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

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RESOLUTION NO. PEDC 2024-05

**A RESOLUTION OF THE MAMMOTH LAKES PLANNING AND
ECONOMIC DEVELOPMENT COMMISSION
APPROVING TENTATIVE TRACT MAP (TTM) 24-002,
USE PERMIT (UPA) 24-001, AND DESIGN REVIEW (DR) 24-001 FOR
THE ROCKSPRING RESORT CONDOMINIUM DEVELOPMENT PROJECT
LOCATED IN THE NORTH VILLAGE SPECIFIC PLAN (NVSP)
RESORT GENERAL ZONING DISTRICT
AT 6060, 6042, AND 6040 MINARET ROAD
(APNs: 033-043-003-000, 033-043-001-000, 033-043-002-000)**

WHEREAS, a request for consideration of a Tentative Tract Map, Use Permit, and Major Design Review application was filed by 6060 Minaret, LLC, for the “Rockspring” resort condominium development project, comprised of 118 for-sale resort condominium units, with a total of 198 bedrooms. Parking for the development is located within an understructure parking garage that accommodates 127 vehicles, and an exterior parking area with 14 vehicle parking spaces. All site amenities are oriented to condominium owners and guests, including a reception lobby, restaurant and dining area, accessory retail, fitness center, sauna, outdoor pool and spa, cold plunge, and outdoor lounge areas. The application was submitted in accordance with the North Village Specific Plan and Chapters 17.68 (Use Permits) and 17.88 (Design Review) of the Town of Mammoth Lakes Municipal Code, for property located within the Resort General (RG) zone of the North Village Specific Plan (NVSP) at 6060, 6042, and 6040 Minaret Road; and

WHEREAS, the Planning and Economic Development Commission conducted a duly noticed public hearing on the application request on April 10, 2024, at which time all those desiring to be heard were heard; and

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

1. The staff report to the Planning and Economic Development Commission with exhibits;
2. The General Plan, State Subdivision Map Act, North Village Specific Plan, Municipal Code, North Village Design Guidelines, Subdivision Ordinance, and associated Land Use Maps;
3. CEQA conformance review document;
4. The 1999 North Village Specific Plan Subsequent Program Environmental Impact Report (SCH #99-092082), incorporated herein by reference;

5. Oral evidence submitted at the hearing;
6. Written evidence submitted at the hearing; and
7. Project plans consisting of:
 - a. Tentative Tract Map Sheet C0.0, dated April 14, 2023;
 - b. Project plan set date stamped March 18, 2024, consisting of 43 sheets; and
 - c. Color and Material Board, date stamped December 15, 2023.

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

SECTION 1. FINDINGS.

I. CEQA.

On November 15, 2000, the Town Council certified the Subsequent Program Environmental Impact Report for the 1999 North Village Specific Plan Amendment project (1999 SPEIR) (SCH #99-092082). The 1999 SPEIR reviewed the existing conditions and conclusions of the original 1991 EIR and 1994 EIR Addendum, analyzed potential environmental impacts associated with the 1999 North Village Specific Plan (NVSP) Amendment in comparison to the previous environmental documentation, and identified mitigation measures to reduce potentially significant impacts. The 1999 SPEIR analyzed the potential impacts of developing the entire NVSP area with the maximum intensity permitted under the NVSP development standards. That amendment involved modifications to circulation and parking, height limitations, development opportunities, and setbacks and included the majority of the development standards and uses that are currently applicable. The 1999 SPEIR found that all impacts, with the exception of Air Quality, would be less than significant through compliance with existing standards and regulations and through the incorporation of the mitigation measures (modified as necessary) imposed under the 1991 EIR and 1994 EIR Addendum. The 1999 SPEIR concluded that impacts to Air Quality would be significant and unavoidable and that the project would contribute on some level to the ongoing violation of the state and federal PM₁₀ standards.¹

The proposed Rockspring resort condominium development project is consistent with all applicable development standards of the NVSP, is consistent with the scope and intensity of development analyzed for the site in the 1999 SPEIR and will not result in any new environmental effects that were not previously analyzed in the certified 1999 SPEIR (SCH #99-092082). Pursuant to CEQA Guidelines §15168[c][2], when a project will not result in any new environmental effects that were not previously analyzed in a certified Program EIR, no new environmental compliance document is required since the scope and intensity of the project was fully covered by the 1999 SPEIR and none of the criteria outlined in CEQA Guidelines §15162, has occurred, as discussed below:

¹ The Town was re-designated by the United States Environmental Protection Agency (EPA) as “in attainment” for the federal air quality standard for particulate matter less than 10 microns (PM₁₀).

- a. There are no substantial changes to the project from what was analyzed in the 1999 SPEIR that will require revisions to the previous EIR, and therefore, no new significant environmental effects or a substantial increase in the severity of previously identified significant effects will occur. The project is consistent with all applicable NVSP development standards specific to the Dempsey/Nevados site (Parcel 38) and the resort General (RG) zone, including, but not limited to, density, site coverage, building area, building height, setbacks, and parking, and the 1999 SPEIR found that the potential impacts from a project at this site that conforms to all of the development standards would result in less than significant impacts with the incorporation of the mitigation measures imposed under the 1999 EIR and 1994 EIR Addendum.
- b. There are no substantial changes with respect to the circumstances under which the project is being undertaken that will require major revisions to the previous EIR since the project site remains in a similar condition as it was when it was originally analyzed in the 1999 SPEIR and the project, as proposed, is consistent with what was analyzed in the 1999 SPEIR for the site. Additionally, no changes or amendments to the 1999 SPEIR with respect to the project site have occurred. Therefore, since the circumstances under which the project is being undertaken remain unchanged, no new significant environmental effects or a substantial increase in the severity of previously identified significant effects are anticipated to occur.
- c. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, to show that:
 - (1) The project will have one or more significant effects not previously discussed in the EIR since, as described in the Rockspring resort condominium development project CEQA Conformance Documentation, no changes have occurred with respect to the intensity of the development that was previously analyzed in the 1999 SPEIR and all potential environmental effects were found to be adequately analyzed in the 1999 SPEIR;
 - (2) Significant effects previously examined will be substantially more severe than shown in the previous EIR. As discussed in the Rockspring resort condominium development project CEQA Conformance Documentation, only impacts with regard to Air Quality were found to be significant in the previously certified 1999 SPEIR, and the potential impacts with regard to Air Quality from the proposed project were found to have been covered in the 1999 SPEIR since the project is within the scope of development that was intended for the project site;
 - (3) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative. The mitigation measures in the 1999 SPEIR reduce all potential impacts to a less than significant level, with the exception of impacts related to Air Quality, which were found to be significant due to ongoing region-wide violations of the State and Federal

PM₁₀ standards and no mitigation measure or alternative would adequately reduce that impact to a less than significant level, and therefore, there are no additional mitigation measures or alternatives that would be feasible that would reduce one or more significant effects of the project; and

- (4) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR and would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative. The mitigation measures in the 1999 SPEIR reduce all potentially significant impacts to a less than significant level, with the exception of impacts related to Air Quality, which were found to be significant due to ongoing region-wide violations of the State and Federal PM₁₀ standards and no mitigation measure or alternative would adequately reduce that impact to a less than significant level. Therefore, there are no other mitigation measures or alternatives from those analyzed in the 1999 SPEIR which would reduce one or more significant effects on the environment.

Therefore, since none of the criteria in CEQA Guidelines §15162 apply in this instance, and the scope and intensity of the project was fully covered by the 1999 SPEIR, no new environmental compliance document is required pursuant to CEQA Guidelines §15168[c][2]. The applicable mitigation measures from the 1999 SPEIR remain applicable and are included as conditions of approval for the project.

II. MUNICIPAL CODE FINDINGS.

A. FINDINGS FOR USE PERMIT (Municipal Code Section 17.68.050)

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

The proposed resort condominium use is consistent with the 2007 General Plan in that the North Village Specific Plan Land Use Designation is described in the General Plan as a designation intended to create a visitor-oriented entertainment, retail and, lodging district with uses including hotels, and similar visitor accommodations along with supporting restaurants, retail, and other services. The General Plan states that the specific allocation of density, location of uses, and development standards are contained in the Specific Plan.

In addition to being consistent with the applicable land use designation, General Plan policies with which the project is consistent include, but are not limited to the following:

Economy Element

- Policy E.1.D, “*Encourage restaurants, retail, entertainment, lodging, and services.*” The project is a new resort condominium use with amenities oriented to owners and guests of the “Rockspring” project.
- Policy E.3.C, “*Support development of major public and private facilities that contribute to destination resort visitation in Mammoth Lakes.*” The proposed resort condominium development is conveniently located within walking distance to The Village and the gondola building and provides unique on-site amenities including a courtyard design that incorporates formal landscape,

swimming pool, two cold plunges, two hot pools, and a sauna. The project would increase lodging capacity within the Town and thereby contributes to destination resort visitation.

Community Design

- Policy C.2.A, *“Create well-designed and significant public spaces in resort/commercial developments to accommodate pedestrians and encourage social interaction and community activity.”* The site design incorporates connections to the public sidewalk which invites pedestrians onto the property walking paths. A meandering walkway and a forest garden with seating opportunities provide opportunities for pedestrians to detour from the busy sidewalk along Minaret Road. The design of the central courtyard within the project provides formal landscape around open-air seating and fire features, which invites social interaction and gathering spaces, which may also be used for small events.
- Policy C.2.F, *“Improve visual appearance as well as pedestrian access and activity by requiring infill development patterns. Encourage rehabilitation and reorientation of existing strip commercial development consistent with neighborhood and district character.”* The project results in redevelopment of the subject site, which is partially developed with a real estate sales office, a restaurant, and paved parking areas. The proposed project will improve the site with a lodging use that provides improved pedestrian connectivity and within the project site and to the rest of the North Village district.

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 area, building height, setbacks, and parking.

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

The proposed use and the conditions under which it will be operated or maintained will not be detrimental to the public health and safety nor materially injurious to properties or improvements in the vicinity because the proposed resort condominium use is compatible with the adjacent residential condominium property (Viewpoint Condos) located east of the site. The resort condominium use is also compatible with the adjacent lodging use (Alpenhoff Lodge) located on the north side of the property.

The proposed development is consistent with the intended uses for the Dempsey/Nevados (Parcel 38) site as specified in the North Village Specific Plan (NVSP), Resort General (RG) zoning designations, and complies with the development standards as specified in the NVSP for the subject site and evaluated in the 1999 SPEIR.

Construction of the proposed project is required to comply with the conditions of approval for the project, which include applicable mitigation measures adopted for the certified Subsequent Program Environmental Impact Report for the 1999 North Village Specific Plan Amendment project (1999 SPEIR) (SCH #99-092082).

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

The proposed Rockspring resort condominium development project adheres to all of the development standards of the North Village Specific Plan including, the provision of an adequate amount of understructure parking for the proposed use. Site improvements that benefit the surrounding developments and pedestrian connectivity include a new sidewalk along the south property frontage and the creation of a woodland garden with meandering pathway at the southwest corner of the project.

The resort condominium use will increase lodging capacity within close proximity to The Village core, where lodging uses are encouraged and anticipated in the NVSP and General Plan.

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

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

The project is consistent with the applicable standards and requirements of the Mammoth Lakes Zoning Code because the subject property is zoned North Village Specific Plan (NVSP), and the specific allocation of density, location of uses, and development standards are contained in the Specific Plan.

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. Additionally, affirmative findings for approval of the project have been made as required by the Municipal Code, for a Use Permit and Tentative Tract Map.

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

The Rockspring project is consistent with the 2007 General Plan land use designation for the site, which is designated North Village Specific Plan (NVSP), because the proposed resort condominium use is a permitted land use within the Resort General (RG) zone of the NVSP, and the proposed density is consistent with the maximum allowable density permitted for the Dempsey/Nevados (Parcel 38) site.

The project would implement the goals and objectives identified for the North Village Specific Plan (NVSP) and the North Village District (*General Plan Neighborhood and District Character Element*) by providing a resort condominium lodging use that results in increased lodging capacity within the North Village and thereby, supports visitation as anticipated for a resort destination. The proposed development provides amenities oriented to guests of the project as well as improvements to pedestrian connectivity through the addition of sidewalk and internal pedestrian pathways through the hotel grounds. The site design as a whole encourages social gathering and pedestrian activity.

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) the site design takes advantage of the topography of the site in

that the understructure parking garage is the footprint for the entire development which provides the required number of vehicle spaces while allowing for the creation of the central courtyard of the project to provide ample outdoor gathering spaces and guest amenities; (2) the roofline of the hotel provides variation through the segmented building design and varied wall heights and wall offsets; (3) the mass of the structure is minimized with the reduced structure height at the restaurant/reception building and through incorporation of building offsets and changes in siding material and color, as well through the placement of recessed and extended balconies; (4) the base of the building is scaled to the pedestrian form through the use of highly textured and integrally colored concrete base material, as well as incorporation of a pedestrian arcade located at the front of the project which frames the storefront windows of the restaurant/reception building. Additionally, festoon lighting is proposed within the central courtyard to create an inviting gathering area; (5) the materials and colors are appropriate to The Village setting since they are made up of neutral and warm earth-tone colors; and (6) the landscape design proposes the use of native plants and trees that are appropriate to the Mammoth Lakes region and the use of layering plants with natural boulders and retaining walls provide effective screening and softening at the edges of the development.

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

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

The site and building design have been reviewed for consistency with the North Village Design Guidelines and presented to the Advisory Design Panel (ADP) for consideration. The ADP reviewed the project at the concept review application stage and the entitlement application stage, and provided several consensus recommendations for revisions to the project design which would improve consistency with the North Village Design Guidelines. The applicant team revised the project design in response to ADP recommendations and successfully improved the design and functionality of the building, as well as consistency with the applicable Design Guidelines.

Overall, the proposed building and site improvements combine together in an attractive and visually cohesive manner that is compatible with and complements the desired aesthetic character of a mountain resort community, encourages increased pedestrian activity, and accomplishes specific goals and policies specified in the North Village Specific Plan and the General Plan that seek to locate lodging uses in appropriate areas to reach critical mass and mix of uses that will support The Village's success.

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

The proposed streetscape design features a variety of site improvements including a new forest garden seating area with bike racks and a meandering pedestrian walkway that connects to the public sidewalk to allow pedestrians to detour from

the busy sidewalk along Minaret Road. Ample landscape is proposed at the project edges which is enhanced by significant trees preserved on the site as well as the forested buffer provided by the Caltrans right-of-way area located on the south side of the property.

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

The required number of parking spaces for the resort condominium use are provided on-site within an understructure parking garage and a small exterior parking area for up to fourteen vehicles. The visible portions of the parking podium are screened with concrete walls that are textured with a form liner finish to mimic fractured stone siding, and two garage entrances have roll-up grates with a dark bronze finish that blends with the concrete base material to minimize the appearance of these entrances. The parking garage design does not feature openings along the east, or south sides which helps buffer the adjacent residential uses to the east of the site. The parking spaces are designed with standard dimensions for interior and exterior parking spaces, which allows owners and guests to self-park and achieves a safe and efficient parking layout.

The visible portions of the parking garage are enclosed within a pour-in-place concrete wall foundation system which is finished with a fractured stone texture and integral color mix. The two vehicle entrances to the parking garage feature a roll-up grate with bronze finish to blend with the base of the structure. The design of the parking garage minimizes the visibility of parking and reduces heat-island effect because it is tucked underneath the footprint of the structures with a central courtyard located on top of the parking podium which features formal landscaping and guest amenities.

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

The proposed exterior lighting plan provides light fixture specifications that provide appropriate scale based upon location and purpose. The variety of fixtures and lighting type adds interest throughout the site. All proposed exterior lighting is shielded to minimize light pollution and trespass. Condition of Approval #17 is included to ensure that exterior lighting is inspected and verified for compliance with Chapter 17.36.030 of the Town of Mammoth Lakes Municipal Code prior to the issuance of a certificate of occupancy.

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

The proposed landscape plan is consistent with the recommendations of the Town of Mammoth Lakes Design Guidelines in that the design promotes a natural aesthetic through the use of native plant species that are prevalent in the Mammoth

Lakes region. Approximately 142 existing trees that are 12 inches or greater DBH will be removed from the development footprint, and a total of 36 existing trees will be preserved on the site. 107 new trees are proposed to be planted throughout the landscape areas and include Jeffrey Pine, Red Fir, White Fir, Quaking Aspen, Western Water Birch and Hawthorn. Numerous shrubs are also incorporated into the landscape including Desert Ceanothus, Fern bush, Creek Dogwood, Siberian Dogwood, Forsythia, Mountain Snowberry, and purple sage among others.

The landscape plan softens the perimeter of the development and enhances the architectural features of the building, especially the appearance of the project from Minaret Road. A Landscape documentation package is required as Condition of Approval #32 to ensure the new landscape will comply with the Water Efficiency Landscape Ordinance (WELO).

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

The proposed project is consistent with the associated Tentative Tract Map and Use Permit as described in this Resolution and the associated staff report.

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

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

The proposed map is consistent with the applicable 2007 General Plan and the North Village Specific Plan (NVSP) because the proposed resort condominium use is permitted use in the Resort General (RG) district of the North Village Specific Plan. The project is consistent with intended uses described in the General Plan Land Use description for the NVSP, which describes the NVSP designation as an area intended to create a visitor-oriented entertainment, retail, and lodging district with uses including hotels, and similar visitor accommodations along with supporting restaurants, retail and services.

The proposed Tentative Map would subdivide the proposed resort condominium use for 118 whole ownership resort condominium units and common areas. The project is also consistent with all of the applicable development standards prescribed by the NVSP, including, but not limited to, building area, site coverage, snow storage, building height, setbacks, and parking, and all utilities and access roadways can be improved and/or extended to service the project area.

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

The design and improvements of the subdivision are consistent with the applicable General Plan and the North Village Specific Plan because the NVSP establishes minimum parcel size for the creation of new parcels within the NVSP and allows for alternative parcel sizes to be established for condominium uses in accordance with the proposed development, and subject to the approval of a subdivision map and use permit. The project complies with all other development standards applicable to the Resort General (RG) zone of the North Village Specific Plan.

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

The site is physically suitable for the type of development proposed because the site area is approximately 2.6 acres in size and the proposed development is situated on the site to comply with all required setbacks and lot coverage standards. Additionally, the

site is partly an in-fill development, so the necessary utilities and access roadways can be improved and/or extended to service the project.

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

The site is physically suitable for the proposed density of development because the area consists of 2.6 acres and the proposed density of 198 bedrooms within 118 condominium units complies with the permitted site density as allocated by the NVSP district zoning designations and district boundaries applicable to the project site.

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

The design of the subdivision is not likely to cause substantial environmental damage or substantially injure fish or wildlife because the project is not located within an environmentally sensitive area and the certified Subsequent Program Environmental Impact Report for the 1999 North Village Specific Plan Amendment project (1999 SPEIR) (SCH #99-092082) found all impacts to biological resources would be less than significant.

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

The design of the subdivision is not likely to cause serious public health problems because required mitigation measures from the certified Subsequent Program Environmental Impact Report for the 1999 North Village Specific Plan Amendment project (1999 SPEIR) (SCH #99-092082) are included as conditions of approval to reduce health-related impacts to a less than significant level, and no evidence has been submitted during the planning review process to indicate that the development would cause any serious public health problems. All necessary public services are currently extended to the site for those individuals occupying and using the resort condominium facilities.

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

The design of the subdivision will not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision because all easements are shown on the tentative map and/or are required through the conditions of approval for the project. Access to the property is provided from Minaret Road, which is also State Route 203, which provides adequate street alignment and width to serve the project. An easement will be granted to the public for use of the new sidewalk that will be constructed along the west property frontage.

SECTION 2. PLANNING AND ECONOMIC DEVELOPMENT COMMISSION ACTIONS.

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

1. Finds that the previously certified Subsequent Program Environmental Impact Report for the 1999 North Village Specific Plan Amendment project (1999 SPEIR) (SCH #99-092082) adequately covered all potential environmental impacts of the Rockspring resort condominium development project and no new or increased environmental impacts are anticipated as a result of the project, and therefore, no new environmental compliance document is required pursuant to CEQA Guidelines §15168[c][2]; and
2. Approves the Rockspring resort condominium development project consisting of Tentative Tract Map (TTM) 24-002, Use Permit (UPA) 24-001, and Major Design Review (DR) 24-001 subject to the following conditions:

(SEE EXHIBIT “A”); and
3. Directs staff to file a CEQA Notice of Determination.

PASSED AND ADOPTED this 10th day of April 2024, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

RECUSED:

ATTEST:

Nolan Bobroff,
Community and Economic Development
Director

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

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

OWNER/APPLICANT:

I, Mark Rafeh, applicant and authorized signatory for 6060 Minaret, LLC, the property owner, do hereby attest that I have read, and agree to, the conditions of approval stipulated within this Resolution.

Date: _____

Mark Rafeh, Authorized Signatory
6060 Minaret, LLC
(Notary Required)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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

State of California
County of Mono }

On _____, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature of Notary

EXHIBIT “A”
Resolution No. PEDC 2024-05
Case No. TTM 24-002, UPA 24-001, DR 24-001
CONDITIONS OF APPROVAL

STANDARD PLANNING CONDITIONS

1. This approval authorizes the “Rockspring” resort condominium development project, consisting of 118 resort condominium units with a total of 198 bedrooms and 156,430 gross square feet of building area (excluding structured parking). The approval authorizes site amenities oriented to owners and guests of the project, including a reception lobby, restaurant and dining area, accessory retail, flex room, fitness center, sauna, outdoor swimming pool, two cold plunges and two hot pools.
2. The approved site and building plans include: Tentative Tract Map Sheet C0.0, dated April 14, 2023, and the Project Plan Set date stamped March 25, 2024, consisting of 43 sheets, and a color and material board dated December 15, 2023, as amended pursuant to these conditions of approval.
3. The following materials shall be reviewed and approved by the Community and Economic Development Director prior to issuance of a building permit for the project:
 - Applicant shall provide a 3 x 3-foot mock-up of the concrete base material for review and approval and to provide a realistic representation of the integral color and form liner design and texture.
 - Applicant shall provide the proposed gate or roll-up grate design for the parking garage entrances 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 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 construction 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 # 5.3-1a through 5.11-2.
26. The housing mitigation requirements for this project shall be mitigated through compliance with the Affordable and Workforce Housing Ordinance in effect at the time of building permit submittal. The subject property was assigned 40.41 Full-Time Equivalent Employee (FTEE) credits via a previous Implementation Agreement and Assignment of Credits. Pursuant to the Town's Affordable and Workforce Housing Ordinance, these credits can be used to satisfy the affordable housing requirements for this project. The current value of the credits is established by Town Council policy Resolution No. 2019-57. The number of credits used for the proposed project will be dependent on the Town Council fee value policy that is in effect at the time of building permit submittal.
27. 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.
28. Resort Condominiums shall only be rented on a short-term basis (not more than 30-days at a time). Only the owner of a resort condominium unit shall occupy their unit for longer than 30 consecutive days at a time. This shall be specified in the Owner's

Association CC&Rs.

29. All resort condominium units are subject to the regulations of the Town's Quality of Life Ordinance (Municipal Code Chapter 5.40).
30. The applicant shall submit Owner's Association CC&Rs for the maintenance and control of common areas for review and approval by the Community and Economic Development Director prior to Final Map approval.
31. 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 location 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 2-gallon container size. 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.

32. Pursuant to Mitigation Measure 5.3-3c from the 1999 SPEIR (see Mitigation Measures below), the project shall utilize 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.
33. Prior to issuance of a certificate of occupancy for the project, all required vehicle parking spaces shall be inspected and approved by the Community and Economic Development Department and the Public Works Department for compliance with the North Village Specific Plan requirements and the Town's Public Works Standards. At a minimum, there shall be 127 vehicle parking spaces with a minimum size of 9-feet x 18-feet and at least 14 exterior vehicle parking spaces with minimum size of 10-feet by 20-feet.
34. 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. A monument sign will require approval from the Planning and

Economic Development Commission Design Committee. Depending on the number and size of 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.

35. All roof vents and/or equipment shall be painted a dark, matte color to blend with the roof.
36. No snow shall shed or be deposited onto adjacent properties or Town right-of-way. This shall include snow that is removed from any portion of the property, including, but not limited to, the structure, driveway, and/or common areas. All interim snow storage areas shall be on the subject property. The property owner shall be subject to fines pursuant to Municipal Code §12.16.030 (*Snow Removal – Violation/Penalty*) if found to be in violation of this condition.
37. Placement of vents / and ventilation equipment for the parking garage and the mechanical equipment rooms shall be directed away from the adjacent residential condominium development located east of the site.
38. Noise levels generated by the project shall adhere to the requirements of the Specific Plan and/or the Town's noise regulations, as applicable.
39. The applicant shall screen the two transformers located in the northwest portion of the site with a decorative wall, fence, or dense landscape. The method of screening shall be approved by the Community and Economic Development Director prior to issuance of a building permit for the project.

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. All 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 24-002, UPA 24-001, DR 24-001, 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. Prior to issuance of a building permit, one of the following shall be completed:
 - a. Recordation of the final map. The applicant shall provide evidence to the Town that the map has been recorded prior to issuance of the building permit for the project. Evidence shall consist of the recording information on the final map; or
 - b. If a building permit is issued prior to the recordation of the final map, the project shall be considered an apartment development under one ownership to comply with the State Subdivision Map Act, unless and until the final map is recorded. Under this scenario, no certificate of occupancy may be issued and no sale of the units may be made by the owner until a final map is recorded.
107. 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.
108. 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:

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 approval of final map by Town staff, 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 cinderling, 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.
116. Applicant shall construct public improvements consisting of sidewalk, curb, gutter, pedestrian ramps, retaining walls, storm drain and lighting in conformance with Town Standards and acceptable to the Public Works Director. 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, or approval of the final map, whichever occurs first, 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 with the Public Works Department on the final design and the appropriate signage relating to the two vehicular entrances from Minaret Road to more clearly delineate the flow of traffic.
118. 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 Minaret 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.
119. Prior to final map approval by Town staff, 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.
120. Prior to final map approval by Town staff, applicant shall submit a petition to be annexed into the Town's Maintenance Community Facilities District (CFD 2023-1) 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 annexation process shall be completed, and all fees associated with annexation process paid by applicant, prior to final map approval by staff. CFD 2023-1 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.

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. 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

- 5.4-2i: 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 8:00 p.m. Monday through Saturday and prohibited on Sunday or holidays, or as otherwise permitted by Chapter 8.16.090.

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.