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

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**RESOLUTION NO. PEDC 2022-05**

**A RESOLUTION OF THE MAMMOTH LAKES PLANNING AND  
ECONOMIC DEVELOPMENT COMMISSION APPROVING  
USE PERMIT 20-002 AND DESIGN REVIEW 20-004  
TO PERMIT A DENSITY BONUS OF THREE UNITS PURSUANT TO  
MC §17.138.040 (TOWN DENSITY BONUS ORDINANCE) FOR A MULTI-FAMILY  
RESIDENTIAL APARTMENT PROJECT CONSISTING OF SIX UNITS  
LOCATED AT 377 MANZANITA ROAD  
(APN: 033-1150-039-000)**

**WHEREAS**, a request for consideration of a Use Permit and Design Review were filed by the property owner, Steven Selcer, to allow a multi-family residential apartment project consisting of six dwelling units, in accordance with Chapter 17.20 (Residential Zoning Districts), Chapter 17.68 (Use Permits), Chapter 17.88 (Design Review), and Chapter 17.138 (Town Density Bonus) of the Town of Mammoth Lakes Municipal Code, for property located within the Residential Multi-Family 1 (RMF-1) zoning district at 377 Manzanita Road; and

**WHEREAS**, the Planning and Economic Development Commission conducted a noticed public hearing on the application request on March 2, 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, Design Review Guidelines, and associated Land Use Maps;
3. Oral evidence submitted at the hearing;
4. Written evidence submitted at the hearing; and
5. Project plans consisting of:
  - a. Project Plan Sheet 1 (Conceptual Grading/Drainage Plan), 1-A (Site Plan), 2 (Impervious Surface Plan), 4 (Floor Plan and Roof Plan), 5 (Elevations and Section Plan), and L-1 (Conceptual Landscape Plan).
  - b. A Color and Material Board, dated received by the Town of Mammoth Lakes February 3, 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.**

The subject application is categorically exempt pursuant to Section 15332, In-fill Development Projects, of the CEQA Guidelines because the following criteria are met, and none of the exceptions set forth in CEQA Guidelines Section 15300.2 are present.

**a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.**

The project is consistent with the General Plan Land Use designation because the property is located within the High-Density Residential 1 (HDR-1) land use designation which allows residential multi-unit townhouses, condominiums, and apartments at a density of six (6) to a maximum of twelve (12) dwelling units per acre. The proposed project is a multi-family residential development located on a site with a base density of four (3) dwelling units. The project application includes a Use Permit request pursuant to Municipal Code Chapter 17.138, Town Density Bonus Program, to allow three (3) additional dwelling units of density, for a total of six-units.

The project is consistent with General Plan Land Use Policy L.2.D, which states, “For housing development projects where all units are deed restricted for workforce housing, a density bonus may be granted in addition to any bonus granted pursuant to the State Density Bonus Law up to a combined bonus of twice the density identified for the designation under which the project is located.” The Town’s Density Bonus Program is applicable to new multi-family residential projects that are located within a zoning district that allows multi-family residential units, and have a base density of two or more dwelling units, regardless of the type of dwelling unit proposed.

The requested density bonus is also consistent with General Plan Housing Element Policy H.1.C., which states, “*Allow for density bonuses for projects that provide deed-restricted workforce housing in accordance with State density bonus law and/or the Town density bonus programs.*” Developers of eligible properties are encouraged to utilize the Town Density Bonus Program or the State Density Bonus program in order to accomplish the General Plan goals and policies aimed at increasing housing available to the local workforce.

The Town Density Bonus Ordinance was analyzed pursuant to CEQA, and an Addendum to the 2016 General Plan Land Use Element/Zoning Code Amendment and Mobility Element update Program Environmental Impact Report was prepared SCH# 2015052072. The Addendum analyzed the overall increase in the number of units and population that could result from the proposed revisions to the Town’s Density Bonus Program as compared to the buildout scenario used in the certified 2016 PEIR. The Addendum concluded that the modifications to the Town’s General Plan and Zoning Code required to implement the Town Density Bonus Program Update would not result in any new significant environmental effects or a substantial increase in the severity of the previously identified significant effects in the 2016 PEIR. No new mitigation measures were required, and no new alternatives were identified that would substantially reduce the environmental effects beyond those previously described in the 2016 PEIR.

The project is consistent with the Residential Multi-Family 1 (RMF-1) zoning and development standards when considered with the allowed concessions to specific development standards pursuant to Municipal Code Chapter 17.138, Town Density Bonus Ordinance.

**b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.**

The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The Project site is within the Town's Urban Growth Boundary (UGB); the site is approximately .23 acres; and the site is substantially surrounded by urban uses including adjacent multi-family residential apartments, multi-family condominiums, and vacant lots that are zoned for multi-family residential uses.

**c. The project site has no value as habitat for endangered, rare, or threatened species.**

The Project site has no value as habitat for endangered, rare, or threatened species since the site is surrounded by existing multi-family residential developments and the site does not feature a sensitive natural resource such as a wetland or watercourse. Condition of Approval #28 included in the attached Resolution recommends completion of a nesting bird survey within three days of initial site disturbance to avoid disturbance of suitable nesting habitat.

**d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.**

Approval of the Project would not result in any significant effects related to traffic, noise, air quality, or water quality because the Project conforms or is required to conform to the Municipal Code requirements for noise, air quality, and parking; the Project conforms or is required to conform to Public Works standards for site grading, stormwater retention, and drainage; and the Project will be required to obtain all necessary permits for construction. Additionally, the project is consistent with the applicable Town Density Bonus Program, which was analyzed pursuant to CEQA. An Addendum to the 2016 General Plan Land Use Element/Zoning Code Amendment and Mobility Element update Program Environmental Impact Report was prepared (SCH# 2015052072) and concluded that the modifications to the Town's General Plan and Zoning Code required to implement the Town Density Bonus Ordinance would not result in any new significant environmental effects or a substantial increase in the severity of the previously identified significant effects in the 2016 PEIR. Therefore, no significant effects on traffic, noise, air quality, or water quality will result from the proposed development of the site.

**e. The site can be adequately served by all required utilities and public services.**

The site can be adequately served by all required utilities and public services because all necessary utilities and services are currently provided or can be extended to the site. The Project plans were routed to the Mammoth Community Water District (MCWD) and the Mammoth Lakes Fire Protection District (MLFPD), and all comments received have been provided to the applicant and will be incorporated into the Project as required by the permit approval process for those agencies. Additionally, at the time of building permit issuance, development impact fees (DIF) for police, vehicle circulation, storm drainage, and fire will be paid.

- f. None of the exceptions set forth in CEQA Guidelines Section 15300.2 apply because (1) in-fill development projects are classified as Class 32 by the California Secretary for Resources and are not subject to the special circumstances applicable to projects classified as Classes 3, 4, 5, 6, and 11; (2) the cumulative impact from successive projects over time will not be significant because the proposed use is consistent with the allowed and previously anticipated uses for the zone and the density of the project is allowed pursuant to the Town Density Bonus Program.

## II. MUNICIPAL CODE FINDINGS.

### A. FINDINGS FOR USE PERMIT (Municipal Code Section 17.88.060 and 17.138.060)

#### 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 or master plan;**

The proposed use is a multi-family residential project that includes a density bonus request to allow three additional units above the base density of three dwelling units, for a total of six units. The proposed use requires a Use Permit pursuant to the Town Density Bonus Program.

The proposed use is consistent with the General Plan Land Use designation because the property is located within the High-Density Residential 1 (HDR-1) land use designation which allows residential multi-unit townhouses, condominiums, and apartments at a density of six (6) to a maximum of twelve (12) dwelling units per acre. With adherence to the Town Density Bonus Program requirements, the use is consistent with the applicable Municipal Code sections.

The project is consistent with General Plan Land Use Policy L.2.D, which states, "For housing development projects where all units are deed restricted for workforce housing, a density bonus may be granted in addition to any bonus granted pursuant to the State Density Bonus Law up to a combined bonus of twice the density identified for the designation in which the project is located."

The Town's Density Bonus Program is applicable to new multi-family residential projects that are located within a zoning district that allows multi-family residential units, and have a base density of two or more dwelling units, regardless of the type of dwelling unit proposed. The requested density bonus is also consistent with General Plan Housing Element Policy H.1.C., which states, "*Allow for density bonuses for projects that provide deed-restricted workforce housing in accordance with State density bonus law and/or the Town density bonus programs.*" Developers of eligible properties are encouraged to utilize the Town Density Bonus Program or the State Density Bonus program in order to accomplish the General Plan goals and policies aimed at increasing housing available to the local workforce.

There is no specific plan or master plan applicable to 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 site layout and project design ensures that the multi-family uses and residential density proposed for the site will be occupied and operated in such a way that will not be detrimental to the health and safety of the surrounding community nor injurious to properties or improvements in the vicinity because the additional three residential units

can be accommodated on the site without eliminating or reducing essential amenities such as enclosed parking, guest parking, a communal dumpster enclosure, and private outdoor living space and landscaping.

**3. The proposed project will generate a sufficient number of Eligibility Points required for the bonus amount requested;**

The project is required to generate 100 points based upon the Town Density Bonus Program calculation. The applicant is proposing to deed restrict six units to the “Occupancy-Restricted Household” affordability level category, which exceeds the required 100 points pursuant to the Eligibility Points Schedule for the Town Density Bonus Program. Therefore, the project will generate a sufficient number of eligibility points required to grant the requested density bonus of three units.

**4. The proposed project is compatible with the surrounding neighborhood with regards to building scale, form, materials, and street orientation;**

The proposed apartment building and site improvements combine together in an attractive and visually cohesive manner that is compatible with and complements the character of the surrounding multi-family residential neighborhood. The surrounding neighborhood consists of a mixture of multi-family housing types at varying densities.

The proposed parking layout for the project meets the required amount of parking and ensures that the property will be able to accommodate its share of parking needs within the surrounding community.

The project also complies with applicable multi-family development standards which include the requirement for a minimum of 75% of the building facade adjacent to a street to be occupied by habitable space with windows and at least one pedestrian entrance. The street facing façade of the building includes habitable space with windows, two private balconies on the two end units, and a pedestrian door with windows into the garage level for access and natural lighting for the storage lockers provided along that wall of the shared garage.

**5. The incentive or concession is required in order to make the project feasible, and the incentive or concession requested is the minimum departure from the requirements of this Zoning Code necessary to make the housing project feasible.**

The application requests three incentives/concessions as allowed by the Town’s Density Bonus Ordinance. The project is automatically eligible for one of the allowed concessions specified in the Ordinance, and two additional concessions are requested in exchange for three additional deed restricted units that would not be required based on the Eligibility Point Schedule. The requested concessions include an increase in the allowable lot coverage, for 65% lot coverage, A 20% reduction of the front and side yard setbacks and allow one guest parking space to be located within the front setback.

The requested concessions are the minimum departure from the applicable Zoning Code requirements because the concessions are requested to provide the minimum required driveway width of 16-feet, and to provide the third guest parking space required for the project.

**B. 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 project is consistent with the applicable standards and requirements of the Mammoth Lakes Zoning Code because the project complies with all applicable regulations of the Residential Multi-Family 1 (RMF-1) Zone, including, but not limited to density, lot coverage, and setback modifications allowed pursuant to Municipal Code §17.138, Town Density Bonus Program, building height, snow storage, parking, solid waste/recycling, and specific land use regulations identified in Municipal Code §17.52.210 for multi-family residential projects.

The project includes three concessions from the applicable development standards because the project will result in a greater number of deed restricted units than is required by the Town Density Bonus Ordinance. The allowed concessions are:

- An increase in the allowable lot coverage from 50% to 65% - Automatic concession per 17.138.050.A
- A 20% reduction in the front and side yard setbacks - Additional concession per 17.138.050.B
- One guest parking space to be located in the front setback - Alternative concession per 17.138.050.C

With approval of the requested concessions the project complies with the applicable Municipal Code standards.

**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 General Plan land use designation for the site, which is designated as High Density Residential 1 (HDR-1) and, *“allows residential multi-unit townhouses, condominiums and apartments at a density of six to a maximum of twelve dwelling units per acre. This designation applies to the Sierra Valley District, the Shady Rest Tract, and portions of the Old Mammoth District...”* (General Plan, Pg. L-4). The requested density bonus is consistent with General Plan Land Use Policy L.2.D., which directs staff to encourage the development of workforce housing by offering a Town Density Bonus Program, in addition to the State density bonus program, to allow multi-family residential projects to construct up to twice the base density identified for the designation in which the project is located. The General Plan Housing Element Policy H.1.C. also directs staff to allow for density bonuses for projects that provide deed-restricted workforce housing in accordance with State density bonus law and/or the Town density bonus programs.

In March, 2020, Town Council adopted the updated Town Density Bonus Program so that developers of eligible properties are encouraged to utilize the Town Density Bonus Program or the State Density Bonus program in order to accomplish the General Plan goals and policies aimed at increasing housing available to the local workforce. The proposed project will result in six deed-restricted, three-bedroom units available to the local workforce.

There is no specific plan or master plan applicable to the project.

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

The project is consistent with the Design Guidelines in that the building design features a modern form with a simple shed roof. Desirable architectural details including recessed balconies, window awnings, variation in siding materials, accent trim work, and decorative corbels underneath roof eaves provides a balance between the simple roof form and the more detailed design elements.

The proposed colors and materials are appropriate in the context of the surrounding neighborhood and consist of varying grey and tan earth-tones that provide appropriate contrast between the trim, fascia, and the primary siding materials while maintaining a neutral color palate to blend with the natural environment and site surroundings.

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 proposed buildings and site improvements combine together in an attractive and visually cohesive manner that is compatible with and compliments the character of the surrounding neighborhood. In the context of the surrounding multi-family residential uses, the proposed design of the project provides appropriate scale and incorporates attractive architectural details.

The building forms and facades provide variation and visual interest through the provision of recessed balconies, metal window awnings, accent colors and use of a variety of window shapes and sizes.

A distinction between stories is provided through a change in siding material used on the first floor and the upper floors. Spit face concrete masonry block is used on the first floor to establish the building base, and upper floors are clad with Hardie lap siding in a wood textured finish, and stucco siding is used on specific locations of the building to provide variation. The proposed colors consist of variation of grey, tan and a medium wood tone as well as a rust red and dark green accent color that that provides appropriate contrast between trim, fascia, and the primary siding materials while maintaining a more neutral color palate to blend with the natural environment and site surroundings.

The project complies with design requirements for building facades adjacent to streets in that 75% of the building facade adjacent to Manzanita Road is occupied by habitable space with windows and private open space balconies for the two end units adjacent to Manzanita Road. These areas provide active spaces and living areas that are visible from the street.

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

Not applicable, as the street network in this area is already established and no additional streetscape improvements are required for the proposed project.

- 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.**

The proposed parking for each residential unit consists of two enclosed garage spaces in a tandem configuration. The garage is a shared garage, but each unit would have individual garage door access. The garage door design and color is coordinated with the design of the project and the garage doors are oriented to the south, which minimizes visibility of the garage doors from Manzanita Road, and provides desirable solar orientation for snow melt within the driveway area.

The proposed parking layout for the project meets the required amount of parking while providing two extra parking spaces within the enclosed garage that could accommodate specific tenant parking needs. The proposed parking configuration ensures that the project will accommodate its share of parking needs on-site, which will help avoid conflicts between vehicles and tenants with the enclosed, assigned parking spaces.

- 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.**

While the current plan set does not provide detailed lighting specifications, Condition of Approval #16 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.

- 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 project preserves two mature Jeffrey pine trees that exist on the site. The landscape plan proposes the addition of 3 Water Birch trees, Perennials to be planted in the designated snow storage areas, and native groundcover shrub species are proposed for the remaining areas located around the perimeter of the site. Specific shrubs are proposed for screening purposes to be located around the dumpster enclosure. Overall, the proposed landscaping promotes a natural aesthetic by utilizing species that are appropriate to the Mammoth Lakes region. Condition of Approval #18 is included to require a landscape documentation package to be submitted and approved prior to Building Permit issuance.

- 5. 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 associated use permit because the project is a new multi-family residential development and includes a density bonus request pursuant to the Town Density Bonus Ordinance. The design review permit is processed concurrently with the use permit and therefore, will be consistent.

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

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

1. Finds that this project is categorically exempt pursuant to Section 15332, in-Fill Development Projects, of the California Environmental Quality Act (CEQA) Guidelines; and
2. Approves Use Permit 20-002, Design Review 20-004, subject to the following conditions:  
(SEE EXHIBIT "A"); and
3. Directs staff to file a Notice of Exemption.

**PASSED AND ADOPTED** this 2<sup>nd</sup> day of March 2022, by the following vote, to  
wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

RECUSED:

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, Steven Selcer, am the property owner and I do hereby attest that I have read, and agree to, the conditions of approval stipulated within this Resolution.

\_\_\_\_\_  
Steven Selcer  
(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 2022-05**  
**Case No. UPA 20-002 and DR 20-004**  
**PLANNING DIVISION CONDITIONS**

**STANDARD PLANNING CONDITIONS**

1. This approval authorizes the following: Construction of a 6-unit multi-family apartment project located at 377 Manzanita Road. A Use Permit is approved to allow a density increase of three dwelling units along with the following concessions permitted pursuant to the Town Density Bonus Ordinance: 1. An increase in lot coverage to 65%; 2. A 20% reduction of the front and side yard setbacks; and 3. One guest vehicle parking space to be located in the front setback area.
2. 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.
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 under Chapter 17.128 of the Mammoth Lakes Municipal Code.
4. This resolution of approval, as conditioned herein, shall be recorded for the subject property by the Mono County Recorder's Office to commence the approved use on the property or the issuance of any building permits for new or remodeled structures.
5. The site shall be maintained in a neat, clean and orderly manner. All improvements shall be maintained in a condition of good repair and appearance. Outdoor storage of equipment and other materials, except for firewood, is prohibited. Non-operating vehicles, equipment and materials inappropriate to the site and its use shall not be stored within outdoor areas on the site.
6. Storage of construction materials and equipment off-site shall not be permitted without a permit issued by the Community and Economic Development Department of the Town. Any public or private property altered, damaged or destroyed by site preparation, grading, construction or use shall be restored to its pre-existing condition by the permittee.
7. All conditions of this 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 this permit.

10. 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 this project processing account.
11. Where compliance with the conditions of approval or applicant initiated changes to the plans require additional staff review, that review time shall be billed at the Town's established billing rates. Prior to the issuance of a building or grading permit, the applicant shall pay all outstanding costs for the processing of this application.
12. The approved site and building plans shall be adhered to and maintained for the duration of the permit.
13. This action may be 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. Prior to issuance of a grading or building permit, the applicant shall obtain a secondary source permit or letter of exemption from the Great Basin Unified Air Pollution Control District.
15. The applicant shall defend, indemnify, and hold harmless the Town and its agents, officers, and employees from any claim, action, or proceeding against the Town and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the Town, advisory agency, appeal board, or legislative body concerning this approval. The Town shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense.
16. 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.
17. The propane tank serving the property shall be painted tan pursuant to Municipal Code Section 17.36.080.B.
18. The final landscape plan shall substantially conform to the preliminary landscape plan approved by the Planning and Economic Development Commission.

The aggregate landscaped area exceeds 500 sq. ft., so a landscape documentation package shall be required prior to issuance of a Building Permit. Said landscape documentation package shall conform with the requirements identified in Municipal Code Chapter 17.40 (Water Efficient Landscape Regulations). The aggregate landscape area is defined as the total horizontal surface area dedicated to plant installation and irrigation plus the wet surface of any decorative water features. The landscape area for shrubs and trees shall be determined using the shrub/tree

mature growth diameter or drip line. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, or other pervious or non-pervious hardscapes outside of planted areas. Landscape area does not include undisturbed areas with established non-irrigated vegetation, or landscaping that is exempt pursuant to Municipal Code Section 17.40.020.D.

19. A valid building permit and a permit from the Mammoth Lakes Fire Protection District are required before any building can begin on-site.
20. Proposed water and sewer connections require a Connection 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.
21. 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.
22. 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.
23. 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.

#### **SPECIAL PLANNING CONDITIONS**

24. Before a certificate of occupancy is issued for the project, the applicant shall certify to the Director that the Eligibility Points upon which the project's residential density bonus was based have been achieved. To satisfy this condition, evidence shall be provided that a Workforce Housing Agreement consistent with Municipal Code Section 17.138.090 has been recorded on title for the property, and that the six units are deed restricted at the agreed upon "Occupancy Restricted" affordability level. The Town shall be named as a party in the Workforce Housing Agreement and all subsequent deed restrictions.
25. Before a certificate of occupancy is issued for a project, the applicant shall provide evidence to the Town that transient rentals are prohibited for all units within the development. Evidence shall consist of a deed and/or use restriction satisfactory to the Town prohibiting transient rentals that has been recorded against all units within the development.
26. The total number of deed restricted units required for the density bonus shall not be reduced or otherwise eliminated without the approval of the review authority. To grant such approval, the review authority must find that there is a corresponding reduction in density.

27. The trash enclosure shall be improved with a concrete slab and enclosure constructed of materials compatible with that of the buildings. Adequate space for recyclable materials shall be provided within the enclosure. All trash enclosures, receptacles, and food storage areas shall be animal resistant. The enclosure is not required to be gated. The enclosure shall be installed prior to issuance of the first certificate of occupancy. The final alignment of the trash enclosure shall be reviewed by Mammoth Disposal, the Public Works Department and the Community and Economic Development Department.
28. Pursuant 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 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.
29. The Building Division will require that a string line be run between the property monuments on the east (front property line), and north (north side property line) at the time of foundation inspection to verify the actual field distance from the structure to the property line.
30. Snow restraint devices shall be installed along the roof edge on the north side of the building. No snow shall shed or be deposited onto adjacent properties or the Town's or State 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.
31. 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 sheathing shall be a minimum of one-half inch thickness with approved siding material placed over top.
32. 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.
33. 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:**

34. 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.
35. All grading and public improvements, including driveways and parking areas, shall be consistent with the Town of Mammoth Lakes Standard Plans for Public Works.
  36. Applicant is responsible for compliance with the Guidelines for Erosion Control in the Mammoth Lakes area. This shall include submittal of a Report of Waste Discharge, if applicable.
  37. 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 application shall include a traffic control plan as applicable.
  38. 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.
  39. 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.
  40. Address numbers shall be placed on all new and existing structures in such a manner as to be plainly visible and legible from the access roadway or street, consistent with Municipal Code Chapter 16.32.

**SPECIAL ENGINEERING CONDITIONS:**

41. 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.
42. The Property owner shall execute a hold harmless agreement with the Town, releasing the Town from any liability for damage occurring as a result of snow

removal operations or any other standard construction or maintenance of the right-of-way. At the time of application for building permit, applicant shall provide a copy of the most recent grant deed for the property to assist the Town in preparing the document. The agreement will need to be executed prior to obtaining certificate of occupancy.