



**COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT  
PLANNING DIVISION**

**P.O. Box 1609, Mammoth Lakes, CA 93546**  
**Phone: (760) 965-3630 Fax: (760) 934-7493**  
**[www.townofmammothlakes.ca.gov](http://www.townofmammothlakes.ca.gov)**

*Town*

**APPEAL OF DECISION OF PLANNING AND ECONOMIC DEVELOPMENT COMMISSION**

(Municipal Code Section 17.104)

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

APPLICATION NUMBER APPEALED TTM 22-002, UPA 22-001, DR 22-001

DATE OF STATED ACTION May 11, 2022

APPELLANT'S NAME MONACHE CONDOMINIUM OWNERS ASSOCIATION, INC.

ADDRESS 50 HILL SIDE DRIVE  
MAMMOTH LAKES, CA 93546-5038

APPEAL FEE: See Community and Economic Development Department Fee Schedule

Action taken by the Planning and Economic Development Commission which is being appealed:

☐ Denial

☐ Approval

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

What is being appealed?

SEE ATTACHED.

**RECEIVED**

**MAY 26 2022**

**Town of Mammoth Lakes**

Rationale for Appeal (use additional sheets if necessary):

SEE ATTACHED.

This appeal is signed by Bruce Favish, member of the MONACHE CONDOMINIUM OWNERS ASSOCIATION, INC., as representative of the Association for purposes of this appeal authorized by the Association Board of Directors at a May 25, 2022 Board meeting.

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

May 26, 2022

Date

Bruce Favish  
Signature of Appellant

- Ex. A Conditions in Resolution No. PEDC 2022-12
- Ex. B Renderings of initial Limelight design
- Ex. C Images of the Limelight Hotel in Snowmass, Colorado

## **WHAT IS BEING APPEALED AND RATIONALE FOR APPEAL**

### **I. MATTERS APPEALED RE ROOF DESIGN AND EQUIPMENT SCREENING**

#### **A. Municipal Code Findings**

1. The proposed use is consistent with all applicable sections of the General Plan and Title 17 and is consistent with the North Village Specific Plan.

The proposed project is also consistent with the North Village Specific Plan (NVSP) because the project conforms to the applicable NVSP development standards, including, but not limited to, permitted uses, density, building area, site coverage, snow storage, building height, setbacks, and parking.

2. The Addendum determined that the geothermal well system would not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No new information has become available and no substantial changes to the circumstances (under which the project was being undertaken) since the certification of the 1999 SPEIR and the Mammoth Hillside Addendum has occurred. There are no new measures required and no new alternatives available that would substantially reduce the environmental effects beyond those previously described in the certified 1999 SPEIR and the Mammoth Hillside Addendum.

- B. The project is consistent with the applicable standards and requirements of the Municipal Code.

The proposed project is consistent with the NVSP because the project conforms to the applicable development standards for the Plaza Resort and Specialty Lodging districts of the NVSP including, but not limited to, allowable land uses, density, building area, site coverage, building height, setbacks, parking, snow storage, and design.

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

The project is located within the North Village Specific Plan Area (NVSP), so it is subject to the North Village Design Guidelines rather than the Town of Mammoth Lakes Design Guidelines. **The project is consistent with the North Village Design Guidelines because:** (1) ... (2) ... (3) **the roofline of the hotel provides variation through varied wall heights and**

Finding 3:

3. The Design Guidelines will not detract from the value or utility of adjoining properties as a result of inappropriate, inharmonious, or inadequate design since the Design Guidelines for the Village at Mammoth will apply standards of review to enhance the image of Mammoth Lakes as a resort community.

Comment: Effect on value or utility of adjoining properties of inappropriate, inharmonious, or inadequate is a legitimate consideration in design and planning decision making.

Finding 5:

The Design Guidelines ensure an architectural design of structures, materials, lighting, and colors which are appropriate to the function of the project and are visually harmonious with surrounding development and natural landforms, trees, and vegetation since standards are provided that encourage high quality design, discourage indiscriminate lighting and provide an appropriate color palette for the Mammoth Lakes setting.

Comment: Visual harmony with surrounding development is a legitimate consideration in design and planning decision making.

While the 8050 building does have some small flat roof areas, it also has a spa and other roof appurtenances, and the small flat roof spaces are divided into different sections.

By contrast, the CEDP in this instance has approved a nearly 33,000 square foot flat roof which will be sandwiched between the Westin and the Village, with their distinctive and very different roof designs.

As is set forth below, although flat roofs are not expressly prohibited in the NVSP, they are not common and not encouraged, and to be considered only in limited circumstances.

In this case, the CEDP is authorizing a massive flat roof in a key focal point of the NVSP and the entire Town, which represents a significant departure from the NVSP and design guidelines. Compounding the matter, the roof will be glaringly visible to owners and guests of the Westin. By way of contrast, the CEDP has approved a flat roof for the Residence Inn Hotel by Marriott which sits in a very different position topographically and in relation to surrounding buildings and does not occupy the preeminent location of the Project. The Project will fill the visual field of all as they drive, cycle or walk along Minaret Road, Lake Mary Road and Canyon Boulevard and become an immediate landmark in Mammoth.

NVSP, 10.e. (Roof Form and Ridge Alignment) provides:

e. The following roof shapes are allowed: gable and gable on gable, intersecting gable, partial and full hip, Dutch eave gable and flared hip. Flat roofs may also be used **if the design or function warrants**.

NVSP, 11.a. (Roof Design) provides:

In this instance, especially given the prominent location, scale and visibility to the Westin of the large flat roof of the Project, and that fact that flat roofs are to be the exception based on limited considerations, it was incumbent on the CEDP to conduct an inquiry and make findings that the flat roof proposed was REQUIRED for snow management, upper level exterior uses or architectural character. In this case, none of these three considerations mandated a flat roof.

In a Concept Submittal to the Town, the Applicant showed a butterfly partial roof with a 2:12 pitch transitioning to a roof of ¼":12 pitch. The roof featured a rooftop patio, with mechanical equipment in screened enclosures. It included 4 components with different orientations, as opposed to the current design with 2 components resulting in 2 large roof expanses rather than 4 smaller roof sections.

Attached hereto as Exhibit B are renderings and photos of the original concept for the Project which featured a pitched butterfly roof, screened rooftop mechanical equipment, and a much smaller flat roof area. The visual impact of the flat roof is reduced by the pitched sections which are more attractive from street level and from the Westin, being of much more substantial design and structure than parapet walls. Based on a limited poll of Westin owners, they overwhelmingly preferred the original roof design over the current one.

Attached hereto as Exhibit C are photos of the Limelight's most recent project in Snowmass, Idaho. Coincidentally, the architect for that project, Oz Architecture of Denver, Colorado, also designed the Westin. Clearly, the Limelight group can design and build a beautiful roof. The roof in Snowmass even incorporates solar panels. If that same roof was on the Project, it would not only be far more attractive, it could have the same East-facing solar panels which would not even be visible from the Westin because of the way they are oriented.

In short, further work should be done on the roof design to make it more compatible with the NVSP, the General Plan, the design guidelines and the immediate neighborhood.

Following are additional guidelines for roof design and mechanical equipment which argue for a revised roof design and concealed mechanical equipment.

NVSP 13.d (Roof Appurtenances) provides:

d. Mechanical, electrical and roof access equipment, vents and antenna **shall** be integrated into the roof or dormer design to avoid visual impact on other properties.

This language is mandatory, not discretionary. Also, it refers to "other properties," of which the Westin is one. Yet, the PEDC failed to require that mechanical equipment be integrated into the roof or dormer design to avoid visual impact to the Westin. Instead, multiple pieces of mechanical equipment will be visually accentuated on large flat roof.

The Mammoth Design Guidelines provide:

### 3.7. Utilities

- Roof supports such as heavy timber knee-braces and architectural treatments under pitched areas are encouraged.
- For materials, refer to Materials Section.

The Design Guidelines for the Village at Mammoth provide in part:

#### Form and Mass (p. 21)

Pitched roofs, which vary in height with occasional vertical accents are encouraged.

Vary roof forms with changes of height, with some taller accents, towners, or special vertical architectural features or projections, or multiple story changes.

Lower the eave line in some portions of the buildings, incorporating upper level floors into the mass using a variety of dormer form is encouraged.

Do not permit building surfaces which are monotonous or which by design, make the village buildings appear massive or unscaled.

#### Roof Form (p. 23)

The organization of slopes and features will create visual interest, yet with variation in height and direction. The ridgeline should not have the appearance from public vantage points of being continuous, but should be varied in height, or broken with chimneys, cupolas, towers or other features.

Dominant roof pitches are to approximate 3:12-6:12. Flatter slopes will be permitted for specific design effect or snow management purposes.

Mechanical equipment and elements such as video receivers must be concealed from view to the extent feasible.

All roof top accoutrements must be painted a dark color and be non-reflective.

When flat roof sections are used they must have a distinctive cornice or architectural feature to screen the flat portion.

#### Utility Enclosures (p. 39)

Objectives: To minimize the visual impacts of aboveground utility structures and equipment including transformers, vents, condensers, fans, etc.

#### Guidelines:

-Locate equipment in areas of low visibility, away from major walks and streets and building entrances to the extent practical.

## Site Design

Staff comment: The hotel structure is situated to minimize impacts to neighboring land uses including adherence to a private height covenant agreement with the Westin property, which results in preservation of views from the Westin property and reduced building height for portions of the structure located within the Plaza Resort (PR) zone.

This comment does not appear to contemplate the impact on the Westin owners/occupants who will look across the large, flat roof of the Limelight with un-screened mechanical equipment.

Roof forms should be varied to create visual interest.

Staff comments: The roof design is flat with parapet walls that give the appearance of steps in the roof line with slanted forms. This design prevents snow shedding onto pedestrian areas but lacks deep roof eaves, overhangs, and detailed roof cornice. The roof form is consistent across the length of the structure, with varying structure heights. ADP input is requested.

The A RESOLUTION OF THE MAMMOTH LAKES PLANNING AND ECONOMIC DEVELOPMENT COMMISSION APPROVING TENTATIVE TRACT MAP 22-002, USE PERMIT 22-001, AND DESIGN REVIEW 22-001, TO ALLOW THE LIMELIGHT HOTEL DEVELOPMENT PROJECT LOCATED IN THE NORTH VILLAGE SPECIFIC PLAN AREA AT 5, 15, 17, AND 49 CANYON BOULEVARD, 107 LAKEVIEW BOULEVARD, 106 LAKE MARY ROAD, AND AN UNADDRESSED PARCEL ON LAKE MARY ROAD (APNs: 033-390-004-000, 033-390-005-000, 033-390-006-000, 033-390-007-000, 031-110- 027-000, 033-390-002-000, and 033-390-003-000) finds in part:

(3) the roofline of the hotel provides variation through varied wall heights and wall offsets. A parapet wall serves to screen roof-mounted equipment and incorporates a cornice detail to add depth and detail to the roof form;

## II. MATTERS APPEALED RE NOISE ISSUES

Resolution No. PEDC 2002-12, Condition 29: Prior to issuance of a building permit, the applicant shall provide evidence that the rooftop equipment complies with the Town's Noise Ordinance.

Resolution No. PEDC 2002-12, Condition 39: Noise generated by the project shall meet the requirements of the Specific Plan and/or the Town's noise regulations, as applicable.

### RATIONALE/DISCUSSION

Through written and oral evidence presented at the May 11, 2022, PEDC hearing, concerns were raised regarding noise which would emanate from mechanical equipment on the rooftop

Typically, mechanical equipment noise is 55 dBA at 50 feet from the source. **Heating Ventilation and Air Conditioning (HVAC) units would be included within the attic of the proposed hotel, thereby reducing noise impacts. Noise levels from mechanical equipment would be further reduced through the implementation of the Additional Mitigation Measure N-3 requiring the orientation of equipment away from any sensitive receptors, proper selection of equipment, and the installation of equipment with proper acoustical shielding (muffling).** Compliance with the Town's Municipal Code and Additional Mitigation Measure N-3 would minimize noise impacts from mechanical equipment to less than significant levels with mitigation."

[https://www.townofmammothlakes.ca.gov/DocumentCenter/View/4861/Inn-Final-SEIR\\_092214?bidId=](https://www.townofmammothlakes.ca.gov/DocumentCenter/View/4861/Inn-Final-SEIR_092214?bidId=)

"Mitigating Condition N-3

***Mechanical equipment shall be placed as far practicable from sensitive receptors. Additionally, the following shall be considered prior HVAC installation: proper selection and sizing of equipment, installation of equipment with proper acoustical shielding, and incorporating the use of parapets into the building design.***

Here is another example of how the Town dealt with a similar issue (Section 4 (NOISE) of:

<https://www.townofmammothlakes.ca.gov/164/Holiday-Haus-Environmental-Documents>

**"The proposed project would require the use of HVAC units. However, these would be enclosed with a rooftop parapet further attenuating potential noise impacts."**

In this case, the applicant and PEDC have provided no options for attenuation of potential noise impacts of multiple pieces of, yet unspecified, rooftop equipment running at all hours in proximity to a hillside leading directly up to residential sleeping quarters which are in direct line of such equipment. Given the need to visually screen the rooftop mechanical equipment as discussed elsewhere herein, the Town should require design elements such as enclosures or integration into roof design which attenuate potential noise impacts.

## **RELEVANT REGULATORY MATERIAL**

MITIGATION MEASURE 5.6-2a:

The proposed project shall be located or architecturally designed **to reduce the project noise impacts upon properties adjacent to each master planned area or project property line,** such that the exterior noise levels will not exceed Town Noise Ordinance requirements for an urban and multiple family setting. Design features could include setbacks, berms, landscaping, and architectural features, adjacent to both arterial and interior streets.

4. The nature and zoning of the area within which the noise emanates;
5. The number of persons affected by the noise source;
6. The time of day or night the noise occurs;
7. The duration of the noise and its tonal, informational or musical content;
8. **Whether the noise is continuous, recurrent or intermittent;**
9. **Whether the noise is produced by a commercial or noncommercial activity.**

**MLMC 8.16.070 Exterior noise limits.**

A. The noise standards for the various categories of land use identified by the noise control officer as presented in Table 1 shall, unless otherwise specifically indicated, apply to all such property within a designated zone.

B. No person shall operate or cause to be operated any source of sound at any location within the town or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level when measured on any other property to exceed:

1. The noise standard for that land use as in Table 1 for a cumulative period of more than thirty minutes in any hour; or
2. The noise standard plus five dB for a cumulative period of more than fifteen minutes in any hour; or
3. The noise standard plus ten dB for a cumulative period of more than five minutes in any hour; or
4. The noise standard plus fifteen dB for a cumulative period of more than one minute in any hour; or
5. The noise standard plus twenty dB or the maximum measured ambient level, for any period of time.

C. If the measured ambient level differs from that permissible within any of the first four noise limit categories above the allowable noise exposure standard shall be adjusted in five dB increments in each category as appropriate to encompass or reflect the ambient noise level.

D. In the event the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under this category shall be increased to reflect the maximum ambient noise level.



12. Any motor, machinery, pump, such as swimming pool equipment, etc., shall be sufficiently enclosed or muffled and maintained so as not to create a noise disturbance in accordance with Section 8.16.070;

No variances have been sought pursuant to 8.16.110 - Variances.

Variances for exceptions from any provision of this chapter, subject to limitations and restrictions as to area, noise levels, time limits and other terms and conditions, may be sought in the same manner and on the same basis as set forth in the zoning code in Title 17.

The Noise Element of the North Village Specific Plan (NVSP) provides:

#### Noise Policies

1. **Appropriate noise attenuation features shall be included in the design of all facilities.**
2. All construction and maintenance equipment will be properly equipped and operated to minimize noise disturbance.

Further regulatory provisions are referenced at

[https://www.townofmammothlakes.ca.gov/DocumentCenter/View/290/IS\\_MND-Sec04-11Noise?bidId=](https://www.townofmammothlakes.ca.gov/DocumentCenter/View/290/IS_MND-Sec04-11Noise?bidId=)

### III. MATTERS APPEALED RE HOURS OF CONSTRUCTION

MITIGATION MEASURE 5.6-1a: Pursuant to Chapter 8.16.090 of the Town's Noise Ordinance, construction activities shall be limited to the hours of 7:00 a.m. to 10:00 p.m. Monday through Saturday and prohibited on Sunday or holidays, or as otherwise permitted by Chapter 8.16.090, with the exception of the well drilling activities as approved by the Town Public Works Department.

#### RATIONALE/DISCUSSION

The May 3, 2022 ADDENDUM TO THE NORTH VILLAGE SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT describes the following construction activity with respect to the proposed geothermal wells, which will occur in close proximity to the Westin Monache:

Approximately **two acres** of the development site would be disturbed by the proposed geothermal wells. The **two graded pads (up to approximately 200 feet by 250 feet)** are within the disturbed area for the hotel. They would be constructed and then reclaimed or put to use

Construction activities for the initial drilling and construction of the wells would require a drilling rig (mast approximately 100 feet in height<sup>2</sup>) and drilling services including, mud logging (collection of drilling and geologic information), drilling fluids, cementing services for casings, solids control and containment for sumpless drilling, site services (trash, water, restrooms, lights), drilling water and fuel delivery, and consumable materials (drilling mud, cement, casings, wellhead). Water-based drilling fluids would be utilized. Approximately 126,000 to 210,000 gallons of fresh water would be required per well and two 500-barrel tanks would be installed as storage on-site. Other construction-related equipment would include a trailer for a drilling supervisor to live on-site with office space, water storage bins for drilling water, and a laydown area for casings and equipment not in use. Drilling crews would live off-site with 12-hour shifts and five-man crews. Total personnel on-site during the drilling period would be approximately 10 workers per shift.

Drilling activities are anticipated to occur 24 hours per day, seven days a week until complete, which would be contained to the graded pads (approximately 200 feet by 250 feet). Drilling and completion of each well (24-hour operations) is anticipated to occur for a duration of 15 days for each well, with several rig move days between wells (daylight only) if the drilling is successful. After the well drilling is complete, rig-on testing would require an air compressor package and services and pressure/temperature downhole survey services. Drilling residues such as cuttings, fluids, and solid waste would be contained and disposed of according to California waste guidelines (tested and transported to appropriate waste facility). Transportation and delivery of waste would be limited to daylight hours.

During well testing, reinjection of fluids into the second well would occur for a period of 24 to 48 hours after both geothermal well tests are complete. In case the well is flowing during the 24- to 48-hour testing, alternative disposal such as the Town's stormwater system would be utilized if feasible. If this is required, the fluids are expected to be low total dissolved solids (TDS) and contain no organic material. It will be field chemistry tested and filtered prior to disposal. The volume of the fluid is expected to be between 7,000- and 14,400-gallons total.

The fact that this level of construction activity has been authorized to occur on a 24 hour basis is extraordinary. The only mitigation offered in the Addendum is: "Additionally, during 24-hour construction activities, construction noise would be minimized with sound barriers to the extent feasible."

Moreover, what is glossed over is the possibility that a drilling site might not be successful and have to be redone.

The Aesthetics/Light and Glare section of the Addendum similarly states:

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<sup>2</sup> A 100 foot crane will likely be higher than the Westin Monache, wherever it ends up being located on the site.

comply with CalGEM requirements, such as ensuring that all temporary sound barriers are at least a minimum height of 16 feet. Upon implementation of Mitigation Measures 5.6-1a through 5.6-1c and applicable noise reduction BMPs, the Modified Project would not result in any new or potentially adverse construction noise impacts not previously considered and addressed in the 1999 SPEIR.

Appellant cannot ascertain what provision(s) of Chapter 8.16.090 permit construction until 10 p.m. It should be noted that the Addendum provided that construction hours would be 7 a.m. – 8 p.m. but this was modified to allow construction to 10 p.m.

Many members of the Applicant recognize that, for a project of this scale and disruption, the sooner it is completed the better. On the other hand, having construction occur until 10 p.m., and having construction on the geothermal wells occur 24 hours a day, just yards from owners and guests at the Westin, will be highly disruptive. A likely economic impact is that units looking out over Canyon Blvd., which are generally preferred and, on the 6<sup>th</sup> and 7<sup>th</sup> floors, are charged premium rates, will be eschewed by guests because of the disruptive construction, who will opt to stay on the swimming pool side of the hotel, away from the disruptive construction. This will result in substantial lost revenue to the hotel and affected owners. Having construction go to 10 p.m., and 24 hours with respect to geothermal, will make rooms facing construction all the more undesirable.

In addition to noise, vibration and light from construction activities, there is the matter of air quality. The longer construction is ongoing the more time that dust and other harmful or irritating air emissions will remain airborne.

The construction hours for all construction work – geothermal and non-geothermal should be limited to 8 p.m. People with children or who just go to sleep early, should not have their health and safety even more adversely affected by construction until 10 p.m. and, in the case of geothermal construction, through the night.

With respect to the geothermal work, it appears that no consideration has been given by the Applicant or the Town to the noise associated with drilling geothermal wells. Nothing in the Addendum appears to address the issue of noise.

Further review is required regarding the impacts of drilling for geothermal wells. Some brief research provides the following insights:

<https://geothermalcommunities.geonardo.com/assets/elearning/8.1.GE%20vs%20Environment.pdf>

“Construction is one of the noisiest phases of geothermal development, but even construction noise generally remains below the 65 dBA. Furthermore, noise pollution associated with the construction phase of geothermal development, as with most

## RATIONALE/DISCUSSION

The Addendum is not adequate because, *inter alia*, it fails to address noise pollution associated with the construction and drilling phase of the geothermal wells.

## V. MATTERS APPEALED RE GRADING AND TREE REMOVAL

On May 24, 2022, the Appellant found out completely by chance that the Applicant planned to start staging equipment on May 31 and commence removing about 152 trees from the hillside site and begin grading on Monday, June 6 – BEFORE having an approved TTM, UP and Design Review, BEFORE obtaining an engineered grading permit, as required by the Resolution, before submitting Building Plans, and BEFORE the Town Council had an opportunity to consider any issues raised by the multiple appeals filed with the Council.

To make matters worse, it was discovered that dozens of trees marked for removal by the contractor (with orange X-es) were trees indicated on the applicant's Tree Removal and Retention Plan as being retained. Moreover, the Applicant's construction plans (page T4) showed trees for removal which were marked for retention on the Tree Removal and Retention plan approved by PEDC.

Moreover, without any transparency or notice to the public, it was learned that the Applicant, had applied to Public Works for a rough grading permit to remove trees and grade the hillside based, not on its current TTM, Use and Design Review Application, and the requirements of the Resolution and Municipal Code, but rather based on entitlements obtained in 2006 and 2007, extended in 2016 to January 12, 2021 by way of resolution, then extended again to July 12, 2022 based on California AB 1561.

The December 9, 2015 PEDC Staff Report states in part:

This proposal consists of amendments to the Mammoth Hillside Project, which was originally approved in 2006. Specifically, the applicant proposes revisions to the conditions of the approved resolutions, including Resolutions No. PEDC 2006-01, 2007-22, and 2008-02, which are associated with Tentative Tract Map 36-235, Use Permit 2005-09, Use Permit 2007-11, and Use Permit 2007-14. This report includes a summary of the project history and an analysis of the proposed amendments based on the application submitted. **The purpose of the resolution amendments is to address current market conditions and incorporate standard planning and engineering conditions.** No changes to the approved maps, site plan, or building design are proposed as a part of this application. Time Extension Request 15-003 proposes a five year extension of the entitlements to January 12, 2021.

It was reported at the hearing on the matter:

98. 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 22-002, UPA 22-001, DR 22-001, contained in the resolution recorded at the County Recorder's Office of Mono County as Document No. 2022xxxxxx, 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.

103. 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.

104. The grading plan shall include tree protection measures to address how construction can occur without disturbing the drip-line of retained trees. The dripline 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.

122. Construction activities related to the proposed geothermal wells shall be included within scope of work covered by the grading permit.

#### Mitigation Measures from 1999 SPEIR

5.3-1b: Prior to final approval of project development plans, the applicant shall submit a tree preservation and replacement plan pursuant to the Municipal Code, Zoning, requirements related to grading and clearing. The Preservation and Replacement Plan, including the type, size, number, and location of replacement trees shall be subject to the approval of the Town of Mammoth Lakes Community Development Director.

5.7-2b: The project operator shall provide grading plans and receive approval from the Town Engineer. Said plans shall also show that new slopes within the project area are designed pursuant to slope requirements set forth within the Specific Plan and the standards of the Town's Municipal Code.

5.8-2b: Prior to issuance of grading permits for individual development projects of five acres or greater in size, the project applicant/ owner shall file for a National Pollutant Discharge Elimination System (NPDES) permit with the Lahontan Regional Water Quality Control Board and abide by the conditions of the permit as issued. A copy of the Notice of Intent, Storm Water Pollution Prevention Plan, and Monitoring Plan shall be submitted to the Town of Mammoth Lakes Engineering Department prior to commencing grading operations.

5.8-2c: For individual development projects involving construction of six or more dwelling

condominium and hotel owners and guests, directly at odds with the concept and objectives of the NVSP and Mammoth Lakes General Plan.

5. Additionally, removal of trees and grading of the hillside without a hotel being constructed will dramatically and needlessly diminish values and revenues for the Westin Monache owners and hotel operation, as a bare graded hillside will diminish the views which the NVSP recognizes as important to preserve.

Unlike the Town, the Westin Monache ownership will have no reclamation or grading bond to protect it if it is forced to incur substantial costs and damages as a result of tree removal and hillside grading, and the Project is not ultimately built.

In conclusion, despite the concerns delineated in this Appeal, it is the desire of the Appellant to work cooperatively and transparently with the Applicant to resolve respective concerns and help bring to fruition a Project which will be to the ultimate benefit of all stakeholders, including the Applicant, the Westin owners and hotel operation, the Town, and the public at large.

Respectfully submitted,

Monache Condominium Owners Association, Inc.

# EXHIBIT A

**EXHIBIT “A”**  
**Resolution No. PEDC 2022-12**  
**Case No. TTM 22-002, UPA 22-001, DR 22-001**  
**CONDITIONS OF APPROVAL**

**STANDARD PLANNING CONDITIONS**

1. This approval authorizes the Limelight Hotel development project, a 185,754 square foot condominium hotel use comprised of a mix of hotel and residential uses including 151 hotel rooms and 15 for-sale residential condominium units for a total of 200 rooms. All amenities are oriented to hotel guests and residential owners and include full-time valet parking service, hotel lobby with a bar and lounge, town hall dining area, living room, meeting/conference rooms, ski club lounge, kid’s area, fitness center, an outdoor pool and jacuzzi deck, and outdoor seating.
2. The approved site and building plans include: Tentative Tract Map 22-002 Sheets T1 – T2, dated May 5, 2022, and the Project Plan Set dated April 1, 2022, including Site Plans, Floor Plans, Building Area and Lot Coverage Plan, Building Elevation Drawings and Perspectives, Building Section Drawings, Snow Management Plan, Shadow Analysis, Landscape Plans, Hardscape Plans, and Lighting Plans consisting of 49 sheets, and two color and material boards, as amended pursuant to these conditions of approval.
3. The following colors and materials shall be revised and approved by the Community and Economic Development Director prior to issuance of a building permit for the project:
  - The color and finish for the “Anodized Aluminum Screen” surrounding visible portions of the parking garage shall be changed to a darker color such as dark bronze and shall have a non-reflective finish.
  - The color of the proposed “DRYVIT EIFS – Wood Grain Finish” siding material shall be changed to darker wood tone with wood grain finish that has less orange/peach tone.
  - Applicant shall provide a 3’ by 3’ foot mock-up of the proposed stone material and installation to provide a realistic representation for review and approval by the Community and Economic Development (CED) Director.
  - Applicant shall provide a detailed elevation of the proposed retaining wall located at the corner of Canyon Boulevard and Lake Mary Road for review and approval to ensure the design diminishes the appearance of the overall height and provides pedestrian scale as recommended by ADP.
  - Applicant shall provide the proposed gate or roll-up door design for the service entrance portal off Canyon Boulevard for review and approval.
4. 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.
5. 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.



6. 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.
7. 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.
8. The site shall be maintained in a neat, clean and orderly manner. All improvements shall be maintained in a condition of good repair and appearance. Outdoor storage of equipment and other materials is prohibited, except as allowed through a temporary construction management plan approved by the Public Works Director.
9. 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.
10. All conditions of this permit shall be met or secured prior to final occupancy approval of any tenant improvements or new structures.
11. 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.
12. 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.
13. 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.
14. 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.
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. 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.
18. 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.
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. Water and sewer improvements require a construction permit from Mammoth Community Water District. Prior to the Town authorizing any construction, the applicant shall obtain water and sewer permits from Mammoth Community Water district and pay applicable fees to the District.
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 structures. Tenant improvements shall identify occupancy separation requirements, disabled access requirements and compliance with all applicable building, electrical, plumbing, and fire code requirements.
23. These 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.
24. 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**

25. The project shall comply with all applicable mitigation measures from the Subsequent Program Environmental Impact Report for the 1999 North Village Specific Plan Amendments. The applicable mitigation measures are included as conditions of project approval.
26. The area of disturbance for the two geothermal well drilling pads shall be limited to Parcel 1 and shall be located within the disturbed area for the hotel development. The drilling pads shall be constructed and then reclaimed or put to use within the

hotel development footprint.

27. 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.
28. As required by the North Village Specific Plan (NVSP), the applicant shall comply with NVSP Housing Policy #3 that prohibits construction workers who reside outside of Mono or Inyo County to be housed in the RMF-1 zoning district. Documentation of the provision of housing for contractor employees shall be provided to the Town, upon request.
29. Prior to the issuance of a building permit, the applicant shall provide evidence that the rooftop equipment complies with the Town's Noise Ordinance.
30. Hotel room stays shall be short-term and shall be limited to no more than 30-days at a time.
31. All condominium units within the project that are rented on a transient / nightly basis are subject to the regulations of the Town's Quality of Life Ordinance (Municipal Code Chapter 5.40).
32. The applicant shall submit Owner'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 a Certificate of Occupancy.
33. The project shall meet the requirements of Municipal Code Chapter 17.40 (Water Efficient Landscape Regulations), including the Landscape Documentation Package. A final landscape and irrigation plan shall be submitted to, and approved by, the Community and Economic Development Department prior to building permit issuance. Said landscape and irrigation plan shall substantially conform to the preliminary landscape plan approved by the Planning and Economic Development Commission. All landscape plantings shall be maintained in a healthy and growing condition at all times (as applicable for the season) and individual plants shall be replaced if they become diseased or die. Landscaping and irrigation systems within the public right-of-way within or adjacent to the project area shall be maintained by the property owner, with the exception of benefit assessment district areas.

Pursuant to the North Village Specific Plan, all trees greater than 12 inches dbh (diameter at breast height) that are required to be removed due to improvements, shall be replaced on a one-to-one basis either on-site or on an off-site approved by the Community and Economic Development Director. Trees recommended for removal based on health, overstock, etc. by a qualified professional are not required to be replaced. Trees used for revegetation and landscaping purposes shall be a minimum size of 2-inch caliper. Selective use of smaller native trees may be permitted. Shrubs used for revegetation and landscaping purposes shall be a minimum size of 2-gallon container category. If trees larger than 2-inch caliper are

used, the total number of replacement trees may be reduced, subject to approval by the Community and Economic Development Director.

34. Prior to issuance of a certificate of occupancy for the project, bicycle parking shall be reviewed and approved by the Community and Economic Development Department and installed/operational. Pursuant to Municipal Code §17.44.090.A, the project shall provide bicycle parking at a minimum rate of 0.2 bicycle parking spaces per hotel unit for a minimum of 33 spaces (166 units x 0.2 = 33.2 spaces). Of those 30 spaces, 15% are required to be for short-term use (generally less than 8 hours) and 85% are required to be for long-term use (generally all day, overnight, or seasonally).
35. Pursuant to Mitigation Measure 5.3-3c from the 1999 SPEIR (see attached Mitigation Measures), the project shall use minimally reflective glass and all of the window glazing shall meet the performance standards of HP Sun II, or equivalent, low-e factory installed gray tinted glass in order to reduce reflectivity. All interior lights shall be “ambient” lighting with the fixtures directed upwards onto the walls and ceilings so as not to be directly visible through windows. Canned, recessed lights should not be visible through the windows from outside of the building or off-site.
36. Sign permits are required prior to installation of any signage, and all signage shall comply with Municipal Code Chapter 17.48 (Signs) and the Town’s Design Guidelines. The monument sign will require approval from the Planning and Economic Development Commission Design Committee. Depending on the number and sign of the signs, a Master Sign Program may be required. The Master Sign Program will require subsequent review from the Community and Economic Development Department and approval from the Planning and Economic Development Commission.
37. All roof-mounted equipment shall be painted a neutral or dark color with a non-reflective finish.
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. Noise generated by the project shall meet the requirements of the Specific Plan and/or the Town’s noise regulations, as applicable.

#### **SPECIAL DISTRICT CONDITIONS**

40. Prior to combustible materials being placed on-site, an all-weather access road shall be maintained or be constructed that serves all exterior portions of the structure to the satisfaction of MLFPD. During demolition and construction of the project, clear access shall be provided for fire apparatus and a reliable water supply shall be available at all times.
41. Access to and circulation through the project site for emergency vehicles shall comply with all Mammoth Lakes Fire Protection District and Town requirements.

- Access for emergency vehicles shall be provided to all areas of the site, including, but not limited to, the interior central common area. All circulation/access roadways, bridges, etc. shall be constructed to support the weight of emergency vehicles pursuant to the Mammoth Lakes Fire Protection District requirements.
42. The parking structure shall comply with all applicable building and fire codes, including, but not limited to, egress requirements and fire sprinkler requirements dependent on the use and occupancy classification of the parking garage.
  43. Fire department connection's (FDC's) shall be provided in accordance with Mammoth Lakes Fire Protection District requirements. At a minimum, the FDC sites shall have a parking location outside of the roadway large enough for a large capacity fire engine and be located within 50-feet of a fire hydrant.
  44. A fire control room with exterior access in the vicinity of the primary Fire Department Connection (FDC) shall be provided. The final location and size shall be determined in conjunction with the Mammoth Lakes Fire Protection District.
  45. The Mammoth Lakes Fire Protection District reserves the right, at the owner's expense, to require the installation of a radio transceiver whenever a structure is constructed which inhibits standard portable two-way emergency radio communications.
  46. The project shall comply with all Wildland Urban Interface requirements including, but not limited to, construction techniques, materials, and vegetation requirements.
  47. Roof access shall be in accordance with all Mammoth Lakes Fire Protection District requirements
  48. Propane lines serving the project shall meet all fire and building code requirements and shall be equipped with a readily available 90-degree shut-off isolation valve on the exterior of the project and an excess flow valve designed into the system.
  49. Pursuant to CA Senate Bill 7, water sub-meters shall be required for each individual condominium unit. This shall be shown on the plumbing plans and installation shall be verified by the Mammoth Community Water District prior to issuance of a certificate of occupancy.

## **ENGINEERING DIVISION CONDITIONS**

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

50. 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.
51. 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.

52. 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.
53. All new utility lines within, adjacent to, or serving the site shall be placed underground.
54. The site grading design and all building construction shall conform to State and federal disabled access regulations.
55. Paved access is required to a maintained street. Street and traffic signs shall meet the California Manual of Uniform Traffic Control Devices (MUTCD).
56. 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 and/or community facilities district areas.
57. Rights of way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing shall be required as necessary.
58. Construction cost estimates for all required sureties shall be prepared and signed by a registered civil engineer. The estimates shall be a prevailing wage rates and the security shall include an additional 20% for construction contingencies and 20% for administrative costs and shall be reviewed and approved by the Public Works Director or designee prior to execution.

**THE 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. Slope rights adjacent to public rights of way shall be dedicated on the final map where necessary.
61. All easements and dedications shall be in a form and content acceptable to the Public Works Director.
62. 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.
63. 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.
64. A subdivision guarantee shall be issued and dated within 30 days prior to final map approval by the Planning and Economic Development Commission.
65. 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.

66. 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 wage rates 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.
67. Monumentation of the subdivision shall be installed in accordance with the Subdivision Ordinance of the Town, Ordinance 84-10. A street centerline monument well and monument shall be installed at the intersection of Canyon Boulevard and Lake Mary Road.
68. 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. The estimates shall be at prevailing wage rates and shall include 20% for construction contingencies and 20% for administrative costs.
69. 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).
70. 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 owner's statement on the final map shall reserve said easements unto themselves, their heirs and assigns.
71. 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.
72. The CC&Rs shall contain provisions granting rights of access and parking, as necessary, to the owners, tenants, and their guests, of the condominium units.
73. Existing CC&Rs, if any, encumbering the property shall be amended as necessary for the proposed development of this project.
74. 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.

75. 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.
76. As required by the Town's Subdivision Ordinance Section 17.20.160 and the most recent Town Council Resolution adopting a Schedule of Fees, 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.
77. 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 rights-of-way 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:**

78. Applicant shall be responsible for adhering to the Federal Migratory Bird Treaty Act and California Fish and Game Code Sections 3503 and 3503.5. It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird or bird-of-prey, except as otherwise provided by FGC or any regulation made pursuant thereto. Completion of, and submission to the California Department of Fish and Wildlife of, a nesting bird survey by a biologist with relevant qualifications within three days of initiation of site disturbance is recommended for projects that have the potential to disturb suitable nesting habitat, which may include riparian vegetation, mature trees, snags, and structures.
79. Applicant is responsible for compliance with the project SWPPP and the Guidelines for Erosion Control in the Mammoth area. This shall include submittal of a Report of Waste Discharge, if applicable.
80. If the project would disturb more than one acre, Applicant is responsible for obtaining a National Pollutant Discharge Elimination System (NPDES) permit. The NPDES permit shall be approved by the State Water Resources Control Board and Waste Discharger Identification (WDID) number issued prior to the issuance of a grading permit or building permit.
81. Applicant shall be responsible for obtaining a secondary source permit or letter of exemption from the Great Basin Unified Air Pollution Control District.
82. Construction of public water and sewer improvements shall require water and sewer construction 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.



83. All grading and public improvements, including driveways and parking areas, shall be consistent with the Town of Mammoth Lakes Standard Plans for Public Works.
84. 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.
85. Applicant shall submit an application for an engineered grading permit 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.
86. An engineered grading permit for the project shall not be issued unless one of the following has occurred:
  - a. Submission of a complete application for a building permit to the building division of the Community and Economic Development Department. The building official shall make the determination as to whether or not the application is complete; or
  - b. A form of security listed in Government Code Section 66499(a) and acceptable to the Town shall be posted to secure restoration and/or stabilization of the site. Construction cost estimates for all required sureties shall be prepared and signed by a registered civil engineer. The estimates shall be at prevailing wage rates and shall include 20% for construction contingencies and 20% for administrative costs and shall be reviewed and approved by the Public Works Director or designee prior to execution.
87. An encroachment permit or a letter of exemption shall be obtained from the Engineering Services Division of the Town prior to construction within the public right-of-way in accordance with Chapter 12.04 of the Municipal Code. Encroachment permit applicant shall include a traffic control plan as applicable.
88. 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.
89. 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.
90. 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.
91. 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.

92. Prior to approval of work in the Town right-of-way, 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.
93. 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.
94. Slope stability tests are required for all cuts greater than 2:1 or fills greater than 3:1 (H:V).
95. 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.
96. 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.

97. 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.
98. 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 both on-site and off-site, 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. Identified haul routes shall avoid residential areas to the maximum extent practical. The plan shall also contain provisions for interrupting utility services to neighboring properties and sufficient noticing to affected residents and property owners. 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.
99. 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 22-002, UPA 22-001, DR 22-001, contained in the resolution recorded at the County Recorder's Office of Mono County as Document No. 2022xxxxx, shall be made a part of these plans and 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.
100. Prior to combustible materials being placed on-site, an all-weather access road shall be identified or constructed serving all exterior portions of the structure to the satisfaction of MLFPD.
101. Existing Town streets and sidewalks/recreational trails/multi-use paths that require construction or reconstruction, shall remain open for traffic at all times, with adequate detours and traffic control, during actual construction.
102. The grading plan and building permit plans shall indicate all snow storage areas and drainage facilities.
103. All easements shall be shown on the grading and building permit plans.

104. 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.
105. 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:**

106. 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.
107. For all fences, retaining and screening walls greater than 48" in height above grade, the applicant shall submit plans to and obtain a building permit from the building division.

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

108. Recordation of the final map. The applicant shall provide evidence to the Town that the map has recorded prior to issuance of the first certificate of occupancy for the project. Evidence shall consist of the recording information of the final map.
109. 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.
110. 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.
111. The final condominium 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 condominium 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 condominium plans shall not occur prior to Town

- approval of the condominium plans. The condominium plans shall be recorded prior to issuance of a temporary, conditional, or final certificate of occupancy for the project.
112. Construction of private streets and private facilities and related drainage improvements shall be inspected and certified by the Public Works Director and/or designee.
  113. 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.
  114. 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.

#### **SPECIAL ENGINEERING CONDITIONS**

115. Prior to issuance of a building permit, applicant shall submit a snow removal/storage management plan for the hauling of snow in accordance with Municipal Code Section 17.36.110.B(3)(a) to the Community and Economic Development Department and Public Works Department for approval. 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. Pursuant to the North Village Specific Plan, the plan shall include provisions stating that snow and ice shall be removed daily and pedestrian areas shall be maintained in a safe condition. 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 cinder, and potential of heat-traced pavement. 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.
116. Applicant shall construct public improvements consisting of undergrounding of existing overhead utility lines, construction of sidewalk, curb, gutter, pedestrian ramps, retaining walls, storm drain and lighting, and a downhill left-turn lane into the project public entrance on Lake Mary Road (this could be an extension of the existing left-turn lane at Canyon Boulevard), additional or relocated street lighting along Canyon Boulevard, and a transit shelter on Canyon Boulevard near the northern property corner, in conformance with Town Standards and acceptable to the Public Works Director. An easement agreement shall be executed with the

Town, as necessary, to accommodate the transit shelter. The public improvement plans shall be prepared by a registered civil engineer and submitted to the Town for review and approval. Prior to issuance of a building or grading permit for the approved project, a form of security listed in Government Code Section 66499(a) and acceptable to the Town shall be posted to secure construction of the public improvements. The improvements shall be completed prior to issuance of certificate of occupancy. The security shall be released by the Town within 30 days of acceptance of the work. Prior to acceptance of the work, Applicant shall post a warranty surety for the required public improvements good for a period of one (1) year after the acceptance of the work by the Town.

117. Prior to issuance of grading permit, Applicant shall coordinate final Canyon Boulevard service entrance driveway design and any appropriate signage, to the satisfaction of the Public Works Department, to eliminate backing-up and turning movements of delivery/maintenance vehicles within Town right-of-way, and to minimize impact to pedestrian paths of travel. Maximum driveway width within Town right-of-way shall be 36ft in accordance with Town Standards. Driveway entrance shall also include an additional Town Standard street light.
118. Prior to issuance of sign permit(s) for a monument sign(s), Applicant shall coordinate final sign design, to the satisfaction of the Public Works Department, to clearly direct traffic west/uphill on Lake Mary Road toward the main project public entrance, rather than north onto Canyon Boulevard toward the project service entrance.
119. Prior to or concurrent with final map approval by Town staff, applicant shall execute a non-exclusive easement agreement with the Town, in a form and content acceptable to the Public Works Department, for the purposes of snow storage, for a minimum width of 10-feet beyond the edge of sidewalk along Canyon Boulevard and Lake Mary Road. Where determined necessary by the Town Engineer, additional easement width shall be provided. The easement agreement shall include provisions holding the Town harmless from any liability related to private improvements located within the easement area.
120. Existing public pedestrian infrastructure shall be maintained accessible to the public and in a safe and usable condition during construction, or adequate detour provided, to the satisfaction of the Public Works Department.
121. Applicant shall submit a petition to be annexed into the Town's Transit and Transportation Fee Community Facility District (CFD 2013-03), in consideration of: the Town's Vision Statement requiring a de-emphasis of the use of the automobile; occupancy and mode of travel expectations; and to mitigate the impacts of the project on air quality as required by CEQA. Annexation process shall be completed, and all fees associated with the annexation process paid by applicant, prior to 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.
122. Three (3) of the seven (7) parcels that form the project are currently a part of the North Village Benefit Assessment District, BAD 2002-2, which covers operation and maintenance of public improvements such as snow management, snow melt tubing, summer sidewalk sweeping, curb/gutter/sidewalk/driveway, hardscapes, landscaping, street lights, and banners. The remaining four (4) parcels shall be made

responsible for contributing to similar maintenance responsibilities. Because it is not desirable or practical to annex the four (4) parcels into the existing BAD, applicant shall instead submit a petition to be removed from the BAD, and shall submit a petition to form a **new** North Village Community Facilities District (CFD) for the operation, maintenance and repair, and snow removal, of the public improvements along the property frontages, including but not limited to sidewalk, heat trace, landscaping and irrigation, storm drain, and street lighting, or propose an alternative method of funding such operation, maintenance and repair, and snow removal, of the public improvements that is mutually agreeable to both the applicant and the Town. The removal and formation processes shall be completed, and all fees associated with the removal and formation processes paid by applicant, prior to final map approval by staff. The new CFD shall be referenced in the project CC&Rs, as well as in any disclosure documents required by the California Department of Real Estate, the Mello-Roos Community Facilities Act, or any other provision of law for the project.

123. Construction activities related to the proposed geothermal wells shall be included within scope of work covered by the grading permit.
124. Prior to or concurrent with final map approval by Town staff, applicant shall execute an easement agreement with the Town, in a form and content acceptable to the Public Works Department, for the purposes of permanent infrastructure, temporary construction, and public access related to future pedestrian bridge construction and maintenance, to be located in the vicinity of the northern property corner along Canyon Boulevard adjacent to the existing bridge reciprocal easements or as otherwise agreed. The easement agreement shall include provisions holding the Town harmless from any liability related to private improvements located within the easement area.
125. Portions of existing slope easements shall be vacated as required to accommodate building footprint as shown on the plans, and shall not be shown on the final map, and a statement shall be placed on the cover sheet of the final map indicating the deposition of the interest being abandoned in accordance with Section 66499.20.2 of the Subdivision Map Act.
126. An irrevocable offer of dedication for right of way shall be offered on the final map for right of way required for Canyon Boulevard, as shown on the plans. This irrevocable offer of dedication, along with any previously executed irrevocable offers of dedication, shall be accepted by the Town subject to Town acceptance of any required improvements. A statement to this affect shall be written on the cover sheet of the final map.
127. Easements and rights of way of record held by the Town that are abandoned, relinquished or vacated shall not be shown on the final map, and a statement shall be placed on the cover sheet of the final map indicating the deposition of the interest being abandoned in accordance with Section 66499.20.2 of the Subdivision Map Act.

#### **MITIGATION MEASURES FROM THE 1999 SPEIR**

The project shall comply with all applicable mitigation measures from the Subsequent Program Environmental Impact Report for the 1999 North Village Specific Plan Amendment (1999 SPEIR) including:

## **AESTHETICS/LIGHT AND GLARE**

- 5.3-1a: To the maximum extent practical, the proposed project shall retain forested areas, and the development shall remain subordinate to the natural character of the site and surrounding landscape.
- 5.3-1b: Prior to final approval of project development plans, the applicant shall submit a tree preservation and replacement plan pursuant to the Municipal Code, Zoning, requirements related to grading and clearing. The Preservation and Replacement Plan, including the type, size, number, and location of replacement trees shall be subject to the approval of the Town of Mammoth Lakes Community Development Director.
- 5.3-1c: Contour grading shall be used to blend manufactured slopes into the natural terrain. Grading shall be minimized to preserve existing landform and vegetation to the greatest extent possible.
- 5.3-1d: The landscape design for the site shall maximize the use of existing vegetation, and where new plants are introduced, they shall include, and/or blend with, plants native to the Mammoth Lakes environment. Landscape plans for the site shall be completed by a certified landscape architect.
- 5.3-1e: To the maximum extent practical, native trees and landscaping shall be concentrated around all structures located on the project site.
- 5.3-1f: Grading techniques shall be used which minimize the area of disturbance and shall incorporate such methods as decorative retaining walls rather than slopes to minimize the area of disturbance.
- 5.3-1j: Staging locations shall be indicated on project Building Permit and Grading Plans and shall be subject to review by the Town of Mammoth Lakes Community Development Director in accordance with Municipal Code requirements.
- 5.3-1k: Upon submittal of Final Development Plans to the Town for the individual development sites, the applicant shall demonstrate that long-range views of the Sherwin Range are incorporated into the project design.
- 5.3-1m: The buffer for properties adjacent to the specific plan boundaries shall be defined as a building setback area of not less than 20 feet to buildings up to 35 feet tall. Portions of buildings which exceed 35 feet adjacent to the Specific Plan boundaries shall require an additional setback of generally 1 foot for every two feet of building height beyond the 20-foot minimum setback. Trees shall be maintained within the buffer area, except for required vehicular and pedestrian access.
- 5.3-2b The architectural style for the development shall blend with the site's natural setting. Rooflines shall reflect (step down) the slope of the site, and natural "earth tone" colors and materials such as stone and wood shall be emphasized. Conformance shall be assured through the Town's design review procedures.
- 5.3-3a: The Design Guidelines shall require that all exterior lighting be designed and located so as to avoid intrusive effects on adjacent residential properties and undeveloped areas adjacent to the project site. Low-intensity street lighting and low-intensity exterior lighting shall be used throughout the development to the degree feasible. Lighting fixtures shall use shielding, if necessary, to prevent spill lighting on adjacent off-site uses.



- 5.3-3b: Lighting used for various components of the development plan be reviewed under North Village Specific Plan design guidelines which shall include review of light intensity levels, fixture height, fixture location, and design.
- 5.3-3c: The project shall use minimally reflective glass and all other materials used on exterior buildings and structures shall be selected with attention to minimizing reflective glare.
- 5.3-3d: Vegetative buffers shall be used to reduce light intrusion on residential development and on forested areas located adjacent to the project site.

## **TRAFFIC**

- 5.4-1c: Installation of a traffic signal at the intersection of Forest Trail/Main Street Mitigation Measure consistent with the Town of Mammoth Lakes' Developer Fee (DIF) Program, Project #Tc-05.
- 5.4-2c: Restripe roadway to include two travel lanes and a continuous left turn lane, or other measure designed to achieve an acceptable LOS (LOS D or better) on Meridian Boulevard from Majestic Pines to Old Mammoth Road.
- 5.4-2i: The Millers Siding/Lake Mary Road intersection shall be improved by the installation of a traffic signal, provision of dual southbound left turn lanes, and the provision on the westbound approach for one through lane and one dedicated right turn, or other measure designed to achieve an acceptable LOS (LOS D or better) at the Millers Siding/Lake Mary Road intersection.
- 5.4-5 The developer shall prepare and provide to the Town Engineer for review and approval, a Traffic Control Officer Monitoring Plan. The Plan shall outline at a minimum, scheduled days of monitoring together with a program to determine additional days of monitoring as may be determined by projected occupancy rates, performance criteria, duration of monitoring, and responsible parties.
- 5.4-6 New development shall participate on a fair share basis in the development and operation of a community-wide winter transit system to achieve the ridership levels assumed in the MTM.

## **AIR QUALITY**

- 5.5-1a: In order to reduce fugitive dust emissions, each development project shall obtain permits, as needed, from the Town and the State Air Pollution Control District (APCD) and shall implement measures during grading and/or construction of the individual development sites to ensure compliance with permit conditions and applicable Town and APCD requirements.
  - a. The individual development projects shall comply with State, APCD and Town dust control regulations, so as to prevent the soil from being eroded by wind, creating dust, or blowing onto a public road or roads or other public or private property.
  - b. Adequate watering techniques shall be employed on a daily basis to partially mitigate the impact of construction-generated dust particulates.
  - c. Clean-up on construction-related dirt on approach routes to individual development sites/improvements shall be ensured by the application of water and/or chemical dust retardants that solidify loose soils. These measures shall be implemented for construction vehicle access, as directed by the Town

Engineer. Measures shall also include covering, watering or otherwise stabilizing all inactive soil piles (left more than 10 days) and inactive graded areas (left more than 10 days).

- d. Any vegetative ground cover to be utilized on the individual development sites/improvements shall be planted as soon as possible to reduce the amount of open space subject to wind erosion. Irrigation shall be installed as soon as possible to maintain the ground cover.
  - e. All trucks hauling dirt, soil or other loose dirt material shall be covered.
- 5.5-1b: To reduce the potential of spot violations of the CO standards and odors from construction equipment exhaust, unnecessary idling of construction equipment shall be avoided.
- 5.5-2a: In order to reduce emissions associated with both mobile and stationary sources (i.e., wood burning stoves and fireplaces), all individual development projects shall adhere to the regulations contained in the *Air Quality Management Plan for the Town of Mammoth Lakes* and Chapter 8.30, *Particulate Emission Regulations*, of the Town's Municipal Code. The commercial use tenants throughout the Specific Plan area shall, at a minimum, include the following, as appropriate:
- Bicycle racks, lockers or secure storage areas for bicycles;
  - Transit access, including bus turnouts;
  - Site access design shall avoid queuing in driveways; and
  - Mulch, groundcover and native vegetation to reduce dust
- 5.5-2b: Each project shall contribute on a fair share basis to the Town's street sweeping operations in order to reduce emissions and achieve the required Federal standard.
- 5.5-2c: New development within the Specific Plan area shall not be permitted to utilize wood burning appliances unless the Federal standard is documented to not be exceeded.

## NOISE

- 5.6-1a: Pursuant to Chapter 8.16.090 of the Town's Noise Ordinance, construction activities shall be limited to the hours of 7:00 a.m. to 10:00 p.m. Monday through Saturday and prohibited on Sunday or holidays, or as otherwise permitted by Chapter 8.16.090. with the exception of the well drilling activities as approved by the Town Public Works Department.
- 5.6-1b: Construction equipment shall be muffled or controlled if required, to meet Chapter 8.16 requirements for maximum noise generated by construction equipment. Contracts shall specify that engine-driven equipment be fitted with appropriate noise mufflers.
- 5.6-1c: The construction contractor shall provide temporary sound barriers around pile driving and well drilling sites to the satisfaction of the Town Engineer, if required to meet Chapter 8.16 requirements.
- 5.6-2a: The proposed project shall be located or architecturally designed to reduce the project noise impacts upon properties adjacent to each master planned area or project property line, such that the exterior noise levels will not exceed Town Noise Ordinance requirements for an urban and multiple family setting. Design features

- could include setbacks, berms, landscaping, and architectural features, adjacent to both arterial and interior streets.
- 5.6-2b: Multi-family buildings shall be located or architecturally designed so the interior noise level will not exceed 45 Ldn. As a minimum, multi-family housing shall comply with Title 24 of the California Code of Regulations.
- 5.6-3a: Prior to Final Development Plan approval for individual development projects within the Specific Plan area, a subsequent noise analysis shall be prepared, to the satisfaction of the Town Engineer, which demonstrates the site placement of stationary noise sources would not exceed criteria established in Section 8.16 of the Town's Noise Ordinance Code at perimeter property lines of master planned areas or projects.
- 5.6-3b: Prior to Final Development Plan approval for individual development projects within the Specific Plan area, a subsequent noise analysis shall be prepared, to the satisfaction of the Town Engineer, which demonstrates the site placement of PA systems entertainment venues or other stationary noise sources would not exceed criteria established within the State Noise Insulation Standards (California Code of Regulations, Title 24) for adjacent residences.
- 5.6-3c: Outdoor PA systems shall not be permitted to operate between the hours of 10:00 p.m. and 7:00 a.m. and shall not exceed the Town's Noise Ordinance standards at perimeter property lines of master planned areas or project property lines. Adherence with this measure is subject to periodic site inspections by the Town of Mammoth Lakes.
- 5.6-3d: Directional speakers shall be shielded and/or oriented away from off-site residences to the satisfaction of the Town Building Inspector.

## **GEOLOGY AND SEISMICITY**

- 5.7-1: Prior to issuance of grading or building permits, geotechnical studies shall be completed, and their recommendations shall be incorporated in the project design, as required by the Town's Safety Policy #26.
- 5.7-2a: Soils and foundation analyses shall be approved by Town staff prior to final project design approval, as required by the Town's Safety Element. All measures required by the Town shall be incorporated into final grading and building plans.
- 5.7-2b: The project operator shall provide grading plans and receive approval from the Town Engineer. Said plans shall also show that new slopes within the project area are designed pursuant to slope requirements set forth within the Specific Plan and the standards of the Town's Municipal Code.
- 5.7-2c: All work shall be overseen by a licensed Civil Engineer (CE), Certified Engineering Geologist (CEG), or similar appropriately qualified professional, who shall report to the Town Engineer in order to ensure the standards of the applicable codes are met.
- 5.7-4: A comprehensive Erosion and Sediment Transport Control Plan shall be prepared by the project operator and approved by the Town Engineer prior to the issuance of any grading or building permits. The Plan shall be included in the project design, as required by the Town's Safety Element. The Plan shall also meet the requirements of the Regional Water Quality Control Board and the Town Municipal Code.

- 5.7-6: The project applicant operator shall complete the geotechnical studies and incorporate their recommendations in the project design, as stipulated in the Town's Safety Policy #26. All structures shall be designed and built to at least the standards of UBC Seismic Zone 4.
- 5.7-7: The project operator shall cooperate with the Town in designing and disseminating information to assist citizens and visitors in responding to emergency situations that are likely to arise. All structures shall be designed and built to at least the standards of the current Building Code Seismic Zone 4.

## HYDROLOGY AND DRAINAGE

- 5.8-1: All drainage collection, retention, and infiltration facilities on the site shall be constructed and maintained in accordance with the *Mammoth Lakes Storm Drain Master Plan (SDMP)* and shall be designed in accordance with the *Master Plan Design Manual*, to the satisfaction of the Town of Mammoth Lakes Town Engineer, prior to the issuance of grading permits.
- 5.8-1b: A more complete hydrology analysis for design purposes shall be required to be completed to estimate the amounts of runoff which will be required to be retained on-site for each development. The analysis shall be approved prior to issuance of a grading permit.
- 5.8-1c: The following water conservation procedures shall be incorporated into project elements where feasible:
- Landscape with low water-using plants;
  - Install efficient irrigation systems that minimize runoff and evaporation and maximize the water that will reach the plant roots, such as drip irrigation, soil moisture sensors, and automatic irrigation systems; and
  - Use pervious paving material whenever feasible.
- 5.8-2a: An Erosion and Sediment Control Plan shall be prepared by the project proponents prior to issuance of grading permits. The Plan shall be reviewed and approved by the Town of Mammoth Lakes and the Lahontan Regional Water Quality Control Board and be in accordance with the erosion control guidelines as contained in the *Mammoth Lakes SDMP* and be in compliance with the Water Quality Control Plan (for the Lahontan Region [Basin Plan]). General grading activities, including those related to demolition and construction, would be regulated by the current Building Code and Town of Mammoth Lakes Grading Ordinance. The required Erosion and Sediment Control Plan shall outline methods that will be implemented to control erosion and sediment transport from graded or cleared portions of the individual redevelopment/ improvement sites.
- 5.8-2b: Prior to issuance of grading permits for individual development projects of five acres or greater in size, the project applicant/ owner shall file for a National Pollutant Discharge Elimination System (NPDES) permit with the Lahontan Regional Water Quality Control Board and abide by the conditions of the permit as issued. A copy of the Notice of Intent, Storm Water Pollution Prevention Plan, and Monitoring Plan shall be submitted to the Town of Mammoth Lakes Engineering Department prior to commencing grading operations.
- 5.8-2c: For individual development projects involving construction of six or more dwelling units or commercial developments that involve soil disturbance on 3 acre or more,

a Waste Discharge Report (related to soil disturbance) shall be prepared by the individual project applicant(s) and submitted to the Lahontan Regional Water Quality Control Board not less than 90 days before the intended start of construction activities of a new development to obtain a Waste Discharge Permit to be issued or waiver to ensure that proper control measures for the protection of water quality are taken and adhered to during all phases of the development project. A copy of the Waste Discharge Report shall be submitted to the Town of Mammoth Lakes engineering division prior to issuance of a grading permit for the project.

5.8-2d: The Report of Waste Discharge shall contain a description of, and time schedule for implementation, for both the interim erosion control measures to be applied during project construction, and short- and long-term erosion control measures to be employed after the construction phase of the project. The descriptions shall include appropriate engineering drawings, criteria, and design calculations. The report guidelines are as follows:

- Drainage collection, retention, and infiltration facilities shall be constructed and maintained to prevent transport of the runoff from a 20-year, 1-hour design storm from the project site. A 20-year, 1-hour design storm for the Mammoth Lakes area is equal to 1.0 inch (2.5 cm) of rainfall in 1 hour.
- Surplus or waste materials shall not be placed in drainage ways or within the 100-year flood plain of surface waters.
- All loose piles of soil, silt, clay, sand, debris, or earthen materials shall be protected in a reasonable manner to prevent any discharge to waters of the State.
- Dewatering shall be done in a manner so as to prevent the discharge of earthen materials from the site.
- All disturbed areas shall be stabilized by appropriate soil stabilization measures by October 15 of each year.
- All work performed between October 15th and May 1st of each year shall be conducted in such a manner that the project can be winterized within 48 hours.
- Where possible, existing drainage patterns shall not be significantly modified.
- After completion of a construction project, all surplus or waste earthen material shall be removed from the site and deposited at a legal point of disposal.
- Drainage swales disturbed by construction activities shall be stabilized by the addition of crushed rock or riprap, as necessary, or other appropriate stabilization methods.
- All non-construction areas shall be protected by fencing or other means to prevent unnecessary disturbances.
- During construction, temporary erosion control facilities (e.g., impermeable dikes, filter fences, hay bales, etc.) shall be used as necessary to prevent discharge of earthen materials from the site during periods of precipitation or runoff.

- Revegetated areas shall be regularly and continually maintained in order to assure adequate growth and root development. Physical erosion control facilities shall be placed on a routine maintenance and inspection program to provide continued erosion control integrity.
  - Where construction activities involve the crossing and/or alteration of a stream channel, such activities shall be timed to occur during the period in which streamflow is expected to be lowest for the year.
- 5.8-3: Best Management Practices (BMPs) shall be implemented as part of future individual development sites to the satisfaction of the Lahontan Regional Water Quality Control Board and NPDES Program requirements in order to protect the receiving waters from degradation and correct existing problems. BMPs include structural controls such as retention/detention basins, oil-water separators, which could be implemented in the overall design of the proposed drainage facilities for individual development sites.

## **BIOLOGICAL RESOURCES**

- 5.9-2a: The project shall preserve existing native vegetation to the maximum extent feasible. Landscaping shall emphasize the use of native plants indigenous to the Jeffrey Pine-Fir Forest plant community. Whenever possible, native plants used on-site shall be selected for their replacement habitat value. Site designs shall be subject to the Design Review procedure of the Town.
- 5.9-2b: Landscape materials shall be used that allow for the protection and preservation of existing trees. Native plant species, preferably from seed or cuttings from local plants, shall be used where possible. The Landscape Plan shall be approved by the Planning Director prior to issuance of any construction permits.
- 5.9-2c: Irrigation, fertilization and other landscape management practices shall be designed to minimize effects on existing trees and other vegetation.
- 5.9-2d: To the extent possible, native vegetation shall be retained and protected during construction. A Revegetation Plan, prepared by a qualified Landscape Architect and approved by the Town of Mammoth Lakes, shall be completed prior to the commencement of the project, which will describe in detail the species of trees and shrubs that will be used, where they will be planted and in what numbers, and the methods of planting and maintenance, which will ensure successful growth. It shall include a monitoring program to follow the progress of new plantings and ensure replacement of unsuccessful plants. Landscaping with native species of trees and shrubs shall be undertaken to enhance wildlife use of cleared areas.
- 5.9-2e: Under AB3180, once mitigation plans designed to off-set habitat losses are approved and the specific areas where they will be located are identified, the proponent must provide a program to monitor their progress for a period of time (usually three to five years) deemed sufficient by the Planning Director to assure their successful development. Adequate security shall be deposited with the Town to ensure successful implementation of this measure.
- 5.9-2f: All construction activities, including movement and storage of vehicles and the storage of building and other materials, shall be confined to areas slated for development. Care shall be taken during construction to avoid damage to vegetation and habitats not directly involved in project construction. Any vegetation

inadvertently damaged outside of the area slated for development shall be replaced on a one-to-one basis on- or off-site. Off-site replacement shall require the approval of the Town Planning Director.

- 5.9-2g: To prevent erosion and siltation into intermittent creeks, areas cleared of vegetation, fill or other materials shall be stabilized after clearing and grading. Hay bales, silt screens or similar devices shall be used to prevent siltation. To further protect the drainage system and prevent erosion, all grading and construction shall be completed during the summer months, or after October 15 of each year be in a condition to be stabilized within 48 hours should inclement weather threaten.
- 5.9-2h: A Forest Condition Survey shall be conducted by a professional forester and approved by the Town of Mammoth Lakes, prior to the commencement of each individual development project. All trees greater than 12-inches dbh (diameter at breast height (54 inches above ground)) and significant stands on each project site shall be mapped prior to issuance of grading permits or clearing. A registered forester or arborist shall then determine the age and condition of these trees and whether they should be retained or removed based upon health and visual significance of the trees, except for removal required by approved improvements. Once this determination is made, those trees shall be retained and integrated into the design of each project. A program of specific protection measures shall be prepared by the developer and approved by the Town prior to issuance of any construction permits (e.g., construction fencing, grading controls, grading design, etc.). Any trees removed unavoidable by each final project approval shall be in accordance with Town policies. Off-site replacement shall require approval by the Town's Planning Director.
- 5.9-2i: Slash generated from construction or thinning operations shall be hauled from the site concurrent with the operation to prevent a breeding site for IPS. Logs shall be removed from the site as soon as possible.
- 5.9-2j: Construction and site development, such as grading shall be prohibited within the dripline of retained trees. Equipment shall not be stored or driven under trees. Grading shall not cover the ground surface within the dripline of existing trees. Grading limits shall be clearly defined and protected.

## **PUBLIC SERVICES AND UTILITIES**

- 5.10-1a: Each project shall contribute a fair share financial contribution for an emergency services facility (fire and police) to be located on the site of Fire Station No. 1 on Main Street.
- 5.10-1b: Access roads to all structures, and areas of use, shall comply with Mammoth Lakes Fire Protection District Ordinance 98-01.
- 5.10-1c: An approved water supply system capable of supplying required fire flow for fire protection purposes, as determined by the Fire District, shall be provided.
- 5.10-3: Developer Fees for commercial uses and foot for residential uses (condominiums).
- 5.10-4a: The project proponent shall contribute a fair share financial contribution in accordance with the Town's DIF Mitigation Program established under Resolution 98-06.

- 5.10-7: The project applicant shall pay the appropriate fees to the MCWD. All new wastewater conveyance facilities shall be located within public rights-of-way or utility easements.
- 5.10-8: The project applicant shall pay the appropriate fees to the MCWD. All new water conveyance facilities shall be installed within public rights-of-way or utility easements.
- 5.10-9: Prior to issuance of a building permit, the applicant shall provide an Integrated Solid Waste Management Plan (ISWMP) consistent with the Town's SRRE. The plan shall address, at a minimum, the following measures: construction demolition; recycling; composting; source reduction programs; storage areas for collected recyclable materials, and disposal of hazardous waste materials used on-site.

## **CULTURAL RESOURCES**

- 5.11-1e: In the event that a material or potential cultural significance is uncovered during grading activities on the project site, all grading in the area of the uncovered material shall cease and the project operator shall retain a professional archaeologist to evaluate the quality and significance of the material. Grading shall not continue in the area where a material of potential cultural significance is uncovered until resources have been completely removed by the archaeologist and recorded as appropriate.
- 5.11-2: If human remains are discovered, work shall cease, and an appropriate representative of Native American Indian Groups and the County Coroner shall both be informed and consulted.

(END)



## EXHIBIT B

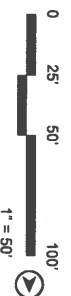
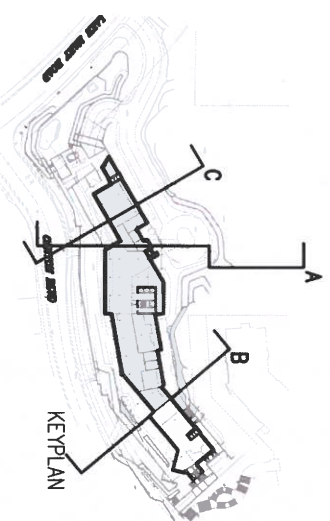
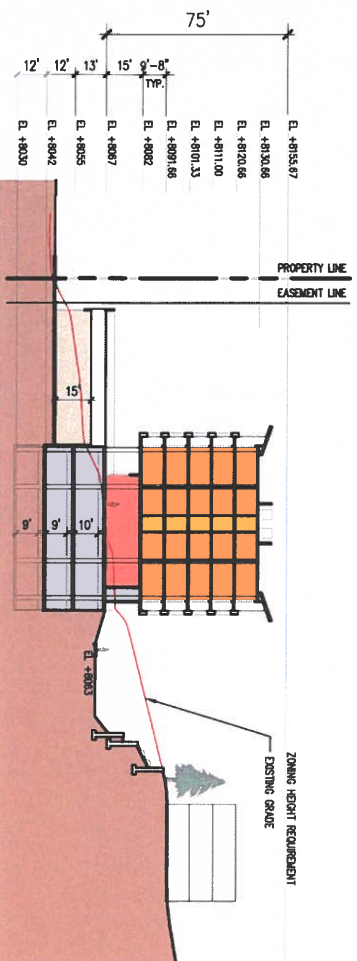
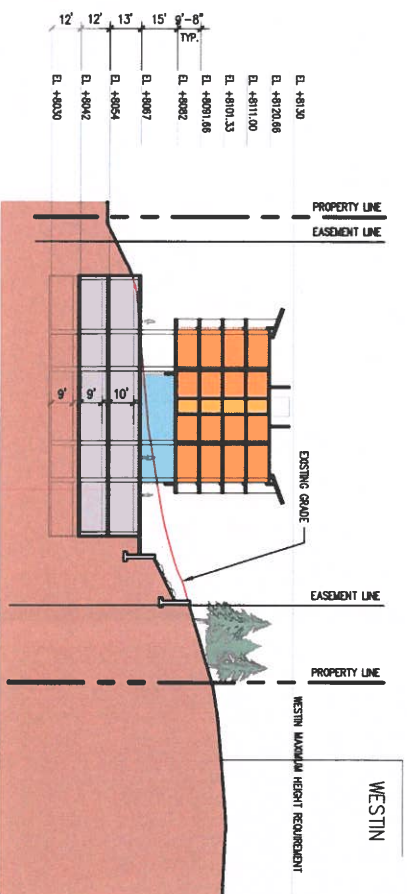
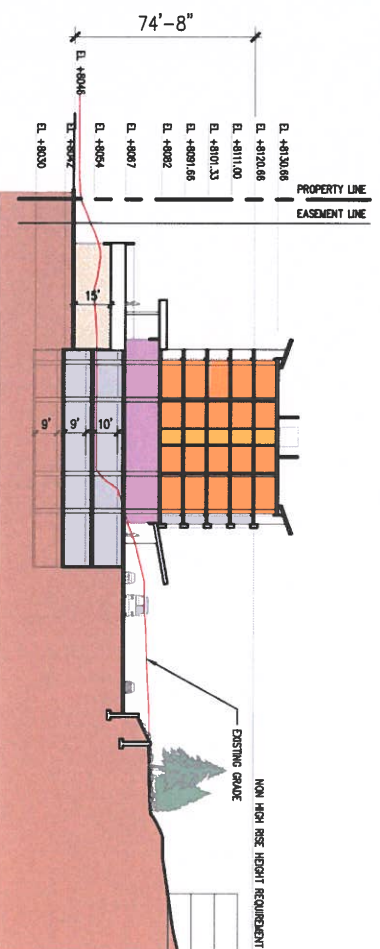
RENDERING - CANYON BLVD NORTH



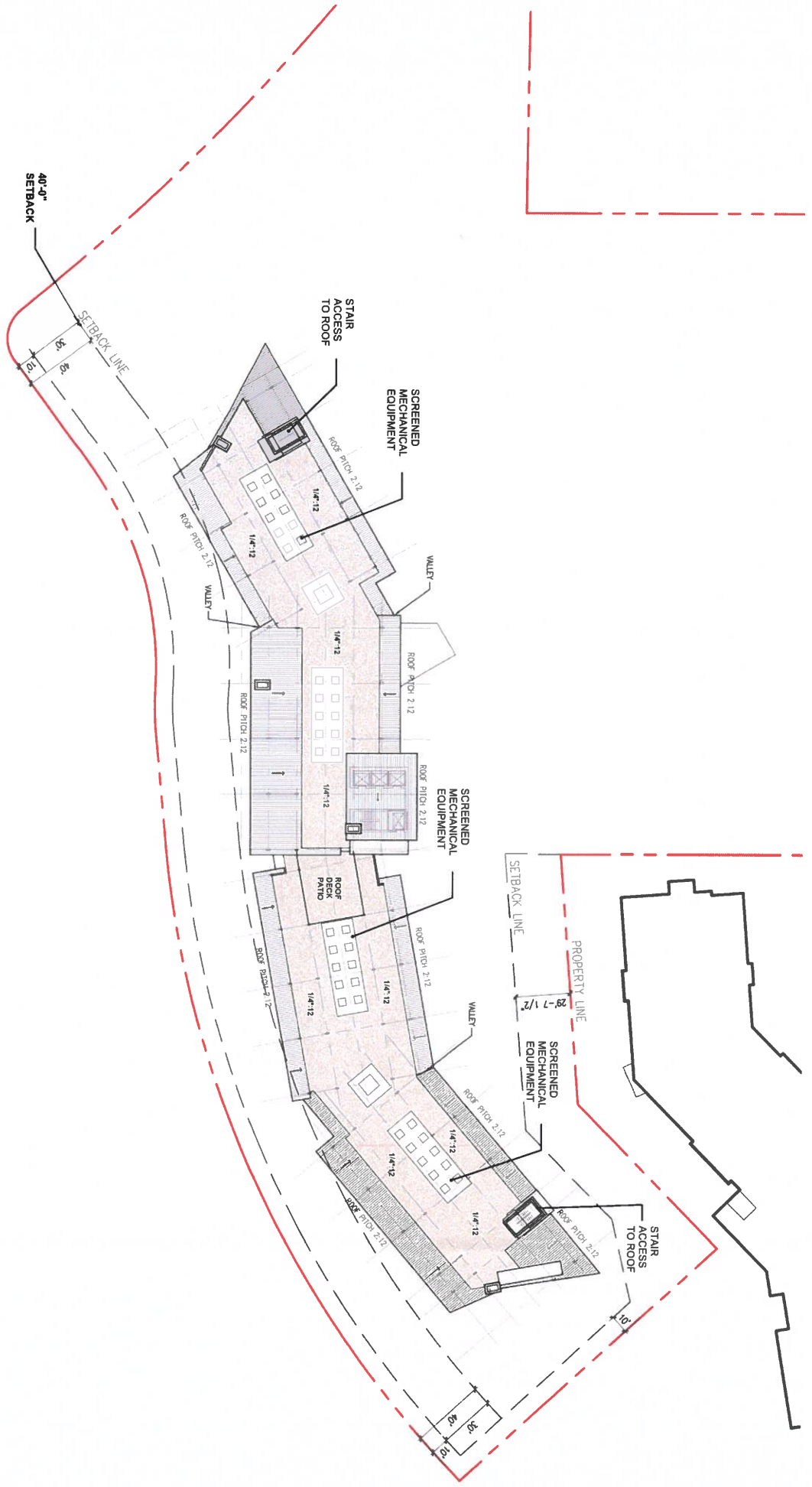
LIMELIGHT CONCEPT DESIGN | NOVEMBER 20, 2020



# SECTIONS



# ROOF PLAN



# EXHIBIT C



