

## **Attachment 2**

Resolution No. PEDC 2022-06

Recording Requested by and  
When Recorded Mail To:

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

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Recordation fee exempt per Government Code §27383  
Space Above for Recorder's Use

**RESOLUTION NO. PEDC 2022-06**

**A RESOLUTION OF THE MAMMOTH LAKES PLANNING AND  
ECONOMIC DEVELOPMENT COMMISSION**

**APPROVING**

**DESIGN REVIEW 21-005 AND USE PERMIT 21-005 AND REVOKING VESTING**

**TENTATIVE TRACT MAP 16-001, USE PERMIT 16-001,**

**AND DESIGN REVIEW 16-004**

**TO ALLOW THE REDEVELOPMENT OF THE**

**SIERRA NEVADA RESORT PROJECT**

**LOCATED AT 64, 202, AND 248 OLD MAMMOTH ROAD**

**(APNs: 035-230-005-000, 035-230-006-000, 035-230-007-000)**

**WHEREAS**, a request for consideration of a design review and use permit was filed by WH SN Mammoth, LLC, the property owner, to allow redevelopment of the Sierra Nevada Resort project, including interior and exterior improvements to the existing hotel and Rafters restaurant, the construction of 30 new resort cabin units, an expanded event/meeting space and added amenities for both guests and the community and revocation of Vesting Tentative Tract Map 16-001, Use Permit 16-001, and Design Review 16-004 in accordance with Chapters 17.68 (Use Permits), Chapter 17.88 (Design Review), and Chapter 17.128 (Revocations and Modifications) of the Town of Mammoth Lakes Municipal Code and the Town of Mammoth Lakes Subdivision Ordinance, for property located within the Clearwater Specific Plan (CSP) Old Mammoth Road (OMR) zoning district at 64, 202, and 248 Old Mammoth Road; and

**WHEREAS**, the Planning and Economic Development Commission conducted an administrative hearing on the application request on February 9, 2022, at which time all those desiring to be heard were heard; and

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

1. The staff report to the Planning and Economic Development Commission with exhibits;
2. The General Plan, Municipal Code and Town of Mammoth Lakes Design Guidelines;
3. Addendum to the Clearwater Specific Plan EIR along with the Clearwater Specific Plan EIR SCH No. 2006062154;
4. The Alternative Housing Mitigation Plan, dated and received by the Town of Mammoth Lakes January 28, 2022;

5. The Project Narrative, dated and received by the Town of Mammoth Lakes, November 18, 2021;
6. The Materials Board, dated received by the Town of Mammoth Lakes January 7, 2022;
7. The Events Management Plan, dated and received by the Town of Mammoth Lakes February 1, 2022;
8. The Parking Analysis, dated and received by the Town of Mammoth Lakes February 1, 2022;
9. Oral evidence submitted at the hearing;
10. Written evidence submitted at the hearing; and
11. Project plans consisting of Sierra Nevada Resort Design Review Submittal sheets A.00 – F.05 dated January 28, 2022 and Lighting Plans dated January 28, 2022.

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

**SECTION 1: FINDINGS.**

**I. CEQA.**

1. The Planning and Economic Development Commission considered the Addendum to the Clearwater Specific Plan Final EIR and 2016 Addendum (SCH No. 2006062154) together with the EIR, any comments received, including the Mitigation Monitoring and Reporting Program, pursuant to the CEQA Guidelines, and finds that on the basis of the whole record, there is no substantial evidence that the proposed design review and use permit will result in any new or increased significant effects on the environment.
2. The Planning and Economic Development Commission finds that the Addendum to the Clearwater Specific Plan Final EIR and 2016 Addendum has been completed in compliance with CEQA and reflects the lead agency's independent judgment and analysis.
3. An addendum is adequate because the Addendum demonstrates that the environmental analysis and impacts identified in the Clearwater Specific Plan Final EIR and 2016 Addendum remain substantively unchanged by the proposed design review and use permit and supports the finding that the proposed design review and use permit does not result in any new environmental effects and does not exceed the level of impacts identified in the EIR.
4. The custodian and location of the documents and other material which constitute the record of proceedings upon which this decision is based is the Town Clerk at the Town of Mammoth Lakes Offices, 437 Old Mammoth Road, Suite 230, Mammoth Lakes, California 93546.
5. The Planning and Economic Development Commission finds that the proposed design review and use permit will not result in a safety hazard or noise problem for persons using the Mammoth Yosemite Airport or for persons residing or working

in the Project area because the Project site is located more than ten miles from the Mammoth Yosemite Airport.

6. A program for reporting on or monitoring the required mitigation measures has been adopted and is included as an attachment to the Clearwater Specific Plan Final EIR and 2016 Addendum.
7. All mitigation measures shall be conditions of Project approval.

## II. MUNICIPAL CODE FINDINGS.

### **TENTATIVE TRACT MAP 16-001, USE PERMIT 16-001, AND DESIGN REVIEW 16-004**

#### **A. FINDINGS FOR REVOCATION OF VESTING TENTATIVE TRACT MAP 16-001, USE PERMIT 16-001, AND DESIGN REVIEW 16-004 (Municipal Code Chapter 17.128)**

1. The proposed project will allow redevelopment of the Sierra Nevada Resort project, including interior and exterior improvements to the existing hotel and Rafters restaurant, the construction of 30 new resort cabin units, an expanded event/meeting space and added amenities for both guests and the community. This project will supersede the previous Old Mammoth Place entitlement (VTTM 16-001, UPA 16-001, DR 16-004) and requires revocation of those previous entitlements. This revocation does not affect the approved CSP and the scale of development permitted under the CSP and a future development project could be proposed that is similar in size and scale as the approved Old Mammoth Place project.

#### **B. FINDINGS FOR USE PERMIT (Municipal Code Section 17.68.050)**

1. **The proposed use is consistent with all applicable sections of the General Plan and Title 17 and is consistent with any applicable Specific Plan;**

The 2007 *Town of Mammoth Lakes General Plan* land use map designates the entire project site Clearwater Specific Plan (CSP). The CSP land use designation allows hotel, condominium-hotel, workforce housing, street front retail along Old Mammoth Road, and plaza areas for gathering/events. The project includes interior and exterior improvements to the existing hotel and Rafters restaurant, the construction of 30 new resort cabin units, an expanded event/meeting space and added amenities for both guests and the community. All of these uses are consistent with the CSP General Plan land use designation.

The CSP sets forth the land use development standards for this site rather than Title 17 (Zoning Code). The proposed hotel use and associated uses are consistent with the CSP land use designation which allows hotel, retail,

restaurant uses as well as amenities to enhance the visitor experience and support long-term visitation. The project will include a pool, hot tubs, outdoor gathering spaces, as well as retail facilities (ski rental) oriented to guests of the project.

**2. The proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health and safety nor materially injurious to properties or improvements in the vicinity; and**

The proposed use and the conditions under which it would be operated will not be detrimental to the public health or safety nor materially injurious to properties or improvements in the vicinity because the Clearwater Specific Plan EIR (SC# 2006062154) and 2021 Addendum analyzed potential impacts of the proposed use related to aesthetics, air quality, noise, hazards and hazardous materials, traffic, and other issues. The analyses prepared for each potential impact category concluded that the proposed project would not have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly, following conformance with the existing regulatory framework and mitigation measures.

**3. The Commission shall make such other findings as deemed necessary to support approval or denial of the proposed use.**

The project will include outdoor activities and events as described in the Events Management Plan (**Attachment 6**). The Conditions of Approval included herein require the use to be operated in compliance with the approved Events Management Plan that addresses mitigation of any potential negative impacts. The use will not generate excessive noise because the outdoor events will be managed and operated per the recommendations developed by the Events Management Plan. The outdoor activities/events will not be detrimental to the public health and safety because they are compatible with other uses allowed in the Old Mammoth Road zoning district and Commercial-2 land use designation. The Old Mammoth Road zoning district promotes a mix and intensity of uses in a pedestrian-scaled environment at a scale and form appropriate to the neighborhood context and adjacent residential uses and forms.

**C. FINDINGS FOR DESIGN REVIEW PERMIT (Municipal Code Section 17.88.060)**

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

The proposed project was developed concurrently with the District Zoning Amendment 21-001 which Amended the Clearwater Specific Plan to include development standards for the proposed project (Amended Phase One). The project is consistent with all applicable development standards including but not limited to the maximum number of hotel rooms/cabins, maximum height, setbacks, lot coverage, and parking.

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

The proposed project is consistent with the 2007 *Town of Mammoth Lakes General Plan* land use map, which designates the entire project site Clearwater Specific Plan (CSP). The Clearwater Specific Plan land use designation allows hotel, condominium-hotel, workforce housing, street front retail along Old Mammoth Road, and plaza areas for gathering/events. The project would construct 30 new hotel cabins as well as a complete interior and exterior remodel of the existing hotel which is consistent with the General Plan.

The project is also consistent with the CSP which allows hotel, retail, restaurant uses as well as amenities to enhance the visitor experience and support long-term visitation. The project will include a pool, hot tubs, outdoor gathering spaces, as well as retail facilities (ski rental) oriented to guests of the project.

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

Pursuant to Section 17.88.030 of the Municipal Code, Design Guidelines adopted by the Town Council provide recommendations to be used in the design review process. They are intended to promote high-quality and thoughtful site and building design; visually interesting, appropriate, well-crafted and maintained buildings and landscaping; the use of durable high-quality, and natural materials that reflect Mammoth Lakes' character and mountain setting; and attention to the design and execution of building details and amenities in both public and private projects. The Design Review process is intended to implement the recommendations of the Town Design Guidelines, and the design review criteria are intended to encompass the primary design objectives included therein. Based on the Design Guideline analysis included in the staff report, the project complies with the Town Design Guidelines and will further the Town's objective of high-quality, thoughtful site and building design.

**4. The project is consistent with the following additional Design Criteria (Zoning Code §17.88.050):**

- a. The site design and building design elements including the architectural style, size, design quality, use of building materials, and similar elements, combine together in an attractive and visually cohesive manner that is compatible with and complements the desired architectural and/or aesthetic character of the area and a mountain resort community, encourages increased pedestrian activity, and promotes compatibility among neighboring land uses.**

The project includes redevelopment of the Sierra Nevada Resort project, including interior and exterior improvements to the existing hotel and Rafters restaurant, the construction of 30 new resort cabin units, an expanded event/meeting space and added amenities for both guests and the community. The redevelopment includes replacing all existing façade materials, and would incorporate new entry, window and balcony elements.

The primary façade materials for the hotel portion of the project are lap siding, stone and wood siding. The primary façade materials for the hotel cabins are lap siding, wood siding and stone veneer.

The cabin roofs reflect simple, traditional gable roof lines with the villas providing character and continuity with the existing hotel roof lines. Deep eaves are designed into both the cabins and the villas and exposed rafter tails will be incorporated into the architecture of the villas. Balconies and other recesses combined with material changes provide a rich rhythm of the architecture with balcony rails designed to complement the architecture. Decks have been provided to enhance building articulation and maximize view potential, particularly for the villas at the upper level. All street facing buildings have a variety of shapes and forms and materiality to provide interest. The primary building entrance would include a new stone veneer and cedar wood porte-cochere/ awning feature, enhanced lighting, recessed entries, and new landscaping.

In addition to the proposed building improvements, a variety of site improvements are also proposed. Along Old Mammoth Road, the project would provide a new outdoor seating area for the proposed restaurant use, new landscaping, and a new food truck area at the southeast corner of the site that would provide seating and gathering areas. Additional site improvements include reconfiguring the existing site access to improve pedestrian safety by removing two vehicular driveways, extensive landscaping and a new board-formed concrete retaining wall.

The proposed landscaping is consistent with the recommendations of the Town of Mammoth Lakes Design Guidelines and will enhance the architectural features of the building. The Project would retain the majority of existing trees while also incorporating the addition of native plant material. In addition, the proposed gathering areas will incorporate a mix of turf, decomposed granite surfacing and natural planting, thereby helping to conserve water resources.

Pedestrian and vehicular circulation has been designed to minimize potential conflicts by reducing the number vehicular driveways from Old Mammoth Road and providing functional access to the various buildings. While the proposed resort cabins face the interior of the site, rather than oriented toward the street, the improvements made to the existing Lobby and Rafters Restaurant allow for these areas to open towards the street and become more welcoming.

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

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

The proposed streetscape design would add a new outdoor seating area, a variety of new street trees along Old Mammoth Road, a food and beverage garden with seating and bicycle amenities. The proposed streetscape improvements will make the project more compatible with the vision of the surrounding Old Mammoth Road zoning and will help to meet the intent of the Amended Phase One of the Clearwater Specific Plan Development to ensure that frontages *“provide a new and vibrant outdoor venue and park for community activities and events”* and *“animate and activate the Old Mammoth Road streetscape”*.

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

Because the proposed project is maintaining the existing building footprint, there is limited opportunity to significantly modify the existing surface parking lot. However, the proposal includes several improvements to the existing parking area that help the project to better meet the intent of the above criterion. Specifically, the new landscaping proposed along Old Mammoth Road and within the parking lot will help to buffer surrounding land uses and minimize visibility while mitigating stormwater runoff and the urban heat island effect. Additionally, closing off one of the three vehicular access points along Old Mammoth Road will help to prevent conflicts between vehicles and pedestrians.

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

The Project would propose higher levels of illumination around building entrances through the use of bollards, wall, and step lighting. The proposed lighting fixtures throughout the pedestrian zones would be subtle, downward lit fixtures that create enough light for safety and navigation, but do not overwhelm. Lighting has been designed in conformance with the Design Guidelines and parking lot lighting is proposed to be pole-mounted and located, where possible, in landscaped areas. Additionally, Condition of Approval #15 included in this Resolution requires all exterior lighting to comply with Chapter 17.36.030 of the Town of Mammoth Lakes Municipal Code, to be verified prior to issuance of a certificate of occupancy. All lighting for the project will therefore be consistent with existing Municipal Code lighting requirements.

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

The proposed landscaping is consistent with the recommendations of the Town of Mammoth Lakes Design Guidelines and will enhance the architectural features of the building. The Project would retain the majority of existing trees while also incorporating the addition of native plant material. In addition, the proposed gathering areas will incorporate a mix of turf, decomposed granite surfacing and natural planting, thereby helping to conserve water resources.

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

The proposed project is consistent with the requested Use Permit for the operation of a hotel and resort cabin units as described in this Resolution and the associated staff report.

## **SECTION 2: PLANNING AND ECONOMIC DEVELOPMENT COMMISSION ACTIONS.**

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

1. Finds that an Addendum to the 2008 Clearwater Specific Plan EIR has been prepared pursuant to CEQA Guidelines §15164 (*Addendum to an EIR or Negative Declaration*); and
2. Revokes Vesting Tentative Tract Map 16-001, Use Permit 16-001, and Design Review 16-004; and
3. Approves Design Review 21-005 and Use Permit 21-005 subject to the conditions shown in Exhibit “A”.

**PASSED AND ADOPTED** this 9<sup>th</sup> day of February 2022, by the following vote, to wit:

AYES: Greg Eckert, Michael Vanderhurst, Paul Chang

NAYS:

ABSENT: Jennifer Burrows

ABSTAIN:

RECUSED: Jessica Kennedy

ATTEST:

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Sandra Moberly,  
Community and Economic Development  
Director

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

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

**APPLICANT:**

I, Matthew Mering, on behalf of WH SN Mammoth, LLC, the property owner, the property owner, do hereby attest that I have read, and agree to, the conditions stipulated within this Determination of Approval.

\_\_\_\_\_  
Matthew Mering  
(Notary Required)

Date: \_\_\_\_\_

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California     }  
County of Mono

On \_\_\_\_\_ before me, \_\_\_\_\_  
personally appeared \_\_\_\_\_  
who proved to me on the basis of satisfactory evidence to be the persons whose  
name(s) is subscribed to the within instrument and acknowledged to me that he  
executed the same in his authorized capacity (ies), and that by his signature(s) on  
the instrument the person(s), or the entity upon behalf of which the person(s) acted,  
executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of  
California that the foregoing paragraph is true and correct.

**WITNESS my hand and official seal.**

\_\_\_\_\_  
Signature of Notary

**EXHIBIT “A”**  
**Resolution No. PEDC 2022-06**  
**Case No. DR 21-005; UP 21-005**  
**CONDITIONS OF APPROVAL**

**PLANNING DIVISION CONDITIONS**

**STANDARD PLANNING CONDITIONS**

1. This approval authorizes the following:
  - a. Revocation of the 2016 Old Mammoth Place entitlement consisting of VTM 16-001, UPA 16-001, and DR 16004; and
  - b. Redevelopment of the Sierra Nevada Resort site, which consists of interior and exterior improvements to the existing hotel and Rafters restaurant, the construction of 30 new resort cabin units, an expanded event/meeting space and added amenities for both guests and the community. A total of 186 parking spaces will be provided for the project and a parking management plan is required by Condition 30. The project design and colors shall substantially conform with the project plans dated January 28, 2022 and received by the Town on January 28, 2022 and consisting of Sheets A.00 – F.05, and the materials board dated received by the Town on January 7, 2022.
2. The approved site and building plans including Project Plan Sheets A.00 – F.05, dated received by the Town of Mammoth Lakes January 28, 2022; Alternative Housing Mitigation Plan, dated and received by the Town of Mammoth Lakes January 28, 2022; Events Management Plan dated and received by the Town of Mammoth Lakes February 1, 2022; Parking Analysis dated and received by the Town of Mammoth Lakes February 1, 2022; and Color and Materials Board, dated received by the Town of Mammoth Lakes January 7, 2022 shall be adhered to and maintained for the duration of the permit.
3. This permit and all rights hereunder shall automatically terminate unless the site preparation or construction has been commenced within two years after the issuance of this permit and such work is diligently carried on until completion, or an extension of time has been granted in accordance with Municipal Code §17.60.060.B.
4. All new improvements constructed on the site shall be in compliance with all Town of Mammoth Lakes, County of Mono, Mammoth Community Water District, the Mammoth Lakes Fire Protection District, the CRWQCB Lahontan District, Great Basin Air Pollution Control District, OSHA, State of California and United States of America laws, statutes, ordinances, regulations, directives, orders, and the like applicable thereto and in force at the time thereof. Any violation of the above may constitute grounds for revocation under Chapter 17.128 of the Mammoth Lakes Municipal Code.
5. This resolution of approval, as conditioned herein, shall be recorded for the subject property by the Mono County Recorder’s Office to commence the approved use on the property or the issuance of any building permits for new or remodeled structures.
6. The site shall be maintained in a neat, clean and orderly manner. All improvements shall be maintained in a condition of good repair and appearance. Outdoor storage

of equipment and other materials, except for firewood, is prohibited. Non-operating vehicles, equipment and materials inappropriate to the site and its use shall not be stored within outdoor areas on the site.

7. Storage of construction materials and equipment off-site shall not be permitted without a permit issued by the Community and Economic Development Department of the Town. Any public or private property altered, damaged or destroyed by site preparation, grading, construction or use shall be restored to its pre-existing condition by the permittee.
8. All conditions of this permit shall be met or secured prior to final occupancy approval of any tenant improvements or new structures.
9. 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.
10. 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.
11. Prior to the issuance of a building permit, the applicant shall pay all applicable fees as prescribed by ordinance and/or resolution and pay any fees due on the project processing account.
12. 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.
13. This action may be appealed to the Town Council within fifteen (15) calendar days from the date of Planning and Economic Development Commission approval in accordance with Municipal Code Chapter 17.104.
14. The applicant shall defend, indemnify, and hold harmless the Town and its agents, officers, and employees from any claim, action, or proceeding against the Town and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the Town, advisory agency, appeal board, or legislative body concerning this approval. The Town shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense.
15. All exterior lighting shall comply with Chapter 17.36.030 of the Town of Mammoth Lakes Municipal Code, Exterior Lighting. Exterior light fixtures having a total of over 400 lumens of output shall be equipped with shields that extend below the horizontal plane of the light source to direct the light downward onto the structure or surrounding grounds. Accent lighting is permitted as described in Municipal Code Section 17.36.030.F.6. This shall be verified prior to issuance of a certificate of occupancy.
16. All propane tanks serving the property shall be painted tan pursuant to Municipal Code Section 17.36.080.B.
17. The final landscape plan shall be submitted to the Planning Division for approval

prior to issuance of a Building Permit and shall substantially conform to the preliminary landscape plan dated January 28, 2022, approved by the Planning and Economic Development Commission. Completion of all landscape improvements and revegetation of fill slopes and disturbed areas shall occur prior to issuance of the first Certificate of Occupancy.

18. A valid building permit and a permit from the Mammoth Lakes Fire Protection District are required before any building can begin on-site.
19. New or changed improvements, exterior illumination, elevations, designs, materials, or colors shall conform to the adopted Design Guidelines of the Town of Mammoth Lakes and will require review and approval from the Town of Mammoth Lakes Community and Economic Development Department or Planning and Economic Development Commission pursuant to Municipal Code Chapter 17.88.
20. A certificate of occupancy is required for all future tenant improvements within the subject structures. Tenant improvements shall identify occupancy separation requirements, disabled access requirements and compliance with all applicable building, electrical, plumbing, and fire code requirements.
21. All 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.
22. The project shall meet the requirements of Municipal Code Chapter 17.40 (Water Efficient Landscape Regulations), including the Landscape Documentation Package. A final landscape and irrigation plan shall be submitted to, and approved by, the Community and Economic Development Department prior to building permit issuance. Said landscape and irrigation plan shall substantially conform to the preliminary landscape plan approved by the Planning and Economic Development Commission. All landscape plantings shall be maintained in a healthy and growing condition at all times (as applicable for the season) and individual plants shall be replaced if they become diseased or die. Landscaping and irrigation systems within the public right-of-way within or adjacent to the project area shall be maintained by the property owner, with the exception of benefit assessment district areas.
23. Applicant shall be responsible for adhering to the Federal Migratory Bird Treaty Act and California Fish and Game Code Sections 3503 and 3503.5. It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird or bird-of-prey, except as otherwise provided by FGC or any regulation made pursuant thereto. Completion of, and submission to the California Department of Fish and Wildlife of, a nesting bird survey by a biologist with relevant qualifications within three days of initiation of site disturbance is recommended for projects that have the potential to disturb suitable nesting habitat, which may include riparian vegetation, mature trees, snags, and structures.
24. Applicant shall be responsible for obtaining a secondary source permit or letter of exemption from the Great Basin Unified Air Pollution Control District.
25. Developers of residential properties shall include a disclosure statement indicating that Mammoth Lakes is an area of habitat for Mountain Lions, which

indicates potential risk, particularly to small children and pets. (General Plan Mitigation Measure 4.3-1)

26. On the cover sheet of the plans and in a very conspicuous location place the following note: "The conditions of approval for the approved UPA 21-005 and DR 21-005, contained in the resolution recorded at the County Recorder's Office of Mono County as Document No. 2022xxxxx, shall be made a part of these plans 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."
27. All required landscaping and irrigation improvements shall be constructed prior to issuance of a temporary, conditional or final certificate of occupancy. A form of security listed in Government Code Section 66499(a) and acceptable to the Town shall be posted with the Town to the satisfaction of the Community and Economic Development Department for any required landscaping and irrigation improvements to be deferred, and a schedule shall be submitted to the Town for the construction of the deferred improvements. Such deferral shall be at the sole discretion of the Community and Economic Development Director.

#### **SPECIAL PLANNING CONDITIONS**

28. The Mitigation Monitoring and Reporting Program (MMRP) established by the Clearwater Specific Plan Final EIR and 2016 Addendum (SCH No. 2006062154) shall be adhered to in the implementation of the proposed development and is incorporated herein by reference.
29. The Housing Mitigation requirements for this project shall be met through the implementation of the Alternate Housing Mitigation Plan (AHMP) dated January 18, 2022 that commits the developer to providing housing on-site for seven employees of the hotel.

In accordance with the AHMP, the construction of the workforce housing units shall take place concurrently with the renovation and expansion of the resort. Certificates of occupancy for the workforce housing units, if and as required by the Town, will be obtained no later than the date that the developer receives its first certificate of occupancy for any of the 30 new lodging units. If, however, extenuating circumstances arise that prevent the developer from obtaining the certificate of occupancy for any of the workforce housing units on or before the date that it receives its first certificate of occupancy for the new lodging units, then the developer may request from the Community and Economic Development Director a modification of the timing requirements to allow the workforce housing units to be delivered after it receives its first certificate of occupancy for the new lodging units.

The final terms of the AHMP, including the value of any credit for providing more housing than what is required by the Amended CSP, shall be reviewed by the Community and Economic Development Director and be mutually agreed upon by the Community and Economic Development Director and the property owner.

30. Prior to issuance of a grading permit, Applicant shall submit a final Parking Management Plan which shall be reviewed and approved by the Planning and Economic Development Commission. The plan shall be in the form of a recorded document mutually agreed to between the property owner and the Town and shall

address, at minimum, parking for standard hotel and restaurant operations as well as specific accommodations for special events. Such accommodations may include, but are not limited to, parking for oversized vehicles, valet parking operations, dedicated shuttles and/or the availability of additional off-site parking. At a minimum, the project shall include 184 vehicle parking spaces, with exterior surface parking spaces having a minimum size of 10-feet x 20-feet. Any potential valet parking stalls are not required to be striped, but evidence shall be provided that there is adequate space for the stalls and drive aisle to coexist.

31. Prior to issuance of first certificate of occupancy for the project, bicycle parking shall be reviewed and approved by the Community and Economic Development Department and shall be installed/operational. Pursuant to the Clearwater Specific Plan, the project shall provide for a minimum of 10 bicycle parking spaces.
32. Prior to issuance of first certificate of occupancy, Applicant shall submit a final Events Management Plan which shall be reviewed and approved by the Community Economic Development and Public Works Departments. The plan shall be in the form of a recorded document mutually agreed to between the property owner and the Town and shall address, at minimum, the fact that the project site is classified under the "Suburban" noise zone classification and shall comply with the Town's Noise Ordinance under [8.16.070 - Exterior Noise Limits](#), parking management for each event type to ensure that there is not an impact on adjacent residential properties, and notification of all neighbors within 300 feet of the property. The neighbor notification should include a general description of the events to be held on site, contact information of management who can be reached on a 24-hour basis by neighbors in the event of a noise complaint.
33. All retaining walls visible from off-site shall be made of split face block, faced with rock, or similarly treated to be compatible with the design of the project. (MC Section 17.36.040.C.)
34. 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. Faux chimneys shall be incorporated into the roof design to shield the vents pipes to the maximum extent possible and break up the massing of the roof. The design of the faux chimneys shall be reviewed and approved by the Community and Economic Development Department prior to issuance of a building permit.
35. The required trash enclosure shall be constructed of materials compatible with that of the buildings. Adequate space for recyclable materials shall be provided within the enclosure. All trash enclosures, and receptacles shall be animal resistant. The enclosure is not required to be gated. The final design and alignment of the trash enclosure shall be reviewed by Mammoth Disposal, the Public Works Department and the Community and Economic Development Department and shall comply with Municipal Code section 17.36.130. The trash enclosure shall be installed prior to issuance of the first Certificate of Occupancy unless an alternative method of trash collection service is available (e.g., individual trash cart service) and the use of which has been approved by the Town.
36. No snow shall shed or be deposited onto adjacent properties or Town right-of-way. This shall include snow that is removed from any portion of the property, including, but not limited to, the structure, driveway, and/or common areas. All

interim snow storage areas shall be on the subject property. The property owner shall be subject to fines pursuant to Municipal Code §12.16.030 (*Snow Removal – Violation/Penalty*) if found to be in violation of this condition.

37. A key box shall be provided with an individual master key that provides access to each unit. This shall be reviewed and approved by the Mammoth Lakes Fire Protection District prior to building permit issuance.
38. All exterior wood products shall comply with the Wildland Urban Interface (WUI) construction materials requirements certified by the State Fire Marshal's Office and be in compliance with Chapter 7A of the 2016 California Building Code. Plywood or OSB sheeting shall be a minimum of one-half inch thickness with approved siding material placed over top.
39. All eave and crawl space ventilation shall resist the intrusion of flame and burning embers and comply with Chapter 7A of the California Building Code and local modifications.
40. The structure shall comply with NFPA 13R automatic fire sprinkler requirements as required by Section 903.2.8 and 903.3 of the California Fire Code. A deferred submittal for sprinkler plans and calculations will be acceptable.

## **ENGINEERING DIVISION CONDITIONS**

### **STANDARD CONDITIONS / GENERAL REQUIREMENTS:**

41. Nothing in the approval of this project 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.
42. All grading and public improvements, including driveways and parking areas, shall be consistent with the Town of Mammoth Lakes Standard Plans for Public Works.
43. Applicant is responsible for compliance with the project SWPPP and the Guidelines for Erosion Control in the Mammoth Lakes area. This shall include submittal of a Report of Waste Discharge, if applicable.
44. If the project would disturb more than one acre, Applicant is responsible for obtaining a National Pollutant Discharge Elimination System (NPDES) permit. The NPDES permit shall be approved by the State Water Resources Control Board and Waste Discharger Identification (WDID) number issued prior to the issuance of a grading permit or building permit.
45. 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 with Chapter 12.04 of the Municipal Code. Encroachment permit applicant shall include a traffic control plan as applicable.
46. Prior to issuance of a grading permit or building permit, Applicant shall submit to the Town a geotechnical report that confirms that the proposed stormwater retention infiltrator locations will not be subject to groundwater entering the drywell or cause leaching. A sediment and oil water separator shall be installed in conjunction with the infiltrator, substantially in conformance with NPDES water quality Phase 2 requirements.

47. Grading plans shall include a Construction Staging and Management Plan which includes provisions related to the parking of construction worker vehicles, equipment and staging of materials, haul routes for export or import of material to/from a permitted site, hours of work, and special approval required by the Town Public Works Director 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.

### **SPECIAL ENGINEERING CONDITIONS**

48. Prior to issuance of a grading permit or building permit, a snow removal/storage management plan for the hauling of snow in accordance with Municipal Code Section 17.36.110.B(3)(a) shall be submitted by the applicant and approved by the Community and Economic Development Department and Public Works Department. The plan shall be in the form of a recorded document mutually agreed to between the property owner and the Town and shall describe features such as, but not limited to, location of snow storage areas, the method of snow hauling, frequency of pick-ups, pick-up areas, haul routes, hours of hauling operations, and snow deposit areas. The plan shall also include methods to address potential cornice and ice falling onto pedestrian and vehicular areas and methods to address hazardous snow and ice build-up on pedestrian pathways and sidewalks. Approved methods to address hazardous snow and ice build-up include plowing, application of cindering, and potential of heat-traced pavement.
49. Applicant shall provide onsite stormwater retention for all new and reconstructed impervious areas. The design of the retention systems shall conform to the Municipal Code, Town Standards and Storm Drainage Design Manual, and shall be included in the grading plans.
50. Existing driveway entrances which are being relocated shall be removed. Existing Town streets, sidewalks, driveway entrances, curb/gutter, streetlights or other public infrastructure that require construction or reconstruction shall remain open for traffic at all times, with adequate detours and traffic control, during actual construction. Prior to issuance of an encroachment permit for such work, a form of security listed in Government Code Section 66499(a) and acceptable to the Town shall be posted to secure construction. Construction cost estimates for all required sureties shall be prepared and signed by a registered civil engineer. The estimates shall be at prevailing wage rates and shall include 20% for construction contingencies and 20% for administrative costs and shall be reviewed and approved by the Public Works Director or designee prior to execution. Work shall be completed, or security posted, prior to issuance of first certificate of occupancy. The security shall be released by the Town within 30 days of acceptance of the work.
51. Applicant shall be responsible for the design and construction of sidewalk, curb, gutter, storm drain and lighting improvements along Laurel Mountain Road adjacent to the property, in conformance with Town Standards and acceptable to the Public Works Director. The public improvements shall be constructed prior to or in conjunction with the Town's "Laurel Mountain Road Rehabilitation and Sidewalk" capital project. The Town's proposed capital project construction

schedule (summer 2022) may require Applicant to design and construct the public improvements prior to the commencement of the approved project construction.

Applicant may coordinate with the Public Works Director to either:

- a. Design and construct the public improvements themselves in coordination with the Town's project schedule. The public improvement plans shall be prepared by a registered civil engineer and submitted to the Town for review and approval. Prior to issuance of a building or grading permit for the approved project, a form of security listed in Government Code Section 66499(a) and acceptable to the Town shall be posted to secure construction of the public improvements. Construction cost estimates for all required sureties shall be prepared and signed by a registered civil engineer. The estimates shall be a prevailing wage rates and shall include 20% for construction contingencies and 20% for administrative costs and shall be reviewed and approved by the Public Works Director or designee prior to execution. The security shall be released by the Town within 30 days of acceptance of the work.; or
  - b. Alternatively, Applicant may execute a reimbursement agreement with the Town to cover the Town's cost for the design and construction of the public improvements. Town's cost shall be at prevailing wage rates and shall include 20% for administrative costs.
52. As a means to help mitigate the impact of the project's parking deficit or reduction, prior to the issuance of first certificate of occupancy, Property Owner shall execute an Encroachment Agreement with the Town, in the form of a recorded document mutually agreed to between the Property Owner and the Town, placing responsibility on the Property Owner for the removal and storage of snow from the future Laurel Mountain Road sidewalk and parallel parking spaces which are adjacent to the property.
  53. Applicant shall submit a petition to be annexed into the Town's Transit and Transportation Fee Community Facility District (CFD 2013-03), 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. Annexation process shall be completed, and all fees associated with the annexation process paid by applicant, prior to issuance of first certificate of occupancy by staff.
  54. Prior to the issuance of first certificate of occupancy, Property Owner shall execute a non-exclusive easement agreement with the Town, in the form of a recorded document mutually agreed to between the Property Owner and the Town, for the purposes of snow storage, for a width of 10 feet adjacent to the southerly property line along Sierra Nevada Road and for a width of 5ft adjacent to the westerly property line along Laurel Mountain Road.
  55. Prior to issuance of a building permit, Applicant shall execute a Maintenance Agreement with the Town, in the form of a recorded document mutually agreed to between the Property Owner and the Town, to ensure that the approved public amenities along Old Mammoth Road, including the outdoor seating area, street trees, food and beverage garden with seating and bicycle amenities, and performance stage area shown on the approved plans, shall remain open to the public and be maintained by the property owner for the duration of the use permit.

The agreement shall be approved by the Directors of Community and Economic Development and Public Works.

### **SPECIAL DISTRICT CONDITIONS**

56. The Fire District will require a set of construction plans, fire sprinkler design, and fire alarm plans (respectively) and will issue a permit for the project per Section 104.2 and 105.1.2 of the California Fire Code. Deferred submittals are not allowed.
- a. The application and plan review information can be found at: <https://mlfd.ca.gov/prevention/plans-submittal-review/>
  - b. 105.4.2.1 Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate compliance with this code and the construction documents, and shall be approved prior to the start of installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.
  - c. 105.7.7 Fire alarm and detection systems and related equipment. A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment.
57. As the project is in the Wildland Urban Interface, the exterior wood products must comply with the construction materials certified by the State Fire Marshal's Office and installed in compliance with Chapter 7A of the 2019 California Building Code.
58. Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3. 503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
59. 503.2.8 Angles of approach and departure. The angles of approach and departure for fire apparatus access roads shall not exceed 5% that is currently established by the fire code official.
60. Key Boxes. Section 506.
- 506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official.
61. 507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6 and Appendix C or by an approved method. 507.5.1 Where required. Where a portion of the facility or building hereafter constructed

or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Exceptions: 1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m). 2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, the distance requirement shall be not more than 600 feet (183 m).

62. 507.5.1.1 Hydrant for standpipe systems. Buildings equipped with a standpipe system installed in accordance with Section 905 shall have a fire hydrant within 100 feet (30 480 mm) of the fire department connections.

Exception: The distance shall be permitted to exceed 100 feet (30 480 mm) where approved by the fire code official.

63. Fuel-Fired Appliances. 603.1 Installation. The installation of nonportable gas-fired appliances and systems shall comply with the California Plumbing Code. The installation of nonportable liquid fuel fired appliances and systems shall comply with this section and the California Mechanical Code. The installation of all other fuel-fired appliances, other than portable internal combustion engines, oil lamps and other portable devices such as blow torches, melting pots and weed burners, shall comply with this section and the California Mechanical Code.

64. Buildings shall comply with Chapter 9, Fire Protection and Life Safety Systems. 903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R.

Fire Department Connections Installation. Fire department connections shall be installed in accordance with the NFPA standard applicable to the system design and shall comply with Sections 912.2 through 912.7.

912.2 Location. With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of fire department connections shall be approved by the fire code official.

912.2.1 Visible location. Fire department connections shall be located on the street side of buildings or facing approved fire apparatus access roads, fully visible and recognizable from the street, fire apparatus access road or nearest point of fire department vehicle access or as otherwise approved by the fire code official.

65. Fire Alarm system installed per NFPA 72 and CFC Section 907. Fire Alarm and Detection Systems. 907.1.2 Fire alarm shop drawings. Shop drawings for fire alarm systems shall be prepared in accordance with NFPA 72 and submitted for review and approval prior to system installation. All plans and shop drawings shall use the symbols identified in NFPA 170, Standard for Fire Safety and Emergency Symbols.

66. Fire Hydrant Spacing. C103.1 Hydrant spacing. Fire apparatus access roads and public streets providing required access to buildings in accordance with Section

503 shall be provided with one or more fire hydrants, as determined by Section C102.1. Where more than one fire hydrant is required, the distance between required fire hydrants shall be in accordance with Sections C103.2 and C103.3.

67. Fire Access Roads. D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds (34 050 kg).
68. Fire Access Roads. Minimum Specifications. D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders (see Figure D103.1). D103.2 Grade. Fire apparatus access roads shall not exceed 5 percent in grade (MLFD Amended).
69. COMMERCIAL AND INDUSTRIAL DEVELOPMENTS D104.1 Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have not fewer than two means of fire apparatus access for each structure.
70. AERIAL FIRE APPARATUS ACCESS ROADS D105.1 Where required. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9144 mm), approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.
  - D105.2 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm), exclusive of shoulders, in the immediate vicinity of the building or portion thereof.
  - D105.3 Proximity to building. One or more of the required access routes meeting this condition shall be located not less than 15 feet (4572 mm) and not greater than 30 feet (9144 mm) from the building and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.
  - D105.4 Obstructions. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the fire code official.