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

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**RESOLUTION NO. PEDC 2022-22**

**A RESOLUTION OF THE MAMMOTH LAKES PLANNING AND  
ECONOMIC DEVELOPMENT COMMISSION APPROVING  
TENTATIVE TRACT MAP 22-003 AND DESIGN REVIEW 22-002  
TO ALLOW THE TERRABLANCA DEVELOPMENT  
LOCATED AT 3789 MAIN STREET  
(APN: 033-110-003-000)**

**WHEREAS**, a request for consideration of a Tentative Tract Map and Design Review were filed by Chris Bord on behalf of the property owner, TerraBlanca Group, LLC, to allow for the construction of a twelve-unit multi-family residential townhome development project, in accordance with 17.88 (Design Review) of the Town of Mammoth Lakes Municipal Code, and the State Subdivision Map Act, for property located within the Mixed Lodging/Residential zoning district at 3789 Main Street; and

**WHEREAS**, the Planning and Economic Development Commission conducted a noticed public hearing on the application request on November 8, 2022, at which time all those desiring to be heard were heard; and

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

1. The staff report to the Planning and Economic Development Commission with attachments;
2. The General Plan, State Subdivision Map Act, Municipal Code, Design Review Guidelines, and associated Land Use Maps;
3. Oral evidence submitted at the hearing;
4. Written evidence submitted at the hearing;
5. Project plans consisting of:
  - a. Tentative Tract Map 22-003 Sheet TTM 1 dated August 25, 2022;

- b. Project Plan Sheets A-000 - A.-901 and Civil Sheets C1-C6 dated October 18, 2022,
- c. Color and Materials Board dated received by the Town of Mammoth Lakes July 29, 2022.

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

**SECTION 1. FINDINGS.**

**I. CEQA.**

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

- a. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, *Infill Development Projects*, because the project is consistent with the general plan, the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses, the project site has no value as habitat for endangered, rare or threatened species, approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality, and the site can be adequately served by all required utilities and public services.

None of the exceptions set forth in CEQA Guidelines Section 15300.2 are present, which would disqualify the project from using a categorical exemption. Therefore, since the project meets all the criteria pursuant to CEQA Guidelines Section 15332, no additional environmental review is warranted or necessary and the CEQA exemption is appropriate.

**II. MUNICIPAL CODE FINDINGS.**

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

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

The project is consistent with the applicable standards and requirements of the Mammoth Lakes Zoning Code because the project is located within the Mixed Lodging/Residential (MLR) zone, intended to allow one or more of a variety of lodging, residential, and non-residential uses to encourage a mix of uses and emphasize transient occupancy. The project complies with all the development standards applicable to the MLR zone including standards for floor area ratio, lot coverage, setbacks, building height, parking, and snow storage.

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

The proposed construction of a 12-unit multi-family residential townhome development located within the Mixed Lodging/Residential zone is consistent with the General Plan in that the applicable land use designation is Commercial-1 (C-1), and the General Plan states that this land use designation allows medium-scale, commercial mixed uses, and is intended to create a transition zone to the more intensive Commercial 2 and North Village designations. Additionally, the General Plan identifies the subject property as being in the Main Street Neighborhood District, and states that new development in the district should improve connectivity and circulation with bike and pedestrian paths, sidewalks and roads. The development incorporates a handicap accessible walkway/ramp connection to the Main Street frontage which will tie into future pedestrian circulation improvements located on the south side of Main Street.

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

The project is consistent with the Town's Design Guidelines because the building design works with the topography of the .96-acre site in that the structures are located directly south of a 9-foot tall retaining wall along the north edge of the property, which reduces the silhouette of the building façade fronting onto Main Street and gives the appearance of a two-story structure at street level. The design of the project accomplishes a mountain modern aesthetic that is appropriate in the context of the surrounding neighborhood while providing a color palette composed of neutral earth tones that blends with the mountainous backdrop.

The use of natural wood siding is accented with stone veneer and architectural details such as metal trim, which combines with the proposed natural stone veneer around the base of the building to provide a clear distinction between the building base and wall material.

The site plan design, and the architectural form of the building all conform to the Town Design Guidelines in that the project compliments the existing topography and is compatible with the site surroundings. The project preserves mature trees where possible and proposes ten new replacement trees throughout the site. The proposed structure adheres to the required setbacks, building height and lot coverage limitations as well as snow management requirements for the Mixed Lodging/Residential zoning district.

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

**a. The site design and building design elements including the architectural style, size, design quality, use of building materials, and similar elements, combine together in an attractive and visually cohesive manner that is compatible with and complements the desired architectural and/or aesthetic character of the area and a mountain resort community,**

**encourages increased pedestrian activity, and promotes compatibility among neighboring land uses.**

The proposed 12-unit residential townhome development and site layout combine together in an attractive and visually cohesive manner that is compatible with and complements the character of the surrounding multi-family and single-family developments. The architectural design of the structure provides a modern aesthetic with a pitched roof and articulation throughout the façade to distinguish each unit. The modern aesthetic fits within the context of the mountain resort community in that the design provides appropriate scale, architectural detail, and durable exterior building materials as recommended in the Town Design Guidelines. The structures have architectural characteristics such as roof lines, window styles and materials that complement the architecture and fit within the context of the surrounding neighborhood. Deeply recessed balconies and first floor living areas are sheltered by roof overhangs and side walls which provide an engaging architectural rhythm when combined with recessed entryways and material changes on the upper floors. Balconies feature large picture windows which provide active spaces and maximize view potential.

The buildings are situated within the previously developed areas of the site, with the structures oriented north towards Main Street and desirable views looking towards Mammoth Mountain. The building orientation maximizes sun exposure for passive solar heating.

The trash area will match the design palette of the overall project and the final design and alignment of the trash enclosure will be reviewed by Mammoth Disposal as well as the Public Works and Community and Economic Development Departments to ensure that it will comply with Mammoth Disposal operational requirements as well as Municipal Code section 17.36.130.

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

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

The street network in this area is already established however the applicant has incorporated a handicap accessible walkway/ramp to provide a dedicated pedestrian connection to the street frontage where future connection to the Town proposed multi-use path along Main Street will be possible.

**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.**

Parking for the proposed townhome development consists of an enclosed two-car garage for each unit and six exterior guest parking spaces. The amount of parking provided meets the applicable standard for twelve, three-bedroom units. Additionally, the design and color of the two-car garage doors are compatible with the architecture of the home and the driveway configuration provides good visibility and ease of pulling out to the street, which prevents conflicts between vehicles, pedestrians, and cyclists.

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

The Project would propose higher levels of illumination around building entrances through the use of bollards, wall, and step lighting. Proposed light fixtures located throughout the pedestrian areas would be subtle, and include only downward lit fixtures to create enough light for safety and navigation through the site. Proposed lighting that is unshielded will use obscured glass to control light output and ensure no glare is created. While the proposed light fixtures appear to comply with the applicable standards, Condition of Approval #15 is included in the attached Resolution to require all exterior lighting to comply with Chapter 17.36.030 of the Town of Mammoth Lakes Municipal Code, and verification prior to issuance of a certificate of occupancy. All lighting for the project will therefore be consistent with existing Municipal Code lighting requirements.

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

Three trees over 12" DBH will be preserved along the south property line which will help to screen the rear of the project from the adjacent properties to the south. Ten trees will be planted in order to replace the removal of other trees on site. The preliminary landscape plan proposes to revegetate disturbed areas with native tree varieties as well as shrubs and native seed mix. The proposed landscaped materials include primarily native species that are appropriate to the local climate and achieve a natural aesthetic. The design achieves an effective landscape screen between units through layering of shrubs and ground covers with native tree species.**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 Tentative Tract Map 22-003, which is included with the entitlement application.

### 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 General Plan because the project is located within Commercial-1 which allows residential uses including multi-family townhome developments. The proposed project is a 12-unit multi-family residential development and is below the maximum floor area ratio specified for the commercial zoning districts.

The project complies with the General Plan Vision, Goals, and Policies, including that the project provides a high-quality townhome product available for nightly rental in an appropriate location. The design of the project respects the natural environment by maintaining as many native trees and natural features as possible, and the architecture and building exteriors are appropriate to the region and blend with the existing structures in the surrounding neighborhood.

**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 because the residential subdivision complies with the Municipal Code development standards which implement the goals and policies of the General Plan. Additionally, the project is conditioned to comply with all Public Works standards for all improvements on the site. The property is not located within a Specific Plan area.

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

The site is physically suitable for this type of development because the property is located in the Mixed Lodging/Residential zoning district, which allows residential uses including multi-family residential townhomes. The project design and density is physically suitable for this site because it complies with the applicable development standards of the Municipal Code.

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

The site is located within the Mixed Lodging/Residential Zoning District which allows multi-family townhome developments as a permitted use. Pursuant to the zoning code, a maximum floor area ratio of 2.0 is allowed. The project provides a floor area ratio of 1.22, which is within the maximum allowed standard.

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

The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat because the site was previously developed and has no value as habitat for fish or wildlife.

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

The design of the residential subdivision and type of improvements proposed are not likely to cause serious public health problems because no evidence has

been submitted during the planning review process to indicate that the development would cause any serious public health problems. All necessary public services are currently provided or can be extended to the site to assure health and safety for those individuals occupying and using the site facilities. Grading and building permits will be obtained to ensure all applicable health and safety requirements are adhered to for the duration of the project construction.

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

The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision since all existing public easements shown on the tentative tract map are either maintained or planned to be relocated, and the property has access to a public street with approved street alignments and widths.

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

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

1. Approves Tentative Tract Map 22-003 and Design Review 22-002, subject to the following conditions:  
(SEE EXHIBIT "A"); and
2. Directs staff to file a Notice of Determination within five (5) working days of the adoption of this Resolution.

**PASSED AND ADOPTED** this 8<sup>th</sup> day of November 2022, by the following vote,  
to wit:

AYES: Jessica Kennedy, Michael Vanderhurst, Paul Chang, Greg Eckert, Jennifer Burrows

NAYS:

ABSENT:

ABSTAIN:

RECUSED:

ATTEST:

**Sandra Moberly**

\_\_\_\_\_  
Sandra Moberly,  
Community and Economic Development  
Director

**MVanderhurst**

\_\_\_\_\_  
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, Chris Bord, am an authorized Representative for TerraBlanca Group, LLC, the property owner, and I do hereby attest that I have read, and agree to, the conditions of approval stipulated within this Resolution.



Chris Bord, Authorized Signatory  
TerraBlanca Group, LLC  
(Notary Required)

Date: 11/22/22

**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

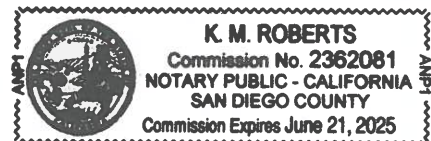
On 11-22-2022 before me,  
K. M. Roberts, Notary public personally appeared  
Christopher Bord

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

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

**WITNESS my hand and official seal.**

K. M. Roberts  
Signature of Notary



**EXHIBIT “A”**  
**Resolution No. PEDC 2022-22**  
**Case No. TTM 22-002 and DR 22-002**  
**CONDITIONS OF APPROVAL**

**STANDARD PLANNING CONDITIONS**

1. This approval authorizes the following: Subdivision of the .96-acre parcel identified as Assessor Parcel No. 033-110-003-000, for a 12-unit multi-family townhome development consisting of four 3-story tri-plex residential structures, as shown on Sheet 1 of TTM 22-003, dated August 25, 2022; Project Plan Sheets A-000 - A-901, dated October 18, 2022; for property located within the Mixed Lodging/Residential zoning district.
2. The approved site and building plans including: Tentative Tract Map 22-003 Sheet 1 of TTM 22-003, dated August 25, 2022; Single-family residence Project Plan Sheets A-000 - A-700, dated October 29, 2021; Project Plan Sheets A-000 - A-901, dated October 18, 2022; shall be adhered to and maintained for the duration of the permit.
3. This permit and all rights hereunder shall automatically terminate unless the site preparation or construction has been commenced within two years after the issuance of this permit and such work is diligently carried on until completion, or an extension of time has been granted in accordance with Municipal Code §17.60.060.B.
4. All new improvements constructed on the site shall be in compliance with all Town of Mammoth Lakes, County of Mono, Mammoth Community Water District, the Mammoth Lakes Fire Protection District, the CRWQCB Lahontan District, Great Basin Air Pollution Control District, OSHA, State of California and United States of America laws, statutes, ordinances, regulations, directives, orders, and the like applicable thereto and in force at the time thereof. Any violation of the above may constitute grounds for revocation under Chapter 17.128 of the Mammoth Lakes Municipal Code.
5. This resolution of approval, as conditioned herein, shall be recorded for the subject property by the Mono County Recorder’s Office to commence the approved use on the property or the issuance of any building permits for new or remodeled structures.
6. The site shall be maintained in a neat, clean and orderly manner. All improvements shall be maintained in a condition of good repair and appearance. Outdoor storage of equipment and other materials, except for firewood, is prohibited. Non-operating vehicles, equipment and materials inappropriate to the site and its use shall not be stored within outdoor areas on the site.
7. Storage of construction materials and equipment off-site shall not be permitted without a permit issued by the Community and Economic Development Department of the Town. Any public or private property altered, damaged or destroyed by site preparation, grading, construction or use shall be restored to its pre-existing condition by the permittee.

8. All conditions of this permit shall be met or secured prior to final occupancy approval of any new structures.
9. All uses are subject to review by the Building Official of the Town of Mammoth Lakes and must conform to occupancy ratings of the structures to obtain occupancy.
10. Town staff shall have the right to enter the subject property to verify compliance with these conditions. The holder of any permit associated with this project shall make the premises available to Town staff during regular business hours and shall, upon request make records and documents available to Town staff as necessary to evidence compliance with the terms and conditions of the permit.
11. Prior to the issuance of a building permit, the applicant shall pay all applicable fees as prescribed by ordinance and/or resolution and pay any fees due on the project processing account.
12. Where compliance with the conditions of approval or applicant initiated changes to the plans require additional staff review, that review time shall be billed at the Town's established billing rates. Prior to the issuance of a building or grading permit, the applicant shall pay all outstanding costs for the processing of this application.
13. This action may be appealed to the Town Council within fifteen (15) calendar days from the date of Planning and Economic Development Commission approval in accordance with Municipal Code Chapter 17.104.
14. The applicant shall defend, indemnify, and hold harmless the Town and its agents, officers, and employees from any claim, action, or proceeding against the Town and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the Town, advisory agency, appeal board, or legislative body concerning this approval. The Town shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense.
15. 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.
16. All exterior lighting shall comply with Chapter 17.36.030 of the Town of Mammoth Lakes Municipal Code, Exterior Lighting. Exterior light fixtures having a total of over 400 lumens of output shall be equipped with shields that extend below the horizontal plane of the light source to direct the light downward onto the structure or surrounding grounds. Accent lighting is permitted as described in Municipal Code Section 17.36.030.F.6. This shall be verified prior to issuance of a certificate of occupancy.
17. A final landscape plan shall be submitted to the Planning Division for approval prior to issuance of a Building Permit and shall substantially conform to the preliminary landscape plan dated November 11, 2021, approved by the Planning and Economic Development Commission. The final landscape plan shall meet the requirements of

Municipal Code Chapter 17.40 (Water Efficient Landscape Regulations) including the Landscape Documentation Package. A final landscape and irrigation plan shall be submitted to, and approved by, the Community and Economic Development Department for inclusion in the project grading permit. Where no grading permit is required, the final landscape plan must be submitted to and approved by the Town prior to issuance of a building permit. Completion of all landscape improvements and revegetation of disturbed areas shall occur prior to issuance of the first Certificate of Occupancy.

18. The Final Landscape Plan shall comply with California Public Resources Code 4291 and local defensible space clearance codes. Plants, flowers, and shrubs should be a min. of 5 feet from the structure.
19. Prior to the removal of any trees, a final analysis of the value of the trees removed shall be prepared by a licensed forester or arborist. The applicant shall install tree landscaping based upon the value-for-value determination by the forester/arborist. Said tree replacement shall be within the project area or off-site, as may be approved by the Community and Economic Development Director.
20. A valid building permit and a permit from the Mammoth Lakes Fire Protection District are required before any building can begin on-site.
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. All conditions of approval shall be printed verbatim on all of the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the index.
24. 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.
25. Noise generated by the project shall meet the requirements of the Town's noise regulations, as applicable.
26. Pursuant to Municipal Code Section 15.24.040.D.2, the roof eaves encroaching into the setback areas (i.e., snowshed impact zone) shall be protected with an engineered snowslide restraint devices. This shall be verified prior to issuance of a Certificate of Occupancy.

#### **SPECIAL PLANNING CONDITIONS**

27. The required trash enclosure shall be improved with a concrete slab and enclosure constructed of materials compatible with that of the buildings. Adequate space for recyclable materials shall be provided within the enclosure. All trash enclosures, and receptacles shall be animal resistant. The enclosure is not required to be gated. The final alignment of the trash enclosure shall be reviewed by Mammoth Disposal, the Public Works Department and the Community and Economic Development Department and shall comply with Municipal Code section 17.36.130. The trash enclosure shall be installed prior to issuance of the final Certificate of Occupancy.
28. Snow restraint devices shall be installed on all roof edges that will shed snow to control and slow snow and ice shedding onto pedestrian areas and avoid snow shedding onto adjacent properties. Adherence to this condition shall be verified prior to issuance of a Certificate of Occupancy.
29. Prior to issuance of first certificate of occupancy for the project, bicycle parking shall be reviewed and approved by the Community and Economic Development Department and shall be installed/operational. Pursuant to the Municipal Code Section 17.44.090, the project shall provide for a minimum of 8 bicycle parking spaces.
30. Fire Sprinkler systems shall be installed in accordance with NFPA 13D and the MLFPD Local Ordinance. A deferred submittal for sprinkler plans and calculations will NOT be acceptable and shall be submitted with construction plans.
31. All exterior wood products shall comply with the Wildland Urban Interface (WUI) construction materials requirements certified by the State Fire Marshal's Office and be in compliance with Chapter 7A of the 2016 California Building Code. Plywood or OSB sheathing shall be a minimum of one-half inch thickness with approved siding material placed over top.
32. All eave and crawl space ventilation shall resist the intrusion of flame and burning embers and comply with Chapter 7A of the California Building Code and local modifications.
33. The structure shall comply with NFPA 13R automatic fire sprinkler requirements as required by Section 903.2.8 and 903.3 of the California Fire Code. A deferred submittal for sprinkler plans and calculations will be acceptable.
34. The applicant shall submit Homeowner's Association CC&Rs for the maintenance and control of common area for review and approval by the Community and Economic Development Director prior to issuance of a Certificate of Occupancy.

## **ENGINEERING DIVISION CONDITIONS**

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

35. 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.

36. 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.
37. Slope rights adjacent to public rights of way shall be dedicated on the final map where necessary.
38. All new utility lines within, adjacent to, or serving the site shall be placed underground.
39. The site grading design and all building construction shall conform to State and federal disabled access regulations.
40. Paved access is required to a maintained street. Street and traffic signs shall meet the California Manual of Uniform Traffic Control Devices (MUTCD).
41. Landscaping and irrigation systems within the public right of way, adjacent to the project area and within the project shall be maintained by property owner, with the exception of benefit assessment district areas.
42. 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.

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

43. 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.
44. Applicant shall be 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.
45. Applicant shall be responsible for obtaining a secondary source permit or letter of exemption from the Great Basin Unified Air Pollution Control District.
46. All grading and public improvements, including driveways and parking areas, shall be consistent with the Town of Mammoth Lakes Standard Plans for Public Works.
47. 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.

- 48.** Construction of public water and sewer improvements shall require water and sewer connection 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.
- 49.** 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.
- 50.** 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.
- 51.** 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 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.
- 52.** 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.
- 53.** 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.
- 54.** 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.

55. 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.
56. 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.
57. 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.
58. Slope stability tests are required for all cuts greater than 2:1 or fills greater than 3:1 (H:V).
59. 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.
60. 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.
61. 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.

62. 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.
63. 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 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.
64. 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, 22-003 and Design Review 22-002, 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.
65. Prior to combustible materials being placed on-site, an all-weather access road shall be constructed serving all exterior portions of the structure to the satisfaction of MLFPD.
  66. Existing Town streets and 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. A form of security listed in Government Code Section 66499(a) and acceptable to the Town shall be posted to cover the cost of grading and paving prior to approval by staff of the map.
  67. The grading plan and building permit plans shall indicate all snow storage areas and drainage facilities.
  68. All easements shall be shown on the grading and building permit plans.
  69. 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.
  70. 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 APPROVAL BY STAFF OF THE FINAL MAP:**

71. The final map shall conform to the requirements of Town of Mammoth Lakes Ordinance 84-10 and all amendments thereto.
72. All easements and dedications shall be in a form and content acceptable to the Public Works Director.
73. 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.
74. 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.
75. A subdivision guarantee shall be issued and dated within 30 days prior to final map approval by the Planning and Economic Development Commission.

76. 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.
77. 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.
78. Monumentation of the subdivision shall be installed in accordance with the Subdivision Ordinance of the Town, Ordinance 84-10.
79. 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.
80. Rights of way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing shall be required as necessary.
81. 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).
82. 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.
83. 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.

84. 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.
85. Existing CC&Rs, if any, encumbering the property shall be amended as necessary for the proposed development of this project.
86. 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.
87. 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.
88. As required by the Town's Subdivision Ordinance Section 17.20.160 and Council Resolution 21-53, 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.
89. 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 BUILDING PERMITS:**

90. Recordation of the final map. The applicant shall provide evidence to the Town that the map has recorded prior to issuance of the first building permit for the project. Evidence shall consist of the recording information of the final map.
91. 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.
92. 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.

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

93. 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.

94. 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.
95. 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.
96. Construction of private streets and private facilities and related drainage improvements shall be inspected and certified by the Public Works Director and/or designee.
97. 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.
98. 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**

99. Applicant shall contribute funds on a fair-share basis (based on property frontage) towards design and construction of the Town's planned South Main St MUP improvement project. Prior to issuance of a grading permit or approval of the final map by staff, whichever comes first, applicant shall provide security in the form of cash or check to secure the applicant's share of the design and construction of the Town's project. The amount of the security shall be based upon the Town's most recent cost estimate for design and construction of the project.
100. Applicant shall be responsible for undergrounding of existing overhead utility lines along the property's Main Street frontage.
101. 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.

102. Prior to issuance of a grading permit, applicant shall submit a snow removal/storage management plan for the hauling of snow in accordance with Municipal Code Section 17.36.110.B(3)(a) to the Community and Economic Development Department and Public Works Department for approval. The plan shall be in the form of a recorded document mutually agreed to between the property owner and the Town and shall describe features such as, but not limited to, location of snow storage areas, the method of snow hauling, frequency of pick-ups, pick-up areas, haul routes, hours of hauling operations, and snow deposit areas. 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 cindering, and potential of heat-traced pavement. This plan and provisions for maintenance of private driveways and drainage facilities shall be included in the CC&Rs prior to final map approval by Town staff.

Signature: Sandra Moberly  
Sandra Moberly (Jan 28, 2023 11:21 PST)

Email: [smoberly@townofmammothlakes.ca.gov](mailto:smoberly@townofmammothlakes.ca.gov)

Signature: Michael Vanderhurst  
Michael Vanderhurst (Jan 28, 2023 12:55 PST)

Email: [mvanderhurst@visitmammoth.com](mailto:mvanderhurst@visitmammoth.com)











# DR22-002\_PEDC Final Resolution

Final Audit Report

2023-01-28

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