

Attachment A

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

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

RESOLUTION NO. PEDC 2025-06

**A RESOLUTION OF THE MAMMOTH LAKES PLANNING AND
ECONOMIC DEVELOPMENT COMMISSION
APPROVING DESIGN REVIEW 24-004 FOR CONSTRUCTION OF
THE MAMMOTH ARTS AND CULTURAL CENTER
LOCATED AT 100 COLLEGE PARKWAY.
(APN: 035-010-049-000)**

WHEREAS, a request for consideration of a major design review permit was filed by Amy Callanan, Engineering Manager, on behalf of the Mammoth Lakes Foundation and the Town of Mammoth Lakes Public Works Department, to construct the Mammoth Arts and Cultural Center, including a 7,482 square foot Performing Arts Theater, and associated site improvements, in accordance with Chapter 17.88 (Design Review) of the Town of Mammoth Lakes Municipal Code, for property located within the Public and Quasi-Public zoning district at 100 College Parkway; and

WHEREAS, the Planning and Economic Development Commission conducted an administrative hearing on the application request on May 14, 2025, 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 Town of Mammoth Lakes General Plan, Municipal Code, Design Guidelines;
3. Oral evidence submitted at the hearing;
4. Written evidence submitted at the hearing; and

- a. Project plan set dated March 28, 2025, consisting of 44 sheets including (3) project rendering sheets.

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.

CEQA Guidelines Section 15162

The Planning and Economic Development Commission considered the 2023 CEQA Addendum to the Mammoth Arts and Cultural Center Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse No. 2019042023), pursuant to the CEQA Guidelines Section 15162, and finds that on the basis of the whole record, there is no substantial evidence that the proposed revised design for the MACC project will result in any new significant effects or a substantial increase in the severity of previously identified significant effects.

- a. The Planning and Economic Development Commission finds that there are no substantial changes to the project from what was analyzed in the Addendum to the Mammoth Arts and Cultural Center IS/MND that will require revisions to the Addendum, and therefore, no new significant environmental effects or a substantial increase in the severity of previously identified significant effects will occur.
- 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 2023 Addendum to the MACC project IS/MND because the project is consistent with the scope of development analyzed in the Addendum. Therefore, the 2023 Addendum is adequate because it demonstrates that the environmental analysis and impacts identified in the MACC IS/MND remain substantively unchanged by the proposed revised design of the MACC project and supports the finding that the project does not result in any new environmental effects and does not exceed the level of impacts identified in the IS/MND.
- 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 2019 IS/MND was adopted and at the time that the 2023 Addendum to the IS/MND was adopted, to show that:
 - (1) The project will have one or more significant effects not previously discussed in the IS/MND since, as described in the 2023 Addendum to the MACC IS/MND, no changes have occurred with respect to the intensity of the development that was previously analyzed, and all potential environmental effects were found to be adequately analyzed in the 2023 Addendum to the MACC IS/MND;
 - (2) Significant effects previously examined will be substantially more severe than shown in the previous environmental document. The revised

design of the MACC project does not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No new information has become available and no substantial changes to the circumstances (under which the project is being undertaken) since the adoption of the 2019 MACC IS/MND and the 2023 Addendum has occurred;

(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. There are no new mitigation measures required and no new alternatives available that would substantially reduce the environmental effects beyond those previously described in the adopted 2019 IS/MND and the 2023 Addendum to the MACC IS/MND; or

(4) Mitigation measures or alternatives which are considerably different from those analyzed in the previous environmental document and would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative. There are no new mitigation measures required and no new alternatives available that would substantially reduce the environmental effects beyond those previously described in the adopted 2019 MACC IS/MND and the 2023 Addendum to MACC IS/MND.

Therefore, none of the criteria in CEQA Guidelines §15162 calling for preparation of subsequent environmental review has occurred. The applicable mitigation measures from the 2023 Addendum remain applicable and are included as conditions of approval for the project.

- d. The Planning and Economic Development Commission finds that the proposed Revised design for the MACC project will not result in a safety hazard or noise problem for persons using the Mammoth Yosemite Airport or for persons residing or working in the Project area because the Project site is located approximately seven miles from the Mammoth Yosemite Airport.
- e. A program for reporting on or monitoring the required mitigation measures has been adopted.
- f. All applicable mitigation measures shall be conditions of Project approval.

II. MUNICIPAL CODE FINDINGS.

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

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

The proposed project is consistent with the applicable standards and requirements of the Mammoth Lakes Zoning Code because the proposed project is a permitted use in the Public and Quasi-Public Zone, and the project complies or is conditioned to comply with all of the applicable development

standards of the Zone and the Municipal Code, including but not limited to setbacks, parking, landscaping, and exterior lighting.

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

The proposed project is consistent with the General Plan and any applicable specific plan or master plan because the project is within the Institutional Public (IP) land use designation, which allows performing arts and cultural facilities. The project is also consistent with the Economy Element of the General Plan because the project provides a year-round venue for cultural and theatrical performances and special events. The project is consistent with the Community Design Element of the General Plan because the siting and design preserves open space, mature trees, and natural features by utilizing existing infrastructure and clustering development on the site. Building materials and colors reflect Mammoth Lakes' character and setting as recommended by the Town's Advisory Design Panel; building height would remain below the tree canopy.

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

The project is consistent with the Town of Mammoth Lakes Design Guidelines because the site layout has been designed to integrate well with surrounding natural features and adjacent properties; buildings and parking lots are oriented to take advantage of solar exposure; pedestrian and vehicle circulation have been designed to minimize conflicts and provide functional access to various buildings; utilities and mechanical equipment are screened; and rooftops are free of equipment clutter. Additionally, while the building may diverge from a more traditional interpretation of the Design Guidelines, the design is reflective of the intent of the Design Guidelines and expressive of the character and function of a theater building as supported by the Town's Advisory Design Panel.

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

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

The site design and building design elements, including 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 character and/or aesthetic character of the area and a mountain resort community, encourages increased pedestrian activity, and promotes compatibility among neighboring uses because the project is consistent with the standards for the

Public and Quasi-Public Zone, Institutional Public land use designation, and the Design Guidelines. Additionally, the project is compatible with neighboring uses because a cultural center has been conceived as part of the Eastern Sierra College Center for over twenty-five years, and therefore, the project provides complementary and compatible use to the Cerro Coso College and South Gateway Student Housing. Walkways and bicycle parking are included in the project and configured to provide convenient access between parking lots and buildings and ease of use.

Exterior building materials complement the existing Edison Hall structure. The color and finish selected for the metal siding featured at the south elevation of the theatre is a rustic rust brown color and provides a neutral appearance. The reddish-brown color of the split face block siding material paired with the dark brown concrete columns, which blends with the natural surroundings and is compatible with the architectural character of the area and mountain community.

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

The design of streetscapes, including street trees, lighting, and pedestrian furniture, is consistent with the character of commercial districts and nearby residential neighborhoods. The project is not located in a commercial district, but the project provides pedestrian walkways, bicycle parking, and patio reception area adjacent to the performing arts theater. All exterior parking lot lighting would comply with Municipal Code requirements and would be consistent with the character in the Public and Quasi-Public Zone.

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

Parking areas are located, designed and developed to foster and implement the planned mobility system for the area; buffer surrounding land uses; minimize visibility; prevent conflicts between vehicles and pedestrians and cyclists; minimize stormwater run-off and the heat-island effect; and achieve a safe, efficient, and harmonious development because walkways and alternate materials for pedestrian paths within parking areas are provided to minimize pedestrian and vehicle conflicts and shared parking is proposed to minimize the amount of impervious surface. The site is located along an existing transit route and multi-use path and a shared off-site parking agreement is required as a condition of project approval to replace the existing shared parking agreement between the Kern Community College District and Mammoth Lakes Foundation.

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.

Down-directed and shielded lighting and lighting fixtures will be provided over walkways and parking areas to create a sense of pedestrian safety, minimize light pollution and trespass, and avoid creating glare. A condition of approval requires an outdoor lighting plan to be prepared and approved consistent with Municipal Code 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 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 because landscaping is proposed to be installed around the theatre addition and will include a mix of evergreen and deciduous trees, native low water grass, shrubs/perennials. A condition of project approval requires the final landscape plan to be prepared and approved consistent with Municipal Code requirements, including water-efficient landscaping standards.

- 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 scope of development analyzed in the 2023 CEQA Addendum to the Mammoth Arts and Cultural Center Initial Study/Mitigated Negative Declaration (SCH# 2019042023).

SECTION 2. PLANNING AND ECONOMIC DEVELOPMENT COMMISSION ACTIONS. The Planning and Economic Development Commission hereby takes the following actions:

- 1. Approves Design Review 24-004 subject to the following conditions:

(SEE EXHIBIT “A”); and

2. Directs staff to file a Notice of Determination.

PASSED AND ADOPTED this 14th day of May 2025, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

Nolan Bobroff,
Community and Economic Development
Director

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

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

APPLICANT:

I, Rob Patterson, Town Manager, for the Town of Mammoth Lakes, the applicant and property owner, do hereby attest that I have read, and agree to, the conditions of approval stipulated within this Resolution.

Rob Patterson, Mammoth Lakes Town Manager
(Notary Required)

Date: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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

State of California
County of Mono }

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

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

WITNESS my hand and official seal.

Signature of Notary

PROPERTY OWNER:

I, Luan Mendel, am the authorized signatory for the Mammoth Lakes Foundation, the property owner, do hereby attest that I have read, and agree to, the conditions of approval stipulated within this Resolution.

Luan Mendel, Board Chair
(Notary Required)

Date: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT
<p>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.</p>
<p>State of California County of Mono }</p> <p>On _____, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.</p> <p style="text-align: center;">I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.</p> <p>WITNESS my hand and official seal.</p> <div style="border-top: 1px solid black; width: 30%; margin-left: 0; text-align: center;"> <p>Signature of Notary</p> </div>

EXHIBIT “A”
Resolution No. PEDC-2025-06
Major Design Review 24-004

STANDARD PLANNING CONDITIONS

1. This approval authorizes the following: Construction of a 7,482 square foot, 259-seat performing arts theater attached to the east side of the existing Edison Hall building. The approval includes the reconfiguration of the existing parking lot, and other site improvements for the Mammoth Arts and Cultural Center Project. No signage is approved

with this approval.

2. This permit and all rights hereunder shall automatically terminate unless the business operation, site preparation or construction has 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 Section 17.64.060.B.
3. 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.
4. 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.
5. The site shall be maintained in a neat, clean and orderly manner. All improvements shall be maintained in a condition of good repair and appearance. Outdoor storage of equipment and other materials, except for firewood, is prohibited. Non-operating vehicles, equipment and materials inappropriate to the site and its use shall not be stored within outdoor areas on the site.
6. 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.
7. All conditions of this use permit shall be met or secured prior to final occupancy approval of any tenant improvements or new structures.
8. 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.
9. 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 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.
10. Prior to the issuance of a building permit, the applicant shall pay Development Impact Fees and all other fees as prescribed by ordinance.
11. 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.
12. The approved site and building plans shall be adhered to and maintained for the

duration of the permit.

13. This action may be appealed to the Town Council within fifteen (15) calendar days from the date of Planning and Economic Development Commission approval in accordance with Municipal Code Chapter 17.104.
14. The applicant shall defend, with counsel selected by the Town, 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 be entitled to control the defense of any action.
15. 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. This shall be verified prior to issuance of a certificate of occupancy.
16. A valid building permit and a permit from the Mammoth Lakes Fire Protection District are required before any work can begin on-site.
17. Water and sewer improvements require construction and/or connection permits 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.
18. 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.
19. 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 (*Design Review*).
20. A certificate of occupancy is required for all future tenant improvements within the subject structure. Tenant improvements shall identify occupancy separation requirements, disabled access requirements and compliance with all applicable building, electrical, plumbing, and fire code requirements.
21. Roof vents, exhaust, pipes and flues shall be combined and/or collected together on slopes of roof out of public view to the greatest extent possible. All Roof elements and any room mounted equipment shall be painted a dark matte color.
22. The trash enclosure shall have an appearance that is consistent with the primary structure and be constructed of similar materials and colors. All trash enclosures, receptacles, and food storage areas shall be animal resistant. Adequate space for recyclable materials shall be provided within the enclosure. The access for the trash

enclosure shall comply with the requirements of Mammoth Disposal. This shall be reviewed and approved by the Community and Economic Development Department and the Public Works Department prior to issuance of a building permit and be verified for compliance prior to issuance of a certificate of occupancy.

SPECIAL PLANNING CONDITIONS

23. An off-site shared parking agreement shall be executed between the Town of Mammoth Lakes and the Kern Community College District to supersede and replace the existing Agreement between Mammoth Lakes Foundation and Kern Community College District for the use and management of the college campus parking lot for events occurring at the MACC, whether or not such events are affiliated with District. This requirement shall be completed prior to the issuance of a certificate of occupancy.
24. A minimum of seven (7) short-term and one (1) long-term bicycle parking spaces shall be provided for the project. This condition shall be verified prior to issuance of a certificate of occupancy.
25. A landscape documentation package shall be required prior to issuance of a building permit. Said landscape documentation package shall conform with the requirements identified in Municipal Code Chapter 17.40 (Water Efficient Landscape Regulations) and 17.44.100.H (Landscaping).

All required landscaping and irrigation improvements shall be completed prior to the issuance of a 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/or irrigation improvements shall be at the sole discretion of the Community and Economic Development Director.

26. An outdoor lighting plan shall be prepared in compliance with Municipal Code 17.36.030.G (Outdoor lighting plans) and reviewed and approved by the Community and Economic Development Director prior to the issuance of a building permit.

SPECIAL ENGINEERING CONDITIONS

27. The applicant shall obtain an engineered grading permit for the grading work and improvements required for the project prior to building permit issuance. In addition to the application, fee, and grading plans, the submittal shall include:
 - a. A Stormwater Pollution Prevention Plan (SWPPP) and National Pollutant Discharge Elimination System (NPDES) permit, if applicable.
 - b. A Great Basin Unified Air Pollution Control District (GBUAPCD) permit.
 - c. A soils report for the subject site(s) and containing recommendations for retaining walls and foundation support for adjacent structures during construction.

- d. Applicant will prepare an Engineers Estimate for the restoration of the site if work is proposed to begin under an Engineered Grading Permit in advance of a Building Permit
28. A tree removal plan shall be approved prior to any land disturbance and the issuance of a grading or building permit. A pre-construction meeting shall be held on-site prior to any land disturbance to inspect clearing limit fencing. If required, the applicant shall obtain the necessary Timber Harvest Permit prior to any tree removal.
29. The grading plan shall include tree protection measures to address how construction can occur with minimal disturbance to 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 minimize disturbance of existing understory vegetation and retained trees. Grading operations shall not commence until all erosion control measures and tree protection measures are in place as shown on the approved plan, and as required by the Town.
30. 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.
31. All driveways shall be constructed in accordance with the driveway standards of the Town.
32. All export shall be taken to, and all import shall be taken from a permitted site, which shall be identified at grading permit issuance. The applicant shall prepare a haul route, subject to the approval of the Public Works Director prior to the import or export of material for the site.
33. All new utility lines within, adjacent to or serving the site shall be placed underground.

CEQA MITIGATION MEASURES

34. AES-1: Prior to issuance of Building Permits, the Town shall identify on the building plans that potential reflective building materials (e.g., the vertical ribbed metal siding, aluminum windows and doors, raw steel columns and beams, metal roofing, and steel doors) shall use a non-reflective finish.
35. AQ-1: Prior to approval of the project plans and specifications, the Public Works Director, or designee, shall confirm that the plans and specifications stipulate that, in compliance with GBUAPCD Rule 401, excessive fugitive dust emissions shall be controlled by regular watering or other dust preventive measures, as specified in the GBUAPCD Rules and Regulations. In addition, GBUAPCD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors:
- a. All active portions of the construction site shall be watered to prevent excessive amounts of dust;

- b. On-site vehicles' speed shall be limited to 15 miles per hour (mph);
 - c. All on-site roads shall be paved as soon as feasible or watered periodically or chemically stabilized;
 - d. All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust; watering, with complete coverage, shall occur at least twice daily, preferably in the late morning and after work is done for the day;
 - e. If dust is visibly generated that travels beyond the site boundaries, clearing, grading, earth moving or excavation activities that are generating dust shall cease during periods of high winds (i.e., greater than 25 mph averaged over one hour); and
 - f. All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.
36. BIO-1: If construction activities are to be initiated during the nesting season (January 1st to August 31st), a pre-construction nesting bird clearance survey shall be conducted by a qualified biologist no more than three days prior to the start of any vegetation removal or ground-disturbing activities. A qualified biologist shall survey all suitable nesting bird habitat within the project impact area, and within a biologically defensible buffer distance surrounding the project impact area. Documentation of surveys and findings shall be submitted to the Town of Mammoth Lakes for review and file. If no active nests are detected, project construction activities may begin. If an active nest is found, the bird(s) shall be identified to species and a "no disturbance" buffer shall be estimated and established around the active nest(s). The distance of the "no disturbance" buffer may be increased or decreased according to the judgement of the qualified biologist depending on the level of construction activity and sensitivity of the species. The qualified biologist shall periodically monitor any active nests to determine if the "no disturbance" buffer should be increased based on increased or moved construction activities. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, project construction activities within the "no-disturbance" buffer may occur.
37. CUL-1: **Workers Environmental Awareness Program.** Prior to ground disturbing activities, the Project Applicant shall prepare and implement a Workers Environmental Awareness Program (WEAP) training to address cultural resources issues anticipated at the project site for review and approval by the Public Works Director. The WEAP shall include information of the laws and regulations that protect cultural resources, the penalties for a disregard of those laws and regulations, what to do if cultural resources are unexpectedly uncovered during construction, and contact information for a qualified archaeologist, defined as an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology, who shall be contacted in the case of unanticipated discoveries. The WEAP shall also include project specific information regarding the potential for and types of prehistoric and historic resources that may potentially be encountered.
38. CUL-2: **Archaeological and Native American Monitoring.** A qualified archaeologist, defined as an archaeologist who meets the Secretary of the Interior's Professional

Qualification Standards for archaeology, and qualified Native American monitor shall be retained to perform all mitigation measures related to prehistoric and historic cultural and tribal cultural resources for the project. An archaeologist and Native American monitor shall be present to monitor all initial ground disturbing activities associated with the project, including but not limited to: removal of building asphalt, pot-holing or auguring, grubbing, weed abatement, boring/grading of soils, drilling/trenching for utilities, excavations associated with development, etc. The monitors shall complete monitoring logs on a daily basis. The logs shall provide descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. In addition, the monitors are required to provide insurance certificates, including liability insurance, for any archaeological resource(s) encountered during grading and excavation activities pertinent to the provisions outlined in the California Environmental Quality Act, California Public Resources Code Division 13, Section 21083.2 (a) through (k).

39. NOI-1: Prior to issuance of any Grading Permit or Building Permit for new construction, the Public Works Director, or designee, shall confirm that the Grading Plan, Building Plans, and specifications stipulate that:
- a. All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other State required noise attenuation devices.
 - b. The Contractor shall provide a qualified “Noise Disturbance Coordinator.” The Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Disturbance Coordinator shall notify the Town within 24-hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Public Works Director, or designee. The contact name and the telephone number for the Disturbance Coordinator shall be clearly posted on-site.
 - c. When feasible, construction haul routes shall be designed to avoid noise sensitive uses (e.g., residences, schools, hospitals, etc.).
 - d. During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.
 - e. Construction activities that produce noise shall not take place outside of the allowable hours specified by the Town’s Municipal Code Section 8.16.090 (7:00 a.m. and 8:00 p.m. Monday through Saturday; construction is prohibited on Sundays and/or federal holidays).