input type="checkbox"/> Design Review <input type="checkbox"/> Administrative Adjustment <input type="checkbox"/> Variance <input type="checkbox"/> Master Sign Program <input type="checkbox"/> Tentative Parcel Map <input checked="" type="checkbox"/> Tentative Tract Map <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Zoning Code Amendment - Text <input type="checkbox"/> Zoning Code Amendment -Map <input type="checkbox"/> General Plan Amendment - Text <input type="checkbox"/> General Plan Amendment - Map <input type="checkbox"/> District Zoning Amendment <input type="checkbox"/> Specific Plan <input type="checkbox"/> Master Plan <input type="checkbox"/> Planned Unit Development <input type="checkbox"/> Other: |
| APPROVAL BODY: | <input type="checkbox"/> Public Hearing <input type="checkbox"/> Public Meeting <input type="checkbox"/> Administrative |
| <input type="checkbox"/> Administrative <input checked="" type="checkbox"/> Planning Commission <input type="checkbox"/> Town Council | <input type="checkbox"/> Other: |
| ENVIRONMENTAL DETERMINATION AND NOTICING: | |
| CEQA Determination | <input type="checkbox"/> Categorical Exemption, Class _____ <input type="checkbox"/> Negative Declaration or <input type="checkbox"/> Mitigated Negative Declaration <input checked="" type="checkbox"/> Conformance to Environmental Document Summary <input type="checkbox"/> Environmental Impact Report, Type: _____ |
| CEQA Noticing | <input type="checkbox"/> Notice of Exemption (w/in 5 days of decision) <input type="checkbox"/> Notice of Completion <input checked="" type="checkbox"/> Notice of Determination (w/in 5 days of decision) <input type="checkbox"/> Fish & Game Certificate of Fee Exemption (w/in 5 days of decision) <input type="checkbox"/> Notice of Preparation <input type="checkbox"/> Notice of Availability <input type="checkbox"/> Notice of Completeness |

| PUBLIC NOTIFICATION: | | |
|---------------------------------|--|---|
| Mailing Date: TBD | <input checked="" type="checkbox"/> Property Owners <input type="checkbox"/> Adjacent Property Owners | <input checked="" type="checkbox"/> w/in 300' foot radius <input type="checkbox"/> w/in 300' foot radius / Extended: <input type="checkbox"/> Other: |
| Posting Date: | <input type="checkbox"/> Onsite <input type="checkbox"/> Offsite | <input type="checkbox"/> Other: |
| Publication Date: TBD | <input checked="" type="checkbox"/> Mammoth Times | <input type="checkbox"/> Other: |
| Courtesy Date: | <input type="checkbox"/> Town Council <input type="checkbox"/> Commissions <input type="checkbox"/> Town Website | <input type="checkbox"/> Press Release <input type="checkbox"/> HOA /Neighborhood Groups <input type="checkbox"/> Town Organizations <input type="checkbox"/> Other: |

| GENERAL INFORMATION: | |
|--|--|
| General Plan: Specific Plan (SP) | Zoning: SP: North Village Specific Plan |
| Existing Land Use: Staging Area for Westin & 8050 Projects | Overlay Zone/District: Plaza Resort & Specialty Lodging |
| Legal Description: APNs: 33-020-10, -11, -21, -33 and 31-110-27 | Other: A .61-acre portion of the Lake Mary right-of-way is proposed to be vacated by the Town and purchased by the applicant for inclusion into the project area. |

| ADJACENT ZONING AND LAND USES: | | | |
|--------------------------------|-----------------|--|---|
| <u>Location</u> | <u>Zoning</u> | <u>Land Use</u> | |
| North: | PR | Monache Hotel | |
| South: | SP | Lake Mary Road: "Green Church" site | |
| East: | RMF-2 | Lakeview Boulevard: Helios South Condominiums | |
| West: | RG | Village / 8050 and the old "Inyo-Mono Title Building" | |
| <u>Project Data</u> | <u>Existing</u> | <u>Proposed</u> | <u>Required</u> |
| Lot Coverage: | N/A | 53% | 60% per NVSP |
| Landscaped Area: | N/A | TBD | 40% per NVSP |
| Snow Storage: | N/A | Snow Removal / Storage Plan: Heat Treated Surfaces | Snow Removal / Storage Plan required |
| <u>Parking</u> | | | |
| Enclosed: | N/A | 259 | 261 per NVSP |
| Unenclosed: | N/A | 0 | 3 check-in per NVSP |
| Loading: | N/A | Loading Dock/Service Entry from Lake Mary Road | Delivery parking plan required |
| Total: | | 259 | 261 plus 3 check-in spaces |
| <u>Building Height</u> | N/A | Maximum 90 feet | Maximum Projected: 90 feet Maximum Permitted: 75 feet |
| <u>Building Setbacks</u> | | | |
| Front | N/A | 40 feet from Canyon and 40 from Lake Mary for portions of the structure over 55 feet | 40 feet from Canyon and 40 from Lake Mary for portions of the structure over 55 feet |
| Rear | N/A | 10 feet | 10 feet |
| Side (East) | N/A | 10 feet | 10 feet |
| Side (West) | N/A | 10 feet | 10 feet |
| Other: | | 11 to 12 feet near the southwest corner of the project area | 20 feet adjacent to non-specific plan areas to the southwest with increased setbacks as the building height increases |

| MITIGATION SUMMARY: | | |
|--|--|--|
| <input type="checkbox"/> Affordable Housing: <u>on-site</u> _____ | <input type="checkbox"/> Dedications: _____ _____ | <input type="checkbox"/> Bond/Surety: _____ _____ |
| <input type="checkbox"/> In Lieu Parkland: <u>fees required</u> _____ | <input type="checkbox"/> Public Art: _____ _____ | <input type="checkbox"/> Easements: _____ _____ |

Attachment 2 Design Review

A. Material Use

1. Base of the building is a natural stone blend veneer.
 - a. Stone base meets Town Design Guidelines.
2. Board and Batten and Shingles are natural wood (?).
 - a. Wood meets Town Design Guidelines.
3. The roof will either be asphalt shingles or slate tiles.
 - a. Both materials conform to Town Design Guidelines.
4. Balconies are constructed of wood.
 - a. Wood meets Town Design Guidelines.

B. Colors.

1. Stone – shades of grey and brown.
 - a. Conforms to Town Color Guidelines.
2. Board and Batten siding – Moonstone (light grey/green).
 - a. Does not meet Town Design Guidelines (“On large planer surfaces, select a color that is slightly darker than surrounding natural colors.”). However, the color is pleasing.
3. Shingles – Flint grey.
 - a. Is a Town recommended color.
4. Trim 1 (fascia and gables) – Molasses (dark brown).
 - a. Is a Town recommended color. However, a natural stain may work better.
5. Trim 2 (window trim) – Porous Stone (light gray).
 - a. Is a Town recommended color.
6. Roof, asphalt – Teak (medium brown).
 - a. Is a Town recommended color. However, does not match the rest of the building.
7. Roof, slate – Midnight Grey.
 - a. Is a Town recommended color.
8. Balconies – light grey brown.
 - a. Is a Town recommended color.
9. Overall, the color scheme is very pleasing to the eye.
10. The North Village Guidelines prefer colors to be expressed vertically, whereas, Hillside’s colors are expressed horizontally.
11. A full color elevation is needed (current elevation does not show trim and window colors).
12. A better materials board is needed (with actual materials not pictures and color swatches).

C. Architecture

1. Good:
 - a. Large timbers for trusses and brackets.
 - b. Building undulates – broken up into different levels.
 - c. Passage through the building is large and inviting (24’ wide, 10-12’ high).

- d. Windows have wide trim and frame and nice glass detail.
 - e. Dormers are well placed and not monotonous.
 - f. Chimneys are large and prominent.
 - g. Balconies have strong support details.
 - h. Transoms on first floor windows.
 - i. South elevation (5, 6, and 7) has a good step-up.
2. Bad:
- a. Hillside is one large building. NVSP states that larger buildings are to be designed as an assemblage of smaller buildings.
 - b. North elevation (18) is plain and unappealing. This area is along the pass-through and faces The Westin.
 - c. Entrance needs to be more prominent.
 - i. Better illustration of the entrance needs to be provided.
 - d. Unsure of north end (N5). Building area is a box – flat roof. Perhaps a sloped roof with dormers or gables should be here instead.
 - e. South entry (N1, N6) is an 80' wall (cliff). No build-up/step-up.
 - f. South end of West Elevation (N3, N4) lacks a strong base.
 - g. Building lacks interest at the pedestrian level in most areas (no stores, public areas).
3. Some areas could not be accurately reviewed because elevations were unclear. In some elevations, the building was stretched out.
- D. Roof form and snow shedding
- 1. The majority of the roof is well designed – varied in height, broken up with dormers and chimneys, peaks extended down, varied eave lines, and generous roof overhangs.
 - 2. A few areas of the roof need improvement:
 - a. North elevation (18) has a long, unchanging roof line.
 - b. North end (N5) has a long unchanging roof line.
 - c. Interior elevation (12-16) roof line is long and not broken up.
 - d. South elevation (9) is confusing – shingles, gable?
- E. Site design
- 1. Half of the site is located in the Plaza Resort (PR) zone which is geared toward pedestrian activities. PR zone is to “increase the commercial potential of the North Village”, “provide for visitors to take part in non-ski oriented activities”, and “to provide appropriately sized public spaces.”
 - a. Building is set too far back from the street and sidewalk.
 - b. Very few pedestrian amenities located in this area of the building.
 - c. No public spaces provided.
 - d. No retail provided.
 - 2. Porte Cochere and driveway are poorly designed.
 - a. Sets the building back from the street.
 - b. Interrupts pedestrian flow.
 - 3. An updated sun and shadow modeling needs to be provided.
 - 4. The Winter Terrace appears to be a public area but is located in the SL zone instead of the PR zone.
 - 5. The flat roof above the Guest Services on the NE side of the building has the potential for public seating, dining, etc.

6. To make the site more pedestrian friendly, benches could be placed along the meandering path to create "special places" and areas to sit and rest.
 7. Does the development preserve views?
- F. Pedestrian facilities
1. A meandering pedestrian walkway is provided along Canyon Boulevard. Area is shown to be well landscaped. Although pleasant, this design does not conform to the objectives of the Plaza Resort (pedestrian oriented, highly active area).
 2. Pedestrian crossings at Canyon Boulevard not provided.
 3. Where does the pedestrian bridge go? Does it provide access to any new pedestrian services other than the gondola?
 4. Where does the pedestrian tunnel go? It is shown on some of the elevations but not on others. It appears to go to an empty area between the Westin and Hillside.
- G. Site amenities
1. Private interior courtyard.
 2. Are the retail area and/or lobby area shown on Sheet A1.02 open to the public?
 3. What are "Guest Services"? Are they only open to guests of the hotel?
- H. Context with neighboring properties
1. North – The Westin.
 - a. Similar development – large condominium hotel.
 2. East – 8050, Fireside Condominiums.
 - a. Across Canyon Boulevard. 8050 is a large condominium hotel developed by the same group. Fireside Condominiums is a small condominium project.
 3. South – North Village Inn.
 - a. Across Lake Mary Road. Large enough separation to be buffered from Hillside.
 4. West – Mammoth View Villas and vacant lot.
 - a. Mammoth View Villas are not located within the NVSP area. They are small condominium units (2-3 levels). Hillside ranges in heights at this point (in some areas greater than 50 feet).
- I. Landscaping
1. Total area of landscaping
 2. Species and size of plantings
- J. Lighting
1. Not provided.
- K. Signs
1. Not provided.



COMMUNITY DEVELOPMENT
P.O. BOX 1609, MAMMOTH LAKES, CA 93546
(760) 934-8989 ext.269, fax (760) 934-8608
email: colson@ci.mammoth-lakes.ca.us

DATE: SEPTEMBER 16, 2005
TO: TO RHONA HUNTER AND SEAN COMBS: MAMMOTH HILSIDE 8050
FROM: CRAIG OLSON, SENIOR PLANNER
RE: ADVISORY DESIGN PANEL (ADP) REVIEW AND COMMENTS: SEPTEMBER 8, 2005

John Hill and Don Harrier, project architects with Hill Glazier, presented the preliminary project design drawings and design concepts for the Mammoth Hillside 8050 project proposed by the Meridian Group (8050) to the Advisory Design Panel (ADP) members. The project area consists of properties located along the west side of Canyon Boulevard, north of the intersection of Lake Mary Road and Canyon within the North Village Specific Plan.

The ADP expressed their favorable responses to the preliminary design for the Mammoth Hillside project and their concerns as follows:

1. The members expressed their appreciation of the project providing an amphitheater and a Performing Arts Center for the public's use. The volumes and massing seem better than earlier renderings, but more refinement is needed as discussed below.
2. The vehicle entry off Canyon is not obvious for drivers. The structure could be moved closer to the Canyon Boulevard frontage to provide a better connection between the structure and the pedestrian Art Walk landscaped area while providing some protection from the weather to pedestrian during winter months. The Art Walk must be carefully landscaped to provide a positive pedestrian experience and to connect the project to the Village and the Village to Lake Mary Road.
3. The northerly end of the site currently planned for the amphitheater may be better suited for the Performing Arts (Conference) Center. Activation of the pedestrian experience along Canyon may be better accomplished by having entries to a restaurant and other commercial entries. The number of bed units would support retail uses.
4. There is a long expanse of colonnades and structural walls along approximately 600 feet of Canyon Boulevard. This façade is a bit plainer and more roof variation and pop-outs and recesses of the walls are needed to help break up the structural bulk and mass of the building.

The central height at the entry/lobby may better serve as an "iconic" feature if it is moved closer to the Lake Mary/Canyon intersection.

5. More refinement is needed on finishes and exterior materials applied to the structure. High quality materials are important for such a prominent location within the Village and community.
6. Site planning should be coordinated with the proposed Mammoth Crossings project to take advantage of view corridors, pedestrian connections and crossings, and compatibility of architectural design.

cc: ADP Members



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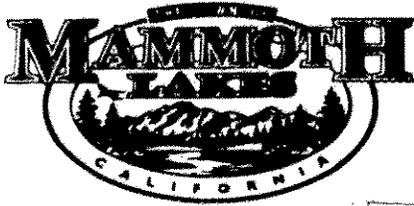
DATE: JANUARY 6, 2006
TO: TO RHONA HUNTER AND SEAN COMBS: MAMMOTH HILSIDE
FROM: CRAIG OLSON, SENIOR PLANNER
RE: ADVISORY DESIGN PANEL (ADP) REVIEW AND COMMENTS: JANUARY 5, 2006

Staff presented a summary of the project's consistency and conflicts with the North Village Specific Plan (NVSP) Design Guidelines and the design revisions made since the ADP meeting on September 8, 2005. John Hill and Don Harrier, project architects with Hill Glazier, presented the project design concepts to address previous concerns raised by the ADP. The following is a summary of the ADP meeting:

- The previous structure has been divided into a northerly residential structure and a southerly structure having residential units, customer services, workforce housing, service delivery facilities, and back-of-hotel functions. The two structures are connected through understructure passages.
- Revisions have been made to lower the roof forms and building heights in front of the higher roof elevations to break up the bulk and mass of the structures as they appear from the street.
- There will be a need to grade along the Lake Mary frontage to accommodate bringing the customer services building closer to the street frontage as requested by the ADP for street animation. However, the spa area along Lake Mary and the driveway can be re-designed to preserve as many mature trees in this area as possible. When applicable, other trees will be harvested and re-planted and indigenous trees planted in this area to meet the intent of the EIR mitigation measure. The tree removal plan will be revised.
- The southwesterly portion of the southerly structure can be re-designed to meet the 20-foot setback standard from non-NVSP properties.
- The ADP expressed their favorable responses to the revised design and considered the current design to be a "significant" improvement over the preliminary design. The architecture, roof design, and presentation to the street frontages present a "good" image for such an importantly

located property within the North Village. The mix of architectural details and varying heights, especially the towers, at different locations is a positive.

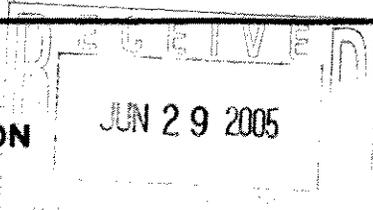
- The context of the project in relation to the Westin project to the northwest and other surrounding properties needs to be presented so it can be understood by the public and the Planning Commission. This may be accomplished by computer models or other types of project area modeling.
- The building materials, finishes, colors, depth, trim shadows need to be presented to understand the quality and types of materials to be used. For example, board and batten is called out, but it is not understood if the battens are 8-inch on center and 3-inches in width.
- The gray color needs to be darkened.
- There are differences between the perspective drawings and the elevation drawings related to balcony locations and other design details. It was explained that the perspective drawings are the most current. The number of balconies could be lessened and they should vary in size to break up repetitiveness.
- The roof lines, windows, trims and exteriors of the structures between the southerly and northerly buildings and the elevation fronting onto the Westin property need to be provided with more architectural detail. The relationship to the Westin needs to be better understood as to roof heights, snow shed, and setbacks.
- Tree preservation along the Lake Mary frontage needs to be weighed in light of the “public benefit” that will be received. Not certain if a private spa facility provides a public benefit. The architects indicated that they would work to preserve as many trees as possible within this area.



COMMUNITY DEVELOPMENT
P.O. Box 1609, Mammoth Lakes, CA 93546
(760) 934-8989 ext. 224, fax (760) 934-8608

TMM 36-2354 UPA 2005-09

PLANNING APPLICATION



Date received: 6-29-05
 Fees received: \$ 11,800.00
 Receipt No.: 103794
 Check No.: 540 Cash: _____

7B

All land use applications must be accompanied by the following information, to be completed by the applicant.

ATONA HUNTER 760.924.1015

Name of applicant or agent Mailing Address Phone Number
MAMMOTH HILLSIDE, LLC PO BOX 100-505, MAMMOTH LAKES, CA 93546

Fax No. 760.924.1018 E-Mail Address Same
chona@8050.net

Property Owner (if other than applicant) Mailing Address Phone/Fax Number
Same

Street Address Assessor Parcel Number(s)
N/A SEETENATIVE MAP & COMPLIANCE REPORT

Zoning Lot Tract
SEETENATIVE MAP & COMPLIANCE REPORT

PROPOSED USE: Describe the request being made, or nature of the use, business, or purpose for which the building, structure, improvement, or premise is to be used: DEVELOPMENT OF 5 STAR FLAGHOLD AND SUPPORT FACILITIES, PERFORMING ARTS CENTER, PUBLIC ART, OUTDOOR AMPHITHEATRE, SEE COMPLIANCE REPORT FOR FURTHER DETAILS.

APPLICATION TYPE (check all that apply):

| Type | Cost | |
|---|----------|----------------------------|
| <input type="checkbox"/> Use Permit | \$ 3,400 | deposit toward actual cost |
| <input type="checkbox"/> District Zoning Amendment | 3,400 | deposit toward actual cost |
| <input type="checkbox"/> Variance | 3,100 | deposit toward actual cost |
| <input type="checkbox"/> Specific Plan | 17,000 | deposit toward actual cost |
| <input type="checkbox"/> Parcel Map (tentative) | 3,400 | deposit toward actual cost |
| <input type="checkbox"/> Tract Map (tentative) | 4,125 | deposit toward actual cost |
| <input type="checkbox"/> Lot Line Adjustment | 1,475 | deposit toward actual cost |
| <input type="checkbox"/> Categorical Exemption | 191 | Fee |
| <input type="checkbox"/> Negative Declaration | 1,425 | deposit toward actual cost |
| <input type="checkbox"/> EIR | 10,000 | deposit toward actual cost |
| <input type="checkbox"/> Administrative Permit | 1,496 | Fee |
| <input type="checkbox"/> Public Hearing Notice | 170 | deposit toward actual cost |
| <input type="checkbox"/> Design Review | 1,050 | deposit toward actual cost |
| <input type="checkbox"/> Zoning Ordinance Amendment | 4,150 | deposit toward actual cost |
| <input type="checkbox"/> Extension Request | 621 | Fee |

Total Cost \$ _____

I CERTIFY UNDER PENALTY OF PERJURY that I am: _____ legal owner(s) of the subject property (all individual owners must sign as their names appear on the deed to the land), _____ corporate officer(s) empowered to sign for the corporation, or X owner's legal agent having Power of Attorney for this action (a notarized "Power of Attorney" document must accompany the application form), AND THAT THE

FOREGOING IS TRUE AND CORRECT. (Signatures of all owners are required for Use Permits, Variances, Tentative Maps, District Zoning Amendments, and Lot Line Adjustments.)

June 21, 2005
Date

Sean Combs by Rhonda Hunter
his attorney in fact.
Name (Print) and Signature of Property Owner or Agent

Date

Name (Print) and Signature of Property Owner or Agent

ARCHITECT/ENGINEER STATEMENT:

I certify that I have reviewed applicable development plans for compliance with the requirements of the Town of Mammoth Lakes and such plans are designed in accordance with those regulations.

JUNE 14, 2005
Date

DONALD L. HARRIS
Name (Print) and Signature of Licensed Architect or Engineer

**Maps and plans required of each application
One reduced copy of all plans and maps shall be provided in 11x17" format**

Use Permits/Design Review/Variances/

- Administrative Permits
- ___ Site plans (3 copies) *
- ___ Landscape plans (3 copies) *
- ___ Building elevations/preliminary floor plans (3 copies) *
- ___ Cross sections (3 copies) *
- ___ Sample materials and color elevation drawings, not to be larger than 24"x36"
- ___ Environmental information form
- ___ Affordable Housing Mitigation Plan (HDMP) if required (refer to Sec. 17.36 of Municipal Code)
- ___ Public Notice Packet (not required for Design Review)
- ___ Special requirements for SDD Zone, North Village, Sierra Star, or Snowcreek

Specific Plan

- ___ Specific Plan
- ___ Public Notice Packet (see attached)

Lot Line Adjustment

- ___ Lot line adjustment map (3 copies) *
- ___ Site plan (3 copies) *
- ___ Current (within 90 days) title report

Tentative Parcel/Tract Map

- ___ Maps (3 copies) *
- ___ Environmental information form
- ___ Public Notice Packet (see attached)
- ___ Affordable Housing Mitigation Plan

Zone Change

- ___ Map of property and adjoining properties
- ___ Statement with present zoning, requested zoning, and reason for request
- ___ Public Notice Packet (see attached)

* When deemed complete, 20 copies are required



LAKE MARY RD.

THE VILLAGE AT MAMMOTH-PH 1 CONDO DEV.

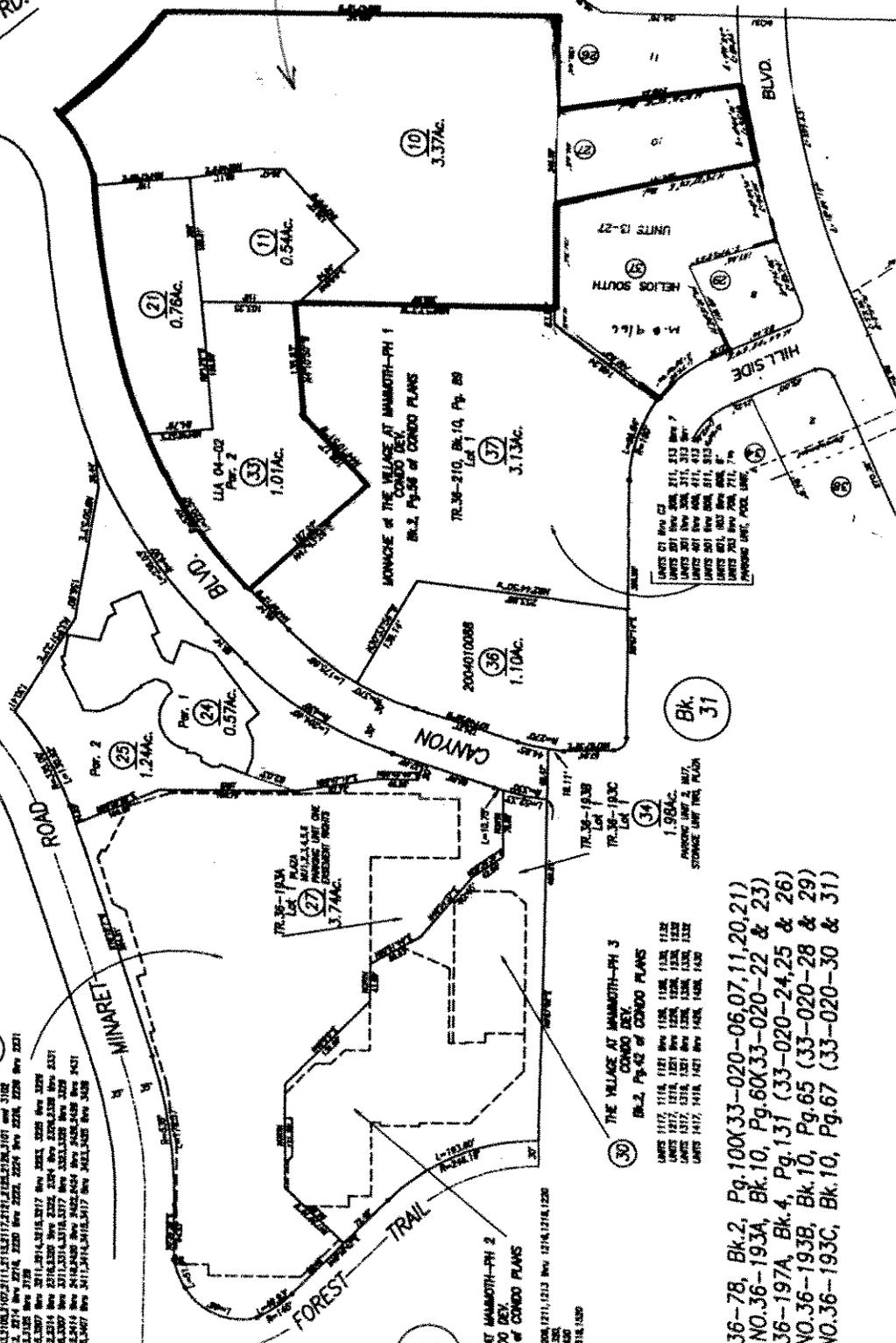
Bk. 2, Pg. 38 of CONDO PLANS

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Bk. 31

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Assessor's Map Bk. 31 - Pg. 4 of Mono, Calif. County of Mono, Calif.

as in Exhibit

- R.S. 36-78, Bk. 2, Pg. 100(33-020-06, 07, 11, 20, 21)
- TR. NO. 36-193A, Bk. 10, Pg. 60(33-020-22 & 23)
- PM 36-197A, Bk. 4, Pg. 131 (33-020-24, 25 & 26)
- TR. NO. 36-193B, Bk. 10, Pg. 65 (33-020-28 & 29)
- TR. NO. 36-193C, Bk. 10, Pg. 67 (33-020-30 & 31)

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UNITS 1001 thru 1003

UNITS 1004 thru 1006

UNITS 1007 thru 1009

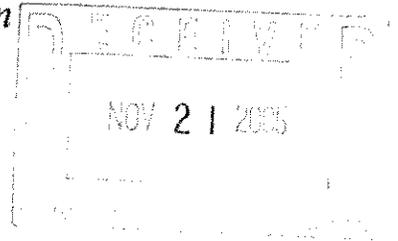
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North Village Development and Design Standards Compliance Report

DRAFT – November 7 Progress Submission



**Project: Mammoth Hillside
Use Permit Application Update
November 21, 2005**

1.0 Introduction

A Use Permit Application, supporting documentation, and architectural/engineering material were submitted in June 2005 to the Town of Mammoth Lakes. The application was for development on property located on the west side of Canyon Blvd within the North Village Specific Plan area. This conformance report, supporting documentation, and architectural/engineering material has been amended to reflect all changes and revisions to the proposed development as a result of staff comments to the June 2005 submission.

1.1 Subject Property

The subject property consists of 5 parcels of land each identified below:

| <u>Parcel Name</u> | <u>Parcel Number</u> | <u>Size</u> | <u>Zone</u> |
|--------------------|----------------------|-------------|-------------|
| Canyon West | LLA Parcel 2 | | |
| | Inst No. 2004005560 | | PR |
| Englehoffe | Parcel 2 PMB 1/44 | | PR |
| Ponderosa | Parcel 2 89/398 OR | | PR |
| | | 2.27 acres | |
| Tamyko | Lot 10 MB 4/85 | | SL |
| Tamyko | Parcel 1/44 | | SL |
| | | 4.09 acres | |

1.2 Lake Mary Right of Way Vacation

The owner of these parcels, Mammoth Hillside, LLC is currently acquiring a sixth parcel of land resulting from a Town right of way vacation along Lake Mary Road. This final parcel is summarized below:

Lake Mary Road Parcel

Approximate acreage: 0.61 acres

Zone: SL

It is the developers understanding that the TOML is currently working with an appraiser for the purposes of determining a valuation of this property so that the developer can enter into negotiations with the TOML to purchase the property. Supporting documentation and information on this process is tabulated and attached as part of this package. It is understood that until this property's title has been transfer to the developer, the developer does not have the ability or right to include it as part of their development parcel. However, it is anticipated that the purchase and transfer of the property will occur prior to any site work commencing. Hence, developer request that the TOML considers the inclusion of this parcel in this Use Permit application conditioned upon final verification that the parcel's title has been transferred to the developer.

2.0 Project Phasing

The owner proposes to develop the entire property as if it were one parcel of land. Through the filing of our Tentative map, the various parcels will be merged into one property. The owner proposes to develop the entire project in two phases. Please refer to the tentative map and the architectural site plan for the proposed Phase line. Finalization of the phase line will be made through the Final Map. The phase line may be converted to a property line at some time in the future. Phase I is scheduled for development spring 2006 and Phase II approximately 2 years later (2007/8).

The Use Permit Application covers both Phase I and II. This Compliance Report pertains to the development of both phases as if they were to be built simultaneously. Items such as employee housing, parking, lot coverage, etc have not necessarily been broken down between the two phases. At this time, only Phase I is presented in detailed design. The developer proposes the entire property be subject to one Use Permit with conditions for development of Phase II subject to detail design review.

Based upon discussion with Staff, it is proposed that Phase II be designated as a remainder parcel through this Use Permit Application. The remainder parcel will be assigned an allowable developable density (no. of Bedrooms) based upon any residual bedrooms entitled to the whole project's parcel and not used in Phase I. Also, as will be discussed in a later section, the developer proposes to build ALL housing mitigation for the entire parcel and as calculated and defined in this report, in Phase I. The Phase II remainder parcel will need to have on title a housing mitigation credit that represents the housing built on Phase I. The developer will also assign pedestrian access easements to Phase II across Phase I so that Phase II will have access across Phase I for the purposes of accessing amenities such as the proposed Canyon Blvd. bridge.

Developer recognizes that development in Phase II will be subject to discretionary reviews at the time of development. However, Developer needs to have the ability to use Phase II lands for construction staging for Phase I construction. These construction staging needs are outlined and provided in detail in the attached Construction Management Plan.

Email received from Bill Taylor, November 18, 2005 - Sec. 2.0 Project Phasing: The second paragraph states that: "The Use Permit covers both Phase I and II." We cannot approve the Use Permit for Phase II until adequate plans are developed and can be reviewed and approved by the Planning Commission. As we described in our notes of July 27th, Item 1, the Use Permit will address total density and identify the maximum density for Phase II, but the final approval of that density will be subject to the final design and map for that phase.

Developer – Density on Phase II must take into consideration housing bonus to be built in Phase I. In addition, both site coverage and buildable areas have been identified in the report as a combined Phase I and II number with Phase II still to be determined. When the detailed Use Permit for Phase II is submitted the projected numbers used here will be confirmed with the intent that overall the entire project will be in conformance. Final Phase II submission will also include required design elements and map for that Phase. TOML is requested to assign as much certainty to the Phase II development as possible.

2.1 Development Details

Below is the development summary of the two phases.

Phase 1 – Five Star Flag Hotel (all condo units consisting of studio, 1, 2, 3, 4 bedroom, and 2 and 3 bedroom lock offs); facility support services for owners and guests (spa, meeting space, restaurant/bar, pool/patio), employee housing, Canyon bridge, and 2-3 levels of underground parking

Phase 2 – 2 and 3 Bedroom Town homes + underground parking

Below is a breakdown of the project.

| <i>Phase I</i> | | |
|------------------------------|--------------|-----------------|
| | <u>Units</u> | <u>Bedrooms</u> |
| Studio Condo | 65 | 65 |
| 1 Bedroom Condo | 38 | 38 |
| 2 Bedroom Condo w/lock off | 20 | 40 |
| 2 Bedroom Condo | 32 | 64 |
| 3 Bedroom Condo w/lock off | 12 | 36 |
| 3 Bedroom Condo | 20 | 60 |
| 4 Bedroom Condo | 4 | 16 |
| 3 Bedroom Penthouse | 2 | 6 |
| <i>Total Phase I</i> | 193 | 325 |
| <i>Phase II</i> | | |
| 3 Bedroom Town homes | 25 | 75 |
| 2 Bedroom + study Town homes | 16 | 32 |
| <i>Total Phase II</i> | 41 | 107 |
| <i>Project Total</i> | 234 | 432 |

2.2 Total Number of Condo Units

There are 193 Saleable Units planned in Phase I and 41 Saleable Unit planned in Phase II. In addition to Saleable Units the project will have a MAX of 37 housing units built in Phase I. Finalization of housing units will be determined as outlined in Section 32.0 below. The developer wishes to identify the spaces that are not saleable units as outlined in the table above and are not employee housing units as identified in Section 32.0 below as distinct units that will be owned by the developer. Therefore, when identifying the total number of units in the project, the Town should include two additional units which include Unit 1 – Phase I non saleable space, Unit 2 – Phase II non saleable space. These areas will be identified in detail during the development of the Condo Plan and the Final Map process.

TOML Request in July 29th Craig Olson Memo – Call out on the Tentative Tract Map the number of Condominium unit to be created.

Developer – Typically the Tentative Tract Map does not call out the number of condominium units. This is determined by the Use Permit resolution. As the exact number of housing units is still be determined, we propose that resolution on the number of condominium units is achieved by Staff and Developer, we can use language in the Use Permit Resolution to identify the total Condominium Units. The Condo Plan and the Final Tract Map will conform to the Use Permit resolution.

2.3 Canyon Pedestrian Bridge

The Developer contemplates an elevated crossing from the proposed project on the west side to the east side of Canyon Blvd, lighting at the northerly end of the project and landing at the Mammoth Mountain Ski Area Guest Services building. Due to the need for a multitude of easements and agreements that will be necessary for the approval and construction of this bridge, the developer will seek approval for this bridge at a later date. Much of the design material may show contemplation of this bridge. However, the developer acknowledges that the approval of the Use Permit currently applied for does not include the approval of this bridge.

Email received from Bill Taylor, November 18, 2005 - Sec. 2.2 Canyon Pedestrian Bridge: When will the bridge be submitted to the Town for approval and at what stage of development is it anticipated to be constructed? An application for Design Review of the Bridge will need to be signed by MMSA if connecting to the gondola building. Approval of the bridge over the right-of-way may include a requirement for public access and usability.

Developer – As noted by the TOML, bridge submission and review application must be signed off by at least MMSA (if this is the location of the landing) and potentially subject to additional third party involvement. As such, the bridge submission will be forthcoming when all required agreements and signatures have been finalized. We anticipate this to occur in 2006 with construction to take place prior to occupancy of the Phase I development. In the interim, the project has been designed and functions stand alone without the construction of the bridge.

3.0 Land Uses

The property includes parcels of land under two North Village Specific Plan (NVSP) zones: Plaza Resort (PR) and Specialty Lodging (SL). When the NVSP was adopted, the properties zoned PR and those zoned SL were owned by separate individuals and the split between the two zones was made where the ownership changed. It is likely that at that time it was anticipated that the two previous property owners would develop their parcels independently of each other. All parcels are now owned by one entity and zone lines lie within the development envelope of the project. The developer has used the NVSP and any specifically identified means therein of dealing with this type of scenario. Where there are no clear guidelines within the NVSP, the developer has identified the rationale for applying one zone or the other zone's entitlements.

As per Table 2: LAND USE MATRIX of the NVSP (attached) all uses of the proposed development are consistent with allowable SL and PR zone uses. Primary permitted uses within the project are: B 10. (Hotels, resort condominiums, and inns), B 14. (Restaurants, bars, night clubs within hotels), B 17 (Accessory commercial uses within a hotel), C 6. (Convention and meeting facilities within or adjacent to lodging facilities), D 1. (Employee housing, affordable housing, apartments, condominium, or other housing). Specific location of each permitted land use does not necessarily lie within the exact

boundaries of each permitting zone. However, overall the project's facilities are all permitted on each of the two NVSP zones.

4.0 Density

The subject property and associated underlying density entitlement is summarized by the table below. Please note that PR zoned properties have a density transfer covenant on title (covenants are attached). The entire property is also subject to a 35% density bonus due to onsite housing mitigation and application of the states density bonus law.

| | <u>Acres</u> | <u>Bedroom/Acres</u> | <u>Bedrooms</u> | <u>Density Transfer</u> | <u>Remaining</u> | <u>Housing Bonus</u> | <u>Total Bedrooms</u> |
|-------------------------|--------------|----------------------|-----------------|-------------------------|------------------|----------------------|-----------------------|
| Specialty Lodging Plaza | 4.09 | 48 | 196.32 | | 196.32 | 68.712 | 265 |
| Resort Lake Mary | 2.27 | 80 | 181.6 | 87.04 | 94.56 | 33.096 | 128 |
| ROW | 0.61 | 48 | 29.28 | | 29.28 | 10.248 | 40 |
| | | | | | | | 432 |

The combined units of both Phase I and Phase II of the project fall within the properties underlying entitlement.

The proposed project does include owner/guest service areas. These include: food and beverage service areas, owner service facilities (sports concierge, meeting facilities, business centre, concierge, etc.), kids club, and spa and fitness facilities. There are also facility service areas such as laundry, employee break room, mechanical and engineering, etc. All facilities and services are provided as amenities to owners and their guests or as support facilities to the operations of the development. These services and facilities are not for general public use. As per the NVSP, this type of use and service within the project does not utilize underlying density.

5.0 Site Coverage

The property sits on the SL zone which allows a site coverage of 60% and the Plaza Resort zone that allows a site coverage of 75%. The plaza resort properties have site coverage transfer covenants (see attached) on them. These covenants require 14,881 sq ft of site coverage transferred which basically brings the lot coverage on the PR zones to 60% as well.

Currently, there are only confirmed numbers for the building foot print (Phase I) to achieve a site coverage percentage. Phase II coverage has been calculated based upon preliminary concepts. This number will be confirmed when that phase is being approved. Until then, we wish the conceptual number to be used as a place holder and upon final configuration of the property, the maximum value of this will be determined.

Hardscape for Phase I are confirmed and again placeholders for Phase II have been identified. Final values for Phase II will be confirmed upon submission of that design. Final numbers for Phase II will be such that they entire project site coverage allowance will not be exceeded. The numbers below represent realistic and achievable hardscape numbers and as such should not represent any challenge when finalizing the design.

| <u>Zone</u> | <u>Size (acres)</u> | <u>Size (sq ft)</u> | <u>% coverage</u> | <u>Max Coverage (sq ft)</u> | <u>Transferred by covenant (sq ft)</u> | <u>Max site coverage after Transfer (sq ft)</u> |
|-------------|---------------------|---------------------|-------------------|-----------------------------|--|---|
| SL | 4.7 | 204732 | 60 | 122839.2 | 0 | 122839.2 |
| PR | 2.27 | 98881.2 | 75 | 74160.9 | 14881 | 59279.9 |
| Total | 6.97 | 303613.2 | | | | 182119.1 |

Phase I building foot print: 82,760 sq ft
Phase II building foot print (estimates): 28,000 sq ft

Hardscape Phase I:

Driveways: 13,410 sq ft
Pathways: 36,095 sq ft
Pools/Spas 4,195 sq ft
Total: 53,700 sq ft

Hardscape (estimates) Phase II:

Driveways: 5,800 sq ft
Pathways: 4,500 sq ft
Total: 10,300 sq ft

Total Site Coverage (Phase I and II): 174,760 sq ft
% Site Coverage: 58%

6.0 Building Area

The property sits on the SL zone, which allows a building area of 75,000 sq ft/acre, and the PR zone, which allows a building area of 87,000 sq ft/acre. Weighted average building area is 79,000 sq ft/acre. With a total project site of 6.97 acres, the total allowable building area is: 550,630 sq ft. Phase I building area is a known. Phase II is a placeholder at present. The final maximum building area for Phase II will be restricted by that approved in Phase I. Each building area presented below do NOT include garage as per the NVSP.

Phase I Building Area: 409,450 sq ft
Phase II Building Area: 112,000 sq ft
Total Building Area: 521 450 sq ft

Projected Total Building Area is currently less (29,180 sq ft) than the maximum as required by the NVSP.

7.0 Building Height

The SL and RG zones are subject to the attached Table 4: Building Heights. In accordance with the NVSP, the project is subject to a few height considerations.

7.1 Buildings Crossing Two Zones

Section 5. (c) of the NVSP deals with buildings that cross two or more land uses. Correspondence received by the developer from TOML staff (dates October 28, 2005 and attached in the Correspondence tab) verify that:

1.) Height Transitions Between Zoning Districts: The NVSP Land Use Section (Section 5 (c)) states that if a building crosses a land use boundary, the building height can be calculated at the permitted height and projected height of the most liberal district, subject to design review. Staff is interpreting this project as one building for the purpose of the height calculations for several reasons. Therefore, the Plaza Resort (PR) district with the Resort Lodging overlay height standard may be used.

7.2 Height Bonus for On-Site Housing

The project proposes to provide for all housing mitigation on site and is eligible under both the NVSP, Section 5 (g), and State housing bonus laws, for height bonus of 12 feet for the SL zoned properties.

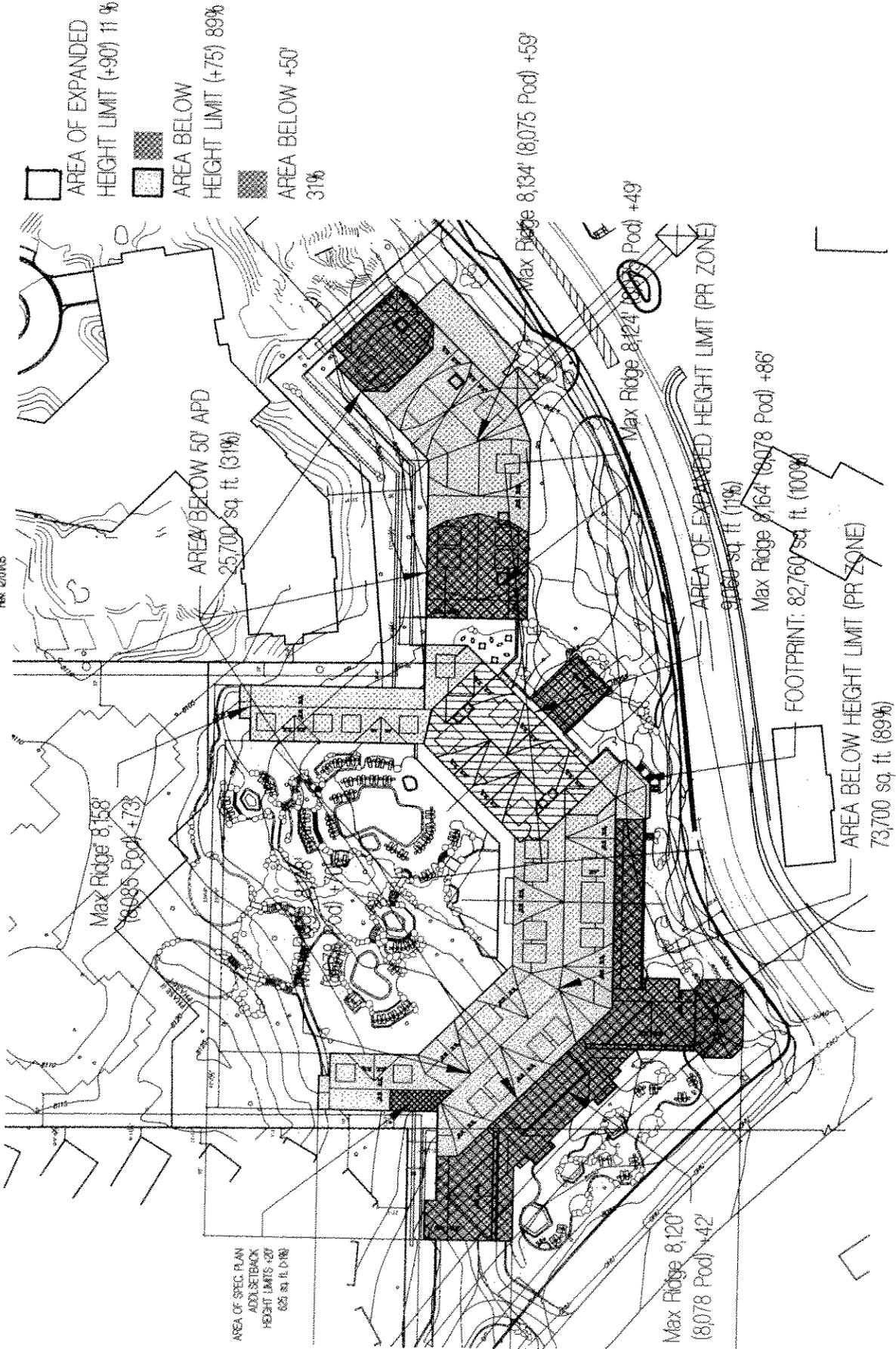
In the same October 28, 2005 correspondence, the TOML staff clarified the applicability of the height bonus in light of their interpretation of buildings that cross two zones above:

2.) Increased Height in the Specialty Lodging Zone for Affordable Housing: As stated in paragraph 1 above (first quote from the correspondence), the height standards for the most liberal district may be applied to this project. In this instance the most liberal district is the PR. The 12-foot height increase for affordable housing is not permitted in the PR district. Therefore, the maximum building height is 75 feet with a maximum projected height of 90 feet and no additional height allowance may be permitted.

Developer proposes that if 1.) above does not apply to Phase II development which exists wholly within the SL zone, then Section 5. (g) of the NVSP would apply to Phase II and this parcel would qualify for a 12 foot height bonus.

MAMMOTH HILLSIDE
 HEIGHT LIMIT ANALYSIS 1:100

REV 2/20/15



7.3 Building Height Reference

All of the buildings in both Phase I and Phase II are built on top of a parking garage. The proposed development consists of 2-3 levels of below plaza parking. Building heights are measured from natural grade from the interior plaza above the parking podium.

7.4 Projected Height

The North Village Specific Plan makes allowances for a projected height above permitted heights when the following condition is met:

“Building projections above the permitted height may be allowed, provided that a roughly equivalent reduction in the building footprint area above the height is provided below the permitted height and no more that 50% of the building square footage exceeds the permitted height.”

7.5 Height Analysis

The architectural package consists of a height study with various cross sections and analysis of height with the current design.

8.0 Building Setbacks

Building set backs are in conformance with Table 5: Building Setbacks from Roadways and Specific Plan Boundaries (see attached). Set backs for the project are summarized below and reflect a building height of 55 feet +.

Setbacks from:

| | |
|------------|---------|
| Lake Mary: | 40 feet |
| Canyon: | 30 feet |
| Lakeview: | 40 feet |
| Side/Rear | 10 feet |

9.0 Driveway Access and Gradients

The project is accessed by three separate points. The primary access is off Canyon Blvd. across the street from the Mammoth 8050 PRC. This provides access to check in facilities, valet parking, and understructure parking. A second access is off Lake Mary Road. This access point is situated where that portion of the property is currently accessed from Lake Mary. This access is primarily a service and delivery access point for the development. There is no access to the understructure parking from this point. The third access point is off Lake View Drive and will be exclusive access to the Town Home portion of the development and its own underground parking structure.

All driveways and ramps will be snow melted and in accordance with the NVSP, Section 7 (a), may exceed a 10% slope. Driveway and ramps are currently designed as:

Porte Coucher/Primary Canyon project access: 5%
Canyon Underground parking ramp: 3%
Lake Mary access: 3%
Lake Mary ramp: n/a

The access off Lakeview into Phase II will be determined and presented in final design, however, it will also be snow melted.

10.0 Minimum Parcel Size

The proposed development is situated on a parcel of land of 306,680 sq ft. The minimum parcel size for the PR zone is: 20,000 square feet; and the SL zone: 15,000 sq ft.

NOTE: Please also refer to the North Village Design Guideline Compliance report updated and previously submitted for complete details pertaining to Sections 11 – 28.

11.0 Building Design

Extensive architectural and graphical presentations accompany this compliance report and the associated Use Permit Application package. The buildings have been designed in accordance with the NVSP and requirements of Section 9. – Building Design has been incorporated into the building design. It should be noted that the project lies on two separate zones and the over all intent of Section 9 has been applied to the entire project and not necessarily to specific portions of the project as per its actual zone.

Attached as part of this package is a North Village Design Guidelines compliance report. This document provides extensive information on how the project satisfies the guidelines or meets with the intent of the guidelines.

The project has also been subject to a number of informal and formal review processes. Prior to initial submission of the Use Permit in June 2005, the project was presented to Staff, Planning Commission, and Council at various times. Subsequent to formal application, the design has been reviewed formally by ADP and staff. Correspondence relating to all of these reviews is attached in the Correspondence tab. Comments from all these reviews have been reviewed and analyzed by the developers design team. The program, site plan, and architecture presented in this revised package represent the design teams interpretation and incorporation of these comments.

12.0 Roof Form and Ridge Alignment

The overall massing of the project is reflected in the stepping of roof forms from the tallest point at the entry lobby and porte cochere down to the ends where the building is lower in height, thus creating a variety in ridge heights. Roof forms are articulated further with dominant gables and secondary dormers creating a dynamic visual effect on each of the building's massed sections.

13.0 Roof Design

The roof design will be consistent at all of the building's massed sections and are designed as a 12/12 slope with deep overhangs; variation will occur at shed dormers. The design will incorporate a design to direct snow, water and ice away from pedestrian ways. Pedestrian entries are protected independently with separate gabled projections.

14.0 Roof Materials

Roof material will be approved materials as noted in the North Village Specific Plan and flashing, trim, cants and crickets shall be in a color and material which harmonizes with the roof surface.

15.0 Roof Appurtenances

Snow rails, clips, diverters, gutters, downspouts, and similar accessories will be designed within the total roofscape. All rooftop equipment will be designed so that it is integrated into the overall roof and chimney forms to avoid visual impact on other properties. Chimneys will be designed to complement the overall exterior aesthetic.

16.0 Wall Surfaces

Wall surfaces will be of the approved materials noted in the North Village Specific Plan. It is intended that the lower surfaces be stone and the upper surfaces be wood or a matching material of non combustible nature.

17.0 Doors and Windows

The finish of doors and windows will be of the approved materials noted in the North Village Specific Plan.

18.0 Wall Appurtenances

Wall Appurtenances will be designed per the North Village Specific Plan.

19.0 Colour Palette

A materials and colour board is provided with this submission. In general, the colour for this project will be of natural earth tones to reflect the surrounding environment.

20.0 Signs

Signage will be designed per the North Village Specific Plan and TOML Guidelines.

21.0 Pedestrian Walkways and Plaza Areas

A pedestrian access plan has been submitted and is attached as part of the architectural submission. This plan shows the major courses and means for pedestrian egress/ingress in and around the project. The major routes of access around the perimeter of the projected are: Canyon Blvd/Lake Mary Road frontage; Canyon west side walkway/sidewalk and project entry (and eventually the Canyon Sky Bridge); and Lake View frontage.

Canyon Blvd/Lake Mary frontage: Responding to comments from the TOML, additional guest services areas have been added to the base of the resort where they interacts with and form the pedestrian connection from the village center to the intersection of Canyon Blvd and Lake Mary Road. The Porte-Cochere of the resort to the Guest Services Pavilion at the corner of Canyon Blvd and Lake Mary Road, these guest services areas engage the street edge and allow for the continued public interaction consistent with the NVSP through terraced patios and meandering pathways connecting the existing and proposed sidewalks along Canyon Blvd.

Guest Services anticipated to occupy these spaces include: food and beverage, spa service, guest business services, concierge services (sport and activity), etc. The exact programming of each spaces currently identified on the site plans as Guest Services will be negotiated with the Hotel Operator.

West Side and Sky Bridge: The developer proposes a Sky Bridge from the existing Mammoth Mountain Ski Area Mountain Center (general vicinity) over Canyon Blvd to the West Side of Canyon Blvd connecting into the project at its north end. The bridge design is not provided here (See Section 2.2 above for details on the bridge).

Lake View Frontage: This is a minor frontage as it is primarily a vehicular access point to the Town Home portion of the project. Although the property owned by the developer fronting Lake View Drive lies with the NVSP, properties on either side are owned by separate entities and are not within the NVSP. The developer proposed that the frontage along Lake View Drive remain primarily a vehicular access point and that it is landscaped accordingly. All owners and users of the proposed town homes will have dedicated rights to access Canyon Blvd and points beyond through the proposed development.

Landscaping: There will be extensive landscaping throughout the project. A primary focus of the development has been to preserve a significant amount of existing vegetation, primarily large trees, which exist on site. The buildings have been situated on the perimeter of the property such that the centre of the project property can remain relatively undisturbed. Resort amenities situated in the centre plaza of the project will be interspersed with the existing trees while large portions of the centre plaza area will remain mostly natural with low impact pathways through the forest. The area of most significant disturbance, the Canyon Blvd. frontage will be substantially re-vegetated. The Developer is currently and will continue to work with a local forester to facilitate

successful re-vegetation of the area focusing on species selection and landscaping design such that the areas has a high success of reestablishing itself.

Integration with existing and proposed walkways as per Master Plan: There is only one Master planned pedestrian link within this site – the Canyon Blvd frontage and Lake Mary Road frontage. Through the Canyon Blvd activation associated pedestrian pathways; this link will be formally established.

Material Use: The Hardscape will be designed per the North Village Specific Plan and incorporate a hierarchy of materials to denote public walks versus service walks. Special paving will be used at crosswalks and the porte cochere to differentiate areas of pedestrian traffic versus auto traffic. Softscape will be designed per the Town of Mammoth's guidelines and the North Village Specific Plan. Plant species will be appropriately selected to deal with the unique climate of the Eastern Sierra as well as to create a unique guest experience throughout the project.

Stair Tread and Riser Height: The final riser height will confirm to building code.

Walkways and terraces in plaza areas: As shown proposed on Landscape Drawing.

Covered portions of walkways and terraces: There are no covered walkways and terraces outside of the building footprint.

Integration of walkways/plaza areas: Please refer to the attached Pedestrian Access plan in the architectural package. Internal plazas and walkways are connected to interior spaces. Exterior walkways along property frontages are connected through interior spaces to the development itself as well as the interior plaza area.

22.0 Snow/Ice Removal and Storage

All driving surfaces and pedestrian paths onsite will be snow melted. Plaza/pool deck is still conceptual at this point and will be refined through the Towns review process and final landscaping plans. All season use of the plaza/pool area will be maintained through snow melt. The Snow Management Plan is provided as part of the conceptual site and grading plan that identifies those areas that are snow melted and areas that could be used for snow storage.

23.0 Lighting

The light fixture schedule and placement scenarios will be developed in conjunction with the final landscape plan and submitted for review with our second submission. All lighting will adhere to the Town of Mammoth Lakes lighting ordinance. A lighting plan and specifications for external lighting used on the project is part of the submission.

24.0 Gates and Entrances

There are no public vehicular gates proposed to the development. Underground parking structures will have gates as required and will conform to the NVSP guidelines. The service yard and dock access will be screened from Lake Mary Road by a gated entrance and screen wall to conform to the NVSP guidelines.

25.0 Walls and Fences

Walls and fences will be designed per the North Village Specific Plan. Typically, a combination of stone, wood and metal (around pools) will be used as appropriate.

26.0 Site Furnishings

Per the landscape plan, the outdoor experience will encourage discovery through out the site. Areas of reflection and quiet gatherings will be designed with natural materials for seating with complementary accessories for receptacles, drinking fountains and shade structures. The design will be designed to comply with the North Village Specific Plan.

27.0 Pedestrian and Skier Bridges

The developer proposes a Sky Bridge to Cross Canyon Blvd from the existing gondola building to the west side of Canyon Blvd. This submission identifies the location and function of the bridge but does not include design elements of the bridge. The intent is to follow the same vernacular as the existing bridges in the Village and modify as necessary due to structural and practical constraints. See Section 2.2 above for further details.

28.0 Art/Events

Final Landscape plans will identify potential locations that maybe suitable for public art. The major areas anticipated as appropriate for public art at this time are the Canyon Blvd frontage. The walkway on this frontage has opportunity for art display. There are a number of "openings" along this walkway that could become "quite" spots where pedestrians could pause to engage in public art viewing. Art could be in a variety of scales such as "signature" pieces associated with the resort, pedestrian scaled elements (bronze man on a bench), and elements that vary in scale both horizontally and vertically.

29.0 Additional Development Standards

Grading Plan – A preliminary grading and drainage plan was submitted along with the Use Permit application. These plans have been updated. The ones induced in this submission reflect the current development. A final grading plan will be issued for approval as part of our Grading Permit application process.

Landscape – Landscape plans form part of the submission package.

30.0 Transportation and Circulation

Project entry and exit has been reviewed in Sections 9 and 21 above.

LSA Associates, Inc. (Les Card) is under contract to the developer to perform traffic analysis as required. This report is attached as a Tab in this package. Please note that the primary recommendation of that report was a centre turn lane on the Canyon Blvd frontage. This turn lane has been incorporated into the projects overall design.

The purpose of the turn lane is to provide deceleration and storage for project traffic northbound on Canyon Blvd. turning left into the site. The turn lane will extend the full length of the project frontage. The existing thirty foot cross section will be widened to forty feet and transitioned back to existing north of the project driveway.

A sight distance analysis has also been prepared to insure adequate visibility for drivers exiting the project driveway and turning north.

31.0 Parking

In accordance with NVSP and its reference to a projects provision of services solely for the use of owners/guest of a project that is being proposed, parking is to be provided for the residential component of the development only. Residential includes both for sale units as well as employee housing.

Residential parking is to be provided at the following rates which have been confirmed with the TOML is correspondence (attached):

| | |
|---------------------------|---------------------|
| Studio or 1 Bedroom Unit: | 1 parking space |
| One Bedroom lock off: | 1.5 parking spaces |
| Two Bedroom Unit: | 1 parking space |
| Two Bedroom lock off: | 1.75 parking spaces |
| Three Bedroom Unit: | 1.75 parking spaces |
| Three Bedroom lock off: | 1.75 parking spaces |
| Four Bedroom Unit: | 1.75 parking spaces |

The developer is applying for the state density bonus and hence must provide employee housing parking at the state mandated rate. This rate is provided below:

| | |
|----------------------------|------------------|
| Studio or 1 Bedroom unit: | 1 parking space |
| Two or Three Bedroom unit: | 2 parking spaces |
| Four or more Bedroom unit: | 2.5 |

31.1 Valet Parking

The developer will require that the property manager (and/or operator) provide ALL parking as a valet service. TOML Staff initially raised concern that this program for

parking may not meet with NVSP or the North Village EIR. It was requested that both a valet parking report and a parking study be prepared to provide additional information and assurance that valet parking would be suitable. A Report on Valet Parking was prepared by LSA Associates, Inc. and is part of the larger Traffic Report. Both reports are tabulated and attached as part of this package. In summary, the parking study found no requirements within the NVSP or the EIR that would preclude valet parking for this project. It should be noted that when both Phase I and Phase II are complete, these two parking garages will operate under the same valet parking system and users of the project may valet their car at any of the valet stations and cars will be parked where space and convenience dictates.

31.2 Parking Spaces Provided

The project will be developed in two phases. However, the entire mitigated employee housing is to be built in Phase I. For the purposes of calculating parking requirements and where parking will physically be built, the developer has broken out parking for employee housing into that portion generated by Phase I development and that generated by Phase II development. Parking for that portion of employee parking for Phase I will be provided for in Phase I and parking for that portion of employee parking for Phase II will be provided in Phase II.

For the rational of parking spaces provided for employee housing resulting from the housing mitigation program, please refer to Section 31 below. This section deals only with the calculation of parking. Calculations have been based on the maximum number of parking stalls required if ALL service areas are included in the housing mitigation analysis. There has not been consensus between the developer and the TOML on this issue. Hence for planning purposes, we have used maximum numbers. In addition, the mitigation for ALL housing for the project has been planned as 1 bedroom units. This also enables us to plan for the maximum number of parking stalls. The actual configuration of the employee housing units (3 X 1 Bedroom units or 1 X 3 bedroom units, etc) is anticipated to be final prior to Use Permit issuance. Fine tuning of the rational for mitigation service areas and the actual configuration of the employee housing will lead to final number of parking. However, any changes to the assumptions included above will lead to a decrease in required parking not an increase.

| <u>Unit Type</u> | <u>Unit</u> | <u>Parking Required</u> |
|---|-------------|-------------------------|
| <i>Phase I</i> | | |
| Studio Condo | 65 | 65 |
| 1 Bedroom Condo | 38 | 38 |
| 2 Bedroom Condo w/lock off | 20 | 35 |
| 2 Bedroom Condo | 32 | 32 |
| 3 Bedroom Condo w/lock off | 12 | 21 |
| 3 Bedroom Condo | 20 | 35 |
| 4 Bedroom Condo | 4 | 7 |
| 3 Bedroom Penthouse | 2 | 4 |
| Sub total | | 236.5 |
| <u>Employee Housing</u> | | |
| Residential & Services 1 Bedroom Units | 24 | 24.4 |
| Total Phase I | | 260.9 |
| <i>Phase II</i> | | |
| 3 Bedroom Town homes | 25 | 44 |
| 2 Bedroom + study Town homes | 16 | 16 |
| <u>Employee Housing</u> | | |
| Residential & Services 1 Bedroom Units | 12 | 12.2 |
| Total Phase II | | 72.0 |
| Total Parking | | 333 |

32.0 Employee Housing

32.1 Sleeping Areas as Appose to Bedrooms

Current Town housing ordinance requires the calculation of housing mitigation based upon a Sleeping Area. In general, a sleeping area is any room that could have closets and sleeping apparatus in them. By this methodology, a living room or den would qualify for as a sleeping area and require mitigation. The Developer has previously requested that the town accept the provision of restricting language in a projects CCnR's to control

where sleeping apparatus is located. The intent of this provision is such that true bedrooms only qualify as sleeping areas.

This was the case in the developers 8050 Private Residence Club where CCnR's have specific language that restricts sleeping capabilities to bedrooms. The rationale for this was that a Private Residence Club was managed much like a hotel in that owners were not provided the opportunity to furnish individually a unit and that an operator/manager had the exclusive ability to adhere to the restrictions as outlined in the CCnR's.

The developer requests that the same restrictive language be placed in this development's CCnR's. Units within the project will be sold furnished. The developer will be able to control the type of furniture in each unit. These furnishings will be able to meet with CCnR restrictions. All units will be furnished identically in anticipation of a "hotel" operator's needs. In order for an owner to maintain his ability to have the operator use their unit at anytime, the unit must be maintained and furnished as originally sold. The majority of owners will enter into agreements with the operator which will restrict their ability to 'change' any aspect of their unit from as sold conditions. Any owner that does not enter into an agreement with an operator would still be required to adhere to the CCnR's restrictions. Any changes to unit furnishings in the future would be controlled and managed by the operator to enable them to maintain their required standards; hence a future furnishing change would also be highly controlled and would need to adhere to the project's CCnR's.

All calculations for housing mitigation on residential units are based upon this rationale.

32.2 Mammoth 8050 In Lieu Fee Agreement

The Mammoth Hillside project benefits from a previous In Lieu Fee Agreement for employee housing associated with the Mammoth 8050 PRC project. The Hillside project receives a credit from that In Lieu Fee agreement. A summary of the 8050 PRC Housing Calculations and Requirements are shown below as is the credit attributed to the Hillside project. Actual numbers as shown below differ slightly from the In Lieu Fee Agreement as they reflect approved development resulting from the Lot Line Adjustment previously only contemplated in the approved agreement. Also, all calculations below are based on current regulations so as to provide a consistent base for determine credit and the proposed Hillside project's required housing mitigation.

| 8050 PRC Housing Calculations | | | | |
|-------------------------------|------------------------|-----------------|---------------------------|-----------------------|
| | <u>Number of Units</u> | <u>Bedrooms</u> | <u>Number of Bedrooms</u> | <u>Total Bedrooms</u> |
| Building A | | | | |
| | 9 | 3 | | 27 |
| | 4 | 2 | | 8 |
| | 5 | 1 | | 5 |
| | | | | 40 |
| Commercial | <u>sq ft</u> | | | |
| Building B | 3355 | | | 7 |
| | 7 | 2 | | 14 |
| | 3 | 1 | | 3 |
| | | | | 17 |
| Building C | | | | |
| | 12 | 2 | | 24 |
| | 9 | 1 | | 9 |
| | | | | 33 |
| | | | | 97 |
| | | | | -4.74 |
| Demoed Commercial | | | 11296 | FTEE's |

| 8050 PRC Housing Requirement | |
|---|-----------------------|
| | <u>Sleeping Rooms</u> |
| Building A | 40 |
| Building B | 17 |
| Building C | 33 |
| Total | 90 |
| Housing FTEE | 20.25 |
| | |
| <u>Commercial</u> Housing FTEE | 3355 1.41 |
| Total FTEE | 21.66 |
| FTEE Credit From Demo | 4.74 |
| | |
| FTEE for PRC site | 17 |
| | |
| Total FTEE for In Lieu Fee Agreement | 51 |
| | |
| Residual FTEE | 34.09 |

32.3 Housing Mitigation Requirement

In accordance with the NVSP and Town Housing ordinance, the proposed development must mitigate for housing that results from the projects residential units. The developer and Town staff is currently in discussions pertaining to the requirement to mitigate housing resulting from "commercial" development in the project. TO date there has not been a final resolution of the extent of any "commercial" housing mitigation. However, for the purposes of planning, the numbers below represent the MAX mitigation measures the developer would need to satisfy if ALL service areas within the development were required to be mitigated for housing. Housing requirements for residential and service area units are presented below. Please note that the credits as shown in Section 31.2 above are included below and that residential mitigation is based on bedrooms not potential sleeping areas.

Basis for calculations:

Bedrooms X .225 = FTEE's

(Service square feet/1000) X 0.42 = FTEE's

FTEE's/2 X 500 = square feet of housing

Square feet of housing/500 = number of 1 bedroom housing units

| <i>Phase I</i> | | | | | | |
|---|---------------|-----------------------------------|----------------------------|---------------------------------|--|-------------|
| Residential Requirement | | | | | | |
| <u>Bedrooms</u> | <u>FTEE's</u> | <u>Credit</u> <u>From 8050</u> | <u>FTEE's After Credit</u> | <u>Sq Ft</u> <u>Required</u> | <u>1 Bedroom</u> <u>Housing Units</u> | |
| | 325 | 73.1 | 34 | 39.1 | 9781 | 19.6 |
| Services | | | | | | |
| <u>Area</u> | <u>Sq Ft</u> | <u>FTEE's</u> | <u>Sq Ft Required</u> | | | |
| Meeting space | 6300 | 3 | 662 | | | |
| Restaurant/Bar | 5070 | 2 | 532 | | | |
| Spa/fitness | 9038 | 4 | 949 | | | |
| Guest Services | 2700 | 1 | 284 | | | |
| Total Service FTEE's | | 10 | 2426 | | | 4.9 |
| Total Phase I FTEE's | | 49 | 12208 | | | 24.5 |
| <i>Phase II</i> | | | | | | |
| Residential Component | | | | | | |
| <u>Bedrooms</u> | <u>FTEE's</u> | <u>Credit</u> <u>From 8050</u> | <u>FTEE's After Credit</u> | <u>Sq Ft Required</u> | | |
| | 108 | 24.3 | 0 | 24 | 6075 | 12.2 |
| Project Total | | | 73 | 18283 | | |
| Housing Units if all 1 bedroom units | | | | | 36.7 | |

If all service areas for the projected are mitigated for housing, then the total combined residential and service area employee housing mitigation is for: 18,283 square feet or 73 FTEE's.

32.4 On Site Housing Plan

The developer proposes to build onsite ALL housing units. Currently, it is anticipated that these units will all be 1 Bedroom units until such time as the architectural allows the developer to specify how the total 18,283 square feet of housing space is divided up. Eventual configuration will coincide with Town housing ordinance for sizes of units, whether they are 1, 2, or 3 bedroom units. The architectural package shows the location of the on site employee housing portion of the project. The architectural package also has a typical floor plan for the onsite housing.

All onsite housing is intended to be rental housing. The units will be deed restricted at levels required by the town and the state to qualify for the housing bonus. On site housing will be first and foremost available to project employees. Unused accommodations will be available for use by other eligible employees according to Mammoth Lakes Housings regulations. The onsite housing will be managed by the project operator. As with the entire project, housing will be built and maintained to a high quality and standard.

32.5 Deed Restriction of Employee Housing

TOML Comments in July 29th Memo from Craig Olson – Include a statement of intent regarding proposed deed restrictions.

Developer – The developer will deed restrict the employee housing units. Each housing unit will be a separate condominium unit and identified as a separate class of condominiums within the projects CCnR's. Employee Housing units will be deed restricted at income levels that allow the project to be eligible for the states 35% housing bonus. Finalization of these levels is being determined by the TOML.

33.0 Recreation

The proposed development will provide extensive onsite recreation opportunities including: gym facilities; outdoor pool; outdoor spas/hot tubs; and a park like walking environment. Total project recreation amenities are summarized below:

| | |
|---------------------------------|--------------|
| Indoor Spa and Fitness: | 7,130 sq ft |
| Spa Terrace Area: | 7,750 sq ft |
| Courtyard Pool/Recreation Area: | 57,500 sq ft |
| Total: | 72,380 sq ft |

34.0 Developer Impact Fee's

Developer Impact Fee's will be paid by the developer.

35.0 Administration and Maintenance of Common Areas

TOML Comments in July 29th Memo from Craig Olson – Provide a narrative of the proposed means that will be used to assure the proper administration and maintenance of common areas and open spaces.

Developer – This is typically a requirement at Final Map stage at which time language to ensure that the project is maintained and operated is included in the CCnR's which the Town then will approve. However, until then, the following is some typical language that may appear in the Project's CCnR's to address the administration and maintenance of the project:

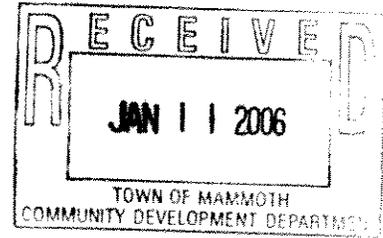
Maintenance and Repair – The Association shall have the power (and each Owner by accepting a grand deed for a property delegates to the Association such power), and to the extent deemed necessary or proper by the Board for the management and operation of the Resort and the Maintenance and repair of the Residences and Common Furnishings, the duty, to do the following: (i) repair, maintain, repaint, furnish or refurnish the Residences and Common Area; (ii) repair, maintain or replace the Common Furnishings; (iii) establish reserves for anticipated costs, including the costs or acquisition and replacement of Common Furnishings; and (iv) acquire and pay for materials, supplies, furniture, furnishings, labour or services.

The project will have an onsite manager and the manager will have the power to accomplish all operations and maintenance of the resort. Following is some typical language that will appear in the Resorts operating and management agreement:

Repair and Maintenance of Project and Common Furnishings – Manager shall cause the Resort, including the Common Furnishings, to be repaired, maintained, repainted, furnished and refurnished to the same extent as the Association is required to do so pursuant to the Declaration and in manner consistent with the reserves established for such purpose. Manager has the sole authority and responsibility to maintain and replace Common Furnishings within the Resort, including the Common Furnishings within the residential Units, as required.

The above language is draft and subject to approval and review by developer legal council in conjunction with the finalization of all CCnR's associated with the project.

**Helios Homeowner's Association
91 Lakeview Blvd
Mammoth Lakes, CA. 93546**



**To: Mammoth Lakes Planning Commission
Craig Olson, Senior Planner**

**Re: Mammoth Hillside, LLC Use Permit Application 2005-09
Phase 1 Construction**

Date: January 11, 2006

Dear Planning Commission and Councilmembers,

While we understand the North Village Specific Plan and the construction associated with it, we wish to voice our disapproval and opposition to the proposed use of Lakeview Blvd as the primary staging area and ingress/egress for construction equipment and other vehicles for Phase 1 of this proposed development.

Construction of the proposed development is disruptive and very much a challenge and inconvenience for the families, children, friends and visitors of the Helios North/South Complexes. Permitting Lakeview Blvd to be used as a construction staging area increases our concerns with issues such as safety, noise, dirt, dust, traffic and parking problems.

For the past six months, we have experienced first-hand dealing with the Westin construction project. We know the impact of what a large development will do when construction vehicles, workers and cranes are allowed to use Hillside and Lakeview Blvd for construction access. We feel the Mammoth Hillside Project has more than enough land to hold their trailers and access their site off Canyon and Lake Mary Road without disrupting the hundreds of owners along Lakeview and Hillside between Canyon and Lake Mary.

We urge the members of the Mammoth Lakes Planning Commission and honorable City Councilmembers to seriously consider our opposition to the proposed use of this property along Lakeview Blvd and that an alternative site be considered as the primary access/construction staging area for Phase 1 of this development.

Respectfully,

**Robert Bojorquez
President - Helios Homeowners Association**

Nancy Thompson
Helios Homeowner/Member Contact
Paulboards@aol.com
818-790-5909

RECEIVED
DEC 19 2005

TOWN OF MAMMOTH
COMMUNITY DEVELOPMENT DEPARTMENT

MAMMOTH COMMUNITY WATER DISTRICT
POST OFFICE BOX 597
MAMMOTH LAKES, CALIFORNIA 93546
(760) 934-2596 FAX (760) 934-4080
E-MAIL gsson@mcwd.dst.ca.us



December 15, 2005

Town of Mammoth Lakes
Planning Division
Post Office Box 1609
Mammoth Lakes, CA 93546

Re: Tentative Parcel Map 36-235; Use Permit Application 2005-09
Owner: Mammoth Hillside, LLC

The Mammoth Community Water District has reviewed the information provided for the above referenced application regarding the proposed development of a condominium hotel project located on the west side of Canyon Boulevard and adjacent to Lake Mary Road.

The proposed project involves the legal reconfiguration of existing property; therefore it will be necessary to apportion existing assessment amounts in accordance with the reconfiguration. Existing property within the community has assessment liens from Assessment District 1993-1, formed by the Mammoth Community Water District in 1994. An "Application to Apportion Special Assessment" (copy attached) is required to be submitted to the District together with an apportionment fee and copies of the final map. An option to the apportionment of existing assessment amounts would be to pay the remaining balance prior to recording of a final map.

Off-site water and sewer improvements for this project will require a construction permit from the District. Also, prior to any construction work occurring, the project owner shall obtain water and sewer permits from the District and pay all appropriate fees set forth in the District's water and water service code, and in the sanitary sewer service code.

It is estimated that this development will utilize approximately 55 acre-feet of water per year. The District would also encourage the use of drought resistant landscaping and water efficient irrigation systems for this development.

Thank you for the opportunity to provide comments on this proposed project. If you should have any questions, please feel free to contact me at the District office at 934-2596, extension 238.

Sincerely,
MAMMOTH COMMUNITY WATER DISTRICT

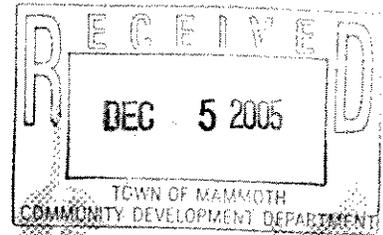
Gary Sisson
GARY SISSON
General Manager

COUNTY of MONO

HEALTH DEPARTMENT
P.O. BOX 3329
MAMMOTH LAKES, CA 93546

Public Health (760) 924-1830
Environmental Health (760) 924-1800

FAX (760) 924-1831
FAX (760) 924-1801



DATE: December 5, 2005

TO: Craig Olson, Mammoth Lakes Planning Department

FROM: Louis Molina, Mono County Health Department *LM*

SUBJECT: Tentative Tract Map 36-235 and Use Permit Application 2005-09

APPLICANT: Mammoth Hillside, LLC (8050)

OWNER: same

ENGINEER: CFA & Triad/Holmes Associates/Hill Glazier

PARCEL NO.: 33-020-10, 11, 21, 33 and 31-110-27.

COMMENTS AND CONDITIONS:

This proposed project is for a development consisting of a condominiums hotel with 193-units on a 6.97 acre site within the North Village Specific Plan Area. The project description and attached plans note that anticipated guest services will include food and beverage, pool and spa facilities.

Mono County Environmental Health staff has reviewed the above referenced proposed project description and has the following comments:

1. The applicant must submit 3 sets of plans and pay associated fees to the Mono County Health Department for any proposed swimming pool, spa, food facility or bar to be constructed at the development. Submitted plans shall include detailed manufacturer model and specifications information for all associated equipment.
2. The applicant is to receive approval from the Mammoth Community Water District for sewer and domestic water service.



COMMUNITY DEVELOPMENT

Building Division

P.O. Box 1609, Mammoth Lakes, CA 93546
(760) 934-8989 ext. 240, fax (760) 934-8608

PROJECT REVIEW

DATE: December 12, 2005
TO: Craig Olson
Planner Extraordinaire
FROM: Byron Pohlman
Building Official
SUBJECT: Hillside Project

The following comments are in reference to the proposed Hillside project:

- 1) **Building Permit:** A building permit is required for this project.
- 2) **Plans and Specifications:** Building specifications were not provided. A complete code analysis shall be provided to address building area and height, construction type, area/occupancy separations, fire suppression and design, etc.
- 3) **Geology and Soils:** No known soils or geological deficiencies exist.
- 4) **Accessibility:** The building shall be accessible to persons with disabilities.
- 5) **Life-Safety:** The building shall comply with all life safety elements of the California Building Code.
- 6) **Building and Site Design:** The building shall comply with the Mammoth Lakes Fire Protection District's requirements for access.
- 7) **General Comments:**
 - The assumed construction type will be Type 1, Fire Resistive. This will require the majority, if not all, of the exterior finishes to be non-combustible.
 - If the building is Type I, F.R., exterior walls shall be a minimum of 2-hour fire-resistive construction and openings will require a ¾ hour protection within 20 feet of the property line.

Most of these issues will be addressed during the plan review / building permit process.

Billing / Time Allocation: 1.25 hours



COMMUNITY DEVELOPMENT
P.O. Box 1609, Mammoth Lakes, CA 93546
(760) 934-8989 ext. 224, fax (760) 934-8608

ENVIRONMENTAL INFORMATION FORM
 (To be completed by Applicant)

This form is designed to assist the Planning Division in evaluating the potential environmental impacts of the proposed project. Complete and accurate information will facilitate the environmental assessment and minimize requests for further information. If more space is needed for complete information, please attached a separate sheet.

1. Project Name: MAMMOTH HILLSIDE (ST. REGIS)
 2. Property Owner: MAMMOTH HILLSIDE, LLC
 Mailing Address: PO BOX 100-505 MAMMOTH LAKES, CA
 Telephone Number(s): 760.924.81015 93546
 3. Project Applicant: RHONA HUNTER/MAMMOTH HILLSIDE LLC
 Mailing Address: SAME
 Telephone Number(s): SAME
 4. Property Description: SEE COMPLIANCE REPORT
 Street Address: N/A
 Assessor's Parcel Number: SEE COMPLIANCE REPORT
 Area (sq. ft. or acres): 6.97 acres
 Developed: Vacant: X
 Existing Zoning: SL2 PR (NVSP)
 Surrounding Zoning and Land Use:
 N: WESTIN HOLE (PR) (CANYON BLVD)
 E: CANYON BLVD
 W: LAKE VIEW ROAD
 S: LAKE MARY RD PARTIALLY UNDEVELOPED
 Existing Structures and Uses on Site: PARTIALLY PREVIOUSLY DEVELOPED HANE
 Access: Describe existing road access: LAKE MARY ROAD
 Site topography: SLOPED FROM E-W & S-N
 Drainage: Including existing streams or drainages, facilities, and easements: SEE TENTATIVE MAP
- Vegetation: Describe the plants (list major species if possible) found on the project site:
SEE FOREST CONDITION SURVEY

Other: Describe any other unusual aspects of the site (e.g., old landfill, etc.) _____

5. PROJECT DESCRIPTION:

General Project Description: 5 STAR PLAZA HOTEL, 340 UNITS +
SUPPORT FACILITIES, COMMUNITY FACILITIES
SEE COMPLIANCE REPORT FOR MORE INFO

Fill out those sections below that apply to your project. For mixed-use projects, fill out all applicable sections.

A. Residential Uses: 340 studio, 1, 2 + 3 BEDROOM units
Type(s) of Use: CONDO HOTEL + TOWNHOMES
Number of Dwellings: 340 Sleeping Areas: 370
Acreage: 0.97 acres
Density: Gross _____ Covered _____ Uncovered _____
Net: Covered _____ Uncovered _____ See compliance report
Parking: Covered 473 Uncovered _____

B. Commercial and Industrial Uses:

Type(s) of Use: NONE

Acreage: _____
Total Number of Employees: _____
Employees on Largest Shift: _____
Total Number of Seats: _____
Building Capacity (# of people): _____
Square footage:
Retail: _____
Restaurant: _____
Warehousing: _____
Office: _____
Manufacturing: _____
Other (describe): _____
Parking: Number of spaces: _____ Area (square feet): _____
Hours of operation: _____

C. Recreation:

Type(s) of Use: NONE

Acreage: _____
Maximum visitors on site: _____
Parking: _____

D. Construction:

Number of buildings: 1-phase I, 1 phase II - 2 in total
 Gross Floor Area: 550,636 sqft
 Total Building Footprint: 122,447 sqft phase I, 26,533 sqft phase II
 Building Height: See compliance report
 Height of Other Appurtenances (e.g., antennas, chimneys): _____
 Exterior Lighting, Type, and Location: See compliance report
 Number of Wood Burning Appliances or Fireplaces: 0
 Roof Orientation: See use permit submission

E. Grading/Landscaping:

Natural Vegetation to Remain and to be Removed (attach site plan): See use permit application
 Maximum Cut Height: See grading permit
 Maximum Fill Height: _____
 Total Area of Grading and Clearing: _____
 Total Volume of Material to be Moved: _____
 Volume of Material to be Imported from Off-Site: _____
 Temporary Access Routes, if any: _____
 Total volume of material to be removed from the Site: _____
 Source of Fill or Disposal Site: _____
 Alteration to Drainage Patterns: _____
 Changes in Existing Lakes or Streams: _____
 Changes to Wetlands: _____

F. Public Services/Infrastructures

Traffic Generation: N/A
 Water Consumption: _____
 Solid Waste Generation: _____

G. Health/Safety/Nuisance:

Use of Hazardous Substances: N/A
 Type(s) of Noise Generated: _____
 Any Smoke, Dust, Fumes, or Odors? _____

H. Other:

Relation to a Larger Project or Series of Projects (phases): Proposed as two phases, see compliance report
 Energy Demand: N/A

Change in Scenic Views or Vistas from Existing Residential Areas or Public Lands or
Roads: View corridors to be submitted as second
phase of use permit application

Technical studies may be required as a part of the preparation of the environmental documentation for this project. Please contact the Planning Division as early as possible to determine the possible need and scope of such studies.

I certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Phona Hunter
Signature of Applicant
Phona Hunter

June 21 2005
Date

Signature of Property Owner

Date

February 8, 2006

Town Council
Town of Mammoth Lakes
PO Box 1609
Mammoth Lakes, CA 93546

Re: Mammoth Hillside Tentative Tract Map 36-235 and Use Permit 2005-09

On behalf of Mammoth Hillside, LLC (“Applicant or Proponent”), we hereby respond to the Advocates for Mammoth January 27, 2006 Appeal of Resolution of the Mammoth Lakes Planning Commission Approving Tentative Tract Map 36-235 and Use Permit 2005-09 (“Appeal”) to allow the subdivision of a 7.01 acre parcel to construct a 193 unit condominium hotel on 4.6 acres as the Phase I portion of the Mammoth Hillside Project (“Project”) for property located on the east side of Canyon Blvd, north of Lake Mary Road.

The Appeal is based on the claimed non-compliance by the Proponent of the Hillside Project with several areas of the General Plan, the North Village Specific Plan (NVSP), and Town of Mammoth Lakes (“Town”) Ordinances. The Appeal is also based on the further assertion that (1) a great number of conditions that are attached to the approval, many of which can be reasonably expected to result in significant changes to the Project without requiring that the Project be returned to the Planning Commission for approval, and (2) the failure to fully implement the staff recommendations into the conditions of approval.

The Proponent responds to each issue raised by this Appeal as follows, and respectfully asserts that the Appeal is without merit, should be denied in its entirety, and that the City Council affirm the Planning Commission’s approval of Tentative Tract Map 36-235 and Use Permit 2005-09.

1. **“Development policies and standards established in the Plan address improvements to infrastructure, particularly roads, that will not only be helpful in accommodating the new development, but will also improve existing conditions.”** There is no evidence presented that the proposed Project will improve the existing conditions, particularly with respect to roads. In fact, the additional traffic- vehicular, pedestrian, and transit – can be expected to aggravate what is already a poor situation on the main road to Canyon Lodge, to drop-off area for the Village and Village Gondola, and to the proposed Village parking structure.

Applicant’s Response:

A Traffic Impact Analysis was initiated by the Proponent at the early stages of the project. This traffic study was submitted and independently reviewed by Town staff and

its own consultants. The recommendation of the Traffic Impact Analysis are: (1) Re stripe the Lakeview Blvd/Lake Mary Road intersection southbound approach from Lakeview Blvd to provide dedicated left and right turn lanes onto Lake Mary Road, (2) Widen Canyon Blvd by ten feet to provide a northbound left turn lane onto the project access driveway, and (3) Provide a line of sight for drivers exiting the site and turning right from the driveway onto Canyon by prohibiting any obstructions within 10 feet of the property line for a 120 foot span south of the driveway. In addition, the peer review required additional sightline analysis work to be performed. The Use Permit Conditions and the Standard Engineering Conditions for Tentative Map 36-235 # 45 require the Proponent to undertake all of these mitigation measures and in addition to undertake improvements to sidewalks, curb and gutter, snow melt systems, and street lights.

The project also proposes a future pedestrian bridge over Canyon Blvd. The bridge has been included in the Use Permit Conditions (#10, Standard Engineering Conditions #46).

In addition, the Use Permit Conditions (#15) require the Proponent to participate in the Benefit Assessment District (BAD 2001-2) that further contributes to improving the circulation and transportation systems along Canyon Blvd and Lake Mary Road. The Use Permit Conditions (#21) require the Proponent to make improvements to the existing sidewalks. The Use Permit Conditions (#22) require the Proponent to participate in required North Village traffic and circulation mitigation measure on a fair share basis. The Use Permit Conditions (#30) require the Proponent to execute a transit agreement with the Town which will subject the project to include the provisions for future unit owners to pay \$121.00 per residential unit per year. The project will be subject to Developer Impact Fees (Standard Engineering Conditions #9) which are used directly by the Town to improve circulation, transportation, and transit.

Based on the foregoing findings and conditions, which is not intended to be an exhaustive summary of all the project conditions and approval, there is substantial evidence that the project approvals comply with the NVSP goals, policies, and standards.

2. **“Development of the North Village area as a unified and centralized project will strengthen the mountain resort image and character of the community. Building heights are to be held generally below the existing tree canopy. Architectural landscape detailing will conform to the regional mountain character of Mammoth Lakes.”** The proposed Project is connected to the balance of the Village only through some rather narrow sidewalks. An overpass that was originally planned and included in the staff recommendations has been deleted from the conditions of the conditional use permit. Yet the project takes advantage of a loophole in the NVSP by using the maximum Resort Plaza height allowances even though a good portion of the Project lies outside the Resort Plaza area. Since the Project is clearly not part of the “plaza” we felt it is unjustified to use the Plaza height allowances. As approved, it appears that the Project will have the tallest building in Mammoth Lakes.

Applicant's Response:

All sidewalks will be built according to town standards. The project and the site have been designed to coordinate with the North Village Specific Plan Transportation and Circulation Element. The project ties into the crosswalk designated within the NVSP to move pedestrians across Canyon Blvd. In addition, the Proponent proposes a pedestrian bridge above Canyon Blvd which would provide for alternative pedestrian access across Canyon Blvd. The Proponent is conditioned by Use Permit Conditions (#10, Standard Engineering Conditions #46) to constructing this bridge.

The North Village Specific Plan Section 5. (c) – For buildings that cross a land use district boundary after merging parcels, the highest permitted and projected heights shall apply to the entire building, providing that the majority of the building area is within the most liberal district, subject to design review considerations as applied through the design review process and this section's permission of Maximum Projected Height (building's projections above the permitted height may be allowed, providing that a roughly equivalent reduction in the building footprint area above the height is provided below the permitted height and no more than 50% of the building square footage exceeds the permitted height) have been used to determine the various heights of the building. A detailed height study was submitted to staff and staff's analysis of this study was included and addressed within their staff report (Architecture/Building Height/Site Coverage). Staff's analysis of the height study confirmed that the project conforms to the NVSP standards.

Based on the forgoing findings and conditions of approval, there is substantial evidence that the project approvals comply with the NVSP goals, policies, and standards.

3. **“The Specific Plan sets coverage and density restriction similar to those established by the Town zoning regulations to ensure that some open space is preserved...The coverage and massing of the buildings will create open spaces and preserve view sheds throughout the development. Existing trees will be retained where possible and substantial new tree stands planted.”**

- 1 No evidence is presented on the effect of the Project on view sheds
- 2 There is possible inconsistency in the site coverage percentage due to the allowance of site-coverage transfers.
- 3 The conditions of the permit do not require that all removed trees are replaced on the Project site but may be placed in other Town locations.

Applicant's Response:

The NVSP Land Use Policy, Overall 10. – View corridors through North Village shall be protected by establishing building massing and set back requirements. Taller buildings shall be located where they will not block or impede important views of the surroundings from public spaces – this policy speaks to how the NVSP was developed to address view corridors. Set backs were established and zones designated anticipating massing and height. Importantly, the NVSP does not identify specific view sheds. There is no baseline to design toward. The Proponent generated project perspectives for staff at their request. These perspectives included a number of “views” of the project. Staff and the Advisory Design Panel analyzed these visuals.

The project offers many exceptional “new” view corridors to the Village. The public will have access to higher levels on Canyon Blvd's west side that will allow for greater visual enjoyment of southerly views of the Sherwin Mountains. The building itself will also offer an iconic “new” view corridor.

The project site does have some site coverage covenants on title that transfer site coverage from the property to another parcel of land. This transfer results in an overall reduction of permitted site coverage on the project. Calculations of this information have been performed by staff and were presented in their staff report. The effect of the transfer is to reduce the site coverage for the entire parcel to 60%. Staff determined that the Phase I conformed to the required 60%. They also included a Condition (#39) in the Use Permit requiring lot coverage to meet or be less than the NVSP requirement of 60%.

NVSP Landscaping and Re-vegetation Standards 16. - All trees greater than 12 inches dbh (diameter breast height) that are required to be removed due to improvements, shall be replaced on a one-to-one basis either on-site or on an off-site location approved by the Community Development Director. Use Condition #8 confirms this condition.

Based on the foregoing findings and conditions, which is not intended to be an exhaustive summary of all of the project conditions of approval, there is substantial evidence that the project approvals comply with the NVSP goals, policies, and standards.

4. **“The pedestrian orientation of North Village adds shopping, recreational, and an accommodation experience not now present in Mammoth Lakes. This diversity will benefit the entire community.”** In an apparent attempt to avoid being required to provide adequate parking for public access to shops, restaurants, etc., the Proponent has declared that these amenities are primarily in support of the hotel. This is in direct conflict with the statement that the Village will benefit the entire community.

Applicant's Response:

Much of the property lies within the Specialty Lodging zone. The NVSP Land Use Policies Specialty Lodging 2. – Development of parcels in this district strictly for commercial retail shall be prohibited to avoid strip commercial development and incompatibility with nearby residential uses. The NVSP Land Use Standards and Implementing Measures Individual Site Requirements 15 - ...Commercial and restaurant uses are only permitted with these uses solely to provide services for their guests...Accessory commercial/restaurant facilities may be provided within the buildings. NVSP Table 2: Land Use Matrix also indicates that Specialty Lodging may only have restaurants and bars (no retail allowed) for the use of the Hotel. The Proponent, working with staff and their guidance, recognize that in the eventuality that the NVSP is ever amended to permit these areas in the building to be “store” front, these spaces could be re-designated. The Proponent has also clarified that, although a restaurant in the project cannot by code be “commercial,” the public would be most welcome to make reservations and dine. Likewise, the property’s public areas are “open” for people to take advantage of the services on site.

The project is of monumental direct benefit to the entire community. The project will generate substantial Transient Occupancy Tax for the Town of Mammoth Lakes. These funds are used by the Town at their discretion for numerous public improvements and projects. The project will provide a great number of employment opportunities of all levels. These employment opportunities will be year round stable jobs. These jobs will be within a world renowned branded hotel that will not only provide professional development opportunities within the local workforce but will provide local workforce with greater opportunities throughout the brands network of hotels. The project will provide all town required employee housing on site. The project will provide more employee housing than the Town requires on site to meet state requirements. All this housing will be within the project, managed by the same management system, and will be not only adding to the inventory of housing in general, but will also provide housing within a close proximity to the employees’ work thus reducing traffic.

Based on the foregoing findings and conditions, which is not intended to be an exhaustive summary of all project conditions of approval, there is substantial evidence that the project approvals comply with the NVSP goals, policies, and standards.

5. **The NVSP allows...new recreation and commercial facilities, which will be available to both visitors and residents.”** See comments on #4.

Applicant's Response:

Also see comments in Applicant's Response to #4.

The NVSP also clearly defines the intent of development within the NVSP area as visitor focused: Introduction....The primary purpose of the NVSP is to provide new land use guidelines and development standards for the North Village area, which will enable the development of a cohesive, pedestrian-oriented resort activity node, with supporting facilities to create a year-round focus for visitor activity in the Town of Mammoth Lakes; Specific Plan Descriptions, Specific Plan Objectives....The development plan for the Specific Plan area focuses on the creation of visitor services and attractions.

Based on the foregoing findings and conditions, which is not intended to be an exhaustive summary of all of the project conditions of approval, there is substantial evidence that the project approvals comply with the NVSP goals, policies and standards.

6. **“The NVSP establishes standards to protect the soil, water quality, and natural open spaces of the project area and surrounding lands. Scenic view corridors will be maintained and have been carefully laid out to achieve best solar orientation.”** No evidence is given to support view corridors being laid out to achieve the best solar orientation.

Applicant's Response:

Also see comments in Applicant's Response to #3.

A solar study was prepared and reviewed by staff. Where the buildings mass adversely effects solar penetration to external public areas, the project has been required to mitigate these effects. Use Permit Condition # 21 requires snowmelt along pedestrian areas along Canyon Blvd.

The building has been oriented to support both exceptional view corridors and to take advantage of the site's solar orientation. All units within the project are design to maximize views and the projects amenities are positioned to enjoy the best sun exposure throughout the year.

Based on the foregoing findings and conditions, which is not intended to be an exhaustive summary of all of the project conditions of approval, there is substantial evidence that the project approvals comply with the NVSP goals, policies and standards.

7. **“Fundamental to the success of the North Village Development is the establishment of an integrated transportation system. The system will include improved street circulation, increased emphasis on public transportation, and development of a comprehensive pedestrian circulation system with connections to the town-wide trail system, bicycle paths, and bus stops, all in proximity to major destination.”** No evidence is presented to demonstrate the integration of the proposed Project with the Town Circulation system.

Applicant's Response:

The NVSP Figure F shows pedestrian and bike circulation systems in the NVSP area. The project includes all pedestrian and bike trails that are identified in the NVSP. The project ties into the Canyon Transit Stop and the Village Gondola.

Based on the foregoing findings and conditions, which is not intended to be an exhaustive summary of all of the project conditions of approval, there is substantial evidence that the project approvals comply with the NVSP goals, policies and standards.

8. **“The NVSP addresses the construction of an improved system of infrastructure, including a transit system necessary to support the development area. The Plan responds to community needs by providing major public recreation facilities, public plaza..., and paths, trails and gondola connections to community wide and mountain recreation corridors.”**
No evidence is presented to demonstrate the integration of the proposed Project with the Town Circulation systems.

Applicant's Response:

See #7 above.

The Appeal claims that the Hillside Project violates the Town's concept and vision statements of the NVSP in the above areas. The Appeal further claims that these violations in the areas of parking for both residents and guests, traffic, community amenities, integration with the Village, pedestrian friendly access, and possible inconsistency in affordable housing and density bonuses, and request that the Project be returned to the Proponent and the Town staff for detailed evaluation against the above General Plan and NVSP criteria.

The Appeal requests that a re-submittal should contain:

1. Detailed height and mass, view shed, and solar corridor presentations. It is particularly important that the height and silhouettes of the structures from many viewpoints be examined and presented.
2. Detailed maps and elevations explaining the integrations of the proposed Project with the various other portions of the NVSP and its various areas (plaza, walkways, etc.)
3. A thorough analysis of the circulations ramifications of the project, both vehicular and pedestrian.
4. Redesign of the Project to either make it truly a part of the pedestrian Resort Plaza, or make the height compatible with the requirements of the non-resort plaza sections of the NVSP.

The Appeal notes that the Town Staff report does an admirable job of analyzing many of the numerous detailed deficiencies of the Project in terms of parking, affordable housing, set backs, bus circulations, check-in areas, etc. However, the Appeal claims that the conditions attached to the Project do not fully recognize the deficiencies raised in the staff report. The Appeal also claims that it is unclear which changes, if any, could require the project to be returned to the Planning Commission.

Applicant's Response:

Parking area design – Staff report identifies non-conformance of the parking garage with respect to drive aisle width, back-up distance, ramp turn radius, tandem parking, and number of parking stalls. The Use Permit Condition #3 requires the project parking to be redesigned to meet all of these identified deficiencies. The Use Permit also has a number of conditions which require that unless specified in the Use Permit, town codes, specific plans, municipal codes, etc. are the overruling mechanism for the project (Condition #32, Standard Engineering Conditions #18).

Affordable Housing – Town staff report identifies a total of 36 very low-income bedrooms must be provided. The Proponent's submission to the Town staff for the Use Permit included 36 one bedroom workforce housing units. The project as designed has 36 one bedroom workforce housing units. Use Permit Findings (#6) and Conditions (#11 and #12) all require the Proponent to meet both the Town of Mammoth Lakes housing ordinance AND the state's housing requirements for the project to be eligible for the 35% housing bonus.

Set Backs – Town staff identifies a portion of the project's superstructure which is not in conformance with the NVSP EIR mitigation measures. The building is required to be moved to meet the required set back or alternative mitigation measures revised (which would have required a continuance to conform to CEQA). Staff and the Proponent agreed that the building should be moved to meet the set back. Use Permit Condition #5 requires the project to meet the set back requirements for the final height of the building in this area.

Bus Circulation – Town staff report identifies the NVSP requirement to have a tour bus parking plan and access to the project for unloading and loading. The Use Permit Condition #6 requires this plan and access to be provided and approved by staff.

Based on the foregoing findings and conditions, which is not intended to be an exhaustive summary of all of the project conditions of approval, there is substantial evidence that the project approvals comply with the NVSP goals, policies, and standards.

Although the Appeal attempts to point to certain NVSP elements and policies to which the Appeal claims the Project does not conform or meet the intent of the NVSP, the

Proponent notes that the Project, from conception to Planning Commission Use Permit Resolution, never contemplated any concession or variance from the underlying entitlements of the land on which the Project is to be built. The Use Permit Resolution, as proposed by Staff and Approved by the Planning Commission, at no point suggest that there is any variance nor concession sought by the Proponent on the Project.

The Use Permit Resolution and accompanying Project plans and drawings show that that many high priority issues of the community and Council are indeed addressed specifically and beneficially by the Project. For example:

1. Employee Housing

The NVSP Housing Element refers to the General Plan that “describes in detail the issues and constraints relating to housing in Mammoth Lakes...those most adversely affected by this housing shortage are the seasonal employees and low-income households”. The NVSP also encourages the development of onsite, as appose to offsite, employee housing.

The Project is the first and currently the only development in the NVSP which will provide all required employee housing within the development that the housing mitigates (Conditioned by Use Permit Conditions #11 and 12). Also, all required employee housing for this Project will be for very low income households (Use Permit Condition #12).

2. Conservation and Open Space Element

The NVSP Conservation and Open Space Objectives include the “retain native vegetation to preserve the alpine character of the vicinity”. The NVSP Conservation and Open Space Policies include “significant environmental features shall be preserved where feasible and shall be incorporated into project designs”.

One of the Projects significant design elements and a major feature of the project is the retention of significant and substantial existing trees and grade within the project site. The project layout is such that this central tree preservation area is maintained and protected and the buildings are designed in such a manner as to facilitate the preservation of this “native vegetation” and “significant environmental feature”.

3. Parks and Recreation Element

The NVSP Parks and Recreation Objectives include “provide sufficient recreational amenities for the use and enjoyment of the visitors to North Village and provide year-round recreational opportunities with a destination resort setting”. The Parks and Recreation Policies require “all hotels, full-service or specialty lodging shall provide appropriate recreational amenities for their guests and open space areas and tree

preservation shall be incorporated into the designs to retain the alpine character of Mammoth Lakes”.

The Project provides exceptional and currently unsurpassed “recreational amenities” including pools, spas, full service spa, and fitness facilities. These facilities will all be “year round” and will alleviate the potentially adverse pressures the community and Council contemplate may occur with increased development on current “winter” activities such as skiing. As noted in 2. above, there is significant effort and attention to the “...preservation of open space areas and trees...”.

The North Village Parks and Recreation Standards clearly state that “the gondola and ice-skating pond shall be available for public use. Tennis courts, swimming pools, and other recreational amenities may be available for public use at the discretion of individual developers”. The Project shall also “provide at least one private recreational amenity within the project design”.

The Project is not required to make its recreational amenities public. As noted elsewhere in the Proponents response to the Appeal, the majority of the site is not zoned for “public” or “commercial” facilities. The Project is only required to provide at “least one private recreational facility” but in fact there are numerous facilities within the Project.

The foregoing specific citing of NVSP policies and objects that the Project meets and are contemplated within the Use Permit Resolution, which is not intended to be an exhaustive summary of all such citing, provide further evidence that the project approvals comply with the NVSP goals, policies, and standards.

The Planning Commission made the following specific findings in adopting Resolution No. PC 2006-01, approving Tentative Tract Map 36-235 and Use Permit 2005-09 (“Findings”):

A. Planning Commission's Findings for Tentative Tract Map 36-235

1. The proposed map is consistent with applicable General Plan standards as specified in Section 66451 of the Subdivision Map Act since the Planning Commission finds, based upon the evidence presented in the staff report dated January 12, 2006, that the project conforms to the density standards of the General Plan and the maximum density yield for the Plaza Resort (“PR”) and Specialty Lodging (“SL”) Designations established by the North Village Specific Plan. The Commission further finds that the proposed condominium development complies with Zoning Code development standards that implement the goals and policies of the General Plan and all utilities and access roadways can be improved and/or extended to service the project area.

2. The design and improvements of the subdivision are consistent with General Plan standards since the Planning Commission finds that the project, as conditioned, complies

with the development standards of the PR and SL Designations and the project's approval is conditioned to require compliance with all other applicable Town Ordinances and applicable agency requirements in effect at the time the subdivision request was submitted for review.

3. The site is physically suitable for the type of development since the Planning Commission finds that the proposed structure, as conditioned, is situated on the site to accommodate the grading needed to construct the under structure parking, the building pad, the access driveways, and the extension of utilities while preserving as much of the surrounding site as possible to provide for adequate setbacks and landscaped buffer areas. The project will not adversely impact significant natural landforms since no significant landforms were identified on the property. No evidence has been presented during the planning review process to indicate that the proposed improvements are not physically suitable to the site.
4. The site is physically suitable for the proposed density of development since the Planning Commission finds that the project conforms to the density standards of the General Plan and the density yield for the number of rooms permitted for similar development established for the PR and SL Designations pursuant to the North Village Specific Plan and the project, as conditioned, meets all development requirements of the Town of Mammoth Lakes Municipal Code, North Village Specific Plan, and the North Village Specific Plan EIR as described in the staff report dated January 12, 2006.
5. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat since the Planning Commission finds that the mitigation measures imposed on the project have been determined to be adequate to reduce impacts to a less than significant level as described in the Subsequent Program Environmental Impact Report for the North Village 1999 Specific Plan Amendment ("EIR"). A Statement of Overriding Considerations has been accepted for air quality impacts. The site has been identified by the EIR as not supporting any threatened or endangered fish, wildlife or habitat. The Certified EIR analysis covers the project area and the mitigation measures established by the EIR will be incorporated into conditions of project approval to reduce any adverse environmental impacts to a level below significance.
6. The design of the subdivision or the types of improvements are not likely to cause serious public health problems since the Planning Commission finds that the mitigation measures adopted in the EIR document reduce health related impacts to a level below significant and that all necessary public services and utilities can be extended to the site to assure health and safety for those individuals occupying and using the improved site facilities.
7. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property

within the proposed subdivision since the Planning Commission finds that all utilities, and their easements, are indicated on the Tentative Tract Map and that the subdivision will not adversely impact upon any existing public easements.

B. Planning Commission's Findings for Use Permit 2005-09

1. The proposed use is consistent with the General Plan since, as designed and conditioned, the proposal conforms to all development standards established for the PR and SL Designations pursuant to the North Village Specific Plan and achieves the General Plan goals and policies as they relate to development within these Specific Plan zoning designations.
2. The proposed location of the use is in accord with the objectives and purpose of the zones in which it is located since resort condominium hotels and appurtenant facilities are permitted uses within the PR and SL Designations and the condominium form of ownership is approved by this Use Permit.
3. The proposed site is adequate in size and shape and has adequate access for the proposed use, as conditioned, since access to the understructure parking area will be improved and will adequately access the site to Canyon Boulevard that is improved as a Public Roadway. The site will be improved to accommodate year-round emergency vehicle access and to accommodate adequate access and width for anticipated traffic to the developed site.
4. 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 since mitigation measures have been applied which have been developed to ensure compatibility as evaluated in the Program EIR. The proposed development is designed to be compatible with its surrounding topography and the architectural design will enhance the site and surrounding development. All utilities are available, or can be extended, to adequately serve the proposed development.
5. The proposed use complies with the applicable sections of the zoning regulations since all development requirements established by the PR and SL Designations of the North Village Specific Plan and other applicable development standards of the Municipal Code can be met by the project as designed and/or conditioned.
6. Consistent with Chapter 17.36 of the Municipal Code related to Affordable Housing Mitigation Regulations, the applicant is providing affordable housing mitigation for the Mammoth Hillside project assuming an employee housing credit of 29 Full Time Equivalent Employees ("FTEEs") from the In-Lieu Housing Agreement associated with the 8050 Project. The number of FTEEs for the project is based upon a formula of .225 FTEE per sleeping area, or $325 \times .225 = 73.1$. Less the in-lieu credit of 29 FTEEs the

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project requires 44.1 FTEEs for the sleeping area count. The 23,108 square feet of services associated with the project are assessed at 0.42 FTEE per 1,000 square feet and result in 10 FTEEs required for a total Phase I project count of 54.1 FTEEs. To establish the amount of units required, one FTEE equals 250 square feet of living area, or 13,525 square feet. The square footage of the living area is then divided by 500 square feet to arrive at a studio or one bedroom count of 27 for Phase I. To qualify for the 35% state density bonus, the project must provide 36 rooms of very-low income housing on-site.

Based on the foregoing, including but not limited to, the Town's staff report and recommendations regarding the Project, the Project conditions of approval, public comment and deliberations of the Planning Commission, and the documents submitted to the Town by the Applicant, indicate that the foregoing Findings are supported by substantial evidence. As such, the Applicant respectfully requests that the Town Council deny the Appeal in its entirety and affirm the Planning Commission's approval of Tentative Tract Map 36-235 and Use Permit 2005-09.

Respectfully submitted,



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