

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

Doc # 2010001397  
Page 1 of 27  
Date: 3/22/2010 02:50P  
Filed by: MAMMOTH LAKES; TOWN OF  
Filed & Recorded in Official Records  
of MONO COUNTY  
LYNDA ROBERTS  
CLERK-RECORDER  
Fee: \$0.00

Space Above for Recorder's Use

**RESOLUTION NO. PC-2009-07**

**A RESOLUTION OF THE  
MAMMOTH LAKES PLANNING COMMISSION APPROVING  
VESTING TENTATIVE TRACT MAP 09-001 AND USE PERMIT 09-001  
TO ALLOW A 101-ROOM, 28 UNIT FRACTIONAL  
AND/OR WHOLLY OWNED HOTEL PROJECT  
FOR PROPERTY LOCATED AT 94 AND 151 BERNER STREET.**

**(APN: 033-041-011 AND 039-030-014)**

**WHEREAS**, a request for consideration of a Permit was filed by Mammoth Specialty Lodging, LLC to allow a fractional and/or wholly owned hotel product with 101 rooms in 28 units within a building with a footprint of approximately 34,500 square feet, in accordance with the North Village Specific Plan, for property located within the Specialty Lodging zone of the North Village Specific Plan at 94 and 151 Berner Street.

**WHEREAS**, the Planning Commission conducted a Noticed Public Hearing on the application request on November 18, 2009, at which time all those desiring to be heard were heard; and

**WHEREAS**, the Planning Commission considered, without limitation:

1. The Staff Report to the Planning Commission with exhibits;
1. The State Map Act, Town of Mammoth Lakes General Plan, Town of Mammoth Lakes Municipal Code, North Village Specific Plan, Subdivision Ordinance, and associated Land Use Maps;
2. The environmental documentation prepared for the project;
2. Written evidence submitted at the hearing;
3. Project plans consisting of: All plan sheets dated received by the Town of Mammoth Lakes on 4-30-09, except for C6.0 and L2.0 dated received 6-18-09; and

**WHEREAS**, the Planning Commission made the following findings pursuant to Section 17.60.070 of the Mammoth Lakes Municipal Code and Sections 66474 and 66498.1 of the Subdivision Map Act:

(SEE EXHIBIT A)

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission, in its independent judgment, finds that this project is consistent with the existing 1999 North Village Specific Plan Environmental Impact Report, pursuant to the California Environmental Quality Act (CEQA) Guidelines.

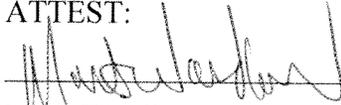
**BE IT FURTHER RESOLVED** that the Planning Commission of the Town of Mammoth Lakes hereby approves UPA 09-001 and VESTING TTM 09-001 subject to the following conditions:

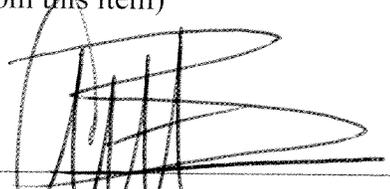
(SEE EXHIBIT B)

**PASSED AND ADOPTED** this 18th day of November 2009, by the following vote, to wit:

- AYES: 4
- NAYS: 0
- ABSENT: 0
- ABSTAIN: 0
- RECUSED: 1 (Note: Chair Duggan recused herself from this item)

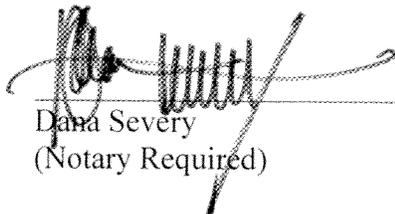
ATTEST:

  
 \_\_\_\_\_  
 Mark Wardlaw  
 Community Development Director

  
 \_\_\_\_\_  
 Tony Barrett, Vice Chair of the Mammoth  
 Lakes Planning Commission

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

I, Dana Severy, am a legal agent having Power of Attorney for the owner of this property and am the proponent of this project request project request, and I do hereby attest that I have read, and agree to, the conditions of approval stipulated within this Resolution.

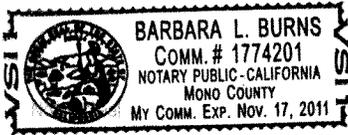
  
 \_\_\_\_\_  
 Dana Severy  
 (Notary Required)

JAN. 14, 2010  
 \_\_\_\_\_  
 Date

JURAT

State of California            )  
  ) ss.  
County of Mono                )

Subscribed and sworn to (or affirmed) before me on this fourteenth day of January, 2010, by Dana Severy, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



Notary Signature Barbara L Burns

**EXHIBIT A**  
**Resolution No. PC-09-07**  
**Case No. Vesting TTM 09-001, UPA 09-001**

**FINDINGS FOR USE PERMIT**

(Municipal Code Section 17.60.070)

1. The proposed use is consistent with the Town of Mammoth Lakes General Plan since, as designed and conditioned, the proposal conforms to all development standards established for the Specialty Lodging (SL) zoning 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 zone in which it is located because the SL zoning designation of the North Village Specific Plan is intended for uses such as lodges, resort condominiums, and other similar uses.
3. The proposed site is adequate in size and shape and has adequate access for the proposed use because it is able to accommodate a building that is consistent with all of the development standards of the North Village Specific Plan and adequate vehicular access to the site is provided both from Forest Trail and Berner Street. 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 that have been developed to ensure compatibility as evaluated in the North Village Specific Plan 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 because all development requirements established by the SL zoning designations of the North Village Specific Plan and other applicable development standards of the Municipal Code will be met by the project as designed and/or conditioned.

**FINDINGS FOR TENTATIVE MAP APPROVAL**

(State Map Act Section 66474 and 66498.1)

1. The proposed map is consistent with applicable general and specific plans as specified in Section 66451 of the Subdivision Map Act because the project conforms to the density standards for both the General Plan and the Specialty Lodging (SL) zoning designation of the North Village Specific Plan. The Commission further finds that the proposed hotel development complies with zoning code development standards and Town policies that

implement the General Plan and that all utilities and access roadways can be improved and/or extended to service the project area.

2. The design and improvements of the project are consistent with General Plan standards since the project, as conditioned, complies with the development standards of the SL zoning designation of the North Village Specific Plan and with all other applicable Town Ordinances and applicable agency requirements in effect at the time the tentative map request was submitted for review and considered by the Planning Commission.
3. The site is physically suitable for the type of development because the proposed structure, is situated on the site such that the grading needed to construct the understructure parking, the building pad, the access driveways, and the extension of utilities utilizes the existing disturbed area and preserves as much of the surrounding site and existing trees as possible. The project will not adversely impact significant natural landforms since no significant landforms were identified on the property.
4. The site is physically suitable for the proposed density of development because the proposed project conforms to the density requirements of the General Plan and the North Village Specific Plan within a building that meets all of the applicable development standards SL zoning designation.
5. The design of the proposed improvements are not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat since the property is not located within an environmentally sensitive area and since the project was found to be consistent with the North Village Specific Plan Program Environmental Impact Report, pursuant to the California Environmental Quality Act (CEQA) Guidelines.
6. The design of the subdivision or the types of improvements is not likely to cause serious public health problems since the required mitigation measures reduce health-related impacts to a less than significant level and no evidence has been submitted during the planning review process to indicate that the development would cause any serious public health problems. All necessary public services are currently provided, or can be extended to, the site to assure health and safety for those individuals occupying and using the site facilities.
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, property within the proposed subdivision since the property has access to two public streets with approved street alignments and widths, as conditioned, and the applicant will construct sidewalks along Forest Trail and Berner Street. All utilities and their easements are currently in place on, or can be extended to, the property and the proposed project will not impact adjacent property easements and/or common areas shared among condominium owners.

**EXHIBIT B**  
**Resolution No. PC-09-07**  
**Case No. Vesting TTM 09-001, UPA 09-001**

**PLANNING DIVISION CONDITIONS**

1. This approval authorizes the following: a fractional and/or wholly owned product with 101 rooms in 28 units within a building with a footprint of approximately 34,500 square feet. The proposal also includes 60 parking understructure parking spaces, a rooftop pool and owner's lounge, and a pedestrian access bridge from the valet drop-off on Forest Trail.
2. This permit and all rights hereunder shall automatically terminate unless the site preparation or construction has been commenced within 24 months after the issuance of this permit and such work is diligently carried on until completion, or an extension of time has been granted in accordance with Municipal Code 17.60.160.
3. All new improvements constructed on the site shall be in compliance with all Town of Mammoth Lakes, County of Mono, Mammoth Community Water District, the Mammoth Lakes Fire Protection District, the CRWQCB Lahontan District, Great Basin Air Pollution Control District, OSHA, State of California and United States of America laws, statutes, ordinances, regulations, directives, orders, and the like applicable thereto and in force at the time thereof. Any violation of the above may constitute grounds for revocation of the use permit under Section 17.60.130 of the Mammoth Lakes Municipal Code.
4. This resolution of approval, as conditioned herein, shall be recorded for the subject property by the Mono County Recorder's Office to commence the approved use on the property prior to the issuance of any building permits for new or remodeled structures.
5. The site shall be maintained in a neat, clean and orderly manner. All improvements shall be maintained in a condition of good repair and appearance. Outdoor storage of equipment and other materials is prohibited. Non-operating vehicles, equipment and materials inappropriate to the site and its use shall not be stored within outdoor areas on the site.
6. Storage of construction materials and equipment off-site shall not be permitted without a permit issued by the Community Development Department of the Town. Any public or private property altered, damaged or destroyed by site preparation, grading, construction or use shall be restored to its pre-existing condition by the permittee.
7. All conditions of this use permit shall be met or secured prior to final occupancy approval of any tenant improvements or new structures.
8. All uses are subject to review by the Building Official of the Town of Mammoth Lakes and must conform to occupancy ratings of the structures to obtain occupancy.
9. Town staff shall have the right to enter the subject property to verify compliance with these conditions. The holder of any permit associated with this project shall make the premises available to Town staff during regular business 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.

10. Prior to the issuance of a building permit, the applicant shall pay the Development Impact Fees in effect at the time of building permit application submittal, as prescribed by ordinance.
11. Where compliance with the conditions of approval or applicant initiated changes to the plans require additional staff review, that review time shall be billed at the Town's established billing rates. Prior to the issuance of a building or grading permit, the applicant shall pay all outstanding costs for the processing of this application.
12. The approved site and building plans shall be adhered to and maintained for the duration of the permit.
13. This action may be appealed to the Town Council within fifteen (15) calendar days from the date of Planning Commission approval in accordance with Municipal Code Chapter 17.68.
14. Prior to receipt of a grading or building permit, the applicant shall obtain a secondary source permit or letter of exemption from the Great Basin Unified Air Pollution Control District.
15. Pursuant to Government Code Section 66474.9 the subdivider shall defend, indemnify, and hold harmless the local agency and its agents, officers, and employees from any claim, action, or proceeding against the local agency and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the local agency, advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Government Code Section 66499.37. The Town shall promptly notify the subdivider of any claim, action, or proceeding and shall cooperate fully in the defense.
16. Pursuant to Municipal Code Chapter 17.36 (Affordable Housing Mitigation Regulations), the project will be mitigated by the purchase, improvement, deed restriction, and sale and/or rental of existing market rate units; and/or the payment of in-lieu fees. The actual fees and FTEE generation will be based on the affordable housing mitigation regulations in effect, and the final project program, at time of building permit application submittal.
17. In consideration of the Town's Vision Statement requiring a de-emphasis of the use of the automobile, occupancy and mode of travel expectations and to mitigate the impacts of the project on air quality as required by CEQA, the applicant and the owners association, if formed, shall execute a transit agreement with the Town prior to recordation of the final map. If no owners' association is formed at that time, the applicant shall demonstrate, subject to review and approval of the Town Attorney, the ability to bind future homeowners to the transit agreement and shall execute the agreement on their behalf. The applicant shall be subject to an annual payment of \$121.00 per residential unit and as adjusted for inflation since inception (the Fiscal Year 2009-2010 rate is \$148.11). The annual payment shall be adjusted annually for inflation using the Los Angeles/Riverside Consumer Price Index. The transit service agreement, when executed, shall be recorded in the Official Records of Mono County and shall be referenced in the project CC&Rs, as well as in any disclosure documents required by the California Department of Real Estate for the project. Once recorded,

the agreement can be modified only by mutual written agreement of the Town and the owners' association when formed and the service shall not be discontinued for any reason without an amendment to the agreement.

18. All exterior lighting shall comply with Chapter 17.34 of the Town of Mammoth Lakes Municipal Code, Outdoor Lighting. Exterior light fixtures having a total of over 40-watts of incandescent illumination shall be equipped with shields that extend below the horizontal plane of the light source to direct the light downward onto the structure or surrounding grounds.
19. The project shall meet the requirements of Municipal Code Section 17.38 (Water Efficient Landscape Regulations) including the Landscape Documentation Package. A final landscape and irrigation plan shall be submitted to, and approved by, the Community Development Department for inclusion in the project grading permit. Where no grading permit is required, the final landscape plan must be submitted to and approved by the Town prior to issuance of a building permit. Said landscape and irrigation plan shall substantially conform to the preliminary landscape plan reviewed and approved by the Planning Commission. All landscape plantings shall be maintained in a healthy and growing condition at all times (as applicable for the season) and individual plants shall be replaced if they become diseased or die. An automated irrigation system shall be provided for each landscape area. The irrigation equipment and system shall be maintained in a proper working condition at all times. Landscaping and irrigation systems within the public right-of-way within or adjacent to the project area shall be maintained by the property owner, with the exception of benefit assessment district areas.
20. The landscape plan shall be modified to include more plant materials including trees, seasonal native wildflowers, and understory vegetation in order to provide sufficient ground cover and fully mitigate the removal of 73 mature evergreen trees on the site. The final landscape plan shall not permit Colorado blue spruce to be planted on the site and is subject to approval by the Community Development Department.
21. The project shall comply with the Guidelines for Erosion Control in the Mammoth area. This shall include submittal of a Report of Waste Discharge. Prior to the first occupancy permit, the developer shall prepare a stormwater management operation plan that the Homeowner Association shall use for ongoing operation and maintenance of permanent erosion control and storm water.
22. If any portion of the building encroaches into front or street side yards, the property owner shall execute a hold harmless agreement waiving any liability on the part of the Town for damage from snow removal or other standard street maintenance functions.
23. The project is subject to the fractional use regulations adopted by the Town. Fractional use projects are required to stipulate the provisions of a local sales program plan, if any, for the Town's review and approval. Mitigation is also required for the financial impact on Town services posed by owner occupied projects that are otherwise run as a full service hotel. The development shall be annexed into the Mello Roos Community Facilities District No. 2004-1 prior to building permit issuance. The applicant shall pay a processing fee in the amount applicable at the time of final map submittal to cover the costs of establishing the Community Facilities District and annexation thereto.

24. Water and sewer improvements require a construction permit from Mammoth Community Water District. Prior to the Town authorizing any construction, the applicant shall obtain water and sewer permits from Mammoth Community Water district and pay applicable fees to the District.
25. New or changed improvements, exterior illumination, elevations, designs, materials, or colors shall conform to the adopted Design Guidelines of the Town of Mammoth Lakes and will require review and approval from the Town of Mammoth Lakes Community Development Department or Planning Commission pursuant to Municipal Code Section 17.32.120.
26. A certificate of occupancy is required for all future tenant improvements within the subject structure. Tenant improvements shall identify occupancy separation requirements, disabled access requirements and compliance with all applicable building, electrical, plumbing, and fire code requirements.
27. Zoning entitlement conditions of approval shall be printed verbatim on all of the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the index.
28. Roof vents, exhaust, pipes and flues shall be combined and/or collected together on slopes of roof out of public view to the greatest extent possible.
29. The plans, specifically plan sheet C5.0, shall include a note stating that snow and ice shall be removed daily prior to the opening of business and that pedestrian areas will be maintained during business hours.
30. The applicant shall apply for an annual snow storage permit in order to use the public right-of-way to access snow storage areas on the subject property.
31. The applicant shall enter into an agreement with a property owner in the general vicinity of the project to accommodate their required tour bus parking. This agreement shall be executed prior to first certificate of occupancy. If the applicant is unable to obtain said agreement, tour bus parking shall be provided onsite.
32. The applicant shall install water-using fixtures and appliances which meet or exceed the US EPA WaterSense program guidelines. In addition, the project shall meet current standards at the time of building permit submittal for all landscape water efficiency ordinances and plumbing codes.
33. The applicant shall acquire the necessary permits from MCWD for construction of laterals and connection to the water and wastewater system prior to issuance of a building permit. The applicant shall submit a landscape and irrigation plan that has been approved by the Town as part of any water permit application.
34. The applicant shall install ENERGY STAR or equivalent appliances possible in the project.
35. The applicant shall redesign that portion of the building that encroaches into the setback along Forest Trail prior to submittal of a building permit application. The building shall meet all height and setback requirements of the NVSP.
36. The applicant intends to satisfy the public art requirement in effect at the time of building permit application submittal by placing public art in the pedestrian plaza. The applicant shall work with the Public Arts Commission to determine appropriate artwork

for this area. A plan to ensure that the Public Art requirement is satisfied shall be in place prior to issuance of a building permit.

37. Where “unsuitable” soils, such as undocumented fills, colluvium, and alluvium, will be subjected to increased loads from new fills or structures, remedial grading consisting of over-excavation and compaction should be utilized to improve the bearing capacity of those materials. The applicant shall retain geotechnical services for continuous construction observation and review during site grading and foundation installation allows for evaluation of the actual soil conditions and have the ability to provide appropriate revisions where required during construction. Remedial grading shall follow the recommendations provided in the Preliminary Geotechnical Investigation prepared for the proposed project by Sierra Geotechnical Services, Inc. on February 16, 2006.
38. All oversize rock (greater than 6-inches diameter) and organic debris shall be disposed of at a Town approved site in accordance with the earthwork and grading recommendation included in Appendix D of the Preliminary Geotechnical Investigation prepared for the proposed project by Sierra Geotechnical Services, Inc. on February 16, 2006.
39. The applicant shall follow all of the recommendations outlined in Section 13 of the Preliminary Geotechnical Investigation prepared for the proposed project by Sierra Geotechnical Services, Inc. on February 16, 2006.
40. No solid fuel burning appliances shall be installed in any of the multi-family residential units, consistent with General Plan Section R.10.J. As permitted for other similar projects, one solid fuel burning appliance may be permitted in the lobby or owners’ lounge, provided that it is consistent with the Town, State, and Federal air pollution control standards and subject to approval by the Community Development Director.
41. Sign off from Mammoth Disposal to ensure that the dumpster is accessible is required prior to issuance of a building permit.
42. The applicant shall submit a local sales program, pursuant to 17.30.230. The plan shall be submitted to and approved by the Town with an application for a final map, or prior to the opening of any sales office, whichever comes first.
43. Valet parking shall be free to all guests of the project.
44. A portion of the project is within the jurisdiction of the IntraWest Development Agreement (DA). Prior to approval of a final map by staff, the applicant shall take the necessary steps to remove the DA conditions from the subject parcel.
45. The project shall be required to comply with all applicable mitigation measures (see Exhibit C).

**ENGINEERING CONDITIONS**

**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 law or 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 of each record map for the subject property shown within the tentative map boundary, and a copy of each and every adjacent map, deed or other document as necessary that establish, or were used for the survey of, and for the retracement of the subdivision boundary shall be submitted with the initial submittal of the final map. A subdivision guarantee shall be issued and dated within 30 days prior to final map approval by the Planning Commission.
3. 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.
4. Slope rights adjacent to public rights of way shall be dedicated on the final map where necessary.
5. All new utility lines within, adjacent to or serving the site shall be placed underground.
6. The site grading design and all building construction shall conform to State and federal disabled access regulations.
7. Paved access is required to a maintained street. Street and traffic signs shall meet Town standards.
8. Landscaping and irrigation systems within the public right of way, adjacent to the project area and within the project shall be maintained by property owner, with the exception of benefit assessment district areas.
9. The applicant shall obtain an easement or letter of permission to grade all areas requiring off-site grading prior to issuance of a grading permit or a building permit. These areas shall be contour graded.
10. The applicant shall submit to the Town an electronic file of the final map in AutoCAD, Version 2008, or other format as may be approved by the Town Engineer, within 30 days of approval of the final map.
11. All easements and dedications shall be in a form and content acceptable to the Town Engineer.

12. 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.
13. Application shall be made to the Town for re-apportionment of any existing assessment lien(s) under Community Facilities District (CFD) 2002-1 to the new lots and units proposed. Application shall be made in conjunction with the final map consideration by the Planning Commission.
14. Prior to approval of the final map by staff, the applicant shall provide evidence to the Town that the property taxes have been pre-paid to Mono County Tax Collector or their payment has been secured by the filing of a surety bond or other cash-equivalent security acceptable to the County.
15. The applicant shall pay a fee for each unit, parcel or lot, including lettered lots and parcels and common area lots or parcels, created to the Community Development Department for long range planning reimbursement prior to approval by staff of the final map.
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 the then current fire protection requirements that will be required for the building permit.
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.
19. All grading and public improvements shall be consistent with the Town Of Mammoth Standard Plans for Public Works.
20. The horseshoe driveway shall be aligned to be perpendicular with Forest Trail and include a street light at the entrance and exit consistent with the Standard Plans. An additional 10-foot wide easement shall be provided to the Town for snow storage to the east of the exit driveway.
21. A sidewalk shall be constructed on the north side of Forest Trail from the west side of Berner Street to the entrance to the tennis court parking lot. The sidewalk shall be 7 feet wide clear of obstructions when adjacent to a retaining wall or 6 feet clear otherwise. Retaining walls shall be constructed to protect trees. The sidewalk shall be constructed in accordance with the Standard Plans.
22. A sidewalk shall be constructed along the Berner Street property frontage with a minimum dimension of 6 feet wide, clear of obstructions. Easements shall be

provided to the Town for sidewalk that is outside the right of way. Streetlights shall be consistent with Town Standards.

23. Berner Street (north leg) shall be constructed to provide a half width of 26 feet to gutter flow line to provide tour bus loading and delivery truck parking that is outside the travel ways.

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

24. The final map shall conform to the requirements of Town of Mammoth Lakes Ordinance 84-10 and all amendments thereto.
25. A preliminary soils report shall be filed with and reviewed by the Town Engineer. The report shall address and make recommendations as to the compacted and un-compacted fills on-site. A note shall be placed on the final map indicating which lots require grading remediation. An "as-graded" soils report shall be provided to the Town upon completion of the grading.
26. 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.
27. Surety shall be posted with the Town in a form acceptable to the Town Surveyor for any deferred final monumentation for the final map. The estimated amount of the surety shall be prepared by the licensed land surveyor preparing the final map and shall be approved by the Town Surveyor.
28. If the subject property has existing overhead utilities along the property frontage. The Subdivision Ordinance requires that undergrounding of utilities shall be mandatory for all subdivisions and all condominium projects. The applicant shall therefore perform either of the following:
  - A. Convert the existing utilities underground along the frontage of the property, or,
  - B. Post a surety in a Town acceptable form to guarantee undergrounding of utilities or the property is annexed into a Capital Improvement District that will underground the overhead utilities. The Applicant shall therefore enter into an agreement with the Town whereby the property owner, his successors and assigns, shall not vote to disillusionment of an assessment district to be formed for the conversion of the existing overhead utilities to underground. The covenant shall be recorded with the County Recorder and shall be on title.

The design and construction and the estimated costs and fees for the conversion to underground of the utilities shall meet the standards and approval of all serving

utility companies within the Mammoth Lakes area and the standards and requirements of the Town.

29. Easements shall be designed and offered for dedication on the final map in a form and in content acceptable to the Town.
30. Prior to staff approval of the final map, the Property Owner shall enter into an agreement with the Town in which the Property Owner shall agree to annex the property into North Village Benefit Assessment District, BAD 2001-2, for the operation, maintenance and repair, snow removal, heat trace, landscaping and irrigation, street lighting, and other things, of the public improvements along the property frontage. The Property Owner shall also enter into an agreement with the Town in which the Property Owner shall agree to waive their rights to vote in favor of the dissolution of the Benefit Assessment District, BAD 2001-2. The agreements shall run with the land and shall be binding upon all future owners of the property.
31. The Town contemplates the formation of an assessment district for the construction of certain improvements including undergrounding utilities in the North Village Specific Plan area. The Developer may participate in the capital facilities assessment district for these public improvements in lieu of undergrounding them concurrently with the project. If the Developer selects this option, a surety performance bond shall be posted in the Town's name for the undergrounding utility work until the assessment district is formed. Prior to final map approval by staff the Property Owner shall enter into agreements with the Town to waive their rights to vote to oppose the formation of an assessment district to be formed for the financing and construction of those public improvements, and to waive their rights to vote to oppose the formation of a benefit assessment district, or to be annexed into an existing benefit assessment district for the maintenance of the proposed improvements. The agreements shall include provisions for the waiver of rights to vote in favor of the dissolution of the districts. The agreements shall run with the land and shall be binding upon all future owners of the property. The agreements shall be fully executed prior to approval of the final map by staff.
32. The applicant shall enter into an agreement for the cost sharing and reimbursement for the boiler capacity and heat trace source for the public sidewalk adjacent to the project, where necessary.
33. A 10-foot dedication of right of way is required to provide a half-width right of way of 30 feet on Berner Street. Curbs, gutters, sidewalks, and 26 feet half width of paving shall be installed on the north/south leg of Berner Street and 16-feet of half width of paving on the east/west leg of Berner Street.
34. A ten (10) foot grant of easement, in a form and content acceptable to the Town Engineer, is required along Forest Trail between the easterly driveway exit and the property line(s) for snow storage purposes.
35. Rights of way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing shall be required as necessary.
36. All easements as shown on the tentative map shall be granted on the final map, or recorded by separate document prior to or concurrent with recordation of the final

map. 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).

37. Easements shown on the tentative map to the benefit of an agency other than the Town or to other parties shall be shown on the final map as "Easements Reserved". The owners statement on the parcel map shall reserve said easements unto themselves, their heirs and assigns.
38. 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.
39. 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 Berner Street and Forest Trail and Berner Street and the easterly property boundary or on an appropriate offset.
40. A snow removal/storage plan shall be submitted by the applicant and approved by the Community Development Department. This plan and provisions for maintenance of private driveways and drainage facilities shall be included in the CC&R's prior to final map approval by Town staff.
41. The CC&R's shall contain provisions granting rights of access and parking, as necessary, to the owners, tenants, and their guests, of the condominium units.
42. Existing CC&Rs, if any, encumbering the property shall be amended as necessary for the proposed development of this project.
43. The applicant shall submit a request for unit, building and street addressing to the Town, and a request for street names for all streets within the subdivision. Approval of the addressing and street names shall be completed prior to approval of the map by staff.
44. For condominium projects the following statement shall appear on the signature sheet of the final map: "THIS SUBDIVISION IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 1350 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA, CONTAINING A MAXIMUM 101 ROOMS WITHIN 28 UNITS AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT."

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

45. Construction of water and sewer improvements shall require water and sewer permits from the Mammoth Community Water District. Grading plans shall be submitted to the Town for review and approval and a grading permit in accordance with the municipal code shall be obtained from the Town and all

mitigating measures and best management practices to prevent erosion and to protect existing trees shall be constructed prior to work commencing for any and all water and sewer improvements.

46. An application for a grading permit shall be submitted to the Engineering Services Division of the Public Works Department in accordance Chapter 12.08 of the municipal code. No change to the existing conditions of the site, including site grading, drainage interruption, land clearing, etc. shall be commenced until an engineered grading, drainage and landscape/irrigation plans have been approved by the Town Engineer.
47. A grading permit for the project shall not be issued prior to submission of a complete application for a building permit to the building division of the Community Development Department. The building official shall make the determination as to whether or not the application is complete.
48. An encroachment permit or a letter of exemption shall be obtained from the Engineering Services Division of the Town prior to construction within the public right of way in accordance Chapter 12.04 of the Municipal Code.
49. No work within Town right of way shall be commenced until a traffic control plan has been approved by the engineering services division of the Town.
50. Street and public improvement plans for streets, sidewalks, drainage, and other public/private infrastructure shall be prepared by a registered civil engineer and submitted to the Town for review and approval. Existing topography and proposed grading with sufficient contours intervals (not to exceed two feet) shall be prepared by a registered civil engineer or a licensed land surveyor.
51. The mechanical design of the building shall include sufficient boiler capacity to supply adequate heat source for the heat trace demand for the public sidewalks, if any, adjacent to the project.
52. A thirty-five foot (35) foot radius of return grant of easement is required for rounding the corner of intersecting streets when the half-width right-of-way of any intersecting street is forty (40) feet or greater. A twenty-five (25) foot radius of return grant of easement is required for rounding the corners of intersecting streets if the half-width right-of-way of all intersecting streets is less than forty (40) feet. At intersections street dedication shall be from point of curb return (PCR) to PCR of property line.
53. Street profile grades shall not be less than 0.5% unless the engineer of work at the time of submittal of the improvement plans provides justification to the satisfaction of the Town Engineer confirming the adequacy of the grade and provided that drainage can be adequately maintained.
54. Final grading and improvement plans and profiles shall indicate the location of any existing utility facility that would affect construction. All existing utilities shall be shown on the improvement plans and relocated as necessary without cost to the Town. Existing overhead utilities requiring relocation shall be converted to underground.
55. 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.

56. A geotechnical report is required that confirms that the proposed infiltrator locations will not be subject to groundwater entering the drywell or cause leaching through an adjacent slope face. A sediment and oil water separator shall be installed in conjunction with the infiltrator, substantially in conformance with water quality Phase 2 requirements.
57. Slope stability tests are required for all cuts greater than 2:1 or fills greater than 3:1 (H:V).
58. A thorough evaluation of the structural street section, to include parkway improvements, from a qualified civil and/or geotechnical engineer, shall be submitted to the engineering services division.
59. All driveways shall be constructed in accordance with the driveway standards of the Town. (dependent upon final decision for driveway alignment)
60. 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.
61. A grading permit for the project shall not be issued prior to approval of the landscaping and irrigation plans per Municipal Code 17.38.
62. 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.
63. Drainage across the property shall be maintained. The design of the grading and drainage facilities shall not create concentrated discharges to adjacent properties and/or public rights of way in excess of historical flows. A registered civil engineer shall investigate existing facilities and design adequate drainage facilities to intercept and conduct the drainage flows around or through the site in a manner that will not adversely affect adjacent or downstream properties. The Engineer shall verify that downstream facilities, and drainage channels accepting site flows are not adversely affected by an increase in runoff from this development. If the project does create concentrated or sheet flows off-site that are greater than historical, the applicant shall demonstrate that the downstream facilities can accommodate the increased flows; otherwise, the applicant shall provide on-site detention for excess flows.
64. A final hydrology and hydraulics study is required and shall be submitted with the grading and improvement plans for the project. The study shall be prepared in accordance with the grading chapter of the municipal code and the adopted Storm Drain Master Plan of the Town and shall be prepared by a registered civil engineer. The study shall include runoff from the entire site and shall also include runoff that enters the property from all upstream sources, and shall include all

storm drains, drywells, infiltrators and surface flows. The study shall indicate the method of conveying surface and underground runoff and shall address drainage conveyances downstream to the extent they exit to an existing facility or natural drainage course. All existing drainage facilities on-site and tributary to the site shall be identified and shown on the grading plans. The hydraulic calculations shall include all pipe flows, velocities and head loss calculations sufficient to show the adequacy of all conveyance systems. Q100 and V100 and the hydraulic grade line for all public storm drains and all facilities with an equivalent diameter of 18 inches or greater shall be shown on the approved grading and improvement plans. The drainage study for the project and the final design of the storm drain system shall be approved prior to approval by staff of the grading and improvement plans and the final map. Infiltrators and storm water pollution prevention facilities are to be designed to accept the "first flush" levels of runoff. The capacity of these facilities shall not be assumed to reduce storm water flows of other drainage facilities that may be required for the project.

65. Erosion control plans shall be included with the grading and improvement plans. Continuous water spraying or other approved methods shall be used during grading operations to control fugitive dust. Drop inlet filters and other temporary Best Management Practices shall be employed to filter nuisance water from storm drain inlets affected by construction, on-site and off-site. Groundwater pollution from urban run-off water generated by the project shall be mitigated using best management practices (BMP's), per the requirements of the California Regional Water Quality Control Board, Lahontan District, and as indicated in the "New Development and Redevelopment Guidelines". The applicant shall apply for and obtain all required permits, written clearances or exemptions from the Lahontan District prior to any grading. All BMP's shall be shown on the erosion control plans. If the Town inspector determines that the BMP's in place are not adequate, then additional BMP's shall be installed at the discretion of the Town inspector or a revised erosion control plan shall be prepared for approval by the engineering services division. Gravel bags shall be used in lieu of sand bags. All permanent erosion control measures shall be irrigated for at least one season. Permanent BMPs shall include sediment traps upstream of infiltrators and oil water separators for parking areas consistent with the General Plan.
66. 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, and specific limitations restricting access into non-developed portions of the site and the storage of materials within these areas. The staging plan and the final access roadway improvements shall all be approved by the Mammoth Lakes Fire Protection District prior to grading permit issuance. An approved copy of the plan shall be maintained on-site at all times and available to all contractors, subcontractors, their employees and the Town. The staging plan shall address hours of work, special approval for work outside hours allowed. The plan shall also contain provisions for interrupting utility services to neighboring properties and sufficient noticing to affected residents and property owners.

67. On the cover sheet of the grading plans and in a very conspicuous location place the following note: "The conditions of approval for the approved tentative tract map, TTM 09-001, and use permit, UPA 09-001, and all mitigation measures within the Mitigation Monitoring and Reporting Program contained in the resolution recorded at the County Recorder's Office of Mono County as Document No. 2009xxxxxx, shall be made a part of these plans and the grading permit and all conditions and requirements therein shall be adhered to by the contractor, his sub-contractors and any person performing any work on the project." This note shall also be included within the construction staging and management plan.
  68. Prior to combustible materials being placed on-site, an all-weather access road shall be constructed serving all exterior portions of the structure to the satisfaction of MLFPD.
  69. A shoring plan shall be prepared and submitted for review that demonstrates how the cuts along and adjacent to the property lines can be made without encroachment onto the adjacent property and in conformance with OSHA requirements.
  70. 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.
  71. The grading plan shall indicate all snow storage areas and drainage facilities.
  72. All easements shall be shown on the grading plan.
  73. 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.
  74. A tree removal plan shall be approved prior to any land disturbance and the issuance of a grading or building permit. A pre-construction meeting shall be held on-site prior to any land disturbance to inspect clearing limit fencing. The applicant shall obtain the necessary Timber Harvest Permit prior to any tree removal.
  75. 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:**
76. 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.

77. 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:**

78. All required landscaping and irrigation improvements shall be constructed prior to the first temporary, conditional or final certificate of occupancy for the project. Sureties shall be posted with the Town to the satisfaction of the Community Development Department for any required landscaping and irrigation improvements to be deferred and a schedule shall be submitted to the town for the construction of the deferred improvements. Deferral of the construction of any landscaping and irrigation improvements shall be at the sole discretion of the director of the community development department.

79. Address numbers shall be placed on all new and existing structures in such a manner as to be plainly visible and legible from the access roadway or street, consistent with Municipal Code Section 16.32.

80. 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 occur prior to Town approval of the condominium plans. The condominium plans shall be recorded prior to issuance of the first temporary, conditional or final certificate of occupancy for the project.

81. Construction of private streets and private facilities and related drainage improvements shall be inspected and certified by the Town Engineer according to Public Works Standard Plan 00-1.

82. All required grading, public and private street and drainage improvements shall be completed, all "punchlist" items completed to the satisfaction of the Town Engineer, 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.

83. Projects subject to a building permit shall have all required on and off-site improvements completed and approved prior to final inspection of any buildings or structures. The installation of any on or off-site improvements shall be sufficiently completed so as to assure protection from storm or drainage run off, a safe and drivable access for fire and safety, and the ordinary and intended use of buildings or structures. The Building Official, with the concurrence of the Town Engineer, may approve any plan or approve a change to an approved plan, which complies with the intent of this policy.

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

**EXHIBIT C**  
**Resolution No. PC-09-**  
**Case No. Vesting TTM 09-001, UPA 09-001**

**MITIGATION MEASURES**

**AESTHETICS**

- AES-1: To the maximum extent practical, the proposed project shall retain forested areas, and the development shall remain subordinate to the natural character of the site and surrounding landscape.
- AES-2: Prior to final approval of project development plans, the applicant shall submit a tree preservation and replacement plan pursuant to the Municipal Code, Zoning, requirements related to grading and clearing. The Preservation and Replacement Plan, including the type, size, number and location of replacement trees shall be subject to the approval of the Town of Mammoth Lakes Community Development Director.
- AES-3: Contour grading shall be used to blend manufactured slopes into the natural terrain. Grading shall be minimized to preserve existing landform and vegetation to the greatest extent possible.
- AES-4: The landscape design for the site shall maximize the use of existing vegetation, and where new plants are introduced, they shall include, and/or blend with, plants native to the Mammoth Lakes environment. Landscape plans for the site shall be completed by a certified landscape architect.
- AES-5: To the maximum extent feasible practical, native trees and landscaping shall be concentrated around all structures located on the project site.
- AES-6: Grading techniques shall be used which minimize the area of disturbance and shall incorporate such methods as decorative retaining walls rather than slopes to minimize the area of disturbance.
- AES-7: Staging locations shall be indicated on project Building Permit and Grading Plans and shall be subject to review by the Town of Mammoth Lakes Community Development Director in accordance with Municipal Code requirements.
- AES-8: Low-intensity street lighting and low-intensity exterior lighting shall be used throughout the development to the degree feasible. Lighting fixtures shall use shielding, if necessary, to prevent spill lighting on adjacent off-site uses.
- AES-9: Lighting used for various components of the development plan be reviewed under North Village Specific Plan design guidelines which shall include review of light intensity levels, fixture height, fixture location, and design.
- AES-10: The project shall use minimally reflective glass and all other materials used on exterior buildings and structures shall be selected with attention to minimizing reflective glare.

AES-11: Vegetative buffers shall be used to reduce light intrusion on residential development and on forested areas located adjacent to the project site.

## **AIR QUALITY**

- AQ-1: In order to reduce fugitive dust emissions, each development project shall obtain permits, as needed, from the Town and the State Air Pollution Control District (APCD) and shall implement measures during grading and/or construction of the individual development sites to ensure compliance with permit conditions and applicable Town and APCD requirements.
- a. The individual development projects shall comply with State, APCD, Town, and Uniform Building Code dust control regulations, so as to prevent the soil from being eroded by wind, creating dust, or blowing onto a public road or roads or other public or private property.
  - b. Adequate watering techniques shall be employed on a daily basis to partially mitigate the impact of construction-generated dust particulates.
  - c. Clean-up on construction-related dirt on approach routes to individual development sites/improvements shall be ensured by the application of water and/or chemical dust retardants that solidify loose soils. These measures shall be implemented for construction vehicle access, as directed by the Town Engineer. Measures shall also include covering, watering or otherwise stabilizing all inactive soil piles (left more than 10 days) and inactive graded areas (left more than 10 days).
  - d. Any vegetative ground cover to be utilized on the individual development sites/improvements shall be planted as soon as possible to reduce the amount of open space subject to wind erosion. Irrigation shall be installed as soon as possible to maintain the ground cover.
  - e. All trucks hauling dirt, soil or other loose dirt material shall be covered.
- AQ-2: To reduce the potential of spot violations of the CO standards and odors from construction equipment exhaust, unnecessary idling of construction equipment shall be avoided.
- AQ-3: In order to reduce emissions associated with both mobile and stationary sources (i.e., wood burning stoves and fireplaces), the project shall adhere to the regulations contained in the *Air Quality Management Plan for the Town of Mammoth Lakes* and Chapter 8.30, *Particulate Emission Regulations*, of the Town's Municipal Code.
- AQ-4: The project shall contribute on a fair share basis to the Town's street sweeping operations in order to reduce emissions and achieve the required Federal standard.
- AQ-5: The project shall not be permitted to utilize wood burning appliances unless the Federal standard is documented to not be exceeded.

## **BIOLOGICAL RESOURCES**

- BIO-1: The project shall preserve existing native vegetation to the maximum extent feasible. Landscaping shall emphasize the use of native plants indigenous to the Jeffrey Pine-Fir Forest plant community. Whenever possible, native plants used on-site shall be selected for their replacement habitat value. Site designs shall be subject to the Design Review procedure of the Town.
- BIO-2: Landscape materials shall be used that allow for the protection and preservation of existing trees. Native plant species, preferably from seed or cuttings from local plants, shall be used where possible. The Landscape Plan shall be approved by the Planning Director prior to issuance of any construction permits.
- BIO-3: Irrigation, fertilization and other landscape management practices shall be designed to minimize effects on existing trees and other vegetation.
- BIO-4: To the extent possible, native vegetation shall be retained and protected during construction. A Revegetation Plan, prepared by a qualified Landscape Architect and approved by the Town of Mammoth Lakes, shall be completed prior to the commencement of the project, which will describe in detail the species of trees and shrubs that will be used, where they will be planted and in what numbers, and the methods of planting and maintenance, which will ensure successful growth. It shall include a monitoring program to follow the progress of new plantings and ensure replacement of unsuccessful plants. Landscaping with native species of trees and shrubs shall be undertaken to enhance wildlife use of cleared areas.
- BIO-5: Under AB3180, once mitigation plans designed to off-set habitat losses are approved and the specific areas where they will be located are identified, the proponent must provide a program to monitor their progress for a period of time (usually three to five years) deemed sufficient by the Planning Director to assure their successful development. Adequate security shall be deposited with the Town to ensure successful implementation of this measure.
- BIO-6: All construction activities, including movement and storage of vehicles and the storage of building and other materials, shall be confined to areas slated for development. Care shall be taken during construction to avoid damage to vegetation and habitats not directly involved in project construction. Any vegetation inadvertently damaged outside of the area slated for development shall be replaced on a one-to-one basis on- or off-site. Off-site replacement shall require the approval of the Town Planning Director.
- BIO-7: To prevent erosion and siltation into intermittent creeks, areas cleared of vegetation, fill or other materials shall be stabilized after clearing and grading. Hay bales, silt screens or similar devices shall be used to prevent siltation. To further protect the drainage system and prevent erosion, all grading and construction shall be completed during the summer months, or after October 15 of each year be in a condition to be stabilized within 48 hours should inclement weather threaten.

- BIO-8: A Forest Condition Survey shall be conducted by a professional forester and approved by the Town of Mammoth Lakes, prior to the commencement of each individual development project. All trees greater than 12-inches dbh and significant stands of each project site shall be mapped prior to issuance of grading permits or clearing. A registered forester or arborist shall then determine the age and condition of these trees and whether they should be retained or removed based upon health and visual significance of the trees, except for removal required by approved improvements. Once this determination is made, those trees shall be retained and integrated into the design of each project. A program of specific protection measures shall be prepared by the developer and approved by the Town prior to issuance of any construction permits (e.g., construction fencing, grading controls, grading design, etc.). Any trees removed unavoidable by each final project approval shall be in accordance with Town policies. Off-site replacement shall require approval by the Town's Planning Director.
- BIO-9: Slash generated from construction or thinning operations shall be hauled from the site concurrent with the operation to prevent a breeding site for IPS. Logs shall be removed from the site as soon as possible.
- BIO-10: Construction and site development, such as grading and trenching, shall be prohibited within the dripline of retained trees. Equipment shall not be stored or driven under trees. Grading shall not cover the ground surface within the dripline of existing trees. Grading limits shall be clearly defined and protected.

## **CULTURAL RESOURCES**

- CUL-1: In the event that a material of potential cultural significance is uncovered during grading activities on the project site, all grading in the area of the uncovered material shall cease and the project applicant shall retain a professional archaeologist to evaluate the quality and significance of the material. Grading shall not continue in the area where a material of potential cultural significance is uncovered until resources have been completely removed by the archaeologist and recorded as appropriate.

## **GEOLOGY AND SOILS**

- GEO-1: Prior to issuance of grading or building permits, geotechnical studies shall be completed and their recommendations shall be incorporated in the project design.
- GEO-2: Soils and foundation analyses shall be approved by Town staff prior to final project design approval. All measures required by the Town shall be incorporated into final grading and building plans.
- GEO-3: The project applicant shall provide grading plans and receive approval from the Town Engineer. Said plans shall also show that new slopes within the project area are designed pursuant to slope requirements set forth within the Specific Plan and the standard's of the Town's Municipal Code.
- GEO-4: All work shall be overseen by a licensed Civil Engineer (CE), Certified Engineering Geologist (CEG), or similar appropriately qualified professional,

who shall report to the Town Engineer in order to ensure the standards of the applicable codes are met.

- GEO-5: A comprehensive Erosion and Sediment Transport Control Plan shall be prepared by the project applicant and approved by the Town Engineer prior to the issuance of any grading or building permits. The Plan shall be included in the project design. The Plan shall also meet the requirements of the Regional Water Quality Control Board and the Town Municipal Code.
- GEO-6: The project operator shall cooperate with the Town in designing and disseminating information to assist citizens and visitors in responding to emergency situations that are likely to arise. All structures shall be designed and built to at least the standards of UBC Seismic Zone 4.

### **HYDROLOGY AND WATER QUALITY**

- HYD-1: All drainage collection, retention, and infiltration facilities on the site shall be constructed and maintained in accordance with the *Mammoth Lakes SDMP* and shall be designed in accordance with the *Master Plan Design Manual*, to the satisfaction of the Town of Mammoth Lakes Town Engineer, prior to the issuance of grading permits.
- HYD-2: A more complete hydrology analysis for design purposes shall be required to be completed to estimate the amounts of runoff, which will be required to be retained on-site for each development. The analysis shall be approved prior to issuance of a grading permit.
- HYD-3: The following water conservation procedures shall be incorporated into project elements where feasible: landscape with low water-using plants; install efficient irrigation systems that minimize runoff and evaporation and maximize the water that will reach the plant roots, such as drip irrigation, soil moisture sensors, and automatic irrigation systems; and use pervious paving material whenever feasible.
- HYD-4: An Erosion and Sediment Control Plan shall be prepared by the project proponents prior to issuance of grading permits. The Plan shall be reviewed and approved by the Town of Mammoth Lakes and the Lahontan Regional Water Quality Control Board and be in accordance with the erosion control guidelines as contained in the Mammoth Lakes SDMP and be in compliance with the Water Quality Control Plan (for the Lahontan Region [Basin Plan]). General grading activities, including those related to demolition and construction, would be regulated by the Uniform Building Code and Town of Mammoth Lakes Grading Ordinance. The required Erosion and Sediment Control Plan shall outline methods that will be implemented to control erosion and sediment transport from graded or cleared portions of the individual redevelopment/ improvement sites.
- HYD-5: A Waste Discharge Report (related to soil disturbance) shall be prepared by the project applicant and submitted to the Lahontan Regional Water Quality Control Board not less than 90 days before the intended start of construction activities of a new development to obtain a Waste Discharge Permit or waiver to ensure that proper control measures for the protection of water quality are

taken and adhered to during all phases of the development project. A copy of the Waste Discharge Report shall be submitted to the Town of Mammoth Lakes engineering division prior to issuance of a grading permit for the project.

- HYD-6: Best Management Practices (BMPs) shall be implemented to the satisfaction of the Lahontan Regional Water Quality Control Board and NPDES Program requirements in order to protect the receiving waters from degradation and correct existing problems. BMPs include structural controls such as retention/detention basins, oil-water separators, which could be implemented in the overall design of the proposed drainage facilities for individual development sites.

## **NOISE**

- N-1 Pursuant to Chapter 8.16.090 of the Town's Noise Ordinance, construction activities shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday and prohibited on Sunday or holidays, or as otherwise permitted by Chapter 8.16.090.
- N-2 Construction equipment shall be muffled or controlled, if required, to meet Chapter 8.16 requirements for maximum noise generated by construction equipment. Contracts shall specify that engine-driven equipment be fitted with appropriate noise mufflers.
- N-3 The construction contractor shall provide temporary sound barriers around pile driving sites to the satisfaction of the Town Engineer should such activities take place in areas within 400 feet of existing residential units, if required to meet Chapter 8.16 requirements.
- N-4: The proposed project shall be located or architecturally designed to reduce the project noise impacts upon properties adjacent to each master planned area or project property line, such that the exterior noise levels will not exceed Town Noise Ordinance requirements for an urban and multiple family setting. Design features could include setbacks, berms, landscaping, and architectural features, adjacent to both arterial and interior streets.
- N-5: Multi-family buildings shall be located or architecturally designed so the interior noise level will not exceed 45 Ldn. As a minimum, multi-family housing shall comply with Title 24 of the California Code of Regulations.

## **PUBLIC SERVICES**

- PS-1: Access roads to all structures, and areas of use, shall comply with Mammoth Lakes Fire Protection District Ordinance 98-01 (or any updated version of that ordinance).
- PS-2: An approved water supply system capable of supplying required fire flow for fire protection purposes, as determined by the Fire District, shall be approved.
- PS-3: In accordance with A.B. 2926, the developer shall pay Developer Fees for commercial uses and for residential uses (condominiums).

PS-4: The project proponent shall contribute a fair share financial contribution in accordance with the Town's DIF Mitigation Program established under Resolution 98-06 (or any updated version of that ordinance).

### **TRANSPORTATION/TRAFFIC**

TRA-1: The developer shall prepare and provide to the Town Engineer for review and approval, a Traffic Control Officer Monitoring Plan. The Plan shall outline at a minimum, scheduled days of monitoring together with a program to determine additional days of monitoring as may be determined by projected occupancy rates, performance criteria, duration of monitoring, and responsible parties.

TRA-2: New development shall participate on a fair share basis in the development and operation of a community-wide winter transit system to achieve the ridership levels assumed in the MTM.

### **UTILITIES AND SERVICE SYSTEMS**

USS-1: The project applicant shall pay the appropriate fees to the Mammoth Community Water District (MCWD). All new water and wastewater conveyance facilities shall be located and installed within public rights-of-way or utility easements.

USS-2: Prior to issuance of a building permit, the applicant shall provide an Integrated Solid Waste Management Plan (ISWMP) consistent with the Town's SRRE. The plan shall address, at a minimum, the following measures: construction demolition; recycling; composting; source reduction programs; storage areas for collected recyclable materials, and disposal of hazardous waste materials used on-site.