

RECORDING REQUESTED BY:

NAME: Town of Mammoth Lakes - Planning Department

WHEN RECORDED MAIL TO:

NAME: Town of Mammoth Lakes - Attn: Planning Dpt.

ADDRESS: P.O. Box 1609

CITY/STATE/ZIP: Mammoth Lakes, CA 93546

(DOCUMENT WILL ONLY BE RETURNED TO NAME & ADDRESS IDENTIFIED ABOVE)

Doc # 2021007607

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Date: 10/27/2021 08:29A

Filed by: GENERAL PUBLIC
Filed & Recorded in Official Records
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SCHEEREN DEIDMAN
CLERK-RECORDER
Fee: \$0.00

(SPACE ABOVE FOR RECORDER'S USE)

Resolution NO. PEDC 2021-06 for the Obsidian II Subdivision (APN: 033-370-028-000)

(DOCUMENT TITLE)

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

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

RESOLUTION NO. PEDC 2021-08

**A RESOLUTION OF THE MAMMOTH LAKES PLANNING AND
 ECONOMIC DEVELOPMENT COMMISSION ADOPTING AN
 ADDENDUM TO THE TALLUS MITIGATED NEGATIVE DECLARATION
 AND APPROVING
 TENTATIVE TRACT MAP 21-002, USE PERMIT 21-003,
 DESIGN REVIEW 21-002, AND ADJUSTMENT 21-002
 TO ALLOW THE OBSIDIAN II SUBDIVISION ON THE VACANT
 OBSIDIAN REMAINDER PARCEL
 LOCATED AT THE NORTH END OF OBSIDIAN PLACE
 (APN: 033-370-028-000)**

WHEREAS, a request for consideration of a Tentative Tract Map, Use Permit, Design Review, and Adjustment were filed by Mark Rafeh on behalf of the property owner, Mammoth Springs Resorts, LLC, to allow a multi-family residential planned unit development consisting of four lots (Obsidian II Subdivision), in accordance with the Lodestar at Mammoth Master Plan and Chapters 17.68 (Use Permits), 17.76 (Adjustments), and 17.88 (Design Review) of the Town of Mammoth Lakes Municipal Code, for property located within Development Area 2 of the Lodestar at Mammoth Master Plan; and

WHEREAS, the Planning and Economic Development Commission conducted a noticed public hearing on the application request on September 8, 2021, 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, State Subdivision Map Act, Lodestar at Mammoth Master 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. Tentative Tract Map 21-002 Sheets TTM 1 – TTM 4, dated May 4, 2021;

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- b. Project Plan Sheets A.2, A.3, and A.4 dated March 12, 2019, and Duplex 12 updated plan sheets 1-2 dated received by the Town of Mammoth Lakes August 25, 2021;
- c. Color and Materials (labeled building elevations) dated received by the Town of Mammoth Lakes June 7, 2021.
- d. Preliminary Landscape Plan, dated June 27, 2021;
- e. Emergency Access Gate Specifications, dated August 2, 2021; and

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.

**PUBLIC RESOURCES CODE SECTION 21166;
CEQA GUIDELINES SECTION 15164**

- a. The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.**

The Planning and Economic Development Commission considered the Addendum to the 2004 Tallus Mitigated Negative Declaration (MND) (SCH No. 2004042055) together with the MND, 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 tentative tract map and use permit will result in any new or increased significant effects on the environment.

- b. An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.**

The Planning and Economic Development Commission finds that the Addendum to the 2004 Tallus MND has been completed in compliance with CEQA and reflects the lead agency's independent judgment and analysis.

- c. An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.**

An addendum is adequate because the Addendum demonstrates that the environmental analysis and impacts identified in the Tallus MND remain substantively unchanged by the project, and supports the finding that the proposed modifications to the project do not trigger the need for preparation of a subsequent Negative Declaration under the criteria listed in CEQA Guidelines Sections 15162.

- d. The decision-making body shall consider the addendum with the final EIR or adopted Negative Declaration prior to making a decision on the project.**

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.

- e. The A brief explanation of the decision not to prepare a subsequent EIR pursuant to the Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.**

The Planning and Economic Development Commission finds that there are no new or different mitigation measures or alternatives that would substantially reduce one or more significant impacts identified in the 2004 Tallus MND that are not adopted. The proposed modifications do not identify or require adoption of any further mitigation measures or alternatives beyond those provided in the 2004 Tallus MND.

- f.** A program for reporting on or monitoring the required mitigation measures has been adopted and is included as an attachment to the Addendum to the 2004 Tallus MND.
- g.** All mitigation measures shall be conditions of Project approval.

II. MUNICIPAL CODE FINDINGS.

A. 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 the Lodestar at Mammoth Master Plan;**

The proposed transient occupancy use is consistent with the 2007 General Plan Resort (R) land use designation for the site because transient occupancy uses are permitted within Development Area 2 of the Lodestar Master Plan with approval of a Use Permit. Transient occupancy uses are consistent with General Plan Policy L.5.B, which directs staff to ensure visitor lodging is located in appropriate areas and General Plan Policy L.5.C which states the Town should ensure there are an adequate number of units available for nightly rental.

The proposed project is in a location that is appropriate for nightly rental use because it is a resort-oriented development that features a clubhouse and other on-site amenities that are not available in traditional multi-family developments. The project borders an 18-hole golf course which is a recreational attraction for visitors and the proposed subdivision will be incorporated into the "Villas at Obsidian" development which is currently permitted for transient occupancy use.

- 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 or maintained will not be detrimental to the public health and safety nor materially injurious to properties or improvements in the vicinity because transient use of townhome units is consistent with permitted uses in the Resort (R) zoning district and the Resort (R) land use designation. Additionally, the project will be incorporated into the existing "Villas at Obsidian" development through the tentative tract map process, and transient occupancy uses are currently permitted within that subdivision.

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

The surrounding neighborhood consists of several multi-family condominium developments located in the RMF-2 zoning district, which permits transient rental uses of condominium units. The proposed project is a smaller scale project by comparison and provides resort-oriented amenities such as the clubhouse building, which makes the project an appropriate location for transient rental uses. Additionally, each unit features two enclosed parking spaces and one exterior guest parking space within the driveway area, which satisfies the required amount of parking and ensures that the property will accommodate visitor parking demand on-site.

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 is located within the Resort (R) Zoning District and is included within the Lodestar at Mammoth Master Plan (LMP), which allows multi-family residential uses including planned unit developments. The project complies with the development standards applicable to Development Area 2 or the LMP including standards for density, lot coverage, setbacks, building height (with approval of Adjustment 21-002), parking, snow storage and solid waste collection.

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 Resort (R) because the proposed four-unit multi-family residential planned development is consistent with the allowable land uses within the Lodestar at Mammoth Master Plan and the proposed residential density is below the maximum density permitted for Development Area 2 of the LMP.

The project is consistent with General Plan goals, policies, and actions, including, but not limited to, C.2.L, C.2.T, C.2.V, L.5.B, and L.5.F. The proposed project is also consistent with the previously approved Obsidian Subdivisions and provides a cohesive design and layout for incorporation with the "Villas at Obsidian" development.

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

The proposed project is consistent with the Town of Mammoth Lakes Design Guidelines because the site layout and design retain native pine trees to the extent possible; the overall Obsidian site coverage will be 51% with the proposed project incorporated, which is below the 60% maximum permitted site coverage for Development Area 2. The project layout preserves a large amount of open space throughout the project site and the proposed landscape plan for the project provides a variety of plants appropriate to Mammoth Lakes, which were selected for their low fire hazard, low water use, and deer resistance.

The proposed building design features façade variation and visual interest with a distinct building base provided for the structures. The proposed colors and materials are appropriate in the context of the surrounding neighborhood and consist of varying wood tones and earth tones, which provide appropriate contrast between trim, fascia, stonework and the primary siding materials while maintaining a neutral color palate to blend with the natural environment and match the existing structures within the Obsidian subdivision.

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 because the proposed project is a continuation of “The Villas at Obsidian” project design and features identical architecture, building materials and colors. The proposed tentative tract map eliminates the southerly property line and merges the parcel with the “Villas at Obsidian” subdivision. Therefore, the project layout and design is appropriate because it is intended to blend with the architecture and site circulation of the existing “Villas at Obsidian” subdivision. Additionally, the proposed density of the project is lower than the permitted density in the adjacent RMF-1 zoning district which is compatible with the character of the surrounding neighborhood.

- 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**

The design of the Obsidian development streetscape is consistent with the character of the Resort Zoning District in that the location of structures along the west side of the property provides the greatest separation from adjacent residential uses on the east side of the property and the meandering internal roadway is appropriate to the resort/residential use of the site. The internal street network and relocation of the Town’s multi-use path was completed as part of the subdivision approval requirements for TTM 15-002. The current application proposes new access driveways for the proposed duplex structures and relocates a previously approved emergency access gate to the intersection of Obsidian Place and Dorrance Drive. Relocation of the emergency access gate will maintain the gated access to the Obsidian development and prevent the Dorrance Drive roadway connection from being used as a primary access point for the 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 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 each unit features an enclosed 2-car garage (tandem configuration) and the driveways are of sufficient depth to accommodating one guest parking space per unit; additional guest parking spaces are provided adjacent to the clubhouse building.

Additionally, the previously developed phases of Obsidian provided funding to construct a transit shelter per the Town’s specifications adjacent to the project site

on Meridian Boulevard and ADA compliant pathways are provided throughout the site.

- 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 #18 included in the attached 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 preliminary landscape plan for the project preserves nine native pine trees that are concentrated around the proposed duplex buildings. Several Western Water Birch trees are proposed along the west side of the units to increase privacy and the plan notes that all other ornamental shrubs and grasses planted around the front of the units were selected based on their low water use, low fire hazard and deer resistance. Overall, the proposed landscaping promotes a natural aesthetic by utilizing species that are appropriate to the Mammoth Lakes region.

- 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 tentative tract map, use permit and adjustment, as described in this Resolution and the associated staff report.

C. FINDINGS FOR ADJUSTMENT (Municipal Code Section 17.76.040)

Building Height Adjustment:

- 1. Increased safety of occupants or the public would result;**

The Adjustment application requests an increase of one-foot to the maximum building height for the duplex buildings located on lots 1-4 of the Obsidian II Subdivision (TTM 21-002). This request is an allowed Adjustment pursuant to Municipal Code §17.76.020 since the increase is less than 10%.

The Adjustment request is the minimum departure from the Lodestar Master Plan to achieve a minimum 3:12 roof pitch because the proposed structures conform to all other applicable development standards, including, but not limited to, density, lot coverage, setbacks, and parking requirements for the Resort zoning district and the LMP.

The Adjustment will result in the increased safety of the occupants because a 3:12 roof pitch provides a safer building design in that the increased roof pitch reduces potential snow loading on the roof. Additionally, the increase in height will alleviate the need for cricket design features on the roof, which can cause ice damming above the building entrances, thereby putting the occupants in danger of falling ice.

The maximum one-foot increase in height is necessary because the approved duplex building design has a more continuous roof slope than the single-family residence building designs in the Obsidian subdivision, and due to the size of the building footprint, a minimum 3:12 roof pitch was not feasible with the three-story building configuration and a maximum 35-foot height limit. The one-foot height increase will allow for a design that substantially matches the appearance of the other structures within the subdivision since the other structures have a minimum 3:12 roof pitch.

III. **SUBDIVISION MAP ACT FINDINGS.** (State Map Act §66474)

a. The proposed map is consistent with applicable general and specific plans.

The proposed map is consistent with the 2007 General Plan and the Lodestar at Mammoth Master Plans as specified in Section 65451 of the Subdivision Map Act because the project is consistent with the Resort (R) land use designation since the project is an expansion of an existing multi-unit townhouse development with a total density of 35 units, which is below the maximum allowable density of 67 units originally allocated to the Tallus Subdivision.

The project complies with the General Plan Vision, Goals, and Policies, including that the project provides a high quality townhome product available for nightly rental in an appropriate location, the design respects the natural environment by maintaining as many native trees and natural features as possible and by maintaining a large amount of open space (total site coverage is 51%), the architecture and building exteriors are appropriate to the region and match the existing structures in the "Villas at Obsidian" development, and pedestrian connectivity is provided through the site.

b. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

The design and improvements of the subdivision are consistent with applicable general and specific plans because the residential subdivision complies with the Lodestar at Mammoth Master Plan and Municipal Code development standards which implement the goals and policies of the General Plan. Additionally, the project is conditioned to comply with all Public Works standards for all improvements on the site. The property is not located within a Specific Plan area.

c. The site is physically suitable for the type of development.

The site is physically suitable for this type of development because all utilities and required easements are currently in place or can be extended to the property. The project complies with the applicable development standards of the Lodestar at Mammoth Master Plan and the Municipal Code.

d. The site is physically suitable for the proposed density of development.

The site is located within the Resort (R) Zoning District and the Lodestar at Mammoth Master Plan area, both of which allow multi-family planned unit developments as a permitted use. The original Tallus Subdivision was allocated a total of 67 units of density. The project was built at a little over half the allowed density with a total of 35 dwelling units upon completion. The surrounding land uses consist of vacant land, golf course, single-family residential uses, and multi-family residential condominium developments. The project site and the Obsidian subdivision feature a residential density equivalent to 9 dwelling units per acre. Adjacent residential zoning districts to the east include RMF-1 and RMF-2 zones, which allow a density of up to 12 dwelling

units per acre. Therefore, the project site is suitable for the proposed density of development.

- e. The design of the subdivision or the proposed improvements are not likely to cause substantial environment damage or substantially and avoidably injure fish or wildlife or their habitat.**

The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat because the mitigation measures included with the Addendum to the Tallus Mitigated Negative Declaration apply to this project. The Mitigation Monitoring and Reporting Program (MMRP) includes mitigation measures for biotic resources, vegetation removal, and hydrology and water quality. The mitigation measures are included as conditions of approval for the project.

- f. The design of the subdivision and types of improvements is not likely to cause serious health problems.**

The design of the residential subdivision and type of improvements proposed are not likely to cause serious public health problems because no evidence has been submitted during the planning review process to indicate that the development would cause any serious public health problems. All necessary public services are currently provided or can be extended to the site to assure health and safety for those individuals occupying and using the site facilities. Grading and building permits will be obtained to ensure all applicable health and safety requirements are adhered to for the duration of the project construction.

- g. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.**

The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision since all existing easements are shown on the tentative tract map and the property has access to a public street with approved street alignments and widths. A multi-use trail easement exists on the property and the proposed subdivision improvements do not conflict with the path and do not obstruct public access to the multi-use path. All utilities, and their easements, are currently in place on, or can be extended to, the property and the proposed subdivision will not impact adjacent property easements and/or shared common areas with the Obsidian subdivision.

SECTION 2. PLANNING AND ECONOMIC DEVELOPMENT COMMISSION ACTIONS.

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

1. Adopts the Addendum to the 2004 Tallus Mitigated Negative Declaration (State Clearinghouse #2004042055) pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15164;
2. Approves Tentative Tract Map 21-002, Use Permit 21-003, Design Review 21-002, and Adjustment 21-002 subject to the following conditions:
(SEE EXHIBIT "A"); and
3. Directs staff to file a Notice of Determination.

PASSED AND ADOPTED this 8th day of September 2021, by the following vote, to wit:

AYES: BURROWS, CHANG, KENNEDY, VANDERHURST

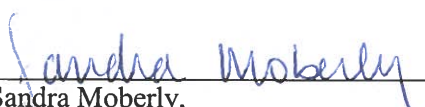
NAYS:

ABSENT: ECKERT

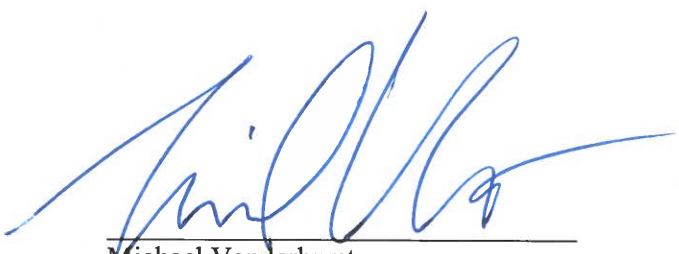
ABSTAIN:

RECUSED:

ATTEST:



Sandra Moberly,
Community and Economic Development
Director



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.

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OWNER/APPLICANT:

I, Mark Rafeh, am an authorized Representative for Mammoth Springs Resorts, LLC, the property owner, and I do hereby attest that I have read, and agree to, the conditions of approval stipulated within this Resolution.



Mark Rafeh, Authorized Signatory
Mammoth Springs Resorts, LLC
(Notary Required)

Date: 10/4/2021

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~~ Ventura Dmn

On October 7 2021 before me, Deborah M Miller Notary Public
personally appeared Mark Rafeh
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

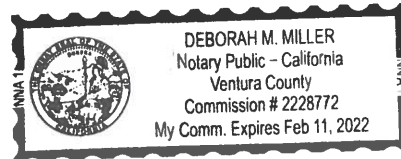


EXHIBIT "A"
Resolution No. PEDC 2021-08
Case No. TTM 21-002, UPA 21-003, DR 21-002, ADJ 21-002
CONDITIONS OF APPROVAL

STANDARD PLANNING CONDITIONS

1. This approval authorizes the following: Subdivision of the 0.435-acre remainder parcel of the Obsidian subdivision with Assessor Parcel No. 033-370-028-000, for a four-lot multi-family planned unit development (PUD). Construction of a total of four residential townhome units within two duplex buildings as shown on sheets 1-4 of TTM 21-002, dated May 4, 2021, and Project Plan Sheets A.2, A.3, and A.4 dated March 12, 2019, and Duplex 12 updated plan sheets 1-2 dated received by the Town of Mammoth Lakes August 25, 2021, for property located within Development Area 2 of the Lodestar Master Plan within the Obsidian subdivision. This approval shall not supersede the previous approvals applicable to the Obsidian subdivision.
2. The approved site and building plans including : Tentative Tract Map 21-001 Sheets 1 – 4, dated May 4, 2021; Project Plan Sheets A.2 – A.4 dated March 12, 2019 and Duplex 12 updated plan sheets 1-2 dated received by the Town of Mammoth Lakes August 25, 2021; Color and Materials (labeled building elevations) dated received by the Town of Mammoth Lakes June 7, 2021; Preliminary Landscape Plan, dated June 27, 2021; and Emergency Access Gate Specifications, dated August 2, 2021; 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

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- 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 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. 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. For multi-phase projects, a separate permit and fee is required for each phase of the development.
 15. The applicant shall defend, indemnify, and hold harmless the Town and its agents, officers, and employees from any claim, action, or proceeding against the Town and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the Town, advisory agency, appeal board, or legislative body concerning this approval. The Town shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense.
 16. Pursuant to Government Code Section 66474.9 the subdivider shall defend, indemnify, and hold harmless the Town and its agents, officers, and employees from any claim, action, or proceeding against the Town and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the Town, advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Government Code Section 66499.37. The Town shall promptly notify the subdivider of any claim, action, or proceeding and shall cooperate fully in the defense.
 17. In consideration of the Town's Vision Statement requiring a de-emphasis of the use of the automobile, occupancy and mode of travel expectations and to mitigate the impacts of the project on air quality as required by CEQA, the applicant and the owners' association shall submit a petition to be annexed into the Transit and Transportation Fee Community Facility District (CFD 2013-03) and pay all fees

- associated with the annexation process prior to final map approval by staff. CFD 2013-03 shall be referenced in the project CC&Rs, as well as in any disclosure documents required by the California Department of Real Estate for the project.
18. 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.
 19. A 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 June 27, 2021, approved by the Planning and Economic Development Commission. The final landscape plan shall meet the requirements of Municipal Code Chapter 17.40 (Water Efficient Landscape Regulations) including the Landscape Documentation Package. A final landscape and irrigation plan shall be submitted to, and approved by, the Community and Economic Development Department for inclusion in the project grading permit. Where no grading permit is required, the final landscape plan must be submitted to and approved by the Town prior to issuance of a building permit. Completion of all landscape improvements and revegetation of disturbed areas shall occur prior to issuance of the first Certificate of Occupancy.
 20. The Final Landscape Plan shall comply with California Public Resources Code 4291 and local defensible space clearance codes. Plants, flowers, shrubs should be a min. of 5 feet from the structure.
 21. Prior to the removal of any trees, a final analysis of the value of the trees removed shall be prepared by a licensed forester or arborist. The applicant shall install tree landscaping based upon the value-for-value determination by the forester/arborist. Said tree replacement shall be within the project area or off-site, as may be approved by the Community and Economic Development Director.
 22. The project shall comply with the Guidelines for Erosion Control in the Mammoth area. This shall include submittal of a Report of Waste Discharge, if applicable.
 23. A valid building permit and a permit from the Mammoth Lakes Fire Protection District are required before any building can begin on-site.
 24. 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.
 25. New or changed improvements, exterior illumination, elevations, designs, materials, or colors shall conform to the adopted Design Guidelines of the Town of Mammoth Lakes and will require review and approval from the Town of Mammoth Lakes Community and Economic Development Department or Planning and Economic Development Commission pursuant to Municipal Code Chapter 17.88.
 26. A certificate of occupancy is required for all future tenant improvements within the subject structures. Tenant improvements shall identify occupancy separation requirements, disabled access requirements and compliance with all applicable

building, electrical, plumbing, and fire code requirements.

27. 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.
28. 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)

SPECIAL PLANNING CONDITIONS

29. The Mitigation Monitoring and Reporting Program (MMRP) established by the 2004 Tallus Mitigated Negative Declaration (SCH# 2004042055) shall be adhered to in the implementation of the proposed development and is incorporated herein by reference.
30. The Housing Mitigation requirements for this project shall be met through payment of the current applicable housing fee for residential uses in effect at the time of building permit submittal, unless an Alternate Housing Mitigation Plan (AHMP) in accordance with Municipal Code Chapter 17.136 is approved prior to building permit submittal. If an AHMP is proposed, it shall be reviewed by the Community and Economic Development Department prior to consideration of the AHMP by the Planning and Economic Development Commission. If the applicant requests that the AHMP be considered separately from the approval for the associated project, the applicant shall be responsible for payment of staff time at the Town's established billing rates for the review and processing of the AHMP.
31. The applicant shall submit Homeowner's Association CC&Rs for the maintenance and control of common area for review and approval by the Community and Economic Development Director prior to issuance of the first Certificate of Occupancy. The project shall be incorporated into the Obsidian Subdivision HOA.
32. The shared Homeowners Association shall maintain an on-site shuttle service for all owners to provide transportation to shopping, restaurants, the ski area, and the airport to the satisfaction of the Community and Economic Development Director.
33. The public multi-use path shall be accessible and maintained in a safe and usable condition during construction activities at the project site.
34. Each residence shall be provided a divided cabinet suitable for aluminum cans, glass bottles, and plastic bottles. This shall be verified prior to the issuance of a Certificate of Occupancy for each unit.
35. Solid fencing that could be a barrier to wildlife movement is prohibited along property frontages onto common area and the golf course. Windfalls and other coarse woody debris removed from building sites shall be redistributed throughout undeveloped portions of the project areas to create structural diversity and promote continued wildlife use of forested habitats. Stumps from tree cutting shall be boraxed or appropriately treated within four hours of cutting to prevent root fungus from entering the root systems of retained trees.
36. 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.
37. All tree removal activities shall adhere to the Federal Migratory Bird Treaty Act and California Fish and Wildlife 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.
38. 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.
 39. All gates/ barricades shall be functional in all weather conditions, including heavy snow. For electric operating gates, a radio-controlled opening device shall be the primary means of operation with an approved key operated switch or touchpad keyboard used as a backup system. In the event of power failure, all remote-controlled gates shall automatically open and stay open until power is restored. The Fire Chief shall approve the placement of an electric operating gate. For non -powered gates, a key box approved by the fire code official shall be provided in an approved location. All barricades/bollards shall be removable or allow for passage of fire vehicles if the fire department has a need to pass through the barricaded area. Only approved traffic bollards shall be used within the district.
 40. 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.
 41. Fire Sprinkler systems shall be installed in accordance with NFPA 13D and the MLFPD Local Ordinance. A deferred submittal for sprinkler plans and calculations will NOT be acceptable and shall be submitted with construction plans.
 42. 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.
 43. 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.
 44. 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:

45. A final map, consistent with the tentative map and the conditions herein, shall be recorded with the County Recorder of Mono County prior to the expiration of the approved tentative map. The final map shall conform to the Subdivision Map Act and the Subdivision Ordinance for the Town of Mammoth Lakes. The tentative map shall expire 24 months after the approval date. Failure to record the final map prior

- to the expiration will nullify all approvals, except as such time limitation may be extended by law or by the Planning and Economic Development Commission in accordance with the Subdivision Map Act.
46. Copies of all exceptions, easements, restrictions and encumbrances listed in the preliminary title report together with a copy of the current grant deed and a current title report, a copy of each record map for the subject property shown within the tentative map boundary, and a copy of each and every adjacent map, deed or other document as necessary that establish, or were used for the survey of, and for the retracement of the subdivision boundary shall be submitted with the initial submittal of the final map. A subdivision guarantee shall be issued and dated within 30 days prior to final map approval by the Planning and Economic Development Commission.
 47. The maintenance of graded slopes and landscaped areas shall be the responsibility of the developer until the transfer to individual ownership or until the maintenance is officially assumed by an appropriate district or property owners' association.
 48. Slope rights adjacent to public rights of way shall be dedicated on the final map where necessary.
 49. All new utility lines within, adjacent to, or serving the site shall be placed underground.
 50. The site grading design and all building construction shall conform to State and federal disabled access regulations.
 51. Paved access is required to a maintained street. Street and traffic signs shall meet the California Manual of Uniform Traffic Control Devices (MUTCD).
 52. Landscaping and irrigation systems within the public right of way, adjacent to the project area and within the project shall be maintained by property owner, with the exception of benefit assessment district areas.
 53. The applicant shall obtain an easement or letter of permission to grade all areas requiring off-site grading prior to issuance of a grading permit or a building permit. These areas shall be contour graded.
 54. The applicant shall submit to the Town an electronic file of the final map in AutoCAD, or other format as may be approved by the Public Works Director, within 30 days of approval of the final map.
 55. All easements and dedications shall be in a form and content acceptable to the Public Works Director.
 56. Nothing in the approval of this tentative tract map shall be construed to allow for the deviation, adjustment, variance or non-conformance of any Municipal Code or ordinance, or of any local, State or federal standard, policy, regulation or law, unless specifically provided for herein.
 57. All grading and public improvements shall be consistent with the Town of Mammoth Lakes Standard Plans for Public Works.
 58. Any off-site improvements required, such as installation of roads, sewers, water lines, or drainage improvements, which are of benefit to land other than the land located within the subdivision, shall be subject to an approved agreement between the Town and the subdivider to reimburse him in whole or in part for the use of the improvement by lands other than those developed by the subdivider, pursuant to Section 17.16.190 of the subdivision ordinance.

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

59. The final map shall conform to the requirements of Town of Mammoth Lakes Ordinance 84-10 and all amendments thereto.
60. A preliminary soils report shall be filed with and reviewed by the Public Works Director. The report shall address and make recommendations as to the compacted and un-compacted fills on-site. A note shall be placed on the final map indicating which lots require grading remediation. An "as-graded" soils report shall be provided to the Town upon completion of the grading.
61. A form of security listed in Government Code Section 66499(a) and acceptable to the Town shall be posted to secure completion of all required grading, street and drainage improvements in accordance with the Municipal Code and the applicant shall enter into a subdivision improvement agreement for all required public improvements in accordance with the Subdivision Map Act. The agreement shall include provisions for the posting of warranty sureties for the accepted public improvements two weeks prior to Planning and Economic Development Commission approval of the final map. Construction cost estimates for all required sureties shall be prepared and signed by a registered civil engineer. The estimates shall be at prevailing wages and shall include 20% for construction contingencies and 20% for administrative costs. All sureties shall be posted prior to the issuance of a grading permit and prior to approval by staff of the final map.
62. A form of security listed in Government Code Section 66499(a) shall be posted with the Town in a form acceptable to the Town Surveyor for any deferred final monumentation for the final map. The estimated amount of the surety shall be prepared by the licensed land surveyor preparing the final map and shall be approved by the Town Surveyor.
63. Rights of way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing shall be required as necessary.
64. All easements as shown on the tentative map shall be granted on the final map or recorded by separate document prior to or concurrent with recordation of the final map in a form and in content acceptable to the Town. Easements to be recorded by separate document shall be submitted to the Town for review and approval. The fully executed documents shall be submitted to the Public Works Director prior to approval of the final map. Easements shown on the tentative map to be granted or dedicated shall indicate the beneficiary of the easement(s).
65. Easements shown on the tentative map to the benefit of an agency other than the Town or to other parties shall be shown on the final map as "Easements Reserved". The owners statement on the parcel map shall reserve said easements unto themselves, their heirs and assigns.
66. All documents that are required to record prior to or concurrent with the recordation of the final map shall be reviewed and approved by the Town and shall be fully executed, notarized and ready for recordation prior to approval of the final map by town staff. The originals of the executed documents shall be delivered to the Public Works Director together with the final map prior to approval of the final map.
67. Monumentation of the subdivision shall be installed in accordance with the Subdivision Ordinance of the Town, Ordinance 84-10.

68. A snow removal/storage plan shall be submitted by the applicant and approved by the Community and Economic Development Department. This plan and provisions for maintenance of private driveways and drainage facilities shall be included in the CC&Rs prior to final map approval by Town staff.
69. The CC&Rs shall contain provisions granting rights of access and parking, as necessary, to the owners, tenants, and their guests, of the PUD units. This project shall be annexed into the Obsidian HOA.
70. Existing CC&Rs, if any, encumbering the property shall be amended as necessary for the proposed development of this project.
71. The applicant shall submit a request for unit, building and street addressing to the Town. Approval of the addressing shall be completed prior to approval of the final map by staff.
72. For planned development projects the following statement shall appear on the signature sheet of the final map: "THIS SUBDIVISION IS A PLANNED DEVELOPMENT AS DEFINED IN SECTION 6562 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA, CONTAINING A MAXIMUM OF 18 ROOMS WITHIN SIX (6) RESIDENTIAL UNITS AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT."
73. Prior to approval of the final map by staff, the applicant shall provide evidence to the Town that the property taxes have been pre-paid to Mono County Tax Collector or their payment has been secured by the filing of a surety bond or other cash-equivalent security acceptable to the County.
74. As required by the Town's Subdivision Ordinance Section 17.08.035 and Council Resolution 14-28, the applicant shall pay a fee for each unit, parcel or lot, including lettered lots and parcels and common area lots or parcels, created to the Community and Economic Development Department for long range planning reimbursement prior to approval by staff of the final map.
75. If the subdivider elects to file multiple final maps, then prior to submittal of the first final map for the project, the applicant shall submit a development schedule of phasing and improvements for review and approval by the engineering and planning divisions of the town. The Town may impose additional conditions relative to phasing and the filing of multiple maps in accordance with Section 66456.1 of the Subdivision Map Act. Phasing may only be permitted if discontinuous right-of-ways and substandard lots are not created by the phasing.

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

76. Construction of water and sewer improvements shall require water and sewer permits from the Mammoth Community Water District. Grading plans shall be submitted to the Town for review and approval and a grading permit in accordance with the municipal code shall be obtained from the Town and all mitigating measures and best management practices to prevent erosion and to protect existing trees shall be constructed prior to work commencing for any and all water and sewer improvements.
77. An application for a grading permit shall be submitted to the Engineering Services Division of the Public Works Department in accordance with Chapter 12.08 of the

- Municipal Code. No change to the existing conditions of the site, including site grading, drainage interruption, land clearing, etc. shall be commenced until grading and drainage plans have been approved by the Public Works Director.
78. An encroachment permit or a letter of exemption shall be obtained from the Engineering Services Division of the Town prior to construction within the public right of way in accordance Chapter 12.04 of the Municipal Code.
 79. No work within Town right of way shall be commenced until a traffic control plan has been approved by the engineering services division of the Town.
 80. Street and public improvement plans for streets, sidewalks, drainage, and other public/private infrastructure shall be prepared by a registered civil engineer and submitted to the Town for review and approval. Existing topography and proposed grading with sufficient contours intervals (not to exceed two feet) shall be prepared by a registered civil engineer or a licensed land surveyor.
 81. Street profile grades shall not be less than 0.5% unless the engineer of work at the time of submittal of the improvement plans provides justification to the satisfaction of the Public Works Director confirming the adequacy of the grade and provided that drainage can be adequately maintained.
 82. Final grading and improvement plans and profiles shall indicate the location of any existing utility facility that would affect construction. All existing utilities shall be shown on the improvement plans and relocated as necessary without cost to the Town. Existing overhead utilities requiring relocation shall be converted to underground.
 83. Prior to approval of the improvement plans, the applicant shall contract with a soils testing engineer. Any proposed grading within the street right-of-way shall be done under the direction of the soils testing engineer. Compaction tests of embankment construction, trench backfill, and all sub-grades shall be performed at no cost to the Town. Prior to placement of any base materials, and/or paving, a written report shall be submitted by the soils testing engineer to the Public Works Director for review and approval.
 84. A geotechnical report is required that confirms that the proposed infiltrator locations will not be subject to groundwater entering the drywell or cause leaching through an adjacent slope face. A sediment and oil water separator shall be installed in conjunction with the infiltrator, substantially in conformance with water quality Phase 2 requirements.
 85. Slope stability tests are required for all cuts greater than 2:1 or fills greater than 3:1 (H:V).
 86. A thorough evaluation of the structural street section, to include parkway improvements, from a qualified civil and/or geotechnical engineer, shall be submitted to the engineering services division.
 87. All driveways shall be constructed in accordance with the driveway standards of the Town.
 88. In addition to the drainage, traffic related, or other requirements stated herein, other "on-site" or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to the Public Works Director.

89. Drainage across the property shall be maintained. The design of the grading and drainage facilities shall not create concentrated discharges to adjacent properties and/or public rights of way in excess of historical flows. A registered civil engineer shall investigate existing facilities and design adequate drainage facilities to intercept and conduct the drainage flows around or through the site in a manner that will not adversely affect adjacent or downstream properties. The Engineer shall verify that downstream facilities, and drainage channels accepting site flows are not adversely affected by an increase in runoff from this development. If the project does create concentrated or sheet flows off-site that are greater than historical, the applicant shall demonstrate that the downstream facilities can accommodate the increased flows; otherwise, the applicant shall provide on-site detention for excess flows.
90. A final hydrology and hydraulics study is required and shall be submitted with the grading and improvement plans for the project. The study shall be prepared in accordance with the grading chapter of the municipal code and the adopted Storm Drain Master Plan of the Town and shall be prepared by a registered civil engineer. The study shall include runoff from the entire site and shall also include runoff that enters the property from all upstream sources, and shall include all storm drains, drywells, infiltrators and surface flows. The study shall indicate the method of conveying surface and underground runoff and shall address drainage conveyances downstream to the extent they exit to an existing facility or natural drainage course. All existing drainage facilities on-site and tributary to the site shall be identified and shown on the grading plans. The hydraulic calculations shall include all pipe flows, velocities and head loss calculations sufficient to show the adequacy of all conveyance systems. Q100 and V100 and the hydraulic grade line for all public storm drains and all facilities with an equivalent diameter of 18 inches or greater shall be shown on the approved grading and improvement plans. The drainage study for the project and the final design of the storm drain system shall be approved prior to approval by staff of the grading and improvement plans and the final map. Infiltrators and storm water pollution prevention facilities are to be designed to accept the "first flush" levels of runoff. The capacity of these facilities shall not be assumed to reduce storm water flows of other drainage facilities that may be required for the project.
91. Temporary and permanent erosion control plans shall be included with the grading, improvement, and building plans. Continuous water spraying or other approved methods shall be used during grading operations to control fugitive dust. Drop inlet filters and other temporary Best Management Practices shall be employed to filter nuisance water from storm drain inlets affected by construction, on-site and off-site. Groundwater pollution from urban run-off water generated by the project shall be mitigated using best management practices (BMPs), per the requirements of the California Regional Water Quality Control Board, Lahontan District, and as indicated in the "New Development and Redevelopment Guidelines". The applicant shall apply for and obtain all required permits, written clearances or exemptions from the Lahontan District prior to any grading. All BMPs shall be shown on the erosion control plans. If the Town inspector determines that the BMPs in place are not adequate, then additional BMPs shall be installed at the discretion of the Town inspector or a revised erosion control plan shall be prepared for approval by the engineering services division. Gravel bags shall be used in lieu of sand bags. All

- permanent erosion control measures shall be irrigated for at least one season. Permanent BMPs shall include sediment traps upstream of infiltrators and oil water separators for parking areas consistent with the General Plan.
92. A Construction Staging and Management Plan shall be submitted to and approved by the Public Works Director prior to grading or building permit issuance. Said plan shall include provisions related to the parking of construction worker vehicles, construction equipment, construction materials, and specific limitations restricting access into non-developed portions of the site and the storage of materials within these areas. The staging plan and the final access roadway improvements shall all be approved by the Mammoth Lakes Fire Protection District prior to grading permit issuance. An approved copy of the plan shall be maintained on-site at all times and available to all contractors, subcontractors, their employees and the Town. The staging plan shall address hours of work, and special approval for work outside hours allowed. The plan shall also contain provisions for interrupting utility services to neighboring properties and sufficient noticing to affected residents and property owners.
 93. On the cover sheet of the grading plans and in a very conspicuous location place the following note: "The conditions of approval for the approved tentative tract map, TTM 21-002, UPA 21-003, DR 21-002, and ADJ 21-002, contained in the resolution recorded at the County Recorder's Office of Mono County as Document No. 2021xxxxx, shall be made a part of these plans and the grading permit and all conditions and requirements therein shall be adhered to by the contractor, his sub-contractors and any person performing any work on the project." This note shall also be included within the construction staging and management plan.
 94. Prior to combustible materials being placed on-site, an all-weather access road shall be constructed serving all exterior portions of the structure to the satisfaction of MLFPD.
 95. Existing Town streets that require construction or reconstruction, shall remain open for traffic at all times, with adequate detours and traffic control, during actual construction. A form of security listed in Government Code Section 66499(a) and acceptable to the Town shall be posted to cover the cost of grading and paving prior to approval by staff of the map.
 96. The grading plan and building permit plans shall indicate all snow storage areas and drainage facilities.
 97. All easements shall be shown on the grading and building permit plans.
 98. All export shall be taken to, and all import shall be taken from a permitted site, which shall be identified at grading permit issuance. The applicant shall prepare a haul route, subject to the approval of the Public Works Director prior to the import or export of material for the site.
 99. A tree removal plan shall be approved prior to any land disturbance and the issuance of a grading or building permit. A pre-construction meeting shall be held on-site prior to any land disturbance to inspect clearing limit fencing. The applicant shall obtain the necessary Timber Harvest Permit prior to any tree removal.
 100. The grading plan shall include tree protection measures to address how construction can occur without disturbing the drip-line of retained trees. The drip-line areas shall be "fenced" off with barriers to prevent disturbance during site grading. Additionally, finish grading shall not disturb existing understory

vegetation or retained trees. Grading operations shall not commence until all erosion control measures and tree protection measures are in place as shown on the approved plans, and as required by the Town.

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

101. Recordation of the final map. The applicant shall provide evidence to the Town that the map has recorded prior to issuance of the first building permit for the project. Evidence shall consist of the recording information of the final map.

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

102. All required landscaping and irrigation improvements shall be constructed prior to issuance of a temporary, conditional or final certificate of occupancy for the project. A form of security listed in Government Code Section 66499(a) and acceptable to the Town shall be posted with the Town to the satisfaction of the Community and Economic Development Department for any required landscaping and irrigation improvements to be deferred and a schedule shall be submitted to the town for the construction of the deferred improvements. Deferral of the construction of any landscaping and irrigation improvements shall be at the sole discretion of the director of the Community and Economic Development Department.

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

104. The final Planned Development (PUD) plans for the project shall be submitted to the Town for review for conformance with the approved development plan, tentative map, and CC&Rs. The PUD plans shall conform to the conditions of approval with respect to ownership of required appurtenant use areas. Issuance of a certificate of occupancy and recordation of the PUD plans shall not occur prior to Town approval of the PUD plans. The PUD plans shall be recorded prior to issuance of a temporary, conditional, or final certificate of occupancy for the project.

105. Construction of private streets and private facilities and related drainage improvements shall be inspected and certified by the Public Works Director and/or designee.

106. All required grading, public and private street and drainage improvements shall be completed, all "punchlist" items completed to the satisfaction of the Public Works Director, the as-built plans submitted, reviewed and approved and the required warranty security posted prior the issuance of a certificate of occupancy for the project.

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

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

SPECIAL ENGINEERING CONDITIONS

- 109.** All subdivision improvements shall be completed prior to issuance of the 4th Certificate of Occupancy for the Obsidian II Subdivision.
- 110.** The emergency access connection on Dorrance Drive shall comply with the Town standards and the Mammoth Lakes Fire Protection District road width requirements.
- 111.** Warning signage shall be placed on both ends of the emergency access connection to Dorrance drive. Signs shall in accordance with the MUTCD and appropriately inform the public of the end of the road, and that no public access exists. The Town Engineer shall approve all proposed signage.
- 112.** The emergency access connection to Dorrance Drive shall be appropriately secured, preventing public vehicular access at the connection to Dorrance Drive. The security method shall be approved by the Town Engineer and MLFPD.

Mitigation Measures: Tallus Mitigated Negative Declaration (MND) Mitigation Monitoring and Reporting Program:

- 113. Aesthetics:** Mitigation measures established by the final Lodestar at Mammoth EIR require the retention of the forested areas to the maximum extent feasible, contour grading to blend manufactured slopes into the natural terrain to the extent that surface slope requirements can be maintained, the avoidance of any significant visual resource, and the landscaping of manufactured slopes with native and zone tolerant plant material. The mitigation measures established by the Forest Condition Survey (David Early, RPF: March 2004) shall be implemented during the construction of the project improvements. The report states that only 2.6 acres of the 10.8-acre site will be impacted by development. This will leave 75% of the property undeveloped tree cover. Removed trees to accommodate the development shall be replaced on a value-for-value basis. To the maximum extent possible, native trees shall be concentrated around all structures, streets, and parking areas on the project site. Grading plans shall be reviewed by the Town to assure the retention of adjacent forested areas to the maximum extent feasible, that contour grading is applied to blend manufactured slopes into the natural terrain to the extent that surface slope requirements can be maintained, to assure the avoidance of any significant visual resources such as rock outcroppings and, to the extent feasible, preserving scenic corridors through the site, and the landscaping of manufactured slopes with native and zone tolerant plant material. Mitigation measures include: (1) Grading shall be minimized to the extent feasible to accommodate the proposed project. Cut slopes and fill slopes shall be contoured to help blend with the adjacent natural terrain; (2) All graded areas shall be immediately re-vegetated to blend with existing native landscape. Native plant materials shall be utilized throughout the project; (3) Removal of existing trees shall be avoided where possible. Excessive covering of retained tree roots with fill material shall be avoided; (4) Retaining walls shall be faced with rock material or constructed of other decorative material to the satisfaction of the Community and Economic Development Director; (5) The Landscape Plan shall be implemented with the project construction; (6) All exterior lighting will conform to the Town of Mammoth Lakes requirements for shielding,

glare reduction, down-direction, and lumen level output as required by the Town's adopted Lighting Ordinance. The specific fixtures selected will be reviewed through the Town's Design Review and discretionary approval process; and (7) As many trees as possible shall be retained on-site and within the Open Space and Wetlands Conservation Area. These mitigation measures shall be assured by the Community and Economic Development Director and Town Engineer prior to Grading or Building Permit issuance to reduce adverse impacts to aesthetic quality to a level below significance.

114. Air Quality: Increased particulate matter (PM10) from wood burning appliances and fugitive dust generated from grading and construction activities is considered significant. The project must conform to the requirements of the Air Quality Management Plan and the Particulate Emissions Regulations of the Town Municipal Code. All residential units shall be limited to one EPA Phase II certified woodburning appliance, one EPA Phase II certified pellet stove, and any number of gas or electric heating appliances. Construction-related air quality impacts related to attainment of California and Federal PM10 Standards could be impacted by emissions from heavy-duty grading, earthmoving, and loading equipment. Airborne dust impacts due to site grading can also impact the attainment of the PM10 Standards. Therefore, all construction contracts shall require watering to minimize airborne dust and construction equipment emissions during grading and construction to the satisfaction of the Town Engineer. In addition, air quality impacts are mitigated by requiring the payment of \$121 per unit per year to the Town Transit Program to reduce vehicular use and the payment of a "fair share" contribution of a street sweeper (\$70.26 per unit) to address road dust impacts. These mitigation measures shall be assured by the Community and Economic Development Director and Town Engineer prior to Grading or Building Permit issuance to reduce adverse impacts to air quality to a level below significance

115. Biological Resources: Siltation or other pollution into adjacent drainage channels during construction can impact aquatic organisms and stream bank vegetation downstream of the project site. Limitation on the grading of the site to dry spring and summer months, siltation fencing and other Best Management Practices to control erosion during site grading, and the installation of permanent storm water collection and retention facilities will reduce adverse siltation and erosion impacts to a level below significance. Retention basins are required to control runoff from home sites, roadways and the golf course facilities to control downstream impacts of fertilizers and other pollutants. In order to limit the impacts to biological resources, several measures are to be incorporated into this project. As part of the grading permit application and inspection process, the Town will ensure the following: (1) The establishment of limits of site disturbance and planned site access routes; (2) tree protection; (3) erosion and sediment control measures; and (4) restrictions on the movement of heavy equipment. These protective measures will be clearly marked on site plans for the contractor and developer and will be assured during site construction by the Town's Building and Engineering inspection staff. A Biological Analysis for the Tallus Project was prepared by Resource Concepts, Inc. (January 2004). The report conducted a database search for occurrences of rare, threatened, endangered, and sensitive animals and plants for the project site and surrounding area. The report concludes that the project has no potential for adverse effects on any of the animal or plant species and/or

communities identified in the data base search. To the maximum extent possible, the project shall preserve existing native vegetation. All landscaping shall utilize native plants species indigenous to the Mammoth Lakes region and all disturbed areas adjacent to development sites shall be re-vegetated with these native plant species. Proper disposal methods for all coniferous slash shall be used to prevent the spread of bark beetles. A tree removal and replacement plan, consistent with the Town's tree retention policy, shall be submitted to, and approved by, the Town prior to Grading Permit issuance. A Timber Harvest Permit, or an exemption therefrom, shall be obtained from the California Department of Forestry prior to the issuance of a Grading Permit. These mitigation measures shall be assured by the Community and Economic Development Director and Town Engineer prior to Grading or Building Permit issuance to reduce adverse impacts to biological resources to a level below significance.

- 116. Cultural Resources:** Cultural resources within the project area could be affected directly by construction activities and indirectly by the increased numbers and presence of humans in the area. As discussed in the Lodestar at Mammoth EIR, six sites were identified as having the potential to meet the CEQA criteria for significance based on their potential archaeological value. These sites are identified in the EIR as Lodestar Sites #1 through #6. An Archaeological Survey for the Lodestar property was conducted by Jeffery F. Burton of Trans-Sierran Archaeological Research (February 1990). Six sites were identified as having the potential to meet the CEQA criteria for significance based on their potential archaeological value. These sites are identified in the Survey as Lodestar Sites #1 through #6. These site locations are not within the project boundaries. However, two mitigation measures are included for this project in the event that cultural resources are discovered during grading and construction; specifically: (1) A qualified archaeologist shall be present during initial site clearing and grading to identify and monitor the removal of any potential cultural deposits and a mitigation plan shall be developed and completed prior to further construction or earth disturbance, and (2) The Professional Guide for the Preservation of Native American Remains and Associated Grave Goods shall be utilized to protect Native American burial sites should they be discovered. These mitigation measures shall be assured by the Community and Economic Development Director and Town Engineer prior to Grading or Building Permit issuance to reduce adverse impacts to cultural resources to a level below significance.
- 117. Geology and Soils:** The property is not located within an Earthquake Hazard Zone as identified on the official maps prepared by the State Geologist. The Town has adopted an emergency response plan to respond to any potential seismic or volcanic hazard. The site has no unique geologic or physical features. A Preliminary Geotechnical Investigation has been conducted for the project site by Sierra Geotechnical Services, Inc. (February 5, 2004). The report concludes that construction of the proposed is feasible from a geotechnical standpoint provided that the recommendations for earthwork and grading are incorporated into the project's design and construction. The site has no unique geologic or physical features. Mitigation can be accomplished by safe building design engineered by a California Registered Structural Engineer, using the ground motion parameters that have been calculated for this particular site. The recommendations within the Geotechnical and Soils Investigation Report shall be incorporated into the site work

prior to Grading or Building Permit issuance. These mitigation measures shall be assured by the Community and Economic Development Director and Town Engineer prior to Grading or Building Permit issuance to reduce adverse impacts related to geology and soils to a level below significance.

- 118. Hydrology and Water Quality:** Development of the site will result in a modification of the existing drainage paths and a higher surface runoff than currently leaves the project site. Siltation or other pollution into adjacent drainage channels during construction can impact aquatic organisms and water quality downstream of the project site. Limitation on the grading of the site to dry spring and summer months, siltation fencing and other Best Management Practices to control erosion and siltation during grading, and the construction of permanent storm control facilities and desiltation basins will reduce erosion, siltation, urban pollutant run-off, and other water quality impacts. In order to limit the impacts to water quality resources, several "Best Management Practices" measures are to be incorporated into this project. As part of the grading permit application and inspection process, the Town will ensure the following: (1) The establishment of limits of site disturbance and the installation of rip-rap at planned site access routes to paved roadways; (2) tree protection; (3) erosion, urban pollutant, and sediment control measures including sediment traps, and the installation of fiber rolls and erosion control blankets and/or geotextiles along the project's perimeter and at drop in-lets and along drainage channels; and (4) restrictions on the movement of heavy equipment. These protective measures will be clearly marked on site plans for the contractor and developer and will be assured during site construction by the Town's Building and Engineering inspection staff. Adherence to the requirements of a project specific hydrology analysis will reduce water quality impacts to a level below significance. The Town or the Lahontan Regional Water Quality Control Board (RWQCB) shall review and approve a Storm Water Pollution Prevention Plan (SWPPP) that shall be adhered to during construction activities. A National Pollutant Discharge Elimination System (NPDES) Permit shall be obtained from the Lahontan RWQCB since the project area exceeds one acre in size. Said plan shall incorporate Best Management Practices (BMPs) such as siltation fencing and surface runoff controls as discussed above. These mitigation measures shall be assured by the Community and Economic Development Director and Town Engineer prior to Grading or Building Permit issuance to reduce adverse impacts related to hydrology and water quality to a level below significance.
- 119. Noise:** Construction related noise levels would increase ambient noise levels in areas surrounding the project site. Noise levels exceeding 60 dB currently exist at street intersections within the vicinity of the project and the construction of the Lodestar Master Plan will increase traffic levels. Construction hours are limited to between 7am and 8pm Mondays through Saturdays. Construction from 9am to 5pm on Sundays and Town-recognized holidays may be allowed when previously approved by the Town Manager or designee. The project site is located adjacent to an existing residential development that could be adversely impacted by project-generated noise during construction or noise from project-generated traffic. The construction area shall be separated from the adjacent residential area by the erection of "soundboard" fencing to buffer the construction area noise. Any portion of the interior roadway paving that is closer than 50 feet from any residentially zoned property not within the Master Plan Area shall be buffered by a three-foot

high cut slope and/or by the construction of a six-foot high contiguous fence between the roadway and the residential area. These mitigation measures shall be assured by the Community and Economic Development Director and Town Engineer prior to Grading or Building Permit issuance to reduce adverse noise impacts to a level below significance.

- 120. Public Services:** Impacts to public services will result from the build-out of the Lodestar Master Plan area. Town services, school, police and fire services will be impacted by the proposed project and by the eventual build-out of the Master Plan area. On-site snow storage areas shall equal at least 75 percent of the impervious surfaces used for access and unenclosed parking. The project proponents shall pay school impact fees prior to the issuance of Building Permits for the proposed residential structures. All other Development Impact Fees (DIFs) shall be paid in accordance with the adopted ordinances of the Town. These mitigation measures shall be assured by the Community and Economic Development Director and Town Engineer prior to Grading or Building Permit issuance to reduce adverse impacts to public services to a level below significance.
- 121. Transportation / Traffic Impacts:** Traffic volumes at some intersections indicate that signalization will be required to maintain acceptable Levels of Service as determined by the Town Engineer at the build-out of the Lodestar Master Plan. The subject project will generate approximately 190 Average Daily Trips which will not adversely impact traffic volumes and Levels of Service at adjacent intersections and along nearby road segments. A Traffic Analysis for the Revised Lodestar Master Plan Circulation System was prepared by Les Card of LSA Associates, Inc. (March 31, 2004). The report concludes that revisions to the Lodestar circulation plan, making the local road discontinuous between Meridian and Minaret, coupled with the application of current Town policies regarding traffic analysis methodology and level of service criteria, will not cause any significant impact to adjacent circulation system and that the existing adopted mitigation measures for the Lodestar Master Plan are adequate. Construction of the private access roadway (Obsidian Place) to the subdivision will be adequate to accommodate project-generated traffic. Transportation impacts are mitigated by requiring annexation into the Transit and Transportation Fee Community Facility District (CFD 2013-03) to reduce vehicular use. This mitigation measure shall be assured by the Community and Economic Development Director and Town Engineer prior to Grading or Building Permit issuance to reduce adverse transportation and traffic impacts to a level below significance.
- 122. Utilities and Service Systems:** An increase in the amount of impervious surface and storm water runoff will result from the construction of the project and build-out of the Lodestar Master Plan area. Drainage collectors, the utilization of Best Management Practices for erosion control, and the construction of retention and filtration (desiltation basins) facilities shall be constructed and maintained to prevent the transport of silt and urban pollutant with the runoff from a 20-year storm event. The project is not anticipated to produce solid wastes in any amounts that cannot be disposed of by current disposal methods. The extension of utilities to serve the proposed Single Unit Residential Structures and the Clubhouse/Manager's Unit shall be constructed as required by the service provider. No additional mitigation is required. These mitigation measures shall be assured by the Community and Economic Development Director and Town Engineer prior to

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Grading or Building Permit issuance to reduce adverse utility and service system impacts to a level below significance.