ATTACHMENT 1

Planning and Economic Development Commission Resolution 2024-10

Exhibit “A” – Conditions of Approval

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 2024-10

A RESOLUTION OF THE MAMMOTH LAKES PLANNING AND ECONOMIC DEVELOPMENT COMMISSION APPROVING MAJOR DESIGN REVIEW (DR) 23-004 FOR A MAJOR DESIGN CHANGE TO BUILDING D (LOT 13) OF THE 540 PROJECT LOCATED AT 540 OLD MAMMOTH ROAD (APN: 035-200-023-000)

WHEREAS, a request for consideration of a Major Design Review application was filed by John Hooper on behalf of JWH Homes, Inc., the applicant, and Gray Bear, LLC, the property owner, to permit a major design change to Building D of the 540 mixed use development project, in accordance with Municipal Code Chapters 17.64.080 (Changes to an Approved Project) and 17.88 (Design Review) of the Town of Mammoth Lakes Municipal Code, for property located within the Old Mammoth Road (OMR) zoning district at 540 Old Mammoth Road; and

WHEREAS, the Planning and Economic Development Commission conducted an administrative hearing on the application request on June 12, 2024, at which time all those desiring to be heard were heard; and

WHEREAS, all other previous approvals, entitlements, and conditions of approval for the 540 Project that are not related to the Building D design, including, but not limited to, Tentative Tract Map 18-002, Design Review 18-002, Final Tract Map 18-002, and all building permits for Units 1-12, remain in effect and are unchanged by this design modification; 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, Municipal Code, Design Guidelines, 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. Building Plan Sheets 1, A1.1, A1.2, A2.0, A2.1, dated received by the Town of Mammoth Lakes on April 4, 2024;

b. Photo Rendering views from the northeast and from the southeast perspectives of the project, dated received by the Town of Mammoth Lakes on March 4, 2024;

c. Landscape Plan Sheet L-1, dated received by the Town of Mammoth Lakes on April 6, 2024;

d. Original Color and Materials Board, approved by PEDC on June 12, 2019.

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.

1. **CEQA.**

The 540 project (Project) was determined to be categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15332, In-Fill Development Projects, because the following criteria are met:

a. The Project is consistent with the General Plan and Zoning Code because the Project complies with the Commercial 2 (C-2) General Plan land use designation and the purpose of the Old Mammoth Road (OMR) zoning district since the Project provides a mixed-use development with residential units located behind a commercial building (Building D) which is located on a Primary Active Frontage along Old Mammoth Road. The revised design of Building D is pedestrian-scaled and is compatible with surrounding commercial structures. A Variance request was previously granted for the 540 project (VAR 18-004), with regards to the design for Building D, and remains applicable since the revised Building D design still deviates from certain standards, as allowed by the Zoning Code.

b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The Project site is within the Town's Urban Growth Boundary (UGB); the site is approximately 0.67 acres; and the site is surrounded by retail, multi-family residential, and other urban uses.

c. The Project site has no value as habitat for endangered, rare, or threatened species since the site has previously been graded and does not feature any vegetation. The 540 mixed-use project is nearly complete with the exception of Building D and associated landscape improvements.

d. Approval of the Project would not result in any significant effects related to traffic, noise, air quality, or water quality since the Project is consistent with the size of development allowed for the site; the Project conforms or is required to conform to the Municipal Code requirements for noise, air quality, and parking; the Project conforms or is required to conform to Public Works standards for site grading, stormwater retention, and drainage; and the Project will be required to obtain all necessary permits for construction. Therefore, no significant effects on traffic, noise, air quality, or water quality will result from the proposed development of the site.

e. The site can be adequately served by all required utilities and public services because all necessary utilities and services are currently provided and can be extended to the site. The Project plans were routed to the Mammoth Community Water District (MCWD) and the

Mammoth Lakes Fire Protection District (MLFPD), and all comments received have been incorporated into the Project and/or conditions of approval. Additionally, at the time of building permit issuance, development impact fees (DIF) for police, vehicle circulation, storm drainage, and fire will be paid.

f. None of the exceptions set forth in CEQA Guidelines Section 15300.2 apply because (1) in-fill development projects are classified as Class 32 by the California Secretary for Resources and are not subject to the special circumstances applicable to projects classified as Classes 3, 4, 5, 6, and 11; (2) the cumulative impact from successive projects over time will not be significant because the proposed use is consistent with the allowed and previously anticipated uses for the zone and the density of the project is less than the maximum density allowed and is less than the originally approved design; (3) the proposed activity will not have a significant effect on the environment because the development site is completely disturbed due to the construction the residential portion of the 540 mixed-use project being completed and grading work for Lot 13 (Building D) was also previously completed. The proposed project is consistent with all development and design standards of the Zoning Code, with the exception of the nonresidential ground floor clear height, which are permitted with approval of the variance; (4) the site is not adjacent to a scenic highway; (5) the site is not located on a hazardous waste site pursuant to the list of Hazardous Waste and Substances maintained by the Town; and (6) there are no historical resources on the site and therefore there is no possibility of causing a substantial adverse change in the significance of an established historical resource as a result of the project.

Therefore, the project is exempt from CEQA pursuant to CEQA Guidelines §15061(b)(2) since the project meets the criteria for use of the In-Fill Development Projects categorical exemption and the application of that categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines §15300.2, and no additional environmental review is warranted or necessary.

2. **MUNICIPAL CODE FINDINGS.**

FINDINGS FOR DESIGN REVIEW PERMIT

(Municipal Code Section 17.88.060)

a. *The proposed project is consistent with the applicable standards and requirements of the Mammoth Lakes Zoning Code.*

The proposed major design change to the design of Building D on Lot 13 of the approved 540 mixed-use project complies with the Zoning Code because it consists of uses that are permitted in the Old Mammoth Road (OMR) zoning district and provides a mixed-use development with residential units located behind a commercial use that is situated at the front of the property. The revised design of Building D is pedestrian-scaled and in a form that is appropriate within the neighborhood context. The changes to Building D maintain the previously approved placement adjacent to Old Mammoth Road with large storefront windows and a protected pedestrian entry. The landscape areas located on either side of Building D are enlarged and will be enhanced with the addition of aspen trees to provide a layering of plant materials in addition to the previously approved ponderosa pine trees. The previously approved deviation from the zoning code standards approved by VAR 18-004 for a reduced nonresidential ground floor clear height of 12-feet instead of 14-feet remains in effect and is included with the revised design, as allowed by the Zoning Code with approval of a variance.

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

The Project is consistent with the General Plan because it complies with the Commercial 2 (C-2) General Plan land use designation since the Project provides a mixed-use development with residential units located behind a commercial use within separate building on the same property. The revised design of Building D on Lot 13 is pedestrian-scaled and in a form that is appropriate within the neighborhood context. The revised Building D maintains the previously approved placement adjacent to Old Mammoth Road and features large storefront windows and a protected pedestrian entry and accessible ramp access connected to the Old Mammoth Road sidewalk. The revised design of Building D provides a pedestrian friendly environment. The proposed design changes maintain an interesting and aesthetically pleasing building façade along Old Mammoth Road and the Planning and Economic Development Commission Design Committee did not request any revisions to the revised design.

There is no specific plan or master plan applicable to this site.

c. *The proposed project is consistent with the Town of Mammoth Lakes Design Guidelines and any applicable design guidelines adopted by the Town Council.*

The Project's design is consistent with the Town's Design Guidelines because the design emphasizes solar orientation through south-facing driveways, snow storage areas, and building layout and floor plans. The revised design of Building D maintains the previously approved location and orientation to Old Mammoth Road with parking in the rear, and individually framed windows and a protected primary pedestrian entrance connected to the public sidewalk.

The revised design of Building D provides articulation throughout the building with a varied roof-line and use of dormers, façade modulation and elements of interest are maintained with the revised design through the incorporation of a recessed covered entry with protected overhang, trim detail on windows, layered fascia, and color and material variation. A clear distinction between the building base and wall material is provided using natural stone veneer along the base of building. The primary entrance to Building D is an accessible ramped walkway with a connection to the Old Mammoth Road public sidewalk system and nearby transit stops. Lastly, the Project was reviewed by the Planning and Economic Development Commission Design Committee which provided a recommendation for approval without any additional design revisions.

d. *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.*

The revised Building D design, access and landscape elements combine in an attractive and visually cohesive manner because the commercial building provides architectural continuity with the existing residential portion of the 540 project. The design complements the desired architectural and aesthetic character of the area because the building massing is similar to the scale of surrounding commercial buildings and provides an architectural style that is appropriate to the mountain resort community,

including natural stone and wood materials and neutral colors, pitched roofs, and solar orientation. Pedestrian activity is encouraged by the primary access to Building D being located adjacent to the public sidewalk on Old Mammoth Road with large windows and a protected pedestrian entrance oriented to Old Mammoth Road. The mixed-use project as a whole is compatible with uses in the vicinity, which include both commercial and multi-family residential.

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

The revised Building D site layout results in enlarged landscape areas at either side of the commercial building and the revised landscape plan incorporates additional landscape materials including aspen trees, which will provide a layering effect when combined with the previously approved ponderosa pine plantings. The location of the landscape areas frames the commercial Building D and will also soften the overall appearance of the project. Proposed landscaping is consistent with drought-tolerant requirements and the character of the Old Mammoth Road commercial district because it consists of vegetation that complies with the plant guides for Mammoth Lakes.

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

The approved parking configuration for the commercial unit (Building D) is the same as originally approved. Commercial Building D will feature one enclosed parking space within an attached single-car garage as originally approved, and five exterior spaces currently exist as originally approved for use by the future commercial tenant in Building D.

g. *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.*

Project lighting will be down-directed and shielded and appropriately located to provide adequate lighting for building entries and pedestrian areas, considering existing lighting along Old Mammoth Road. A condition of approval requires outdoor lighting to be reviewed and approved consistent with Municipal Code requirements prior to certificate of occupancy.

h. *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. The Proposed landscaped materials include primarily native species that are appropriate to the local climate and achieve a natural aesthetic by including Ponderosa Pine and Aspen to frame both sides of Building D and often the appearance of the project from street level. Condition of Approval **#30 and #31**

are included in the attached PEDC Resolution to ensure the new landscape will comply with the Water Efficiency Landscape Ordinance (WELO).

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

The revised Building D design is consistent with the Original Tentative Tract Map (TTM 18-002) and Variance (18-004) required for the original Project approval because the current Major Design Review request (DR 23-004) only applies to Building D (Lot 13) of the approved 540 mixed-use project. The revised Building D design will not utilize two of the tree previous Variance approvals because the revised design eliminates two conditions that previously required Variance approval including a reduced setback for Building D from Oak Tree Way and a reduced step back of 0-feet instead of 10-feet for the second floor. The proposed reduction of the building footprint for Building D eliminates the encroachment into the 10-foot setback from Oak Tree Way and removal of the second floor of Building D negates the requirement for a step back since this standard only applies two multi-story structures. One previously approved deviation still applies to the revised design of Building D, for a reduced non-residential ground floor clear height (minimum floor to ceiling height) which was originally reduced from 14-feet to 9-feet. The proposed Building D provides a 12-foot clear height, which is a smaller deviation from the applicable standard than was originally granted.

Additionally, a subsequent Lot Line Adjustment will be required in order to adjust the revised footprint of Lot 13 to match the approved footprint of the revised Building D. Condition of Approval **#35** included in the PEDC Resolution requires completion of a Lot Line Adjustment prior to issuance of a Building Permit for Building D.

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

1. Finds that this project is categorically exempt from the California Environmental Quality Act pursuant to Section 15332, In-Fill Development Projects; and
2. Approves Major Design Review DR 23-004, subject to the following conditions:

   (SEE EXHIBIT "A"); and
3. Directs staff to file a Notice of Exemption.

PASSED AND ADOPTED this 12th day of June 2024, 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.

OWNER/APPLICANT:
I, John Hooper, authorized signatory for JWH Homes, Inc., the applicant, and Gray Bear, LLC, the property owner, do hereby attest that I have read, and agree to, the conditions of approval stipulated within this Resolution.

_____ Date: _____
John Hooper, Authorized Signatory
JWH Homes, Inc and Gray Bear, LLC
(Notary Required)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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

State of California
County of Mono }

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

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

WITNESS my hand and official seal.

_____
Signature of Notary

EXHIBIT "A"
Resolution No. PEDC 2024-10
Case No. DR 23-004
CONDITIONS OF APPROVAL

STANDARD PLANNING CONDITIONS

1. This approval authorizes a major change to Building D on Lot 13 of the approved 540 mixed-use project. The revised design of Building D provides a single-story commercial building containing one commercial unit of 817 square feet in area and an attached 265 square foot single-car garage and associated landscape improvements.

2. This permit and all rights hereunder shall automatically terminate unless the business operation, 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 §17.64.060.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. Any violation of the above may constitute grounds for revocation of the use permit under Chapter 17.128 of the Mammoth Lakes Municipal Code.

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 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 all applicable fees as prescribed by ordinance and/or resolution and pay any fees due on this project processing account.

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, indemnify, and hold harmless the Town and its agents, officers, and employees from any claim, action, or proceeding against the Town and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the Town, advisory agency, appeal board, or legislative body concerning this approval. The Town shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense.

15. 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.

16. 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.

17. A valid building permit and a permit from the Mammoth Lakes Fire Protection District are required before any building construction can begin on-site.

18. Water and sewer improvements require a 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.

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.

20. 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.

21. 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.

22. 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.

SPECIAL PLANNING CONDITIONS

23. Storage use in the commercial spaces is only allowed as an accessory use to uses allowed by the Zoning Code. Storage shall not block the view of a pedestrian into the commercial spaces.

24. The CC&Rs shall not restrict the type of commercial uses that may occupy the commercial spaces. The CC&Rs shall be reviewed and approved by the Community and Economic Development Director prior to approval of the lot line adjustment.

25. First-floor commercial space windows facing Old Mammoth Road shall not be opaque and shall have transparent glazing that provides views of at least 10 feet into commercial spaces consistent with Municipal Code 17.24.040.C.1. This shall be reviewed by the Community and Economic Development Department prior to building permit issuance and verified prior to certificate of occupancy of the mixed-use building.

26. Utility equipment shall not be located above ground along Old Mammoth Road unless screening is approved by the Community and Economic Development Director consistent with the Town's Design Guidelines, Section 3.7 (Utilities).

27. All Landscaping shall be provided consistent with the Municipal Code as follows:

- Around the surface parking area consistent with 17.44.100.H (Landscaping).

This shall be reviewed and approved by the Community and Economic Development Director prior to the issuance of a building permit for Building D.

28. A landscape documentation package shall be required prior to issuance of a building permit and shall be consistent with the Landscape Plan Sheet L-1 (revision record date April, 2024). Said landscape documentation package shall conform with the requirements identified in Municipal Code Chapter 17.40 (Water Efficient Landscape Regulations).

29. 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 Department Director.

30. The bicycle rack for the short-term bicycle parking area to the north of Building D shall be reviewed and approved by the Community and Economic Development Director prior to the issuance of a building permit for the commercial building (Building D) and be verified for compliance prior to issuance of a certificate of occupancy.

31. A sign permit will be 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.

32. The public sidewalk on Old Mammoth Road shall be maintained in a safe and usable condition during construction.

ENGINEERING DIVISION CONDITIONS

STANDARD CONDITIONS / GENERAL REQUIREMENTS:

33. Applicant shall submit an application for a lot line adjustment to adjust the boundaries of Lot A and Lot 13 consistent with the preliminary site plan and the conditions herein to the Community and Economic Development and Public Works Departments for review and approval. Once approved, the lot line adjustment shall be recorded with the County Recorder of Mono County prior to issuance of a building permit.

34. 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 lot line adjustment 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 lot line adjustment boundary shall be submitted with the initial submittal of the lot line adjustment application.

35. Existing CC&Rs, if any, encumbering the property shall be amended as necessary for the proposed development of this project.

36. 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 lot line adjustment by staff.

37. Prior to approval of the lot line adjustment 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.

38. The applicant shall submit to the Town an electronic file of the lot line adjustment in AutoCAD, or other format as may be approved by the Public Works Director, within 30 days of approval of the lot line adjustment.

39. All new utility lines within, adjacent to, or serving the site shall be placed underground.

40. The site grading design and all building construction shall conform to State and federal disabled access regulations.

41. Landscaping and irrigation systems within the public right of way, adjacent to the project area and within the project shall be maintained by property owner, with the exception of benefit assessment district areas.

42. Nothing in the approval of this project 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.

43. All grading and public improvements shall be consistent with the Town of Mammoth Standard Plans for Public Works.

THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A BUILDING PERMIT:

44. Prior to the issuance of building permits, applicant shall provide evidence to the Town that the lot line adjustment has been recorded.

45. 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 Chapter 12.04 of the Municipal Code.

46. A Construction Staging and Management Plan shall be submitted to, and approved by the Public Works Director prior to grading or building permit issuance. Said plan shall include provisions related to the parking of construction worker vehicles, construction equipment, construction materials, and specific limitations restricting access into developed portions of the site and the storage of materials within these areas. 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. The staging plan shall address hours of work, special approval for work outside hours allowed. The plan shall also contain provisions for interrupting utility services to neighboring properties and sufficient noticing to affected residents and property owners.

47. On the cover sheet of the grading and building permit plans and in a very conspicuous location place the following note: "The conditions of approval for the approved Design Review DR 23-004 contained in the resolution recorded at the County Recorder's Office of Mono County as Document No. 2024xxxxx, 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.

48. Existing Town streets and sidewalks that require construction or reconstruction, shall remain open for traffic at all times, with adequate detours and traffic control, during actual construction.

49. The grading plan and building permit plans shall indicate all snow storage areas and drainage facilities.

50. All easements shall be shown on the grading and building permit plans.

51. 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.

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

52. All required landscaping and irrigation improvements shall be constructed. 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 Community and Economic Development Director.

53. 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 Section 16.32.