

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

Filed by: MAMMOTH LAKES; TOWN OF  
Filed & Recorded in Official Records  
of MONO COUNTY  
SCHEEREN DEDMAN  
CLERK-RECORDER  
Fee: \$0.00

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

**RESOLUTION NO. PEDC 2022-09**

**A RESOLUTION OF THE MAMMOTH LAKES PLANNING AND  
ECONOMIC DEVELOPMENT COMMISSION  
APPROVING TENTATIVE TRACT MAP 21-003,  
USE PERMIT 21-004, AND DESIGN REVIEW 21-004, TO ALLOW  
THE RESIDENCE INN BOUTIQUE HOTEL BY MARRIOTT PROJECT  
LOCATED AT 94 AND 150 BERNER STREET  
(APN: 039-030-014-000 and 033-041-011-000)**

**WHEREAS**, a request for consideration of a Tentative Tract Map, Use Permit, and Major Design Review application was filed by Greens Berner Street, LLC, to allow the Residence Inn boutique hotel by Marriott project, a condominium-hotel development with 101 condominium hotel rooms, 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 Specialty Lodging (SL) zone of the North Village Specific Plan (NVSP) area at 150 and 94 Berner Street; and

**WHEREAS**, the Planning and Economic Development Commission conducted a noticed public hearing on the application request on April 13, 2022, at which time all those desiring to be heard were heard; and

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

1. The staff report to the Planning and Economic Development Commission with exhibits;
2. The General Plan, State Subdivision Map Act, North Village Specific Plan, Municipal Code, North Village Design Guidelines, Subdivision Ordinance, and associated Land Use Maps;
3. Oral evidence submitted at the hearing;
4. Written evidence submitted at the hearing; and
5. Project plans consisting of:
  - a. Tentative Tract Map 21-003 Sheets T1 – T7, dated March 4, 2022;
  - b. Project Plan Sheets A.1, A1.1, A1.2, A.3 through A15, dated March 23, 2022
  - c. Preliminary Landscape Plan, dated July 8, 2021; and
  - d. Color and Materials Board, dated received by the Town of Mammoth Lakes March 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.**

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.<sup>1</sup>

The proposed Residence Inn boutique hotel by Marriott 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:

- 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 for the Specialty Lodging (SL) 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

---

<sup>1</sup> 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 (PM<sub>10</sub>).



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 Residence Inn 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 Residence Inn 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, 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 condominium hotel 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 condominium hotel use with amenities oriented to guests of the hotel, which include an indoor pool and jacuzzi, bar/lounge and dining area, outdoor patio with fire features, and a fitness center.
- Policy E.3.C, “*Support development of major public and private facilities that contribute to destination resort visitation in Mammoth Lakes.*” The proposed condominium hotel is a well-recognized Residence Inn by Marriott flag hotel conveniently located within walking distance to The Village. The hotel increases lodging capacity 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 proposed hotel improves pedestrian connectivity to The Village through the addition of new sidewalk along the south and west sides of the property. A pedestrian oriented, sheltered outdoor patio area is provided adjacent to the sidewalk, and while the space is oriented to guests of the hotel it provides a visible area with seating and fire features, which invites social interaction as a gathering space or small event space.
- 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 currently developed with a multi-tenant, “strip commercial” building as well as industrial style storage units and uses. The proposed project will improve the appearance of the site and will replace the existing non-conforming uses with a lodging use that is more compatible with the adjacent residential apartment building and the nearby single-family residential neighborhood.

The North Village Specific Plan (NVSP) is the regulating document for allowable land use and development standards applicable to the site rather than Title 17 (Zoning Code). The proposed project is consistent with the land use objectives and development standards specified in the NVSP for the SL zone because the project adheres to the relatively lower permitted density and building height applicable to the SL zone, which provides a transition between North Village's resort orientation and the surrounding residential development.

The project would remove the existing strip commercial and light industrial buildings from the site which would improve the appearance of the property and provide the type of development intended for the North Village Specific Plan area.

The condominium hotel use will increase lodging capacity within close proximity to The Village core, where lodging uses are encouraged and anticipated. The project provides a lodging type that is family oriented in that the rooms include small kitchens and living areas. At the same time the project provided the traditional hotel lobby, and numerous amenities including, a bar/lounge and dining area, outdoor patio seating, a fitness center, indoor pool and jacuzzi, and fourth floor viewing balcony with seating and a fire feature.

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

**2. The 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 project is consistent with the intended uses for the site as specified in the North Village Specific Plan (NVSP), Specialty Lodging (SL) zoning designation, and the project 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 that were included in the certified Subsequent Program Environmental Impact Report for the 1999 North Village Specific Plan Amendment project (1999 SPEIR) (SCH #99-092082). The proposed development is designed to utilize the previously developed or disturbed areas of the site which enables preservation of a majority of existing forested areas on the north side of the property. Site improvements that benefit the surrounding developments and residential areas include new sidewalk along the south and west property frontages, creation of a pedestrian crosswalk at the southwest corner of the site and undergrounding electrical utilities within the project area.

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

The proposed site is adequate in size and shape and has adequate access for the proposed use because it is able to accommodate a building that is consistent with all of the development standards of the North Village Specific Plan including adequate

understructure parking for the proposed use. The site will be improved to accommodate year-round emergency vehicle access and to accommodate adequate access and width for anticipated traffic to the developed site. The proposed structure and site improvements combine together in an attractive and visually cohesive manner that results in improved compatibility among neighboring uses.

**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 all applicable development standards for the Specialty Lodging zone of the NVSP including, but not limited to, allowable land uses, density, building area, site coverage, building height, setbacks, parking and snow storage, and design. Additionally, affirmative findings for approval of the project have been made as required by the Municipal Code, for both a Use Permit and Design Review application.

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

The proposed project is consistent with the 2007 General Plan land use designation for the site, which is designated North Village Specific Plan (NVSP), and because the proposed condominium hotel is a permitted land use within the Specialty Lodging (SL) zone of the NVSP, and the proposed density is consistent with the maximum allowable density permitted for sites within the SL zone.

The project would implement the goals and objectives of the North Village Specific Plan (NVSP) and the North Village District (*General Plan Neighborhood and District Character Element*) by providing a condominium-hotel use that would result in increased lodging capacity within the North Village which supports visitation as a resort destination, and provides amenities oriented to guests of the hotel as well as improved pedestrian connectivity through the addition of sidewalk along the south and west property frontages and a sheltered outdoor patio area with seating and fire features that invites social gathering and 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 development utilizes the relatively level footprint of the existing developed and disturbed areas of the property, and avoids disturbing the undeveloped, forested areas of the site; (2) the proposed structure is sited to fit within the lower elevations of the property along Berner Street, which minimizes impacts to surrounding properties and maintains a natural buffer of native Jeffrey Pine trees along Forest Trail. The site design enables the development to be nestled into the site rather than dominating the skyline and view to the Sherwin's from Forest Trail; (3) the design of the hotel structure maximizes sun exposure onto sidewalk and pedestrian pathways leading to the Hotel entrance, as well as the outdoor patio area on the west side of the hotel.; (4) the roofline

of the hotel provides variation through varied wall heights and wall offsets. A parapet wall serves to screen roof-mounted equipment and the flat roof surface and incorporates a cornice that extends over the building wall to add depth to simple roof form. Three primary corners of the L-shaped building feature an embellished upward-sloping roof element supported by substantial wood beam details indicative of mountain town architecture; (5) the mass of the buildings are broken up through building offsets and changes in siding material and color, as well through the placement of recessed and extended balconies; (6) the base of the building is scaled to the pedestrian form through the use of stone siding material and storefront windows that define the first level of the hotel with pedestrian activity focused around the hotel entrance, lobby, and at the outdoor patio seating area located adjacent to the sidewalk on the west side of the hotel entrance. (7) the materials and colors are appropriate to The Village setting since they are primarily warm earth-tone colors and materials such as the stone and composite wood siding. The design incorporates accent colors and materials that are more contemporary such as the dark blue metal panel siding material used as an accent color and material and a grey metal panel siding and decorative grey metal screen material intended to filter lights from the parking garage and minimize the appearance of the parking garage; and (8) the landscape design proposes the use of native plants and trees that are appropriate to local climate and layers the different height of plant materials and natural boulders to create density within the landscape and to provide effective screening and softening at the edges of the hotel structure. Additional pedestrian-oriented elements are included in the landscape design including the semicircular concrete bench seating located along the sidewalk in front of the porte-cochere.

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 building is situated within the previously developed areas of the site, with the hotel frontage oriented south/west towards Berner Street and towards desirable views of the Sherwin range and Mammoth Mountain. The building orientation maximizes afternoon sun exposure to active pedestrian areas including the hotel entrance and the outdoor patio seating area. The design of the structure provides a modern aesthetic with a flat roof and parapet walls to screen roof top equipment. The hotel roof line features three embellished “towers” at the primary corners of the building. These roof structures are designed with an upward-sloping shed roof supported by substantial wood beams. The shed roof elements, include natural wood struts, beams, and rafters which add interesting structural details and warmth to the proposed color palette.

The site and building design have been reviewed for consistency with the North Village Design Guidelines and staff presented an analysis of the project to the Advisory Design Panel (ADP) for consideration. The ADP provided several consensus recommendations for revisions to the project design which would improve consistency with the North Village Design Guidelines. The applicant revised the project design in response to the ADP comments and successfully



improved the design and functionality of the building, as well as consistency with the North Village 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 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 proposed streetscape design includes a variety of site improvements such as new pedestrian sidewalk added to the north side of Berner Street along the south and west property frontage, and the addition of a semi-circular concrete pedestrian bench located at the southeast corner of the site adjacent to the sidewalk and porte-cochere. The project includes a pedestrian oriented outdoor patio seating area with fire features to create a gathering space that is visible from the street. And finally, the project will add a pedestrian crosswalk from the hotel property to the pedestrian easement that leads to The Village, as this will improve pedestrian safety as well as make the walking route to The Village easy to locate.

**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.**

All long-term parking for the condominium hotel use is located in an understructure parking garage. The appearance of the parking garage is screened with landscaping as well as metal architectural screens to filter light from inside the parking garage and minimize the appearance of the garage and vehicles. By utilizing tucked-under parking the building footprint will fit within previously developed areas of the site and the forested northern portion of the site will be preserved.

The new landscaping proposed along Berner Street will soften the appearance of the hotel structure and provide a buffer to surrounding land uses while mitigating stormwater runoff and the urban heat island effect. The new pedestrian sidewalk will help to prevent conflicts between vehicles and pedestrians; and the modifications to the access drives will provide improved site access and predictable vehicle maneuvers. The addition of a crosswalk across Berner Street will further help prevent conflicts between vehicles and pedestrians.

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

While the current plan set does not provide detailed lighting specifications, Condition of Approval #17 included in the attached Resolution requires all exterior lighting to comply with Chapter 17.36.030 of the Town of Mammoth Lakes Municipal Code, to be verified prior to issuance of a certificate of occupancy. All lighting for the project will therefore be consistent with existing Municipal Code lighting requirements.



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

The proposed landscape plan is consistent with the recommendations of the Town of Mammoth Lakes Design Guidelines. Many existing native pine trees will be preserved on the north side of the property which will screen the rear of the hotel structure from Forest Trail and several existing Jeffrey pines will be preserved around the perimeter of the property.

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 screen through layering of shrubs and ground covers with native tree species including aspen, drought tolerant choke cherry, and limber pine. Landscape materials are placed in combination with clusters of native boulders that provide structure and natural variation to the landscape. The landscape plan enhances the architectural features of the building, especially the natural wood color of the wood composite siding. A Landscape documentation package is required a Condition of Approval #30 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 vesting 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 applicable 2007 General Plan and the North Village Specific Plan (NVSP) because the proposed condominium hotel use is a permitted use in the Specialty Lodging (SL) zone of the North Village Specific Plan and is consistent with intended uses described in the General Plan Land Use description for the NVSP. The General Plan land use description for the NVSP states that the designation is 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 map would subdivide the proposed condominium hotel use into 101 condominium hotel rooms, consistent with the permitted density of up to 48 rooms per acre applicable to the SL zoning designation. 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.

- 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 applicable development standards applicable to the Specialty Lodging zone of the North Village Specific Plan.

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

The proposed site design utilizes the previously developed portions of the site which are large enough to accommodate most of the proposed hotel structure. The project

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

The site is physically suitable for this type of development because the site is 2.1 acres in size and condominium hotel uses are an allowable land use in the SL zone. The proposed project density is consistent with the permitted density of 48 rooms per acre, with a total of 101 condominium hotel rooms proposed.

**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 is not likely to cause substantial environment 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 provided, or can be extended to, the site for those individuals occupying and using the condominium hotel 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. The property has access to Berner Street, which has 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 located along the south and 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 Residence Inn boutique hotel by Marriott project and no new or increased environmental impacts are expected to occur 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 Residence Inn boutique hotel by Marriott project consisting of Tentative Tract Map 21-003, Use Permit 21-004, and Major Design Review 21-004 subject to the following conditions:

(SEE EXHIBIT “A”); and

3. Directs staff to file a Notice of Determination.

**PASSED AND ADOPTED** this 13<sup>th</sup> day of April 2022, by the following vote, to wit:

**AYES: BURROWS, ECKERT, KENNEDY**

**NAYS:**

**ABSENT:**

**ABSTAIN: CHANG, VANDERHURST**

**ATTEST:**

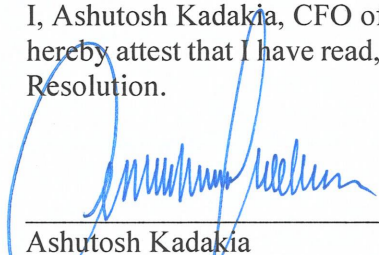
Sandra Moberly  
 \_\_\_\_\_  
 Sandra Moberly,  
 Community and Economic Development  
 Director

Jennifer Burrows  
 \_\_\_\_\_  
 Jennifer Burrows,  
 Vice 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, Ashutosh Kadakia, CFO of Greens Berner Street, LLC, am the property owner and I do hereby attest that I have read, and agree to, the conditions of approval stipulated within this Resolution.

  
\_\_\_\_\_  
Ashutosh Kadakia  
CFO, Greens Berner Street, LLC  
(Notary Required)

Date: 9/30/22

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.

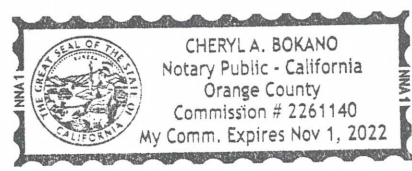
State of California }  
County of ~~Mono~~ ORANGE 

On 9/30/2022 before me, Cheryl A. Bokano, Notary Public  
personally appeared Ashutosh Sharad Kadakia  
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.

Cheryl A. Bokano  
\_\_\_\_\_  
Signature of Notary



**EXHIBIT "A"**  
**Resolution No. PEDC 2022-09**  
**Case No. TTM 21-003, UPA 22-004, DR 22-004**

**CONDITIONS OF APPROVAL**

**STANDARD PLANNING CONDITIONS**

1. This approval authorizes the Residence Inn boutique hotel by Marriott project, a 101-room condominium hotel with two levels of understructure parking for a minimum of 109 vehicle spaces, and amenities oriented to guests of the hotel. The guest amenities include a bar/lounge and dining area, outdoor patio with seating, an indoor pool, jacuzzi, fitness center, and a fourth floor covered viewing balcony with seating. The hotel rooms will be subdivided so that they may be sold individually as whole ownership units. The project design shall substantially conform with Project Plan Sheets A.1, A1.1, A1.2, A.3 through A15, dated March 23, 2022.
2. The approved site and building plans including: Tentative Tract Map 21-003 Sheets T1 – T7, dated March 4, 2022; Project Plan Sheets A.1, A1.1, A1.2, A.3 through A15, dated March 23, 2022; Preliminary Landscape Plan, dated July 8, 2021; and Color and Materials Board, March 29, 2022, as amended pursuant to these conditions of approval.
3. The following colors and materials shall be revised and approved by the Community and Economic Development Director prior to issuance of a building permit for the project:
  - The “Award Blue” color proposed for the metal cladding material shall be replaced to match the darker shade of blue that was reviewed and accepted by the ADP.
  - The proposed cultured stone material shall be replaced with a natural stone material as recommended by the Advisory Design Panel.
  - The proposed parking garage screening material shall be coated with a matte grey finish and shall feature the decorative pattern illustrated on the project rendering.
  - The Revised renderings do not depict tapered ends for exposed wood beams and rafters. This tapered end detail shall be incorporated into the final plans for all wood beams and rafters.
4. This action may be appealed to the Town Council within fifteen (15) calendar days from the date of Planning and Economic Development Commission approval in accordance with Municipal Code Chapter 17.104.
5. This permit and all rights hereunder shall automatically terminate unless the site preparation or construction has been commenced within two years after the issuance of this permit and such work is diligently carried on until completion, or an extension of time has been granted in accordance with Municipal Code §17.60.060.B.
6. All new improvements constructed on the site shall be in compliance with all Town of Mammoth Lakes, County of Mono, Mammoth Community Water District, the Mammoth Lakes Fire Protection District, the CRWQCB Lahontan District, Great Basin Air Pollution Control District, OSHA, State of California and United States of America laws, statutes, ordinances, regulations, directives, orders, and the like applicable thereto and in force at the time thereof. Any violation of the above may



- constitute grounds for revocation under Chapter 17.128 of the Mammoth Lakes Municipal Code.
7. This resolution of approval, as conditioned herein, shall be recorded for the subject property by the Mono County Recorder's Office to commence the approved use on the property or the issuance of any building permits for new or remodeled structures.
  8. The site shall be maintained in a neat, clean and orderly manner. All improvements shall be maintained in a condition of good repair and appearance. Outdoor storage of equipment and other materials is prohibited, except as allowed through a temporary construction management plan approved by the Public Works Director.
  9. Storage of construction materials and equipment off-site shall not be permitted without a permit issued by the Community and Economic Development Department of the Town. Any public or private property altered, damaged or destroyed by site preparation, grading, construction or use shall be restored to its pre-existing condition by the permittee.
  10. All conditions of this permit shall be met or secured prior to final occupancy approval of any tenant improvements or new structures.
  11. All uses are subject to review by the Building Official of the Town of Mammoth Lakes and must conform to occupancy ratings of the structures to obtain occupancy.
  12. Town staff shall have the right to enter the subject property to verify compliance with these conditions. The holder of any permit associated with this project shall make the premises available to Town staff during regular business hours and shall, upon request make records and documents available to Town staff as necessary to evidence compliance with the terms and conditions of the permit.
  13. Prior to the issuance of a building permit, the applicant shall pay all applicable fees as prescribed by ordinance and/or resolution and pay any fees due on the project processing account.
  14. Where compliance with the conditions of approval or applicant initiated changes to the plans require additional staff review, that review time shall be billed at the Town's established billing rates. Prior to the issuance of a building or grading permit, the applicant shall pay all outstanding costs for the processing of this application.
  15. The applicant shall defend, indemnify, and hold harmless the Town and its agents, officers, and employees from any claim, action, or proceeding against the Town and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the Town, advisory agency, appeal board, or legislative body concerning this approval. The Town shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense.
  16. Pursuant to Government Code Section 66474.9 the subdivider shall defend, indemnify, and hold harmless the Town and its agents, officers, and employees from any claim, action, or proceeding against the Town and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the Town, advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Government Code Section 66499.37. The Town shall promptly notify the subdivider of any claim, action, or proceeding and shall cooperate fully in the defense.



17. All exterior lighting shall comply with Chapter 17.36.030 of the Town of Mammoth Lakes Municipal Code, Exterior Lighting. Exterior light fixtures having a total of over 400 lumens of output shall be equipped with shields that extend below the horizontal plane of the light source to direct the light downward onto the structure or surrounding grounds. Accent lighting is permitted as described in Municipal Code Section 17.36.030.F.6. This shall be verified prior to issuance of a certificate of occupancy.
18. The project shall comply with the Guidelines for Erosion Control in the Mammoth area. This shall include submittal of a Report of Waste Discharge, if applicable.
19. A valid building permit and a permit from the Mammoth Lakes Fire Protection District are required before any building can begin on-site.
20. Water and sewer improvements require a construction permit from Mammoth Community Water District. Prior to the Town authorizing any construction, the applicant shall obtain water and sewer permits from Mammoth Community Water district and pay applicable fees to the District.
21. New or changed improvements, exterior illumination, elevations, designs, materials, or colors shall conform to the adopted Design Guidelines of the Town of Mammoth Lakes and will require review and approval from the Town of Mammoth Lakes Community and Economic Development Department or Planning and Economic Development Commission pursuant to Municipal Code Chapter 17.88.
22. A certificate of occupancy is required for all future tenant improvements within the subject structures. Tenant improvements shall identify occupancy separation requirements, disabled access requirements and compliance with all applicable building, electrical, plumbing, and fire code requirements.
23. These zoning entitlement conditions of approval shall be printed verbatim on all of the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the index.
24. Developers of residential properties shall include a disclosure statement indicating that Mammoth Lakes is an area of habitat for Mountain Lions, which indicates potential risk, particularly to small children and pets. (General Plan Mitigation Measure 4.3-1)

#### **SPECIAL PLANNING CONDITIONS**

25. The project shall comply with all applicable mitigation measures from the Subsequent Program Environmental Impact Report for the 1999 North Village Specific Plan Amendments. The applicable mitigation measures are included as conditions of project approval.
26. The Housing Mitigation requirements for this project shall be met through payment of the current applicable housing fee for residential uses in effect at the time of building permit submittal, unless an Alternate Housing Mitigation Plan (AHMP) in accordance with Municipal Code Chapter 17.136 is approved prior to building permit submittal. If an AHMP is proposed, it shall be reviewed by the Community and Economic Development Department prior to consideration of the AHMP by the Planning and Economic Development Commission. If the applicant requests that the AHMP be considered separately from the approval for the associated project, the applicant shall be responsible for payment of staff time at the Town's

established billing rates for the review and processing of the AHMP.

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. Since the project is proposed to be a condominium-hotel, the condominium-hotel floor plans and uses shall substantially conform with those shown in the plans approved by this Resolution, and shall meet the 'Hotel and Motel Requirements' described in Municipal Code §17.52.120.D.2. Evidence of compliance with the Hotel and Motel requirements shall be reviewed and approved by the Community and Economic Development Department prior to issuance of a certificate of occupancy. Project CC&Rs shall allow transient rentals and shall be reviewed and approved by the Community and Economic Development Department prior to approval of the final map.
29. 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.
30. The project shall meet the requirements of Municipal Code Chapter 17.40 (Water Efficient Landscape Regulations), including the Landscape Documentation Package. A final landscape and irrigation plan shall be submitted to, and approved by, the Community and Economic Development Department prior to building permit issuance. Said landscape and irrigation plan shall substantially conform to the preliminary landscape plan approved by the Planning and Economic Development Commission. All landscape plantings shall be maintained in a healthy and growing condition at all times (as applicable for the season) and individual plants shall be replaced if they become diseased or die. Landscaping and irrigation systems within the public right-of-way within or adjacent to the project area shall be maintained by the property owner, with the exception of benefit assessment district areas.

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

31. All retaining walls visible from off-site shall be natural stacked boulders, or made of split face block, faced with rock, or similarly treated to be compatible with the design of the project. (MC Section 17.36.040.C.)
32. Prior to issuance of a certificate of occupancy for the project, bicycle parking shall be reviewed and approved by the Community and Economic Development Department and installed/operational. Pursuant to Municipal Code §17.44.090.A,

- the project shall provide bicycle parking at a minimum rate of 0.2 bicycle parking spaces per hotel unit for a minimum of 20 spaces (101 units x 0.2 = 20.2 spaces). Of those 20 spaces, 15% are required to be for short-term use (generally less than 8 hours) and 85% are required to be for long-term use (generally all day, overnight, or seasonally).
33. Pursuant to Mitigation Measure 5.3-3c from the 1999 SPEIR (see attached Mitigation Measures), the project shall use minimally reflective glass and all of the window glazing shall meet the performance standards of HP Sun II, or equivalent, low-e factory installed gray tinted glass in order to reduce reflectivity. All interior lights shall be “ambient” lighting with the fixtures directed upwards onto the walls and ceilings so as not to be directly visible through windows. Canned, recessed lights should not be visible through the windows from outside of the building or off-site.
  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. The monument sign will require approval from the Planning and Economic Development Commission Design Committee. Depending on the number and sign of the signs, a Master Sign Program may be required. The Master Sign Program will require subsequent review from the Community and Economic Development Department and approval from the Planning and Economic Development Commission.
  35. The exterior trash enclosure shown on the plans for the east side of the primary parking garage entrance shall be improved with a concrete slab and be constructed of materials and roofing compatible with that of the building and design that is architecturally compatible with the hotel structure. The enclosure shall be large enough to allow for the dumpster to be fully enclosed within the structure. All trash enclosures, receptacles, and food storage areas shall be animal resistant. A gated enclosure is strongly encouraged. The final location of the trash enclosure shall be reviewed and approved by the Town’s Community and Economic Development Department and Public Works Department and Mammoth Disposal prior to building permit issuance.
  36. All roof-mounted equipment shall be painted a dark color with matte finish.
  37. 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.
  38. Snow rails shall be installed along the roof edge of the outdoor patio seating area on the west side of the structure.
  39. Noise generated by the project shall meet the requirements of the Specific Plan and/or the Town’s noise regulations, as applicable.
  40. All of the condominium-hotel units within the project that will be rented on a transient / nightly basis are subject to the regulations of the Town’s Quality of Life Ordinance (Municipal Code Chapter 5.40).

#### **SPECIAL DISTRICT CONDITIONS**

41. All requirements of the Mammoth Lakes Fire Protection District shall be met prior to issuance of grading or building permits, including, but not limited to, access roads, emergency access routes, private driveways, gates, fire hydrants, turnouts and turn-arounds, clear width for access, building access, vegetation management, fire-flow, water supply, fire suppression equipment, and fire sprinkler systems.
42. 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.
43. 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.
44. 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.
45. 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.
46. 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.
47. 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.
48. The project shall comply with all Wildland Urban Interface requirements including, but not limited to, construction techniques, materials, and vegetation requirements.
49. 55. Roof access shall be in accordance with all Mammoth Lakes Fire Protection District requirements
50. 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.
51. 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:**

52. 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.
53. 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.
54. 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.
55. All new utility lines within, adjacent to, or serving the site shall be placed underground.
56. The site grading design and all building construction shall conform to State and Federal disabled access regulations.
57. Paved access is required to a maintained street. Street and traffic signs shall meet the California Manual of Uniform Traffic Control Devices (CA-MUTCD).
58. 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.
59. Rights of way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing shall be required as necessary.
60. 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:**

61. The final map shall conform to the requirements of Town of Mammoth Lakes Ordinance 84-10 and all amendments thereto.
62. Slope rights adjacent to public rights of way shall be dedicated on the final map where necessary.
63. 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.
64. 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.
65. A subdivision guarantee shall be issued and dated within 30 days prior to final map approval by the Planning and Economic Development Commission.
  66. 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, if any, require grading remediation. An "as-graded" soils report shall be provided to the Town upon completion of the grading.
  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 Berner Street and Forest Trail, and Berner Street and the easterly property boundary or on an appropriate offset.
  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 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.
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 water and sewer improvements shall require water and sewer construction permits from the Mammoth Community Water District. Prior to work commencing for any and all water and sewer improvements, Applicant shall submit grading plans to the Town for review and approval, obtain a grading permit in accordance with the Municipal Code, and construct all mitigating measures and best management practices to prevent erosion and to protect existing trees.

83. 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.
84. All grading and public improvements, including driveways and parking areas, shall be consistent with the Town of Mammoth Lakes Standard Plans for Public Works.
85. The applicant shall obtain an easement or letter of permission to grade all areas requiring off-site grading on private property prior to issuance of a grading permit or a building permit. These areas shall be contour graded.
86. 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.
87. 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.
88. 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.
89. 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.
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, 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 21-003, UPA 22-004, DR 22-004, 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 the issuance of a grading or building permit and any land disturbance. A pre-construction meeting shall be held on-site prior to any land disturbance to inspect clearing limit fencing. The applicant shall be responsible for obtaining the necessary Timber Harvest Permit, or exemption, 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. Recordation of the final map. The applicant shall provide evidence to the Town that the map has recorded prior to issuance of the first building permit for the project. Evidence shall consist of the recording information of the final map.

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

107. 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.
108. 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.
109. 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.
110. 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.

111. 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**

112. Prior to issuance of a grading permit or building permit, applicant shall submit a snow removal/storage management plan for the hauling of snow in accordance with Municipal Code Section 17.36.110.B(3)(a) to the Community and Economic Development Department and Public Works Department for approval. The plan shall be in the form of a recorded document mutually agreed to between the property owner and the Town and shall describe features such as, but not limited to, location of snow storage areas, the method of snow hauling, frequency of pick-ups, pick-up areas, haul routes, hours of hauling operations, and snow deposit areas. Pursuant to the North Village Specific Plan, the plan shall include provisions stating that snow and ice shall be removed daily and pedestrian areas shall be maintained in a safe condition. The plan shall also include methods to address potential cornice and ice falling onto pedestrian and vehicular areas and methods to address hazardous snow and ice build-up on pedestrian pathways and sidewalks. Approved methods to address hazardous snow and ice build-up include plowing, application of 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 prior to final map approval by Town staff.
113. Prior to or concurrent with the approval of final map by Town staff, Property Owner shall execute a non-exclusive easement agreement with the Town, in the form of a recorded document mutually agreed to between the Property Owner and the Town, for the purposes of sidewalk and snow storage, for a width of 10 feet adjacent to the southerly property line along Berner Street. The easement agreement shall include provisions holding the Town harmless from any liability related to private improvements located within the easement area.
114. The applicant shall construct public improvements consisting of sidewalk, curb, gutter, pedestrian ramps, storm drain and lighting improvements along Berner Street adjacent to the property, 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, 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.



115. Prior to approval of the final map by Town Staff, 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.
116. The Property Owner 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. The 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.
117. The Property Owner shall submit a petition to be removed from the North Village Benefit Assessment District, BAD 2002-2. The removal process shall be completed, and all fees associated with the removal process paid by applicant, prior to final map approval by staff.
118. The Property Owner shall submit a petition to form a North Village Community Facilities District (CFD), for the operation, maintenance and repair, and snow removal, of the public improvements along the property frontage, including but not limited to sidewalk, heat trace, landscaping and irrigation, storm drain, and street lighting. The formation process shall be completed, and all fees associated with the formation process paid by applicant, prior to final map approval by staff. The CFD 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. The Property Owner shall also enter into an agreement with the Town in which the Property Owner shall agree to waive their rights to vote in favor of the dissolution of the CFD. The agreement shall run with the land and shall be binding upon all future owners of the property.
119. In an effort to mitigate impacts of cut-through traffic through adjacent residential neighborhoods, prior to issuance of certificate of occupancy, Property Owner agrees that any promotional or informational materials referencing means of travel or directions to or from the project shall promote vehicular access via Minaret Road and Forest Trail (west of Berner Street) and shall deter access via Forest Trail (east of Berner Street), Berner Street (east of the project), Rusty Lane, Alpine Circle, and Mountain Boulevard.
120. In an effort to mitigate impacts of cut-through traffic through adjacent residential neighborhoods, prior to grading plan approval, applicant shall coordinate final driveway design and any appropriate signage (including "right turn only/no left turn" and "to Village/Main Street/Downtown"), to the satisfaction of the Public Works Department, to more clearly and/or physically direct traffic west/north on Berner Street towards Forest Trail and Minaret Road rather than east on Berner Street towards Alpine Circle, Rusty Lane, and Mountain Boulevard.

#### **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**

- 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 development site, the applicant shall demonstrate that long-range views of the Sherwin Range are incorporated into the project design.
- 5.3-1m: The buffer for properties adjacent to the specific plan boundaries shall be defined as a building setback area of not less than 20 feet to buildings up to 35 feet tall. Portions of buildings which exceed 35 feet adjacent to the Specific Plan boundaries shall require an additional setback of generally 1 foot for every two feet of building height beyond the 20-foot minimum setback. Trees shall be maintained within the buffer area, except for required vehicular and pedestrian access.
- 5.3-2a: Adoption of the North Village Specific Plan shall include all provisions for design review stated in the Plan, with all phases and developments proposed within the Specific Plan area undergoing review by a Town-appointed Design Review Committee and/or Planning Commission.
- 5.3-2b: The architectural style for the development shall blend with the site's natural setting. Rooflines shall reflect 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: 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.

Resolution No. PEDC 2022-09

Page 29 of 34

- 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.

#### **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, Town, and Uniform Building Code 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), the project 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:
  - a. Bicycle racks, lockers or secure storage areas for bicycles;
  - b. Transit access, including bus turnouts;
  - c. Site access design shall avoid queuing in driveways; and
  - d. Mulch, groundcover, and native vegetation to reduce dust

- 5.5-2b: The 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.

### **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 and trenching, 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.

### **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 applicant 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.

### **GEOLOGY AND SOILS**

- 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 Element.
- 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 applicant 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 applicant 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.

- 5.7-7: The project operators 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 UBC Seismic Zone 4.

#### **HYDROLOGY AND WATER QUALITY**

- 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 Uniform 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.
- 5.8-2c: A Waste Discharge Report (related to soil disturbance) shall be prepared by the project applicant 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 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.
- 5.8-3: Best Management Practices (BMPs) shall be implemented 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.

**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 sites to the satisfaction of the Town Engineer should such activities take place in areas within 400 feet of existing residential units, 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.
- 5.6-3c: 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 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.

**PUBLIC SERVICES / RECREATION**

- 5.10-1b: Access roads to all structures, and areas of use, shall comply with Mammoth Lakes Fire Protection District Ordinance 98-01 (or any updated version of that ordinance).
- 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 approved.
- 5.10-3: In accordance with A.B. 2926, the developer shall pay Developer Fees for commercial uses and 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 (or any updated version of that ordinance).

**TRANSPORTATION AND TRAFFIC**

- 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.

Resolution No. PEDC 2022-09

Page 34 of 34

- 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.

#### UTILITIES AND SERVICE SYSTEMS

- 5.10-4b: The project applicant shall pay the appropriate fees to the Mammoth Community Water District (MCWD). All new water and wastewater conveyance facilities shall be located and 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.

**Signature:** *Jennifer Burrows*

**Email:** jburrows@mono.ca.gov

**Signature:** *Sandra Moberly*  
Sandra Moberly (Dec 14, 2022 15:30 PST)

**Email:** smoberly@townofmammothlakes.ca.gov






# Attachment A\_Resolution No. PEDC 2022-09

Final Audit Report

2022-12-14

Created:	2022-12-14
By:	Kim Cooke (kcooke@townofmammothlakes.ca.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAdRChh39OnegCg2iW489NU2zDEOIT6Fse

## "Attachment A\_Resolution No. PEDC 2022-09" History

-  Document created by Kim Cooke (kcooke@townofmammothlakes.ca.gov)  
2022-12-14 - 11:18:37 PM GMT- IP address: 162.252.90.161
-  Document emailed to Jennifer Burrows (jburrows@mono.ca.gov) for signature  
2022-12-14 - 11:20:10 PM GMT
-  Email viewed by Jennifer Burrows (jburrows@mono.ca.gov)  
2022-12-14 - 11:27:59 PM GMT- IP address: 162.252.88.212
-  Document e-signed by Jennifer Burrows (jburrows@mono.ca.gov)  
Signature Date: 2022-12-14 - 11:28:42 PM GMT - Time Source: server- IP address: 162.252.88.212
-  Document emailed to Sandra Moberly (smoberly@townofmammothlakes.ca.gov) for signature  
2022-12-14 - 11:28:43 PM GMT
-  Email viewed by Sandra Moberly (smoberly@townofmammothlakes.ca.gov)  
2022-12-14 - 11:29:12 PM GMT- IP address: 162.252.90.201
-  Document e-signed by Sandra Moberly (smoberly@townofmammothlakes.ca.gov)  
Signature Date: 2022-12-14 - 11:30:06 PM GMT - Time Source: server- IP address: 162.252.90.201
-  Agreement completed.  
2022-12-14 - 11:30:06 PM GMT