Town of Mammoth Lakes
Planning & Economic Development Commission Recommendation Report

Date:	December 9, 2015	**File No.:**	Tentative Tract Map 36-235a, Use Permit 2005-09a, Use Permit 2007-11a, Use Permit 2007-14a, Time Extension Request 15-003
Place:	Council Chambers, 2nd Floor Minaret Village Shopping Center Mammoth Lakes, CA 93546	**Project:**	Mammoth Hillside Project Amendment and Time Extension Request
Time:	After 2:00 p.m.	**Location:**	Northwest corner of Canyon Boulevard and Lake Mary Road (107 Lakeview Boulevard, 5, 15, 17, and 49 Canyon Boulevard, and 106 Lake Mary Road)
Agenda Item:	2	**General Plan:**	North Village Specific Plan (NVSP)
Appeal Status:	Appealable to the Town Council	**Specific Plan:**	North Village Specific Plan (NVSP) – Specialty Lodging (SL) and Plaza Resort (PR) zones
Applicant / Owner:	David Harvey / Cerberus Real Estate Mammoth Landco, LLC	**Zoning:**	North Village Specific Plan (NVSP)
Environmental Review:	Consistent with the Subsequent Program Environmental Impact Report for the North Village Specific Plan Amendment		

TITLE: Consider approval of Tentative Tract Map 36-235a, Use Permit 2005-09a, Use Permit 2007-11a, Use Permit 2007-14a (amendments to the conditions of Resolutions No. PEDC 2006-01, 2007-22, and 2008-02) and Time Extension Request 15-003 for the Mammoth Hillside Project, including finding the project consistent with the Subsequent Program Environmental Impact Report for the North Village Specific Plan Amendment.

A. EXECUTIVE SUMMARY

1. Subject/Requested Actions

The Commission is requested to evaluate the proposed amendments to the Mammoth Hillside Project, which consists of Tentative Tract Map 36-235a, Use Permit 2005-09a, Use Permit 2007-11a, Use Permit 2007-14a, and Time Extension Request 15-003, determine if the required findings can be made, and take the following actions:

Report Prepared By:
Ruth Traxler, Associate Planner

Report Approved By:
Sandra Moberly, Community & Economic Development Manager

1. Adopt the required CEQA findings,
2. Adopt the required Municipal Code findings, and
3. Approve Tentative Tract Map 36-235a, Use Permit 2005-09a, Use Permit 2007-11a, Use Permit 2007-14a, and Time Extension Request 15-003 subject to all conditions of approval.

2. Required Findings to Support Requested Actions

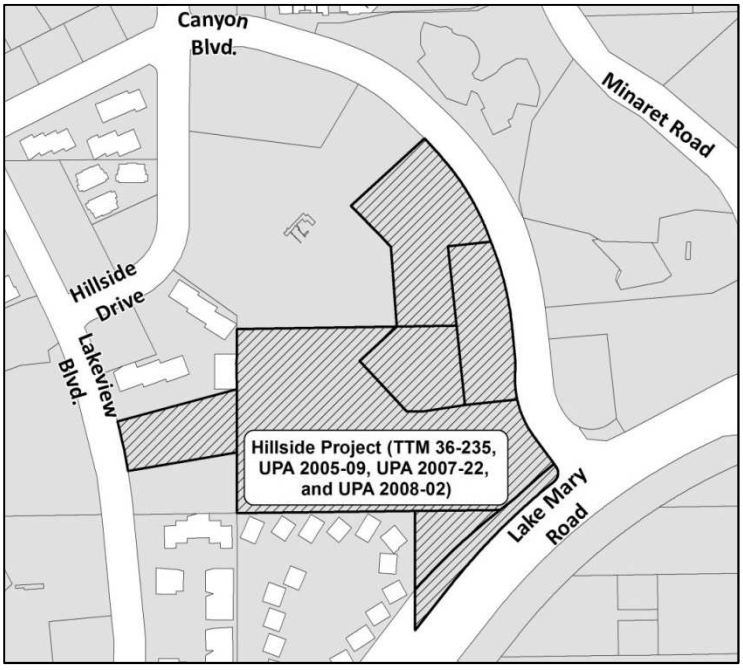
1. Is the proposed project consistent with the vision, goals and policies of the General Plan?
2. Does the proposed project conform to the Mammoth Lakes Municipal Code?
3. Does the proposed project conform to the North Village Specific Plan?
4. Is the proposed project consistent with the California Environmental Quality Act (CEQA)?

3. Report Summary

This proposal consists of amendments to the Mammoth Hillside Project, which was originally approved in 2006. Specifically, the applicant proposes revisions to the conditions of the approved resolutions, including Resolutions No. PEDC 2006-01, 2007-22, and 2008-02, which are associated with Tentative Tract Map 36-235, Use Permit 2005-09, Use Permit 2007-11, and Use Permit 2007-14. This report includes a summary of the project history and an analysis of the proposed amendments based on the application submitted. The purpose of the resolution amendments is to address current market conditions and incorporate standard planning and engineering conditions. No changes to the approved maps, site plan, or building design are proposed as a part of this application. Time Extension Request 15-003 proposes a five year extension of the entitlements to January 12, 2021.

Based on the analysis, it is staff's opinion that the required findings to support the requested approval can be made, and staff recommends approval of the amendments to the Tentative Tract Map and Use Permits and the Time Extension Request, with the conditions of approval noted in the attached resolution.

4. Location Map



B. ANALYSIS

1. Background and Project History

a. Tentative Tract Map 36-325 and Use Permit 2005-09 (Resolution No. PC 2006-01)

The Planning and Economic Development Commission approved Tentative Tract Map 36-235 and Use Permit 2005-09 on January 12, 2006, which authorized the two-phase Mammoth Hillside Project. Phase I was approved for a 193-unit (325 bedrooms) condominium hotel with understructure parking for 259 vehicles and three check-in surface parking spaces with full-time valet parking services, spa, pool and patio facilities, meeting facilities, restaurant/bar, and associated landscape improvements on five parcels of land consisting of approximately seven acres. Phase II was proposed as a town-home development with 41 units (107 bedrooms). Phase II was not entitled by Resolution No. PC 2006-11 and requires a separate Tentative Tract Map and Use Permit application.

The applicant proposed an additional 36 bedrooms of affordable housing to be allocated to both Phase I and II. Of the 36 bedrooms, 27 were required by the North Village Specific Plan for affordable housing mitigation. The additional nine units qualified the project for a 35% state density bonus. The 27 rooms required for mitigation are exempted from the overall density calculations, pursuant to the North Village Specific Plan's Housing Element.

After the project was approved, it was discovered that the property was 0.07 acres smaller than originally calculated. The result was a reduction in the overall property density of five bedrooms. Thus, the total allowable density of the Mammoth Hillside Project, Phase I and II, is 427 rooms (previously 432 rooms). The affordable housing mitigation required for the 35% state density bonus was also reduced, to 35 bedrooms.

An appeal of the Commission's decision to approve Tentative Tract Map 36-235 and Use Permit 2005-09 was reviewed by the Town Council on February 15, 2006. The Town Council voted to uphold the approval.

b. Use Permit 2007-11 (Resolution No. PC 2007-22)

On February 13, 2007, Use Permit 2007-11 was approved by the Planning and Economic Development Commission. The Use Permit was requested to allow tandem parking and mechanical parking lifts within the Mammoth Hillside Project's underground parking garage. At the time of the original project approval, the garage layout included parking spaces and drive aisles that did not meet the Town's standards. However, pursuant to Ordinance 2006-11, approved in December 2006, tandem parking and mechanical parking lifts were allowed through a use permit process.

As a part of the Use Permit application, the parking structure was redesigned to meet the requirements of the Ordinance. The applicant also proposed a revised mix of units that reduced the number of parking spaces required and proposed to accommodate the 50 parking spaces for the 8050 Residence Club (required by a private agreement) within the parking garage. The proposed number of units for Phase I was reduced to 127 units (291 rooms). The number of units constructed under the original approval (Resolution No. PC 2006-01) may be limited by the available parking designed under this application.

c. Use Permit 2007-14 (Resolution No. PC 2008-02)

Later in 2007, the applicant submitted a Use Permit application for the approval of an alternative housing mitigation plan. The alternative housing mitigation plan proposed to pay an in-lieu fee for the 35 bedrooms of affordable housing instead of constructing the affordable housing on site. The findings provided by staff in Resolution 2008-02 noted that the applicant would pay an addition 30% on top of the established in-lieu fee. The total in-lieu mitigation fee agreed upon was $5,586,000. It was determined that the mitigation plan resulted in a greater community benefit and that 35% state density bonus would remain.

The Use Permit was approved by the Planning and Economic Development Commission on February 13, 2008. An appeal of the approval was heard by the Town Council on April 2, 2008. The Town Council voted to affirm the Commission's approval with the condition that Mammoth Lakes Housing complete the units required for mitigation in the low or moderate range within five years.

d. Summary of Project Extensions and Expiration

Pursuant to the California Subdivision Map Act, tentative maps typically expire after 24 months. However, due to challenging economic conditions, four statutory extensions for maps have been enacted since 2008 (SB 1185, AB 333, AB 208, and AB 116). The most recent, AB 116, approved July 11, 2013, extends the expiration of the Mammoth Hillside Project tentative map to January 12, 2016. The use permits were automatically extended as well, pursuant to Zoning Code Section 17.64.060.A.3. The proposed Time Extension Request for an additional time extension of up to five years extends the expiration of the permits until January 12, 2021.

e. Concept Review 15-002

A Concept Review application, CR 15-002, was submitted on June 29, 2015 to review the existing entitlement conditions. In the application, it was noted that several of the existing conditions were "barriers to development and financing" and that if those were amended or removed, where appropriate, that it might facilitate progress on the project.

The Concept Review application was discussed and routed to applicable staff and agencies at the Development Review Committee on July 7, 2015. There was consensus among staff that some of the conditions identified by the applicant were either no longer relevant or should be changed to reflect the most current conditions as standardized by the Town. It was also recommended that if the three resolutions were to be amended, that they be combined into one resolution to simplify and clarify the conditions.

On September 9, 2015, the Planning and Economic Development Commission reviewed the proposed amendments at a public workshop and there was consensus from the Commission that the amendments to the entitlement conditions were reasonable, which are described in further detail below.

2. Development Proposal

The approved Mammoth Hillside Project entitlements are Tentative Tract Map 36-235 and associated Use Permits 2005-09 (Resolution No. PC 2006-01), 2007-11 (Resolution No. PC 2007-22), and 2007-14 (Resolution No. PC 2008-02). The current development proposal is to amend and combine the three resolutions, in order to address specific issue areas and to incorporate standard planning and engineering conditions. There are no changes to the approved maps, site plan, or building design.

The four primary issue areas that have been amended in the resolutions are as follows:

1) Four or five star hotel operator – Condition 2 of Resolution No. PC 2006-01 required that the project have a contract with a four or five star hotel operator prior to the issuance of a Certificate of Occupancy. The applicant has noted that any product yielding Transient Occupancy Tax at this location may meet the anticipated objective. Staff has removed this condition as the applicant no longer has a preference for a four or five star hotel operator.

2) Pedestrian Bridge – Condition 10 of Resolution No. PC 2006-01 referenced a pedestrian bridge over Canyon Boulevard to connect the project site to the Gondola Building and the Village Plaza. Staff researched this condition and determined that the pedestrian bridge is not required by the Town or by the North Village Specific Plan, and the condition has been removed.

3) 8050 Residence Club 50 parking spaces – Resolution No. PC 2007-22 referenced a private parking agreement with the owners of the 8050 Residence Club (Mammoth 8050, LLC), which requires that the Mammoth Hillside Project provide 50 parking spaces within the underground parking garage. Staff has amended the resolution to indicate acknowledgement, but not requirement, of the private parking agreement.

4) Fees – There were references throughout the three resolutions, Resolutions No. PC 2006-01, PC 2007-22, and PC 2008-02, to required affordable housing mitigation fees and development impacts fees. In the resolutions, these conditions reference specific fee amounts (e.g. $5,586,000 for in-lieu housing mitigation fees). Staff has revised the related conditions to require the applicant to pay the affordable housing mitigation fees and development impact fees in place at the time of building permit submittal or issuance, as applicable. This is in accordance with conditions applied to current development projects. It is important to note, however, that payment of the standard affordable housing mitigation fees will result in the loss of the 35% state density bonus. Staff has also removed Condition 27 of Resolution No. PC 2006-01, which required a payment of $386,000 for parkland. This condition is no longer relevant as current development impact fees include a fee for parks and recreation.

In addition, the Engineering Division has revised Condition 23 of Resolution No. PC 2006-01 to require participation in the creation of a pedestrian area of interest or transit shelter located at the north easterly portion of the property along Canyon Boulevard.

Staff also reviewed and amended conditions as necessary to reflect current standards and best practices in the Planning and Engineering Divisions. For example, conditions regarding landscaping should be revised to reference the Water Efficient Landscape Ordinance, adopted as a part of the Zoning Code Update in 2014.

The final component of the current development proposal is the Time Extension Request, which extends the expiration date of the entitlements for five additional years, to January 12, 2021. No additional time extensions may be granted since the maximum allowable term of eight years will have been issued by the Town.

3. Environmental Analysis

Environmental analysis was completed for the Mammoth Hillside Project by staff as a part of Use Permit 2005-09. At that time, the project was reviewed and considered to be in conformance with the Subsequent Program Environmental Impact Report for the North Village Specific Plan Amendment (State Clearinghouse No. 99-092082). The NVSP EIR analyzed a potential of 730 rooms for the project area and an additional 80 bedrooms for workforce housing when assessing environmental impacts. The total project area, including Phases I and II, proposed a maximum of 427 rooms and 35 workforce housing rooms, which is significantly less than analyzed by the EIR.

C. OPTIONS

Option 1.

1. Adopt the required CEQA findings,
2. Adopt the required Municipal Code findings, and
3. Approve Tentative Tract Map 36-235a, Use Permit 2005-09a, Use Permit 2007-11a, Use Permit 2007-14a, and Time Extension Request 15-003 subject to all conditions of approval as recommended by staff or with modifications.

Option 2. Deny Tentative Tract Map 36-235a, Use Permit 2005-09a, Use Permit 2007-11a, Use Permit 2007-14a, and Time Extension Request 15-003.

Option 1 would approve the project subject to the conditions included as Attachment "A" to the attached resolution or as modified by the Planning and Economic Development Commission.

Option 2 does not allow the project to proceed with the planning process, unless an appeal is filed within 15 days of Planning and Economic Development Commission decision. The Commission would need to make findings for denial. If an appeal were to be filed, the project would be scheduled for a Town Council hearing.

D. RECOMMENDATION

Staff recommends that the Planning and Economic Development Commission choose Option 1:

1. Adopt the required CEQA findings,
2. Adopt the required Municipal Code findings, and
3. Approve Tentative Tract Map 36-235a, Use Permit 2005-09a, Use Permit 2007-11a, Use Permit 2007-14a, and Time Extension Request 15-003 subject to all conditions of approval as recommended by staff or with modifications.

Attachments

Attachment 1: Planning and Economic Development Commission Resolution

Attachment "A" – Conditions of Approval

Attachment 2: Resolutions No. PC 2006-01, PC 2007-22, and PC 2008-02

Attachment 3: Mammoth Hillside Project plans

Attachment 4: North Village Specific Plan (available online:

http://ca-mammothlakes.civicplus.com/index.aspx?nid=650)

Attachment 1

Planning and Economic Development Commission Resolution

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 2015-

A RESOLUTION OF THE MAMMOTH LAKES PLANNING AND ECONOMIC DEVELOPMENT COMMISSION APPROVING AMENDMENTS TO THE MAMMOTH HILLSIDE PROJECT, TENTATIVE TRACT MAP 36-235, USE PERMIT 2005-09, USE PERMIT 2007-11, AND USE PERMIT 2007-14, AND APPROVING TIME EXTENSION REQUEST 15-003 TO ALLOW A FIVE YEAR TIME EXTENSION AND TO AMEND AND COMBINE THE CONDITIONS OF RESOLUTIONS NO. PEDC 2006-01, 2007-22, AND 2008-02 FOR PROPERTY LOCATED AT 107 LAKEVIEW BOULEVARD, 5, 15, 17, AND 49 CANYON BOULEVARD, AND 106 LAKE MARY ROAD

(APNs: 033-020-010-000, 033-020-021-000, 033-020-011-000, 033-020-033-000, 031-110-027-000, 033-010-002-000, and 033-020-039-000)

WHEREAS, a request for consideration of amendments to Tentative Tract Map 36-235, Use Permit 2005-09, Use Permit 2007-11, and Use Permit 2007-14 and Time Extension Request 15-003 was filed by David Harvey for Cerberus Real Estate Mammoth Landco, LLC to allow a five year time extension of the project and to amend and combine the conditions of Resolutions No. PEDC 2006-01, 2007-22, and 2008-02, in accordance with Chapter 17.64, Chapter 17.116, and Chapter 17.128 of the Town of Mammoth Lakes Municipal Code, for property located within the North Village Specific Plan zoning district at 107 Lakeview Boulevard, 5, 15, 17, and 49 Canyon Boulevard, and 106 Lake Mary Road; and

WHEREAS, the Planning and Economic Development Commission conducted a noticed public hearing on the application request on December 9, 2015, 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, North Village Specific Plan, Municipal Code, Design Guidelines, and State Subdivision Map Act;
3. Oral evidence submitted at the hearing;
4. Written evidence submitted at the hearing; and
5. Project plans consisting of the application dated received by the Town of Mammoth Lakes on October 6, 2015 and the Title Report dated received by the Town of Mammoth Lakes on November 16, 2015.

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

a. The Planning and Economic Development Commission considered the Subsequent Program Environmental Impact Report for the North Village Specific Plan Amendment (State Clearinghouse No. 99-092082) certified by the Town Council, any comments received, including any responses to comments, including the Mitigation Monitoring and Reporting Program, pursuant to the CEQA Guidelines.

b. The Planning and Economic Development Commission finds that on the basis of the whole record, there is no substantial evidence that the proposed amendments will result in any new or increased significant effects on the environment. The proposed amendments are to the conditions of Resolutions No. PEDC 2006-01, 2007-22, and 2008-02 and remove the requirement for a four or five star hotel operator, remove the requirement for a pedestrian bridge, amend the reference to the parking agreement with the 8050 Residence Club to indicate acknowledgement of the private agreement, and modify fees as necessary to reflect the current fee schedule adopted by the Town Council. Additional conditions have been added to reflect current development standards and best practices in the Community and Economic Development Department. There are no changes to the approved maps, site plan, or building design.

c. A Mitigation and Monitoring Reporting Program has been adopted with the Subsequent Program Environmental Impact Report for the North Village Specific Plan Amendment and no mitigation measure has been

revised as a result of the review process. All applicable mitigation measures shall be conditions of project approval.

2. FINDINGS FOR AMENDMENTS TO TENTATIVE TRACT MAP AND USE PERMITS (Municipal Code Section 17.128.030)

a. The Planning and Economic Development Commission finds that the circumstances under which the entitlement was granted have changed and that amendments to the conditions of the entitlement are required in order for the project to proceed in a positive manner. The economic downturn in 2008 precluded the development of the project and the modifications made by this amendment reflect current standards and best practices in development in the Community and Economic Development Department.

b. The Planning and Economic Development Commission finds that the proposed amendments to the conditions of Resolutions No. PEDC 2006-01, 2007-22, and 2008-02 make no changes to the approved maps, site plan, or building design. The amendments to the conditions remove the requirement for a four or five star hotel operator because the applicant no longer has a preference for a four or five star hotel operator, remove the requirement for a pedestrian bridge because it is not required by the Town or the North Village Specific Plan, amend the reference to the parking agreement with the 8050 Residence Club to indicate acknowledgement of the private agreement, and modify fees as necessary to reflect the current fee schedule adopted by the Town Council. Conditions have also been added to reflect current development standards and best practices in the Community and Economic Development Department.

3. FINDINGS FOR TIME EXTENSION REQUEST (Municipal Code Section 17.64.060)

a. The Planning and Economic Development Commission finds that the applicant has made a good faith effort to exercise the permit and comply with the conditions of approval in a timely manner and circumstances beyond the control of the applicant have prevented exercising the permit. The economic downturn in 2008 precluded the development of the project and the property owner anticipates the amendments approved by this Resolution will support development and has requested a five year extension, which will provide the property owner the maximum allowable time extension term of eight years, pursuant to Municipal Code Section 17.64.060.B.5.

b. The Planning and Economic Development Commission finds that Tentative Tract Map 36-235, Use Permit 2005-09, Use Permit 2007-11, and Use Permit 2007-14 are still in compliance with the General Plan and the North Village Specific Plan since neither the project plans nor the applicable sections of the North Village Specific Plan have been modified since the original project approvals.

c. The Planning and Economic Development Commission finds that the original conditions of approval of Tentative Tract Map 36-235, Use Permit 2005-09, Use Permit 2007-11, and Use Permit 2007-14 (Resolutions No.

PEDC 2006-01, 2007-22, and 2008-02) have been modified and new conditions have been imposed as provided for in Attachment "A" as reasonable and necessary to ensure that the approval will remain in compliance with the findings required by the Zoning Code for this project.

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 consistent with the Subsequent Program Environmental Impact Report for the North Village Specific Plan Amendment (State Clearinghouse No. 99-092082) pursuant to the California Environmental Quality Act (CEQA) Guidelines;

2. Approves Tentative Tract Map 36-235a, Use Permit 2005-09a, Use Permit 2007-11a, and Use Permit 2007-14a subject to the conditions listed in ATTACHMENT "A"; and

3. Directs staff to file a Notice of Determination.

PASSED AND ADOPTED this 9th day of December 2015, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

_____	_____
Sandra Moberly, Community and Economic Development Manager	Madeleine "Mickey" Brown, 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.

I, David Harvey, am the applicant and duly authorized representative for the property owner for this project request and I do hereby attest that I have read, and agree to, the conditions of approval stipulated within this Resolution.

_____

David Harvey Date
(Notary Required)

PLANNING CONDITIONS

1. This approval and the conditions set forth herein shall supersede the conditions in Resolutions No. PEDC 2006-01, 2007-22, and 2008-02 to the extent that the conditions set forth herein are inconsistent with the conditions set forth in Resolutions No. PEDC 2006-01, 2007-22, and 2008-02.

2. This approval authorizes the following:

    a. A 193-Unit Condominium Hotel (Mammoth Hillside Phase 1) including market rate Lock-off Units, totaling 225 "keys," and understructure parking accessed from Canyon Boulevard. The final number of units permitted to be constructed may be limited by the available parking in the Mammoth Hillside parking garage. The project proposes full-time valet parking services. The development includes a service loading dock, spa/fitness area of 9,038 square feet, meeting facilities of 6,300 square feet, restaurant of 5,070 square feet, guest services area of 2,700 square feet, pool and patio area, and associated landscape and street frontage improvements on a 5.21-acre portion of the seven-acre site. The 2.4-acre Phase II portion of the project shall be designated as a "Remainder Parcel" on the Final Tract Map. Phases I and II have a combined maximum density of 317 rooms pursuant to the NVSP. Future changes to the unit and room mix and amenity square footages as described may be approved by the Community and Economic Development Director as long as the total project complies with the North Village Specific Plan density and parking requirements.

    b. Tandem parking and mechanical parking lifts within the Mammoth Hillside parking garage. In accordance with the private agreement with the 8050 Residence Club, an additional 50 parking spaces may be accommodated in the parking garage.

    c. Extension of the expiration date of the entitlements for Tentative Tract Map 36-235, Use Permit 2005-09, Use Permit 2007-11, and Use Permit 2007-14 for five additional years, to January 12, 2021. No additional time extensions may be granted since the maximum allowable term of eight (8) years will have been exhausted by this Resolution (Municipal Code Section 17.64.060.B.5).

3. The affordable housing requirements for this project shall be mitigated through compliance with the housing ordinance in effect at the time of building permit submittal.

4. The project parking must be redesigned to meet the following requirements:

    a. All interior dimensions including aisle widths, turn radii, and ramp grades.

    b. Vertical clearance must be a minimum of 9 feet and must take grade changes into account.

c. The site plan must accommodate up to 14 vehicles for check-in parking without blocking ingress and egress. These may be parallel spaces in the vicinity of the porte-cochere.

5. Line-of-sight from the driveway onto Canyon Boulevard shall be evaluated to assure adequate sight distance to the north when transit buses are parked in the adjacent bays. Given the vertical curve of Canyon Boulevard to the south additional review by a qualified Traffic Engineer shall be required to determine if the southern sight distance is adequate. If adequate line-of-sight is not achieved, the following mitigation measures may be imposed by the Public Works division: a reduction of the posted speed along Canyon, redesign of the transit bus parking area at no cost to the Town, and/or moving the driveway.

6. Building setbacks along non-NVSP property lines shall maintain a minimum of 20 feet for buildings up to 35 feet in height plus one-foot for every two feet of building height above 35 feet.

7. The applicant shall provide a Tour Bus Parking Program to be reviewed and approved by the Community and Economic Development Department. Tour bus access to the lobby area at the porte-cochere and along the driveway shall be provided and approved by the Community and Economic Development Department.

8. The project shall meet the requirements of Municipal Code Section 15.36 (Water Efficient Landscape Regulations).

9. A revised Landscaping and Grading Plan for the southerly portion of the site fronting onto Lake Mary shall be provided to assure a minimum setback of ten feet for the patio/spa area, to demonstrate the preservation of as many existing native trees in this area as possible, and to show replacement planting with native trees. The revised Landscaping and Grading Plan shall be reviewed and approved by the Community and Economic Development Department.

10. The project shall provide a revised landscaping plan detailing tree retention and replacement along Canyon and Lake Mary and the relocated southerly building wing. The project shall implement the improvements shown on the revised Landscape Plan. Consistent with the NVSP (item 16, page 57), all removed trees greater than 12 inches diameter shall be replaced on a one-for-one basis either on-site or on an off-site location approved by the Town. Trees used for re-vegetation shall be native to the Mammoth Lakes community. Consistent with the Timber Valuation Report (David Early, May 8, 2005), the applicant shall provide the Town with the valuation of trees to be planted at a replacement cost of $21,034.50 or more prior to installation of the landscape plantings. The mitigation measures established by the Forest Condition Survey (David Early, May 2005) shall be adhered to by the applicant to the satisfaction of the Community and Economic Development Department.

11. A revised Colors and Materials Board shall be provided for the project that provides actual samples of materials and colors to be used on the structure's exterior. Consistent with Advisory Design Panel (ADP) review, the gray/green exterior color shall be of a warmer tone than reviewed by the Planning and Economic Development Commission and additional architectural treatments, increases to widow sizes, heavy trim treatments, and roof line variations will need to be provided for the structural elevations between the southerly and northerly buildings and the elevation fronting onto the Monache project.

12. 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 Section 17.88.

13. The applicant shall request annexation into, and reapportionment of, Community Facilities District 2001-1 and participate in the community transit system, provide public access and easements, contribute to emergency facilities and parks, and adhere to the Vested Rights of the North Village Development Agreement.

14. The project area shall be annexed into the Benefit Assessment District (BAD 2001-2) for the purpose of maintaining, operating, repairing, removing snow, heat tracing, landscaping, irrigation, street lighting, and other matters along the Canyon Boulevard and Lake Mary Road frontages. To continue this effort uniformly the applicant will be required to "annex" into the District prior to Final Tract Map approval.

15. The project shall comply with the Town's adopted Source Reduction and Recycling requirements. Recycling and trash compaction facilities required by the North Village Specific Plan and Program EIR shall be provided and shown on building permit plans. Necessary solid waste permits shall be obtained from the Mono County Public Works Department. A trash compactor system and recycling facilities shall be located adjacent to, or in coordination with, the solid waste storage facilities to be accommodated within the loading dock structure. Approval of these solid waste facilities and their locations by Mammoth Disposal is required prior to Building Permit issuance.

16. Construction worker housing is required pursuant to the NVSP Housing Policy #3. Contractors and sub-contractors that hire employees from outside Mono or Inyo Counties (who will need to reside in Town for 90 days or longer) are prohibited from housing these workers within the RMF-1 Zone. Prior to Building Permit issuance, the applicant shall provide a Construction Worker Housing plan to the Town for review and approval.

17. Building Permits are required for all future structural, electrical, and/or plumbing improvements within the subject property.

18. Prior to Building Permit issuance, the applicant shall pay any fees due on the Tentative Tract Map and Use Permit processing account.

19. All other regulations of the Town of Mammoth Lakes shall apply, including, but not limited to, conformance with applicable zoning standards. All public improvements shall be consistent with the Village at Mammoth Specific Plan improvements.

20. .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

21. Walkways and driveways shall be provided with heat-tracing to encourage snowmelt during winter months. Heat-tracing shall also be provided within the Canyon Boulevard sidewalk from the transit pull-out area southerly to a point as approved by the Public Works Director to compensate for building shadow within this area. Said heat-tracing systems shall be convertible to geothermal when available to the area.

The project shall be designed for consideration of renewable and energy efficient practices in the planning and construction of the project.

22. The project will participate in the required North Village traffic and circulation mitigation measures on a fair share basis.

23. If the Town elects to design and construct a transit shelter at the north easterly portion of the property along Canyon Blvd prior to issuance of the building permit for the project, the applicant shall pay to the Town of Mammoth Lakes half of the actual cost of the improvements. Contributions may be held in trust for future Town pedestrian improvements. If the Town has not constructed a transit shelter at the north easterly portion of the property along Canyon Blvd prior to issuance of the building permit for the project, the applicant shall participate in the creation of a pedestrian area of interest or transit shelter, as determined by the Town.

24. The final development plans shall be routed to the Mammoth Lakes Fire Protection District for review and approval prior to the issuance of Building Permits.

25. All retaining walls and exposed walls for the understructure-parking garage shall be treated with rock veneer to match the structure, or be of a dry rock stack design.

26. 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 not normally associated with a residential resort project is prohibited (except as approved as a part of the construction management plan). Non-operating vehicles, equipment and materials inappropriate to the site and its use shall not be stored within outdoor areas on-site.

27. Prior to Building Permit issuance, a conceptual site plan for Phase II shall be submitted limiting all construction storage/tree removal areas to those areas clearly needed for future building and access.

28. Payment of street-sweeping mitigation fees shall be made prior to issuance of a building permit consistent with the Air Quality mitigation measures established by the North Village Environmental Impact Report.

29. 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 applicant and the owners association, if formed shall execute a transit agreement with the Town prior to recordation of the final map. If no owners association is formed at that time, the applicant shall submit a petition to be annexed into the transit and transportation Fee Community Facilities District (CFD 2013-03) and pay all fees associated with the annexation process prior to final map approval by staff. CFD 2013-03 shall be referenced in the CC&Rs as well as in disclosure documents required by the California Department of Real Estate for the project.

30. The use and all existing and new improvements constructed on the site shall be in compliance with all Town of Mammoth Lakes, County of Mono, Mammoth Lakes Fire Protection District, Mammoth Community Water District, Great Basin Air Pollution Control District, Lahontan Regional Water Quality Control Board, 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 Section 17.60.130 of the Mammoth Lakes Municipal Code.

31. It is the intent of these conditions of approval that all provisions herein are to be consistent with and in accordance to the Specific Plan, all municipal codes and ordinances, and all local. State and federal standards, policies, regulations and laws, unless specifically provided for herein. To the extent that there is a conflict between the various provisions of law regarding implementation of these conditions, the provision which will most effectively carry out the goals and policies of the Town as set forth in the Specific Plan shall control. This Use Permit application, subject to conditions of approval, must clearly demonstrate consistency among the approved Tract Map conditions and zoning provisions or this approval shall be invalid.

32. The uses allowed under this approval shall be those that are described in Condition 1. No other uses shall be allowed, including professional offices, medical or post office uses, except by issuance of additional use permits or amendment to the Specific Plan.

33. No building permit shall be issued for Mammoth Hillside prior to filing of the Final Tract Map per Subdivision Map Act Section 66499.30.

34. No wood burning appliances or fireplaces may be permitted in this project.

35. Noise generated by the project shall meet the requirements of the Specific Plan and/or the Town's noise regulations, as applicable. Construction days and hours shall be limited to the Town's adopted Construction Site Regulations pursuant to Municipal Code Section 15.08.020.

36. A snow management plan for private property shall be included in the CC&Rs and be submitted and approved by the Community and Economic Development Department, prior to recordation of the Final Tract Map, describing such features as, but not limited to, location of snow storage areas, snowmelt areas, the method for snow hauling, frequency of pick-ups, pick-up areas, haul routes, hours of hauling operations and deposit areas. This plan shall include provisions stating that, when applicable, snow removal shall be performed daily prior to the opening of any business and will be maintained to a safe condition during business hours. The plan's effectiveness, in conjunction with Town policies regarding snow hauling, will determine whether the plan will be approved. A Town permit shall be obtained for any off-site snow storage, if required. The applicant, or a homeowners or master association, if formed, shall provide the Town with documentation that prior to occupancy, contracts or other arrangements have been entered into to provide snow management required by this condition and the Specific Plan. All such conditions or other arrangements, along with any renewals or amendments, shall be in full force and effect for the life of this project.

37. A maintenance plan for private common area facilities shall he submitted by the applicant for review and approval by the Community and Economic Development Department. This plan shall include provisions for maintenance of private facilities, including, but not limited to, driveways, parking areas, sidewalks, and plazas and all common areas, snowmelt systems, private utilities, retaining walls and drainage facilities. The applicant, or a homeowners or master association, if formed, shall provide the Town documentation that prior to filing a Final Tract Map, contracts or other arrangements have been entered into to provide maintenance required by this condition and the Specific Plan. All such contracts, or other arrangements, along with

any renewals or amendments, shall be in full force and effect for the life of this project.

38. Lot coverage shall meet or be less than the NVSP requirement of 60%. Alterations to the landscape and paving plan may be necessary to comply with his requirement.

39. Town staff shall have the right to enter the subject property to verify compliance with these conditions. The holder of this Use Permit approval shall make the property available to permit Town staff to make site visits to confirm compliance to these conditions and shall, upon request, make records and documents available to Town staff as are necessary to evidence compliance with the terms and conditions of this approval.

40. All grading and site improvements shall adhere to the applicable mitigation measures established by the Subsequent Program Environmental Impact Report (EIR) for the North Village Specific Plan Amendment, identified as State Clearinghouse No. 99-092082. Prior to submittal of a Grading Permit application request, the project proponents shall meet with Community and Economic Development Department staff and the Town Engineer to establish the specific environmental mitigations for the project site.

41. 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.

42. Any future signage within the project area shall be found in conformance with the Sign Ordinance and approved by Community and Economic Development Department staff prior to the erection of such signage.

43. Pursuant to Government Code Section 66474.9 the subdivider shall defend, indemnify, and hold harmless the local agency and its agents, officers, and employees from any claim, action, or proceeding against the local agency and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the local agency, 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.

44. These conditions shall be recorded with the clerk of Mono County.

45. 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.

ENGINEERING CONDITIONS

A. STANDARD CONDITIONS / GENERAL REQUIREMENTS:

1. 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 such time limitation as may be extended by the Planning and Economic Development Commission in accordance with the Subdivision Map Act.

2. 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(ies) of each record maps(s) 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. A subdivision guarantee shall be issued and dated within 30 days prior to final map approval by the Planning and Economic Development Commission.
3. 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.
4. 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 approved maintenance district or property owners association.
5. Slope rights adjacent to public rights of way shall be dedicated on the final map where necessary.
6. Landscaping and irrigation systems within the public right of way and within public landscaping easements adjacent to the project area shall be maintained by Benefit Assessment District BAD 2001-2. Landscaping and irrigation plans shall be submitted to the Town for review and approval for these areas.
7. Paved access is required to a maintained street. Street and traffic signs shall meet the California Manual of Uniform Traffic Control Devices (MUTCD).
8. 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.
9. All new utility lines within, adjacent to or serving the site shall be placed underground.
10. The site grading design and all building construction shall conform to the American Disabilities Act (ADA) requirements as may be applicable.
11. This project shall be required to pay all Development Impact Fees in accordance with Town ordinances and the municipal code.
12. No off-site grading is permitted by this Tentative Map and Use Permit. For any off-site grading, the Applicant shall obtain an easement or letter of permission from the affected property owner and shall be permitted only as provided in the Municipal Code.
13. Surety shall be posted with the Town in a form acceptable to the Town Engineer 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 Engineer.

14. Mylar copies of the recorded final map shall be submitted to the Town within 60 days of map recordation. A cash surety in the amount of $200 for the first sheet and $100 per additional map sheet shall be submitted to the Town for the faithful performance of this requirement. The Applicant shall also submit to the Town an electronic file of the final map in AutoCAD, or other format as may be approved by the Town Engineer within 30 days of approval of the final map.
15. All required easements and dedications shall be in a form and content acceptable to the Town Engineer.
16. Application shall be made to the Mammoth Community Water District for re-apportionment of any existing assessment lien(s) to the new lots and units proposed. The Applicant shall submit a receipt of the application from MCWD to the Town prior to final map consideration by the Planning and Economic Development Commission.
17. The applicant shall pay a fee per parcel, lot, or unit created to the Community and Economic Development Department for long range planning reimbursement prior to approval by staff of the final map..
18. This project is protected by the Mammoth Lakes Fire Protection District. Prior to any construction occurring on any parcel, the Applicant shall contact the Fire Marshal for verification of current fire protection development requirements.
19. The property owner, Applicant/Developer and holder of any and all permits associated with this property shall conform to the requirements of the Town of Mammoth Lakes and Federal, State, County and Local agency requirements, as they may apply. This includes, at a minimum, the CRWQCB Lahontan District, the Great Basin Air Quality Control District, OSHA, the Mammoth Lakes Fire Protection District, and the Mammoth Community Water District.
20. 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.
21. All grading and public improvements shall be consistent with the Town Of Mammoth Standard Plans for Public Works.
22. Any off-site improvements required, such as installation of roads, sewers, water lines, or drainage improvements, which are of benefit to land other than the land located within the subdivision, shall be subject to an approved agreement between the Town and the subdivider to reimburse him in whole or in part for the use of the improvement by lands other than those developed by the subdivider, pursuant to Section 17.16.190 of the subdivision ordinance.

B. THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO APPROVAL BY THE TOWN OF THE FINAL MAP:

23. The final map shall conform to the requirements of Town of Mammoth Lakes Subdivision Ordinance 84-10 and all amendments thereto.
24. The conditions of Use Permit 2005-09 shall remain in effect for the life of the project.

25. 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 and use permit and all mitigation measures within the Mitigation Monitoring and Reporting Program contained in the resolution recorded at the County Recorder's Office of Mono County, 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.

26. A preliminary soils report shall be filed with and reviewed by the Town Engineer. An "as graded" soils report shall be provided to the Town upon completion of the grading.

27. Sureties shall be posted for required grading, street and drainage improvements in accordance with the Municipal Code and the Applicant shall enter into a subdivision improvement agreement for all required public improvements in accordance with the Subdivision Map Act. The agreement shall include provisions for the posting of warranty sureties for the accepted public improvements. Construction cost estimates for all required sureties shall be prepared and signed by a registered civil engineer. The estimates shall be at prevailing wages and shall include 20% for construction contingencies and 20% for administrative costs. All sureties shall be posted prior to the issuance of a grading permit and prior to approval by staff of the final map.

28. This tentative tract map is for a project to be developed on one lot and within a single phase. The area shown as Phase 2 on the tentative map shall be designated as a remainder parcel on the final map.

29. A form of security listed in Government Code Section 66499(a) and acceptable to the Town shall be posted to secure completion of all required grading, street and drainage improvements in accordance with the Municipal Code and the applicant shall enter into a subdivision improvement agreement for all required public improvements in accordance with the Subdivision Map Act. The agreement shall include provisions for the posting of warranty sureties for the accepted public improvements two weeks prior to Planning and Economic Development Commission approval of the final map. Construction cost estimates for all required sureties shall be prepared and signed by a registered civil engineer. The estimates shall be at prevailing wages and shall include 20% for construction contingencies and 20% for administrative costs. All sureties shall be posted prior to the issuance of a grading permit and prior to approval by staff of the final map.

30. 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.

31. If the subject property has existing overhead utilities along the property frontage. The Subdivision Ordinance requires that undergrounding of utilities shall be mandatory for all subdivisions and all condominium projects. The applicant shall therefore perform either of the following:

32. Convert the existing utilities underground along the frontage of the property, or,

33. Post a surety in a Town acceptable form to guarantee undergrounding of utilities or the property is annexed into a Capital Improvement District that will underground the

overhead utilities. The Applicant shall therefore enter into an agreement with the Town whereby the property owner, his successors and assigns, shall not vote to disillusionment of an assessment district to be formed for the conversion of the existing overhead utilities to underground. The covenant shall be recorded with the County Recorder and shall be on title.

a. The design and construction and the estimated costs and fees for the conversion to underground of the utilities shall meet the standards and approval of all serving utility companies within the Mammoth Lakes area and the standards and requirements of the Town.

OR

b. The Property Owner shall enter into an agreement with the Town in which the Property Owner shall agree to not vote in opposition to the formation of a Utility Undergrounding District. The agreement shall run with the land and shall be binding upon all future owners of the property.

34. Rights of way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing shall be required as necessary.

35. Prior to approval of the final map by staff the Applicant shall apply for annexation into Benefit Assessment District BAD 2001-2.

36. Prior to approval of the final map by staff the Applicant shall apply for re-apportionment of Community Facilities District CFD 2001-1 for the inclusion of the project into the district.

37. The sale of the excess right of way along Lake Mary Road, from the Town to the Applicant, vacated in accordance with Street Vacation 2005-01, shall be completed prior to approval of the final map by staff and prior to the issuance of a grading permit for the project.

38. All storm drain facilities within the development shall be private facilities and shall be maintained by the Homeowner's Association to be created for the development.

39. An encroachment agreement shall be executed by the Applicant and recorded for any private improvement constructed within a public or Town easement or within the public right of way.

40. Relinquishment of Abutter's Right of Vehicular Access shall be indicated on the Final Map along Canyon Blvd. and Lake Mary Road except in the locations where driveways are shown on the tentative map, one on Canyon Blvd and one on Lake Mary Road.

41. An irrevocable offer of dedication for right of way shall be offered on the final map for the right of way required for Canyon Blvd. The irrevocable offer of dedication shall be accepted subject to improvement and acceptance by the Town. A statement to this affect shall be written on the cover sheet of the final map.

42. Easements and rights of way of record held by the Town that are to be abandoned, relinquished or vacated shall not be shown on the final map and a statement shall be placed on the cover sheet of the final map indicating the deposition of the interest being abandoned in accordance with Section 66499.20.2 of the Subdivision Map Act.

43. An easement shall be granted to the Town and to the benefit of the public for those portions of the public sidewalk along Canyon Blvd. that traverse onto private property. An easement shall be granted to the Town for landscaping and the maintenance of the area between the Canyon Blvd. right of way and the public sidewalk along Canyon Blvd.

44. 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 owners statement on the parcel map shall reserve said easements unto themselves, their heirs and assigns.

45. All proposed 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. 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 Town Engineer 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).

46. 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 Town Engineer together with the final map prior to approval of the final map.

47. Monumentation of the subdivision shall be installed in accordance with the Subdivision Ordinance of the Town, Ordinance 84-10. A street centerline monument well and monument shall be installed at the intersection of Canyon Blvd. and Lake Mary Road, on the centerline of Lake Mary Road at the prolongation of the project's westerly property line, on the centerline of Canyon Blvd. approximately 240 feet north of the intersection with Lake Mary Road, or on appropriate offsets, to the satisfaction of the Town Surveyor.

48. For condominium projects the following statement shall appear on the signature sheet of the final parcel map: "THIS SUBDIVISION IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 6542 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA, CONTAINING A MAXIMUM OF 193 RESIDENTIAL UNITS AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT."

49. The applicant shall submit a request for unit, building and street addressing to the Town, and a request for street names for all streets within the subdivision. Approval of the addressing and street names shall be completed prior to approval of the map by staff.

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

50. Prior to the issuance of a grading permit, building permit and. any site disturbance the applicant shall demonstrate that the parking garage, aisles and ramps meets all Town standards, to the satisfaction of the Town Engineer, including parking stall dimensions, maximum ramp grades, height clearance requirements, and turning radii such that there will be no conflicts with two-way traffic.

51. Construction of water and sewer improvements shall require water and sewer permits from the Mammoth Community Water District. Grading plans shall be submitted to the Town for review and approval and a grading permit in accordance with the municipal code shall be obtained from the Town and all mitigating measures to prevent erosion and to protect existing trees shall be constructed prior to work commencing for any and all water and sewer improvements.

52. An application for a grading permit shall be submitted to the Engineering Services Division of the Public Works Department in accordance 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 an engineered grading and drainage plan has been approved by the Town Engineer and an engineered grading permit has been issued.

53. 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.

54. The approved site and building plans shall be adhered to and maintained for the duration of the permit.

55. An encroachment permit or a letter of exemption shall be obtained from the Engineering Services Division of the Town prior to construction within public right of way in accordance Chapter 12.04 of the Municipal Code.

56. 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.

57. Street profile grades shall not be less than 0.5% unless the engineer of work at the time of submittal of the improvement plans provides justification to the satisfaction of the Public Works Director confirming the adequacy of the grade and provided that drainage can be adequately maintained.

58. No work within Town right of way shall be commenced until a Traffic Control Plan has been prepared by the Applicant and approved by the Engineering Services Division of the Town.

59. Final 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. Overhead utilities shall be converted to underground.

60. Prior to approval of the improvement plans, 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 Town Engineer for review and approval. A geotechnical report is required that confirms that the proposed drywell locations will not be subject to groundwater entering the drywell or cause leaching

through an adjacent slope face. Slope stability tests are required for all cuts or fills greater than 2:1 (H:V). An "as-graded" soils report shall be provided to the Town upon completion of grading.

61. 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.

62. Monument signs shall be approved by the Planning Division of the Community and Economic Development Department. All private signs shall be located outside of the public right of way and outside of the line of sight of vehicles within the right of way and any driveway for the project.

63. Street and public improvement plans shall be prepared by a Registered Civil Engineer and submitted to the Town for review and approval. All public sidewalks shall be constructed to a minimum width of 8 feet clear of obstructions. Grade and alignment of the public sidewalks shall be consistent with all local, State and Federal requirements and regulations. All new striping and replaced striping shall be in-laid thermal-plastic and shall meet Caltrans standards. Pavement re-surfacing for trench restoration and pavement widening shall extend to the nearest lane line. All improvements shall be consistent with Town standards. The Applicant may apply for Development Fee Impact credits for public improvements as may be applicable. The following improvements shall be constructed by the Applicant and shall be completed to the satisfaction of the Public Works Director prior to the first certificate of occupancy for the project:

    a. The Applicant shall have an updated traffic impact analysis prepared that shall include the trip generation for existing conditions and entitled projects, including the County public library and dormitory rooms. The updated analysis shall include the projects along Hillside Drive and Lakeview Blvd., including the proposed parking structure at Hillside Drive and Canyon Blvd. The analysis shall be reviewed and approved by the Town and its traffic consultant. The Applicant shall be responsible to implement the traffic mitigation measures as may be prescribed by the analysis.

    b. Canyon Blvd. shall be widened by a minimum of 11 feet to accommodate a left turn pocket for the left turning movements to and from the project. The length and the width of the pocket and transitions shall be determined by a traffic study prepared by qualified traffic engineer and shall be reviewed and approved by the Town. Through lanes shall be 12 feet wide and bike lanes shall be on each side of the street with a minimum width of 5 feet.

    c. A public sidewalk shall be constructed along Canyon Blvd. along the property frontage. The sidewalk shall be heat traced consistent with Town standards and shall include facilities for, but not limited to, heat source, metering and controls. The sidewalk may meander and easements shall be granted to the Town for the benefit of the public for those portions of the sidewalk that cross onto private property. At the driveway on Canyon Blvd. and at the intersection of Canyon Blvd. with Lake Mary Road the sidewalk shall be within the public right of way.

d. Curb, gutter and sidewalk shall be constructed along Lake Mary Road along the property frontage from Canyon Blvd. to the west side of the proposed driveway on Lake Mary Road. Additional pavement shall be constructed to provide for 12-foot wide through lanes, a minimum width of 11 feet for the eastbound left-turn lane, and five-foot wide shoulders. The signal at Canyon Blvd. shall be modified to include a protected eastbound left-turn phase. The existing signal poles and mast arms shall be modified or replaced as necessary to meet current applicable standards. An improved roadside swale shall be constructed from the west side of the driveway to the western property line, an inlet constructed and a storm drain line shall be extended westerly along Lake Mary Road to beyond the proposed driveway to intercept roadside drainage. The existing overhead utility lines along the north side of Lake Mary Road along the property frontage shall be converted to underground. The conversion shall extend from the existing utility pole at the northeast corner of Lake Mary Road and Canyon Blvd. to the first utility pole west of the property's western property line.

e. Streetlights shall be constructed along Lake Mary Road and Canyon Blvd. and the public sidewalk along Canyon Blvd. Streetlights shall be to Town Standards. Spacing shall be determined by a luminaire plan to be approved by the Town. At a minimum at least one streetlight shall be placed within 10 feet of all driveways.

f. The Applicant shall have a "Line of Sight" study prepared that demonstrates adequate sight distance can be achieved to the north of the Canyon Blvd. driveway assuming that a bus is parked adjacent to the Canyon Blvd, and vertical curve sight distance along Canyon Blvd. for vehicles entering and exiting the site from the Canyon Blvd. driveway, in accordance with the mitigation measures as listed in the "80/50 Hillside Traffic Impact Analysis Second Peer Review" prepared by LSC Transportation Consultants, Inc. dated December 5, 2005. If mitigation is required then the mitigation may include, but is not limited to, the redesign and re-construction of the transit center bus parking.

64. All driveways shall be constructed in accordance with the driveway standards of the Town.

65. If the project would disturb more than one acre, a National Pollutant Discharge Elimination System (NPDES) permit is required. 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 Town grading permit.

66. In addition to the drainage, traffic related, or other requirements stated herein, other "on-site" or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to the Town Engineer.

67. A grading permit for the project shall not be issued prior to approval of the landscaping and irrigation plans. A grading permit for the project shall not be issued prior to 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.

68. The Applicant shall submit a Notice of intent and comply with the requirements of the General Construction Activity Storm Water Permit from the State Water Resources Control Board, in accordance with Board requirements and with the Town of Mammoth Lakes Stormwater Management Plan.

69. The project shall comply with the Guidelines for Erosion Control in the Mammoth Area. Prior to issuance of a grading permit, the applicant shall obtain written clearance from the California Regional Water Quality Control Board, Lahontan District, and provide a copy to the Public Works Department, Engineering Services Division, or provide evidence that the Board's Executive Officer has issued a written waiver:

    Lahontan Region
    3737 Main Street, Ste. 500
    Victorville, CA 92501-3339
    (909) 782-4130

70. In addition to the drainage, traffic related, or other requirements stated herein, other "on-site" or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to the Public Works Director.

71. 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 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. Drywells 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.

72. Erosion control plans shall be included with the grading and improvement plans. 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, the Town of Mammoth Lakes Stormwater Management Plan, and as indicated in the “New Development and Redevelopment Guidelines.” 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 Service Division. Gravel bags shall be used in lieu of sand bags. All permanent erosion control measures shall be irrigated for at least one season.

73. A Construction Staging and Management Plan shall be submitted to, and approved by the Town Engineer prior to Grading Permit issuance. Said plan shall include provisions related to the parking of construction worker vehicles, construction equipment, construction materials, loading, and un-loading of construction materials and equipment, snow storage and removal, tree protection, and specific limitations restricting access into non-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 existing Construction Management Plan for the "8050 Project" currently under construction shall be revised to the satisfaction of the Public Works Director to accommodate the loss of the subject property as parking, construction staging and management.

74. Prior to combustible materials being placed on-site, an all-weather access road shall be constructed serving all exterior portions of the structure to the satisfaction of MLFPD.

75. A shoring plan shall be prepared and submitted for review that demonstrates how the cuts along and adjacent to the property lines can be made without encroachment onto the adjacent property and in conformance with OSHA requirements.

76. 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.

77. Existing Town streets that require construction or reconstruction, shall remain open for traffic at all times, with adequate detours and traffic control, during actual construction. Surety shall be posted to cover the cost of grading and paving prior to approval by staff of the map.

78. The grading plan shall indicate all snow storage areas and drainage facilities. All easements shall be shown on the grading plan.

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

80. 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 Town Engineer prior to the import or export of material for the site.

81. 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. The Applicant shall obtain the necessary Timber Harvest Permit prior to any tree removal. 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.

D. THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO ISSUANCE OF BUILDING PERMITS:

82. 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.

83. Prior to issuance of a building permit a shoring plan shall be prepared and submitted for review that demonstrates how the cuts along and adjacent to the property lines and along Canyon Blvd. can he made without encroachment onto the adjacent property and in conformance with OSHA requirements. The shoring plan shall include shoring as necessary to retain existing trees to remain.

84. For all retaining and screening walls, the Applicant shall submit plans to and obtain a building permit from the Building Division.

85. Prior to the issuance of building permits an attendant (valet) parking agreement is required to be executed between the property owner and the town of Mammoth Lakes to assure that valet parking is provided during all days and hours of the use of the tandem parking spaces. The attendant parking agreement shall be binding upon and inured to the benefit of each party and their respective successors and assigns.

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

86. All required landscaping and irrigation improvements shall be constructed prior to the first 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.

87. Street address numbers shall be placed on all new structures in such a manner as to be plainly visible and legible from the street. The Applicant shall submit a request for street numbers to the Town.

88. The final condominium plans for the project shall be submitted to the Town for review for conformance with the approved development plan, tentative map, use permit and CC&Rs. The condominium plans shall conform to the conditions of approval with respect to ownership of required appurtenant use areas. Issuance of the first certificate of occupancy and recordation of the condominium plans shall not be recorded prior to Town approval of the condominium plans.

89. 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 sureties posted prior the issuance of the first certificate of occupancy for the project. Deferral of any required grading, improvements or landscaping may be permitted upon written approval and at the sole discretion of the Public Works Director, and provided the public's health, safety, and welfare is maintained.

90. All conditions of this use permit shall be met or secured prior to final occupancy approval of any tenant improvements or new structures.

91. Construction of private streets and private facilities and related drainage improvements shall be inspected and certified by the Public Works Director and/or designee.

92. 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.

93. 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.

94. All deferred survey monumentation shall be completed, or surety posted, prior to the issuance of the first temporary, conditional or final certificate of occupancy for the project.

MITIGATION MONITORING AND REPORTING PROGRAM

The project shall comply with all of the mitigation measures identified below and these mitigation measures shall be conditions of project approval.

1. Aesthetics/Light and Glare Impacts: Mitigation measures 5.3-1a through 5.3-1f and 5.31 j and k, which mitigate impacts on visual character; mitigation measures 5.3-2a and b, which mitigate impacts on scenic vistas and resources; and mitigation measures 5.3-3a through 5.3-3d, which mitigate impacts on light and glare. Including: (1) Grading shall be minimized to the extent feasible to accommodate the proposed project. Cut slopes and fill slopes shall be contoured to help blend with the adjacent natural terrain; (2) All graded areas shall he immediately re-vegetated to blend with existing native landscape. Native plant materials shall be utilized throughout the project; (3) Removal of existing trees shall be avoided where possible. Excessive covering of tree roots with fill material shall be avoided; (4) Retaining walls shall be faced with rock material or constructed of other decorative material to the satisfaction of the Community and Economic Development Director; (5) The Landscape Plan shall be implemented with the project construction; and (6) All exterior lighting will conform to the Town of Mammoth Lakes requirements for shielding, glare reduction, down-direction, and lumen level output as required by the Town's adopted Lighting Ordinance. The specific fixtures selected will be reviewed through the Town's Design Review and discretionary approval process. Implementation of these mitigation measures shall be assured by the Town's Community and Economic Development

Department and Engineering staff. Building location will need to be revised to maintain a 20-foot setback along non-NVSP boundaries.

2. Traffic and Circulation Impacts: based upon the traffic analysis used as the basis for the Program EIR assessment of traffic/circulation impacts, the following mitigation measures are required for the Mammoth Hillside project: 5.4.1a through c, 5.4-2c, 5.4-2i, 5.42, 5.43a, and 5.4-4 through 5.4-6. Pursuant to mitigation measure 5.4-3a, a site-specific shared parking analysis is required.

   The mitigation measures recommended by the traffic analysis will be required for the project. In addition, adequate site distance to the north shall be demonstrated, or additional mitigation will be required. A total of 261 parking spaces will also be required, in addition to fourteen check-in spaces. Parking space dimensions and layout shall be clarified and/or revised.

3. Air Quality Impacts: The following mitigation measures recommended in the Program EIR will be incorporated as part of the 'Mammoth Hillside project: Mitigation measures 5.5-1a and 5.5-1b mitigate short-term air quality impacts; and mitigation measure 5.5-2a through c, which mitigates long-term PM10 air quality impacts. The primary air quality concerns are short-term fugitive dust emissions resulting from construction-related ground disturbance. To reduce this potentially significant impact, air quality mitigation measures consisting of a comprehensive erosion and sediment control plan will be required as mitigation. For this project, the Town shall require and monitor dust control measures during site grading operations including watering to control fugitive dust emissions. The submittal of plans to control airborne dust, erosion, and sediment transport shall be required as part of the grading permit application to the Town. In addition, disturbed areas will be re-vegetated to provide permanent soil stabilization. An air quality permit is required from the Great Basin Unified Air Pollution Control District (GBUAPCD). Increased particulate matter (PM 10) from wood burning appliances and road dust exceeds the State of California thresholds and is considered significant and unavoidable. Only EPA Phase II wood-burning or gas heating appliances will not be permitted. Road dust will be controlled by street sweeper maintenance. The project must conform to the requirements of the Air Quality Management Plan and the Particulate Emissions Regulations of the Town Municipal Code. The applicant and the owners association, if formed shall execute a transit agreement with the Town prior to recordation of the final map. If no owners association is formed at that time, the applicant shall submit a petition to be annexed into the transit and transportation Fee Community Facilities District (CFD 2013-03) and pay all fees associated with the annexation process prior to final map approval by staff. CFD 2013-03 shall be referenced in the CC&Rs as well as in disclosure documents required by the California Department of Real Estate for the project. Prior to the receipt of a grading or building permit, the applicant shall obtain a secondary source permit or letter of exception from the Great Basin Unified Air Pollution Control District.

4. Noise Impacts: In connection with development of the Mammoth Hillside project, the following mitigation measures recommended in the Program EIR shall be incorporated: Mitigation measures 5.6-la through 5.6-1c, which mitigate short-term construction noise impacts; mitigation measures 5.6-2a, which mitigates long-term noise impacts; and mitigation measures 5.6-3a through 5.6-3d, which mitigate stationary noise impacts. Consistent with Municipal Code standards, construction

hours are limited to between 7 a.m. and 8 p.m. Mondays through Saturdays and is prohibited on Sundays and holidays. Adherence to the Town noise standards will reduce adverse noise impacts to a level below significance. A site-specific noise analysis is required pursuant to Mitigation Measure 5.63a to address the impacts of stationary noise sources associated with operation of the project.

5. Geology/Soils Impacts: In connection with the Mammoth Hillside project, the following mitigation measures recommended in the Program EIR will be incorporated: Mitigation measure 5.7-1, which mitigates impacts on topography; Mitigation Measures 5.7-2a through 5.7-2c, which mitigate impacts on slopes and stability; Mitigation measure 5.7-3, which mitigates soils impacts; mitigation measure 5.7-4 and 5.7-5, which mitigate impacts relating to erosion hazards; mitigation measure 5.7-6, which mitigates impacts relating to seismic hazards: and mitigation measure 5.7-7, which mitigates impacts relating to volcanic hazards. As explained in the Program EIR, individual projects will be subject to review and approval by the Town Engineer on a project-by-project basis and conditions may be imposed as a result of site-specific studies in compliance with applicable Town, state and federal codes. Topsoil removed during construction activities will be stockpiled on site and compacted for re-use as fill material beneath the proposed hospital structure. Erosion and sediment control best management practices will be employed. A grading permit application will required from the Town: a Storm Water Pollution Prevention Plan (SWPPP) will be provided as part of that application to describe temporary and permanent best management practices to limit erosion and prevent sediment transport. The applicant shall apply for coverage under the Statewide NPDES Construction Permit through the Lahontan Regional Water Quality Control Board (RWQCB). Following the completion of construction, permanent soil stabilization measures (including landscaping) will be used to minimize erosion. The project shall comply with building code requirements for Seismic Zone 4 and all recommendations contained within the Soils Engineering Report (Sierra Geotechnical Services, Inc.; January 19, 2001) shall be followed during site preparation work and structural foundation design and construction work. Implementation of these mitigation measures shall be assured by the Town's Community and Economic Development Department and Engineering staff. A preliminary geotechnical report has been prepared based on conceptual plans. The report indicated that the project engineering is feasible. However, final grading and foundation plans should be reviewed to determine whether the conclusions of the report warrant reconsideration.

6. Hydrology/Drainage/Water Quality Impacts: The impacts of the Mammoth Hillside project were covered in the Program EIR and the Mammoth Hillside project does not increase the impacts beyond those anticipated. In connection with development of the Mammoth Hillside project, the following mitigation measures recommended in the Program EIR will be incorporated: mitigation measures 5.8-la through 5.8-1c, which mitigate impacts relating to drainage and runoff; and mitigation measures 5.8-2a through d and 5.8-3, which mitigate impacts relating to surface water quality. Best management practices will be required to limit erosion and sediment transport during and after construction. A grading permit application will be required from the Town; a Report of Waste Discharge will be provided as part of that application to describe temporary and permanent best management practices to limit erosion and prevent sediment transport. Consistent with RWQCB standards, the project shall conform to all requirements for controlling erosion onsite through BMPs that may include

NPDES and SWPPP permitting. Implementation of these mitigation measures shall be assured by the Town's Community and Economic Development Department and Engineering staff. A preliminary drainage study has been prepared (CFA, Inc., November 2005). The report was prepared assuming a 60 percent coverage of impervious surfaces, while project plans indicate a 68 percent coverage. Either the report needs to be revised, or project plans need be revised to be consistent. The report indicates that drainage system will utilize drop inlets, swales, and grading to direct flows from the proposed structures. Erosion control and storm water treatment measures will be placed in areas of possible erosion.

7. Biological Resources Impacts: The following mitigation measures identified in the Program EIR will be incorporated in the Mammoth Hillside project: Mitigation measures 5.9-2a through 5.9-2d and 5.9-2 f through k, which mitigate impacts relating to sensitive natural communities. The Mammoth Hillside project is located adjacent to developed lands. The site is also developed with existing facilities and structures. However, in order to limit the impacts to biological resources, several measures are to be incorporated into this project. As part of the grading permit application and inspection process, the Town will ensure the following: (1) The establishment of limits of site disturbance and planned site access routes; (2) tree protection; (3) erosion and sediment control measures; and (4) restrictions on the movement of heavy equipment. These protective measures will be clearly marked on site plans for the contractor and developer and will he assured during site construction by the Town's Building and Engineering inspection staff.

8. Public Services and Utilities Impacts: The Program EIR concludes that impacts are mitigated to a less than significant level with incorporation of specific mitigation measures. The impacts of the Mammoth Hillside project were covered in the Program EIR and the Mammoth Hillside project does not increase impacts beyond those anticipated. The Specific Plan requires developers to provide five acres of land per 1000 population increase. Payment of applicable Development Impact Fees (DIFs) will satisfy this requirement. In connection with development of the Mammoth Hillside project, Development Impact Fees will be paid in accordance with the Town's current DIF Mitigation Program in order to mitigate impacts on public facilities and services covered by the DIF program. In addition, the following mitigation measures recommended in the Program EIR will be incorporated: Mitigation measures Section 5.10-la through 5.10-1c and 5.10-2, which mitigate impacts relating to fire protection and police protection; mitigation measure 5.10-3, which mitigates impacts to schools; mitigation measures 5.104a and b, which mitigate impacts on snow removal and roadway maintenance; mitigation measure 5.10-5, which mitigates impacts on libraries: mitigation measure 5.10-6, which mitigates impacts on recreation; mitigation measures 5.10-7 and 5.10-8, which mitigate impacts to wastewater (sewer) and water, including payment of fees to Mono County Water District; and mitigation measure 5.10-9, which mitigates impacts relating to solid waste. All solid waste will be lawfully hauled to the Benton Crossing Landfill (or another site as may be approved by Mono County). To mitigate solid waste disposal impacts and to extend the life or the landfill, all demolition materials generated by the project will be recycled to the extent feasible. The developed project shall initiate a recycling program for its owners and guests to divert recyclable materials to the extent feasible. These mitigation measures shall he assured by the Community and Economic Development Department to divert

recyclable materials from the County landfill and to reduce adverse utility and service system impacts to a level below significant.

9. Cultural Resources Impacts: In connection with development of the Mammoth Hillside project, the following mitigation measure recommended in the Program EIR will be incorporated: Mitigation measure 5.11-1e, which mitigates impacts relating to archaeological/historical resources and mitigation measure 5.11-2 which mitigates impacts on burial sites. Two mitigation measures are included for this project in the event that unanticipated cultural resources are discovered during construction; specifically: (1) should evidence of potentially significant cultural resources be discovered during construction of the project, a mitigation plan shall be developed and completed prior to further construction or earth disturbance, and (2) the Professional Guide for the Preservation of Native American Remains and Associated Grave Goods shall be utilized to protect Native American burial sites should they be discovered. Implementation of these mitigation measures shall be assured by the Town's Community and Economic Development Department and Engineering staff.

10. Land Use and Planning Impacts: If the Mammoth Hillside project does not conform to setback requirements, either project plans require modification to address these issues or a Variance may be applied for.

11. Population/Housing Impacts: The workforce housing plan and densities will be conditioned to be in conformance with Town and state regulations.

Attachment 2

Resolutions No. PC 2006-01, PC 2007-22, and PC 2008-02

Doc # 2006001823
Page 1 of 25
Date: 3/13/2006 10:29A
Filed by: MAMMOTH LAKES; TOWN OF
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RENN NOLAN
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When Recorded Mail To:

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

Space Above for Recorder's Use

RESOLUTION NO. PC 2006-01

A RESOLUTION OF THE MAMMOTH LAKES PLANNING COMMISSION APPROVING TENTATIVE TRACT MAP 36-235 AND USE PERMIT 2005-09 TO ALLOW THE SUBDIVISION OF A 7.01-ACRE PARCEL TO CONSTRUCT A 193-CONDOMINIUM HOTEL ON 5.21-ACRES AS THE PHASE I PORTION OF THE MAMMOTH HILLSIDE PROJECT FOR PROPERTY LOCATED ON THE WEST SIDE OF CANYON BOULEVARD, NORTH OF LAKE MARY ROAD

(APNs: 33-020-10, -11, -21, -33 and 31-110-27)

WHEREAS, a request for consideration of Tentative Tract Map 36-235 and Use Permit 2005-09 to subdivide an approximately 7.01-acre parcel into a 4.6-acre Phase I site for the construction of a 193-Unit Condominium Hotel (Mammoth Hillside) having 325 bedrooms of market rate condominium units, Lock-off Units totaling 225 "keys," and 24-on-site workforce housing units. The development includes three levels of understructure parking accessed from Canyon Boulevard with full-time valet parking services, a service loading dock, spa/fitness area of 9,038 square feet, meeting facilities of 6,300 square feet, restaurant of 5,070 square feet, guest services area of 2,700 square feet, pool and patio area, and associated landscape and street frontage improvements was submitted by Sean Combs of Mammoth Hillside, LLC; and

WHEREAS, the Planning Commission conducted a noticed public hearing on the application requests on January 12, 2006, at which time all those desiring to be heard were heard; and

WHEREAS, the Planning Commission considered, without limitation:

1. The Agenda Report to the Planning Commission with exhibits;
2. The State Map Act, General Plan, Municipal Code, North Village Specific Plan and Program EIR, Subdivision Ordinance, and associated Land Use Maps;
3. The environmental documentation prepared for the project;
4. Oral evidence submitted at the hearing;
5. Written evidence submitted at the hearing;
6. Project plans consisting of the Tentative Tract Map and thirty-five sheets of the project plans consisting of Site Plans, Floor Plans, Building Elevation Drawings and Perspectives, Building Section Drawings, Preliminary Landscape Plans, Lighting Plans, Preliminary Grading Plan, Preliminary Utility Plan, and Tree Analysis all dated received by the Town of Mammoth Lakes on November 21 and December 2, 2005; and

WHEREAS, the Planning Commission made the following findings pursuant to Ordinance 84-10 of the Town of Mammoth Lakes, related to Subdivisions and Land Divisions, Section 66474 (Subdivisions) of the California Government Code, and Municipal Code Section 17.60.070 (Use Permits):

(SEE ATTACHMENT "A")

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Mammoth Lakes hereby approves Tentative Tract Map 36-235 and Use Permit 2005-09 subject to the following conditions:

(SEE ATTACHMENT "B")

BE IT FURTHER RESOLVED that the Planning Commission, in its independent judgment, has reviewed the environmental documentation for the project and finds that the Environmental Documentation was prepared in accordance with Section 15168 of the CEQA Guidelines and that the project is located within an area covered by the North Village Specific Plan. The Town Council reviewed and certified, pursuant to the California Environmental Quality Act (CEQA) Guidelines, the Subsequent Program Environmental Impact Report (EIR) for the North Village Specific Plan Amendment, identified as State Clearinghouse No. 99-092082. The Certified EIR analysis covers the project area and the mitigation measures established by the EIR will be incorporated into conditions of project approval to reduce any adverse environmental impacts to a level below significance.

PASSED AND ADOPTED this 12th day of January 2006, by the following vote, to wit:

AYES:	Harvey, Duggan, McCarroll
NAYS:	Tenney, Saari
ABSENT:	None
ABSTAIN:	None
DISQUALIFIED:	None

VICE ~~Neil McCarroll~~, Chair of the
Mammoth Lakes Planning
Commission

ATTEST:

Mark Wardlaw
Community Development Director

NOTE: This action is subject to Chapter 17.68 of the Municipal Code, which specifies time limits for legal challenges.

I, Sean Combs of Mammoth Hillside, LLC, am the applicant for this project request and I do hereby attest that I have read, and agree to, the conditions stipulated within this Resolution of Approval.

2-22-06

Sean Combs Date
(Notary Required)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of MONO } ss.

On 2/22/06 (Date), before me, MARCIA HANSEN, NOTARY PUBLIC (Name and Title of Officer (e.g., "Jane Doe, Notary Public")),

personally appeared SEAN COMBS (Name(s) of Signer(s)),

☒ personally known to me

☐ 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.

MARCIA HANSEN
Commission # 1492114
Notary Public - California
Mono County
My Comm. Expires Jun 24, 2008

Place Notary Seal Above

WITNESS my hand and official seal.

Marcia Hansen
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: RESOLUTION NO. PC 2006-01

Document Date: 1-12-06 Number of Pages: 3

Signer(s) Other Than Named Above: NEIL MCCARROLL AND MARK WARDLAW

Capacity(ies) Claimed by Signer(s)

Signer's Name: SEAN COMBS
- ☐ Individual
- ☐ Corporate Officer — Title(s):
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other:

Signer Is Representing:

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer's Name:
- ☐ Individual
- ☐ Corporate Officer — Title(s):
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other:

Signer Is Representing:

RIGHT THUMBPRINT OF SIGNER
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© 2004 National Notary Association • 9350 De Soto Ave., P.O. Box 2402 • Chatsworth, CA 91313-2402 Item No. 5907 Reorder: Call Toll-Free 1-800-876-6827

ATTACHMENT "A"
Resolution No. PC 2006-01

Findings for Tentative Tract Map Approval

(State Map Act Section 66474)

1. The proposed map is consistent with applicable General Plan standards as specified in Section 66451 of the Subdivision Map Act since the Planning Commission finds, based upon the evidence presented in the staff report dated January 12, 2006, that the project conforms to the density standards of the General Plan and the maximum density yield for the Plaza Resort (PR) and Specialty Lodging (SL) Designations established by the North Village Specific Plan. The Commission further finds that the proposed condominium development complies with Zoning Code development standards that implement the goals and policies of the General Plan and all utilities and access roadways can be improved and/or extended to service the project area.

2. The design and improvements of the subdivision are consistent with General Plan standards since the Planning Commission finds that the project, as conditioned, complies with the development standards of the PR and SL Designations and the project's approval is conditioned to require compliance with all other applicable Town Ordinances and applicable agency requirements in effect at the time the subdivision request was submitted for review.

3. The site is physically suitable for the type of development since the Planning Commission finds that the proposed structure, as conditioned, is situated on the site to accommodate the grading needed to construct the under structure parking, the building pad, the access driveways, and the extension of utilities while preserving as much of the surrounding site as possible to provide for adequate setbacks and landscaped buffer areas. The project will not adversely impact significant natural landforms since no significant landforms were identified on the property. No evidence has been presented during the planning review process to indicate that the proposed improvements are not physically suitable to the site.

4. The site is physically suitable for the proposed density of development since the Planning Commission finds that the project conforms to the density standards of the General Plan and the density yield for the number of rooms permitted for similar development established for the PR and SL Designations pursuant to the North Village Specific Plan and the project, as conditioned, meets all development requirements of the Town of Mammoth Lakes Municipal Code, North Village Specific Plan, and the North Village Specific Plan EIR as described in the staff report dated January 12, 2006.

5. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat since the Planning Commission finds that the mitigation measures imposed on the project have been determined to be adequate to reduce impacts to a less than significant level as described in the Subsequent Program Environmental Impact Report for the North Village 1999 Specific Plan Amendment (EIR). A Statement of Overriding Considerations has been accepted for air quality impacts. The site has been identified by the EIR as not supporting any threatened or endangered fish, wildlife or habitat. The Certified EIR analysis covers the project area and the mitigation measures established by the EIR will be incorporated into conditions of project approval to reduce any adverse environmental impacts to a level below significance.

6. The design of the subdivision or the types of improvements are not likely to cause serious public health problems since the Planning Commission finds that the mitigation measures adopted in the EIR document reduce health related impacts to a level below significant and that all necessary public services and utilities can be extended to the site to assure health and safety for those individuals occupying and using the improved site facilities.

7. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision since the Planning Commission finds that all utilities, and their easements, are indicated on the Tentative Tract Map and that the subdivision will not adversely impact upon any existing public easements.

Findings for Use Permit Approval
(Municipal Code Section 17.60.070)

1. The proposed use is consistent with the General Plan since, as designed and conditioned, the proposal conforms to all development standards established for the Plaza Resort (PR) and Specialty Lodging (SL) Designations pursuant to the North Village Specific Plan and achieves the General Plan goals and policies as they relate to development within these Specific Plan zoning designations.

2. The proposed location of the use is in accord with the objectives and purpose of the zones in which it is located since resort condominium hotels and appurtenant facilities are permitted uses within the PR and SL Designations and the condominium form of ownership is approved by this Use Permit.

3. The proposed site is adequate in size and shape and has adequate access for the proposed use, as conditioned, since access to the understructure parking area will be improved and will adequately access the site to Canyon Boulevard that is improved as a Public Roadway. 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.

4. The proposed use will be operated in a way that will be compatible with surrounding uses and will not be detrimental to the public health, safety, and welfare nor be materially injurious to properties or improvements in the vicinity since mitigation measures have been applied which have been developed to ensure compatibility as evaluated in the Program EIR. The proposed development is designed to be compatible with its surrounding topography and the architectural design will enhance the site and surrounding development. All utilities are available, or can be extended, to adequately serve the proposed development.

5. The proposed use complies with the applicable sections of the zoning regulations since all development requirements established by the PR and SL Designations of the North Village Specific Plan and other applicable development standards of the Municipal Code can be met by the project as designed and/or conditioned.

6. Consistent with Chapter 17.36 of the Municipal Code related to Affordable Housing Mitigation Regulations (AHMR), the applicant is providing affordable housing mitigation for the Mammoth Hillside project assuming an employee housing credit of 34 Full Time Equivalent Employees (FTEEs) from the In-Lieu Housing Agreement associated with the 8050 Project. The number of FTEEs for the project is based upon a formula of .225 FTEE

per sleeping area, or 325 x .225 = 73.1. Less the in-lieu credit of 34 FTEEs the project requires 39.1 FTEEs for the sleeping area count. The 23,108 square feet of services associated with the project are assessed at 0.42 FTEE per 1,000 square feet and result in 10 FTEEs required for a total Phase I project count of 49.1 FTEEs. To establish the amount of units required, one FTEE equals 250 square feet of living area, or 12,275 square feet. The square footage of the living area is then divided by 500 square feet to arrive at a studio or one bedroom count of 24.55 for Phase I. To qualify for the 35% state density bonus, the project must provide 36 rooms of very-low income housing on-site.

ATTACHMENT "B"
Resolution No. PC 2006-01

Use Permit Conditions

1. This approval authorizes a 193-Unit Condominium Hotel (Mammoth Hillside) having a maximum of 325 total bedrooms (Phase I) plus 36 bedrooms for very-low income qualified renters and a maximum of market rate Lock-off Units totaling 225 "keys," and understructure parking accessed from Canyon Boulevard. The project proposes full-time valet parking services. The development includes a service loading dock, spa/fitness area of 9,038 square feet, meeting facilities of 6,300 square feet, restaurant of 5,070 square feet, guest services area of 2,700 square feet, pool and patio area, and associated landscape and street frontage improvements on a 5.21-acre portion of the seven-acre site. The 2.4-acres Phase II portion of the project shall be designated as a "Remainder Parcel" on the Final Tract Map. Phase II has a maximum density of 107 rooms pursuant to the NVSP Density and the density adjustments as described in the staff report dated January 12, 2006.
2. A contract with a four or five star hotel operator shall be provided to the Town prior to the issuance of a Certificate of Occupancy or Conditional Certificate of Occupancy for the first unit within the project.
3. The project parking must be redesigned to meet the following requirements:
   a) All interior dimensions including aisle widths, turn radii, and ramp grades.
   b) The project must provide additional parking to accommodate all on-site housing parking in addition to guest accommodation parking.
   c) Tandem parking is permitted for affordable housing parking only. All other stalls must be individually accessible.
   d) Vertical clearance must be a minimum of 8 feet 6 inches and must take grade changes into account.
   e) The site plan must accommodate up to 14 vehicles for check-in parking without blocking ingress and egress. These may be parallel spaces in the vicinity of the porte-cochere.
4. Line-of-sight from the driveway onto Canyon Boulevard shall be evaluated to assure adequate sight distance to the north when transit buses are parked in the adjacent bays. Given the vertical curve of Canyon Boulevard to the south additional review by a qualified Traffic Engineer shall be required to determine if the southern sight distance is adequate. If adequate line-of-sight is not achieved, the following mitigation measures may be imposed by the Public Works division: a reduction of the posted speed along Canyon, redesign of the transit bus parking area at no cost to the Town, and/or moving the driveway.
5. Building setbacks along non-NVSP property lines shall maintain a minimum of 20 feet for buildings up to 35 feet in height plus one-foot for every two feet of building height above 35 feet.
6. The applicant shall provide a Tour Bus Parking Program to be reviewed and approved by the Community Development Department. Tour bus access to the lobby area at the porte-

cochere and along the driveway shall be provided and approved by the Community Development Department.

7. A revised Landscaping and Grading Plan for the southerly portion of the site fronting onto Lake Mary shall be provided to assure a minimum setback of ten feet for the patio/spa area, to demonstrate the preservation of as many existing native trees in this area as possible, and to show replacement planting with native trees. The revised Landscaping and Grading Plan shall be reviewed and approved by the Community Development Department.

8. The project shall provide a revised landscaping plan detailing tree retention and replacement along Canyon and Lake Mary and the relocated southerly building wing. The project shall implement the improvements shown on the revised Landscape Plan. Consistent with the NVSP (item 16, page 47), all removed trees greater that 12 inches diameter shall be replaced on a one-for-one basis either on-site or on an off-site location approved by the Town. Trees used for re-vegetation shall be native to the Mammoth Lakes community. Consistent with the Timber Valuation Report (David Early, May 8, 2005), the applicant shall provide the Town with the valuation of trees to be planted at a replacement cost of $21,034.50 or more prior to installation of the landscape plantings. The mitigation measures established by the Forest Condition Survey (David Early, May 2005) shall be adhered to by the applicant to the satisfaction of the Community Development Department.

9. For the purpose of calculating Affordable Housing Mitigation, the Conditions, Covenants, and Restrictions (CC&Rs) for the project shall include the following language: "No more than 316 market rate "Sleeping Areas" are permitted for the Mammoth Hillside project. All other rooms are prohibited from having beds, sofa beds, or any other type of sleeping furniture, armoires, or closets. The operator shall have the ability to manage the Fixtures, Furnishings, and Equipment (FF&Es) within each unit to assure that this condition is implemented. The Town of Mammoth Lakes shall be allowed to enforce this provision and shall not be denied reasonable access to the property to determine compliance with this restriction." Should the Town relax the provisions for calculating Affordable Housing Mitigation so this condition is not needed, this condition and the CC&Rs may be amended, modified, or this condition may be eliminated accordingly.

10. The project proposes a future pedestrian bridge over Canyon Boulevard to connect the site to the Gondola Building and the Village Plaza. Prior to the first Certificate of Occupancy or Conditional Certificate of Occupancy for the Mammoth Hillside project, the Canyon Boulevard Bridge shall apply for and have received Design Review approval. The bridge shall be constructed within eight months from the issuance of the first Certificate of Occupancy or Conditional Certificate of Occupancy for the Mammoth Hillside project.

11. The applicant must provide 25 one-bedroom units of workforce mitigation at the affordability levels specified in the Municipal Code. These units may be exempted from the density limit for the property. Gross area for the units shall be a minimum of 12,500 square feet. The final determination of workforce housing required may be modified based upon the number of market rate sleeping areas constructed.

12. Thirty-six bedrooms of housing must be designated for very-low income households for the project to qualify for the state density bonus of 35%. Housing required for state density bonus compliance that exceeds the requirement of the Town for workforce housing mitigation is not exempted from density limits.

13. A revised Colors and Materials Board shall be provided for the project that provides actual samples of materials and colors to be used on the structure's exterior. Consistent with Advisory Design Panel (ADP) review, the gray/green exterior color shall be of a warmer tone than reviewed by the Planning Commission and additional architectural treatments, increases to widow sizes, heavy trim treatments, and roof line variations will need to be provided for the structural elevations between the southerly and northerly buildings and the elevation fronting onto the Monache project.

14. The applicant shall request annexation into, and reapportionment of, Community Facilities District 2001-1 and participate in the community transit system, provide public access and easements, contribute to emergency facilities and parks, and adhere to the Vested Rights of the North Village Development Agreement.

15. The project area shall be annexed into the Benefit Assessment District (BAD 2001-2) for the purpose of maintaining, operating, repairing, removing snow, heat tracing, landscaping, irrigation, street lighting, and other matters along the Canyon Boulevard and Lake Mary Road frontages. To continue this effort uniformly the applicant will be required to "annex" into the District prior to Final Tract Map approval.

16. The project shall comply with the Town's adopted Source Reduction and Recycling requirements. Recycling and trash compaction facilities required by the North Village Specific Plan and Program EIR shall be provided and shown on building permit plans. Necessary solid waste permits shall be obtained from the Mono County Public Works Department. A trash compactor system and recycling facilities shall be located adjacent to, or in coordination with, the solid waste storage facilities to be accommodated within the loading dock structure. Approval of these solid waste facilities and their locations by Mammoth Disposal is required prior to Building Permit issuance.

17. Construction worker housing is required pursuant to the NVSP Housing Policy #3. Contractors and sub-contractors that hire employees from outside Mono or Inyo Counties (who will need to reside in Town for 90 days or longer) are prohibited from housing these workers within the RMF-1 Zone. Prior to Building Permit issuance, the applicant shall provide a Construction Worker Housing plan to the Town for review and approval.

18. Building Permits are required for all future structural, electrical, and/or plumbing improvements within the subject property.

19. Prior to Building Permit issuance, the applicant shall pay any fees due on the Tentative Tract Map and Use Permit processing account.

20. All other regulations of the Town of Mammoth Lakes shall apply, including, but not limited to, conformance with applicable zoning standards. All public improvements shall be consistent with the Village at Mammoth Specific Plan improvements.

21. Walkways and driveways shall be provided with heat-tracing to encourage snowmelt during winter months. Heat-tracing shall also be provided within the Canyon Boulevard sidewalk from the transit pull-out area southerly to a point as approved by the Public Works Director to compensate for building shadow within this area. Said heat-tracing systems shall be convertible to geothermal when available to the area. The project shall be designed for consideration of renewable and energy efficient practices in the planning and construction of the project.

22. The project will participate in the required North Village traffic and circulation mitigation measures on a fair share basis.

23. The applicant shall create an area of interest for pedestrians at the Canyon Boulevard Bridge location and the intersection of Canyon Boulevard and Lake Mary Road by providing landscaped seating areas with decorative street furniture and/or other public art at these locations.

24. The final development plans shall be routed to the Mammoth Lakes Fire Protection District for review and approval prior to the issuance of Building Permits.

25. All retaining walls and exposed walls for the understructure-parking garage shall be treated with rock veneer to match the structure, or be of a dry rock stack design.

26. 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 not normally associated with a residential resort project is prohibited except for the storage of firewood. Non-operating vehicles, equipment and materials inappropriate to the site and its use shall not be stored within outdoor areas on-site.

27. Municipal Code Section 17.16.195 allows for the reservation of land for parks and recreation purposes as authorized by the state Quimby Act. The Parks and Recreation Element Policies of the General Plan identifies that five acres of parkland is needed per 1,000 population within the community. Development Impact Fees (DIFs) will pay for four acres per 1,000 population leaving a balance of one acre per 1,000 to be provided by the developer. The 193 residential units multiplied by 4.0 persons per unit equals 772 individuals. The 772 individuals divided by 1,000 population equals 0.772 times $0.5 Million per acre, the project's balance is $386,000. This number may be modified by the project's final design.

28. Prior to Building Permit issuance, a conceptual site plan for Phase II shall be submitted limiting all construction storage/tree removal areas to those areas clearly needed for future building and access.

29. Payment of street-sweeping mitigation fees shall be made prior to issuance of a building permit consistent with the Air Quality mitigation measures established by the North Village Environmental Impact Report.

30. 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 applicant and the owners association, if formed, shall execute a transit agreement with the Town prior to recordation of the final map. If no owners association is formed at that time, the applicant shall demonstrate, to the satisfaction of the Town Attorney, the ability to bind future homeowners to the transit agreement and shall execute the agreement on their behalf. The applicant shall be subject to an annual payment of $121.00 per residential unit (as adjusted each fiscal year beginning July 1, 2005 by the annual percentage increase in the Los Angeles/Riverside Consumer Price Index). The transit service agreement, when executed, 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 agreement can be modified only by mutual written agreement of the Town and the owners association when formed and the service shall not be discontinued for any reason without an amendment to the agreement.

31. The use and all existing and new improvements constructed on the site shall be in compliance with all Town of Mammoth Lakes, County of Mono, Mammoth Lakes Fire Protection District, Mammoth Community Water District, Great Basin Air Pollution Control District, Lahontan Regional Water Quality Control Board, 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.

32. It is the intent of these conditions of approval that all provisions herein are to be consistent with and in accordance to the Specific Plan, all municipal codes and ordinances, and all local, State and federal standards, policies, regulations and laws, unless specifically provided for herein. To the extent that there is a conflict between the various provisions of law regarding implementation of these conditions, the provision which will most effectively carry out the goals and policies of the Town as set forth in the Specific Plan shall control. This Use Permit application, subject to conditions of approval, must clearly demonstrate consistency among the approved Tract Map conditions and zoning provisions or this approval shall be invalid.

33. The uses allowed under this approval shall be those that are described in Condition 1. No other uses shall be allowed, including professional offices, medical or post office uses, except by issuance of additional use permits or amendment to the Specific Plan.

34. No building permit shall be issued for Mammoth Hillside prior to filing of the Final Tract Map per Subdivision Map Act Section 66499.30.

35. No wood burning appliances or fireplaces may be permitted in this project.

36. Noise generated by the project shall meet the requirements of the Specific Plan and/or the Town's noise regulations, as applicable. Construction days and hours shall be limited to the Town's adopted Construction Site Regulations pursuant to Municipal Code Section 15.08.020.

37. A snow management plan for private property shall be submitted and approved by the Community Development Department, prior to recordation of the Final Tract Map, describing such features as, but not limited to, location of snow storage areas, snowmelt areas, the method for snow hauling, frequency of pick-ups, pick-up areas, haul routes, hours of hauling operations and deposit areas. This plan shall include provisions stating that, when applicable, snow removal shall be preformed daily prior to the opening of any business and will be maintained to a safe condition during business hours. The plan's effectiveness, in conjunction with Town policies regarding snow hauling, will determine whether the plan will be approved. A Town permit shall be obtained for any off-site snow storage, if required. The applicant, or a homeowners or master association, if formed, shall provide the Town with documentation that prior to occupancy, contracts or other arrangements have been entered into to provide snow management required by this condition and the Specific Plan. All such contracts, or other arrangements, along with any renewals or amendments, shall be in full force and effect for the life of this project.

38. A maintenance plan for private common area facilities shall be submitted by the applicant for review and approval by the Community Development Department. This plan shall include provisions for maintenance of private facilities, including, but not limited to, driveways, parking areas, sidewalks, and plazas and all common areas, snowmelt systems, private utilities, retaining walls and drainage facilities. The applicant, or a homeowners or master association, if formed, shall provide the Town documentation that prior to filing a

Final Tract Map, contracts or other arrangements have been entered into to provide maintenance required by this condition and the Specific Plan. All such contracts, or other arrangements, along with any renewals or amendments, shall be in full force and effect for the life of this project.

39. Lot coverage shall meet or be less than the NVSP requirement of 60%. Alterations to the landscape and paving plan may be necessary to comply with his requirement.

40. Town staff shall have the right to enter the subject property to verify compliance with these conditions. The holder of this Use Permit approval shall make the property available to permit Town staff to make site visits to confirm compliance to these conditions and shall, upon request, make records and documents available to Town staff as are necessary to evidence compliance with the terms and conditions of this approval.

41. All grading and site improvements shall adhere to the applicable mitigation measures established by the Subsequent Program Environmental Impact Report (EIR) for the North Village Specific Plan Amendment, identified as State Clearinghouse No. 99-092082. Prior to submittal of a Grading Permit application request, the project proponents shall meet with Community Development Department staff and the Town Engineer to establish the specific environmental mitigations for the project site.

42. All lighting fixtures mounted on the exterior of the structures or within walkways or exterior common areas are to have shielded light sources in accordance with the Town's adopted "Outdoor Lighting Ordinance" (M.C. Chapter 17.34). Landscape accent lighting is also to be shielded to prevent spill-off glare. Any pole-mounted lighting fixtures (if proposed) are to be provided with shields to obscure the light source and direct light downward to the satisfaction of the Community Development Department.

43. Any future signage within the project area shall be found in conformance with the Sign Ordinance and approved by Community Development Department staff prior to the erection of such signage.

44. These conditions shall be recorded with the clerk of Mono County.

STANDARD ENGINEERING CONDITIONS FOR TENTATIVE MAP 36-235

A. STANDARD CONDITIONS / GENERAL REQUIREMENTS:

1. 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 such time limitation as may be extended by the Planning Commission in accordance with the Subdivision Map Act.

2. 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(ies) of each record map(s) 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. A subdivision

guarantee shall be issued and dated within 30 days prior to final map approval by the Planning Commission.

3. 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.
4. 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 approved maintenance district or property owners association.
5. Landscaping and irrigation systems within the public right of way and within public landscaping easements adjacent to the project area shall be maintained by Benefit Assessment District BAD 2001-2. Landscaping and irrigation plans shall be submitted to the Town for review and approval for these areas.
6. 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.
7. All new utility lines within, adjacent to or serving the site shall be placed underground.
8. The site grading design and all building construction shall conform to the American Disabilities Act (ADA) requirements as may be applicable.
9. This project shall be required to pay all Development Impact Fees in accordance with Town ordinances and the municipal code.
10. No off-site grading is permitted by this Tentative Map and Use Permit. For any off-site grading, the Applicant shall obtain an easement or letter of permission from the affected property owner and shall be permitted only as provided in the Municipal Code.
11. Surety shall be posted with the Town in a form acceptable to the Town Engineer 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 Engineer.
12. Mylar copies of the recorded final map shall be submitted to the Town within 60 days of map recordation. A cash surety in the amount of $200 for the first sheet and $100 per additional map sheet shall be submitted to the Town for the faithful performance of this requirement. The Applicant shall also submit to the Town an electronic file of the final map in AutoCAD, Version 2000, or other format as may be approved by the Town Engineer, prior to approval of the final map.
13. All required easements and dedications shall be in a form and content acceptable to the Town Engineer.
14. Application shall be made to the Mammoth Community Water District for re-apportionment of any existing assessment lien(s) to the new lots and units proposed. The Applicant shall submit a receipt of the application from MCWD to the Town prior to final map consideration by the Planning Commission.
15. The Applicant shall pay a fee of $57,900.00 ($300.00 per unit for 193 units) to the Community Development Department for long range planning reimbursement prior to

approval by staff of the final map. This total may be adjusted based upon the final number of units constructed. The remainder parcel created as a result of the filing of a final map shall be subject to the requirements of Section 66424.6 of the Subdivision Map Act. The remainder parcel created shall be subject to payment a fee of $300.00 per parcel to the Community Development Department for long range planning reimbursement prior to approval of a certificate of compliance is issued for that parcel.

16. This project is protected by the Mammoth Lakes Fire Protection District. Prior to any construction occurring on any parcel, the Applicant shall contact the Fire Marshal for verification of current fire protection development requirements.

17. The property owner, Applicant/Developer and holder of any and all permits associated with this property shall conform to the requirements of the Town of Mammoth Lakes and Federal, State, County and Local agency requirements, as they may apply. This includes, at a minimum, the CRWQCB, Lahontan District, the Great Basin Air Quality Control District, OSHA, the Mammoth Lakes Fire Protection District, and the Mammoth Community Water District.

18. 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.

B. THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO APPROVAL BY THE TOWN OF THE FINAL MAP:

19. The final map shall conform to the requirements of Town of Mammoth Lakes Subdivision Ordinance 84-10 and all amendments thereto.

20. The conditions of Use Permit 2005-09 shall remain in effect for the life of the project.

21. A preliminary soils report shall be filed with and reviewed by the Town Engineer. An "as-graded" soils report shall be provided to the Town upon completion of the grading.

22. Sureties shall be posted for required grading, street and drainage improvements in accordance with the Municipal Code and the Applicant shall enter into a subdivision improvement agreement for all required public improvements in accordance with the Subdivision Map Act. The agreement shall include provisions for the posting of warranty sureties for the accepted public improvements. Construction cost estimates for all required sureties shall be prepared and signed by a registered civil engineer. The estimates shall be at prevailing wages and shall include 20% for construction contingencies and 20% for administrative costs. All sureties shall be posted prior to the issuance of a grading permit and prior to approval by staff of the final map.

23. This tentative tract map is for a project to be developed on one lot and within a single phase. The area shown as Phase 2 on the tentative map shall be designated as a remainder parcel on the final map.

24. Prior to approval of the final map by staff the Applicant shall apply for annexation into benefit assessment district BAD 2001-2.

25. Prior to approval of the final map by staff the Applicant shall apply for re-apportionment of community facilities district CFD 2001-1 for the inclusion of the project into the district.

26. The sale of the excess right of way along Lake Mary Road, from the Town to the Applicant, vacated in accordance with Street Vacation 2005-01, shall be completed prior to approval of the final map by staff and prior to the issuance of a grading permit for the project.

27. All storm drain facilities within the development shall be private facilities and shall be maintained by the Homeowner's Association to be created for the development.

28. An encroachment agreement shall be executed by the Applicant and recorded for any private improvement constructed within a public or Town easement or within the public right of way.

29. Relinquishment of Abutter's Right of Vehicular Access shall be indicated on the Final Map along Canyon Blvd. and Lake Mary Road except in the locations where driveways are shown on the tentative map, one on Canyon Blvd and one on Lake Mary Road.

30. An irrevocable offer of dedication for right of way shall be offered on the final map for the right of way required for Canyon Blvd. The irrevocable offer of dedication shall be accepted subject to improvement and acceptance by the Town. A statement to this affect shall be written on the cover sheet of the final map.

31. Easements and rights of way of record held by the Town that are to be abandoned, relinquished or vacated shall not be shown on the final map and a statement shall be placed on the cover sheet of the final map indicating the deposition of the interest being abandoned in accordance with Section 66499.20½ of the Subdivision Map Act.

32. An easement shall be granted to the Town and to the benefit of the public for those portions of the public sidewalk along Canyon Blvd. that traverse onto private property. An easement shall be granted to the Town for landscaping and the maintenance of the area between the Canyon Blvd. right of way and the public sidewalk along Canyon Blvd.

33. All proposed 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. 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 Town Engineer 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).

34. 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 Town Engineer together with the final map prior to approval of the final map.

35. Monumentation of the subdivision shall be installed in accordance with the Subdivision Ordinance of the Town, Ordinance 84-10. A street centerline monument well and monument shall be installed at the intersection of Canyon Blvd. and Lake Mary Road, on the centerline of Lake Mary Road at the prolongation of the project's westerly property line, on the centerline of Canyon Blvd. approximately 240 feet north of the intersection with Lake Mary Road, or on appropriate offsets, to the satisfaction of the Town Surveyor.

36. A homeowner's association shall be created and CC&R's recorded that contain provisions for the maintenance and snow removal of the common area driveways and parking areas, and maintenance of the private drainage and detention facilities by the homeowner's association. CC&R's for this project shall be submitted to the Community Development Department for review and approval to ensure consistency with the conditions of approval, the

approved tentative map, the final map and Town policies and standards. The fully executed originals of the CC&R's shall be submitted to the Community Development Department prior to final map approval by staff. The CC&R's shall be recorded concurrent with the final map. The CC&R's shall be a covenant that shall run with the land and shall be enforceable throughout the life of the use permit.

37. For condominium projects the following statement shall appear on the signature sheet of the final parcel map: "THIS SUBDIVISION IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 1350 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA, CONTAINING A MAXIMUM OF 193 RESIDENTIAL UNITS AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT".

C. THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A ENCROACHMENT, GRADING OR IMPROVEMENT PERMIT:

38. Construction of water and sewer improvements shall require water and sewer permits from the Mammoth Community Water District. Grading plans shall be submitted to the Town for review and approval and a grading permit in accordance with the municipal code shall be obtained from the Town and all mitigating measures to prevent erosion and to protect existing trees shall be constructed prior to work commencing for any and all water and sewer improvements.

39. An application for a grading permit shall be submitted to the Engineering Services Division of the Public Works Department in accordance 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 an engineered grading and drainage plan has been approved by the Town Engineer and an engineered grading permit has been issued.

40. An encroachment permit or a letter of exemption shall be obtained from the Engineering Services Division of the Town prior to construction within public right of way in accordance Chapter 12.04 of the municipal code.

41. No work within Town right of way shall be commenced until a Traffic Control Plan has been prepared by the Applicant and approved by the Engineering Services Division of the Town.

42. Final 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. Overhead utilities shall be converted to underground.

43. Prior to approval of the improvement plans, 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 Town Engineer for review and approval. A geotechnical report is required that confirms that the proposed drywell locations will not be subject to groundwater entering the drywell or cause leaching through an adjacent slope face. Slope stability tests are required for all cuts or fills greater than 2:1 (H:V). An "as-graded" soils report shall be provided to the Town upon completion of the grading.

44. Monument signs shall be approved by the Planning Division of the Community Development Department. All private signs shall be located outside of the public right of way and outside of the line of sight of vehicles within the right of way and any driveway for the project.

45. Street and public improvement plans shall be prepared by a Registered Civil Engineer and submitted to the Town for review and approval. All public sidewalks shall be constructed to a minimum width of 8 feet clear of obstructions. Grade and alignment of the public sidewalks shall be consistent with all local, State and federal requirements and regulations. All new striping and replaced striping shall be in-laid thermal-plastic and shall meet Caltrans standards. Pavement re-surfacing for trench restoration and pavement widening shall extend to the nearest lane line. All improvements shall be consistent with Town standards. The Applicant may apply for Development Fee Impact credits for public improvements as may be applicable. The following improvements shall be constructed by the Applicant and shall be completed to the satisfaction of the Public Works Director prior to the first certificate of occupancy for the project:

    a. The Applicant shall have an updated traffic impact analysis prepared that shall include the trip generation for the "Mammoth College and Cultural Center", including the County public library and dormitory rooms. The updated analysis shall include the projects along Hillside Drive and Lakeview Blvd., including the proposed parking structure at Hillside Drive and Canyon Blvd. The analysis shall be reviewed and approved by the Town and its traffic consultant. The Applicant shall be responsible to implement the traffic mitigation measures as may be prescribed by the analysis.

    b. Canyon Blvd. shall be widened by a minimum of 11 feet to accommodate a left turn pocket for the left turning movements to and from the project. The length and the width of the pocket and transitions shall be determined by a traffic study prepared by qualified traffic engineer and shall be reviewed and approved by the Town. Through lanes shall be 12 feet wide and bike lanes shall be on each side of the street with a minimum width of 5 feet.

    c. A public sidewalk shall be constructed along Canyon Blvd. along the property frontage. The sidewalk shall be heat traced consistent with Town standards and shall include facilities for, but not limited to, heat source, metering and controls. The sidewalk may meander and easements shall be granted to the Town for the benefit of the public for those portions of the sidewalk that cross onto private property. At the driveway on Canyon Blvd. and at the intersection of Canyon Blvd. with Lake Mary Road the sidewalk shall be within the public right of way.

    d. Curb, gutter and sidewalk shall be constructed along Lake Mary Road along the property frontage from Canyon Blvd. to the west side of the proposed driveway on Lake Mary Road. Additional pavement shall be constructed to provide for 12-foot wide through lanes, a minimum width of 11 feet for the eastbound left-turn lane, and five-foot wide shoulders. The signal at Canyon Blvd. shall be modified to include a protected eastbound left-turn phase. The existing signal poles and mast arms shall be re-located, modified or replaced as necessary to meet current applicable standards. An improved roadside swale shall be constructed from the west side of the driveway to the western property line, an inlet constructed and a storm drain line shall be extended westerly along Lake Mary Road to beyond the proposed driveway to intercept roadside drainage. The existing overhead utility lines along the north side of Lake Mary Road along the property frontage shall be converted to underground. The

conversion shall extend from the existing utility pole at the northeast corner of Lake Mary Road and Canyon Blvd. to the first utility pole west of the property's western property line.

e. Streetlights shall be constructed along Lake Mary Road and Canyon Blvd. and the public sidewalk along Canyon Blvd. Spacing shall be determined by a luminaire plan to be approved by the Town. At a minimum at least one streetlight shall be placed within 10 feet of all driveways.

f. The Applicant shall have a "Line of Sight" study prepared that demonstrates adequate sight distance can be achieved to the north of the Canyon Blvd. driveway assuming that a bus is parked adjacent to the Canyon Blvd, and vertical curve sight distance along Canyon Blvd. for vehicles entering and exiting the site from the Canyon Blvd. driveway, in accordance with the mitigation measures as listed in the "80/50 Hillside Traffic Impact Analysis Second Peer Review" prepared by LSC Transportation Consultants, Inc. dated December 5, 2005. If mitigation is required then the mitigation may include, but is not limited to, the redesign and re-construction of the transit center bus parking.

g. Lakeview Road shall be re-striped to include one northbound lane, a southbound right turn lane and a southbound left turn lane and bicycle lanes. The striping shall be in-laid thermal-plastic. Additional pavement shall be constructed as necessary. Hydronic heating and a heat source shall be installed in the northbound and southbound lanes to the satisfaction of the Public Works Director.

46. The Applicant shall construct a pedestrian bridge, accessible to the public, across Canyon Blvd. from the project to the existing gondola building on the east side of Canyon Blvd. Surety shall be posted with the Public Works Department for the faithful performance of this requirement prior to the first certificate of occupancy for the project. The bridge shall be completed to the satisfaction of the Building Official of the Community Development Department within 8 months of issuance of the first certificate of occupancy for the project. The bridge shall be designed such that snow shall not shed from the bridge into the public right of way or sidewalk. An easement shall be granted to the Town to the benefit of the public for access to and across the bridge. The applicant shall enter into an agreement with the Town for the maintenance of the bridge.

47. All driveways shall be constructed in accordance with the driveway standards of the Town.

48. In addition to the drainage, traffic related, or other requirements stated herein, other "on-site" or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to the Town Engineer.

49. A grading permit for the project shall not be issued prior to approval of the landscaping and irrigation plans.

50. The Applicant shall submit a Notice of Intent and comply with the requirements of the General Construction Activity Storm Water Permit from the State Water Resources Control Board, in accordance with Board requirements.

51. The project shall comply with the Guidelines for Erosion Control in the Mammoth Area. Prior to issuance of a grading permit, the applicant shall obtain written clearance from the California Regional Water Quality Control Board, Lahontan District, and provide a copy to

the Public Works Department, Engineering Services Division, or provide evidence that the Board's Executive Officer has issued a written waiver:

Lahontan Region,
3737 Main Street, Ste. 500,
Victorville, CA 92501-3339: (909) 782-4130

52. 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 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. Drywells 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.

53. Erosion control plans shall be included with the grading and improvement plans. Pollution from urban run-off water generated by the project shall be mitigated using best management practices (BMP's) per the requirements of the California Regional Water Quality Control Board, Lahontan District, and as indicated in the "New Development and Redevelopment Guidelines". All BMP's shall be shown on the erosion control plans. If the Town inspector determines that the BMP's in place are not adequate, then additional BMP's shall be installed at the discretion of the Town inspector or a revised erosion control plan shall be prepared for approval by the Engineering Service Division. Gravel bags shall be used in lieu of sand bags. All permanent erosion control measures shall be irrigated for at least one season.

54. A Construction Staging and Management Plan shall be submitted to, and approved by the Town Engineer prior to Grading Permit issuance. Said plan shall include provisions related to the parking of construction worker vehicles, construction equipment, construction materials, loading and un-loading of construction materials and equipment, snow storage and removal, tree protection, and specific limitations restricting access into non-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 existing Construction Management Plan for the "8050 Project" currently under construction shall be revised to the satisfaction of the Public Works Director to accommodate the loss of the subject property as parking, construction staging and management.

55. A grading permit shall not be issued for the project that would result in the loss of any required temporary parking necessary for the Fireside condominium residents and guests, unless adequate replaced parking is provided as mitigation.

56. Storage of construction materials and equipment off-site shall not be permitted without a permit issued by the community development department of the Town.

57. Existing Town streets that require construction or reconstruction, shall remain open for traffic at all times, with adequate detours and traffic control, during actual construction. Surety shall be posted to cover the cost of grading and paving prior to approval by staff of the map.

58. The grading plan shall indicate all snow storage areas and drainage facilities. All easements shall be shown on the grading plan.

59. 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 Town Engineer prior to the import or export of material for the site.

60. 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. The Applicant shall obtain the necessary Timber Harvest Permit prior to any tree removal. 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.

D. THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO ISSUANCE OF BUILDING PERMITS:

61. 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.

62. Prior to issuance of a building permit a shoring plan shall be prepared and submitted for review that demonstrates how the cuts along and adjacent to the property lines and along Canyon Blvd. can be made without encroachment onto the adjacent property and in conformance with OSHA requirements. The shoring plan shall include shoring as necessary to retain existing trees to remain.

63. For all retaining and screening walls, the Applicant shall submit plans to and obtain a building permit from the Building Division.

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

64. Street address numbers shall be placed on all new structures in such a manner as to be plainly visible and legible from the street. The Applicant shall submit a request for street numbers to the Town.

65. The final condominium plans for the project shall be submitted to the Town for review for conformance with the approved development plan, tentative map, use permit and CC&R's. The condominium plans shall conform to the conditions of approval with respect to

ownership of required appurtenant use areas. Issuance of the first certificate of occupancy and recordation of the condominium plans shall not be recorded prior to Town approval of the condominium plans.

66. 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 sureties posted prior the issuance of the first certificate of occupancy for the project. Deferral of any required grading, improvements or landscaping may be permitted upon written approval and at the sole discretion of the Public Works Director, and provided the public's health, safety and welfare is maintained.

Mitigation Monitoring and Reporting Program

1. **Aesthetics/Light and Glare Impacts**: Mitigation measures 5.3-1a through 5.3-1f and 5.3-1j and k, which mitigate impacts on visual character; mitigation measures 5.3-2a and b, which mitigate impacts on scenic vistas and resources; and mitigation measures 5.3-3a through 5.3-3d, which mitigate impacts on light and glare. Including: (1) Grading shall be minimized to the extent feasible to accommodate the proposed project. Cut slopes and fill slopes shall be contoured to help blend with the adjacent natural terrain; (2) All graded areas shall be immediately re-vegetated to blend with existing native landscape. Native plant materials shall be utilized throughout the project; (3) Removal of existing trees shall be avoided where possible. Excessive covering of tree roots with fill material shall be avoided; (4) Retaining walls shall be faced with rock material or constructed of other decorative material to the satisfaction of the Community Development Director; (5) The Landscape Plan shall be implemented with the project construction; and (6) All exterior lighting will conform to the Town of Mammoth Lakes requirements for shielding, glare reduction, down-direction, and lumen level output as required by the Town's adopted Lighting Ordinance. The specific fixtures selected will be reviewed through the Town's Design Review and discretionary approval process. Implementation of these mitigation measures shall be assured by the Town's Community Development Department and Engineering staff. Building location will need to be revised to maintain a 20-foot setback along non-NVSP boundaries.

2. **Traffic and Circulation Impacts**: based upon the traffic analysis used as the basis for the Program EIR assessment of traffic/circulation impacts, the following mitigation measures are required for the Mammoth Hillside project: 5.4.1a through c, 5.4-2c, 5.4-2i, 5.42, 5.4-3a, and 5.4-4 through 5.4-6. Pursuant to mitigation measure 5.4-3a, a site–specific share parking analysis is required.

   The mitigation measures recommended by the traffic analysis will be required for the project. In addition, adequate site distance to the north shall be demonstrated, or additional mitigation will be required. A total of 261 parking spaces will also be required, in addition to fourteen check-in spaces. Parking space dimensions and layout shall be clarified and/or revised.

3. **Air Quality Impacts**: The following mitigation measures recommended in the Program EIR will be incorporated as part of the Mammoth Hillside project: Mitigation measures 5.5-1a and 5.5-1b, which mitigate short-term air quality impacts; and mitigation

measure 5.5-2a through c, which mitigates long-term PM_{10} air quality impacts. The primary air quality concerns are short-term fugitive dust emissions resulting from construction-related ground disturbance. To reduce this potentially significant impact, air quality mitigation measures consisting of a comprehensive erosion and sediment control plan will be required as mitigation. For this project, the Town shall require and monitor dust control measures during site grading operations including watering to control fugitive dust emissions. The submittal of plans to control airborne dust, erosion, and sediment transport shall be required as part of the grading permit application to the Town. In addition, disturbed areas will be re-vegetated to provide permanent soil stabilization. An air quality permit is required from the Great Basin Unified Air Pollution Control District (GBUAPCD). Increased particulate matter (PM 10) from wood burning appliances and road dust exceeds the State of California thresholds and is considered significant and unavoidable. Only EPA Phase II wood-burning or gas heating appliances will not be permitted. Road dust will be controlled by street sweeper maintenance. The project must conform to the requirements of the Air Quality Management Plan and the Particulate Emissions Regulations of the Town Municipal Code. The applicant shall enter into a Transit Agreement with the Town for the payment of $121 per year per unit (as adjusted each fiscal year beginning July 1, 2005 by the annual percentage increase in the Los Angeles/Riverside Consumer Index) to the Town for its Transit Programs.

4. **Noise Impacts:** In connection with development of the Mammoth Hillside project, the following mitigation measures recommended in the Program EIR shall be incorporated: Mitigation measures 5.6-1a through 5.6-1c, which mitigate short-term construction noise impacts; mitigation measures 5.6-2a, which mitigates long-term noise impacts; and mitigation measures 5.6-3a through 5.6-3d, which mitigate stationary noise impacts. Consistent with Municipal Code standards, construction hours are limited to between 7 a.m. and 8 p.m. Mondays through Saturdays and is prohibited on Sundays and holidays. Adherence to the Town noise standards will reduce adverse noise impacts to a level below significance. A site-specific noise analysis is required pursuant to Mitigation Measure 5.6-3a to address the impacts of stationary noise sources associated with operation of the project.

5. **Geology/Soils Impacts:** In connection with the Mammoth Hillside project, the following mitigation measures recommended in the Program EIR will be incorporated: Mitigation measure 5.7-1, which mitigates impacts on topography; Mitigation Measures 5.7-2a through 5.7-2c, which mitigate impacts on slopes and stability; Mitigation measure 5.7-3, which mitigates soils impacts; mitigation measure 5.7-4 and 5.7-5, which mitigate impacts relating to erosion hazards; mitigation measure 5.7-6, which mitigates impacts relating to seismic hazards; and mitigation measure 5.7-7, which mitigates impacts relating to volcanic hazards. As explained in the Program EIR, individual projects will be subject to review and approval by the Town Engineer on a project-by-project basis and conditions may be imposed as a result of site-specific studies in compliance with applicable Town, state and federal codes. Topsoil removed during construction activities will be stockpiled on site and compacted for re-use as fill material beneath the proposed hospital structure. Erosion and sediment control best management practices will be employed. A grading permit application will be required from the Town; a Storm Water Pollution Prevention Plan (SWPPP) will be provided as part of that application to describe temporary and permanent best management practices to limit erosion and prevent sediment transport. The applicant shall apply for coverage under the Statewide NPDES Construction Permit through the

Lahontan Regional Water Quality Control Board (RWQCB). Following the completion of construction, permanent soil stabilization measures (including landscaping) will be used to minimize erosion. The project shall comply with building code requirements for Seismic Zone 4 and all recommendations contained within the Soils Engineering Report (Sierra Geotechnical Services, Inc.; January 19, 2001) shall be followed during site preparation work and structural foundation design and construction work. Implementation of these mitigation measures shall be assured by the Town's Community Development Department and Engineering staff. A preliminary geotechnical report has been prepared based on conceptual plans. The report indicated that the project engineering is feasible. However, final grading and foundation plans should be reviewed to determine whether the conclusions of the report warrant reconsideration.

6. **Hydrology/Drainage/Water Quality Impacts**: The impacts of the Mammoth Hillside project were covered in the Program EIR and the Mammoth Hillside project does not increase the impacts beyond those anticipated. In connection with development of the Mammoth Hillside project, the following mitigation measures recommended in the Program EIR will be incorporated: mitigation measures 5.8-1a through 5.8-1c, which mitigate impacts relating to drainage and runoff; and mitigation measures 5.8-2a through d and 5.8-3, which mitigate impacts relating to surface water quality. Best management practices will be required to limit erosion and sediment transport during and after construction. A grading permit application will be required from the Town; a Report of Waste Discharge will be provided as part of that application to describe temporary and permanent best management practices to limit erosion and prevent sediment transport. Consistent with RWQCB standards, the project shall conform to all requirements for controlling erosion onsite through BMPs that may include NPDES and SWPPP permitting. Implementation of these mitigation measures shall be assured by the Town's Community Development Department and Engineering staff. A preliminary drainage study has been prepared (CFA, Inc., November 2005). The report was prepared assuming a 60 percent coverage of impervious surfaces, while project plans indicate a 68 percent coverage. Either the report needs to be revised, or project plans need be revised to be consistent. The report indicates that drainage system will utilize drop inlets, swales, and grading to direct flows from the proposed structures. Erosion control and storm water treatment measures will be placed in areas of possible erosion.

7. **Biological Resources Impacts**: The following mitigation measures identified in the Program EIR will be incorporated in the Mammoth Hillside project: Mitigation measures 5.9-2a through 5.9-2d and 5.9-2 f through k, which mitigate impacts relating to sensitive natural communities. The Mammoth Hillside project is located adjacent to developed lands. The site is also developed with existing facilities and structures. However, in order to limit the impacts to biological resources, several measures are to be incorporated into this project. As part of the grading permit application and inspection process, the Town will ensure the following: (1) The establishment of limits of site disturbance and planned site access routes; (2) tree protection; (3) erosion and sediment control measures; and (4) restrictions on the movement of heavy equipment. These protective measures will be clearly marked on site plans for the contractor and developer and will be assured during site construction by the Town's Building and Engineering inspection staff.

8. **Public Services and Utilities Impacts**: The Program EIR concludes that impacts are mitigated to a less than significant level with incorporation of specific mitigation measures.

The impacts of the Mammoth Hillside project were covered in the Program EIR and the Mammoth Hillside project does not increase impacts beyond those anticipated. The Specific Plan requires developers to provide five acres of land per 1000 population increase. Payment of applicable Development Impact Fees (DIFs) will satisfy this requirement. In connection with development of the Mammoth Hillside project, Development Impact Fees will be paid in accordance with the Town's current DIF Mitigation Program in order to mitigate impacts on public facilities and services covered by the DIF program. In addition, the following mitigation measures recommended in the Program EIR will be incorporated: Mitigation measures Section 5.10-1a through 5.10-1c and 5.10-2, which mitigate impacts relating to fire protection and police protection; mitigation measure 5.10-3, which mitigates impacts to schools; mitigation measures 5.10-4a and b, which mitigate impacts on snow removal and roadway maintenance; mitigation measure 5.10-5, which mitigates impacts on libraries; mitigation measure 5.10-6, which mitigates impacts on recreation; mitigation measures 5.10-7 and 5.10-8, which mitigate impacts to wastewater (sewer) and water, including payment of fees to Mono County Water District; and mitigation measure 5.10-9, which mitigates impacts relating to solid waste. All solid waste will be lawfully hauled to the Benton Crossing Landfill (or another site as may be approved by Mono County). To mitigate solid waste disposal impacts and to extend the life of the landfill, all demolition materials generated by the project will be recycled to the extent feasible. The developed project shall initiate a recycling program for its owners and guests to divert recyclable materials to the extent feasible. These mitigation measures shall be assured by the Community Development Department to divert recyclable materials from the County landfill and to reduce adverse utility and service system impacts to a level below significant.

9. **Cultural Resources Impacts**: In connection with development of the Mammoth Hillside project, the following mitigation measure recommended in the Program EIR will be incorporated: Mitigation measure 5.11-1e, which mitigates impacts relating to archaeological/historical resources and mitigation measure 5.11-2 which mitigates impacts on burial sites. Two mitigation measures are included for this project in the event that unanticipated cultural resources are discovered during construction; specifically: (1) Should evidence of potentially significant cultural resources be discovered during construction of the project, a mitigation plan shall be developed and completed prior to further construction or earth disturbance, and (2) The Professional Guide for the Preservation of Native American Remains and Associated Grave Goods shall be utilized to protect Native American burial sites should they be discovered. Implementation of these mitigation measures shall be assured by the Town's Community Development Department and Engineering staff.

10. **Land Use and Planning Impacts**: The Mammoth Hillside project does not conform to setback requirements. Either project plans require modification to address these issues, or finding for a variance shall be made.

11. **Population/Housing Impacts**: The workforce housing plan and densities will be conditioned to be in conformance with Town and state regulations.

Doc # 2008000572
Page 1 of 8
Date: 2/6/2008 09:33A
Filed by: MAMMOTH LAKES; TOWN OF
Filed & Recorded in Official Records
of MONO COUNTY
LYNDA ROBERTS
CLERK-RECORDER
Fee: $0.00

Recording Requested by and
When Recorded Mail To:

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

Space Above for Recorder's Use

RESOLUTION NO. PC-2007-22

A RESOLUTION OF THE MAMMOTH LAKES PLANNING COMMISSION APPROVING USE PERMIT 2007-11 TO ALLOW TANDEM PARKING, MECHANICAL PARKING LIFTS, AND 50 PARKING SPACES FOR THE 8050 RESIDENCE CLUB WITHIN THE MAMMOTH HILLSIDE PARKING GARAGE AND A ONE YEAR TIME EXTENSION REQUEST FOR PROPERTY LOCATED ON THE WEST SIDE OF CANYON BOULEVARD, NORTH OF LAKE MARY ROAD.

(APN's: 33-020-10, -11, -21, -33 and 31-110-27)

WHEREAS, a request for consideration of a Use Permit was filed by Todd Minnis to allow tandem parking and mechanical lifts; and

WHEREAS, a request for a one year time extension for Tentative Tract Map 36-235 and Use Permit 2005-09 was filed by Todd Minnis; and

WHEREAS, the Planning Commission conducted a Noticed Public Hearing on the application request on November 14, 2007, at which time all those desiring to be heard were heard; and

WHEREAS, the Planning Commission considered, without limitation:

1. The Agenda Report to the Planning Commission with exhibits;
2. The State Map Act (if applicable), Specific or Master Plan (if applicable), General Plan, Municipal Code, Design Review Guidelines, and associated Land Use Maps;
3. Oral evidence submitted at the hearing;
4. Written evidence submitted at the hearing;
5. Project plans consisting of 5 sheets drawings comprising the plans considered and approved by the Planning Commission, dated received by the Town of Mammoth Lakes on November 8, 2007; and

WHEREAS, the Planning Commission made the following findings pursuant to Chapter 17.60 (Use Permits) of the Mammoth Lakes Municipal Code:

(SEE EXHIBIT "1")

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission, in its independent judgment, finds that this project is categorically exempt per Section 15301 of the California Environmental Quality Act (CEQA) Guidelines.

BE IT FURTHER RESOLVED that the Planning Commission of the Town of Mammoth Lakes hereby approves Use Permit 2007-11 and grants a one year time extension for Tentative Tract Map 36-235 and Use Permit 2005-09, subject to the following conditions:

(SEE EXHIBIT "2")

PASSED AND ADOPTED this 14th day of November 2007, by the following vote, to wit:

AYES: Bacon, Barrett, Duggan, Saari, Tenney

NAYS:

ABSENT:

ABSTAIN:

Roy Saari, Chair of the Mammoth Lakes Planning Commission

ATTEST:

Mark Wardlaw
Community Development Director

NOTE: This action is subject to Chapter 17.68 of the Municipal Code, which specifies time limits for legal challenges.

I, Todd Minnis, am the property owner for this project request and I do hereby attest that I have read, and agree to, the conditions of approval stipulated within this Resolution.

Todd Minnis Date
(Notary Required)

STATE OF TEXAS

COUNTY OF DALLAS

ss

On November 29, 2007 before me Barbara C Henson, personally appeared Todd Minnis personally known to me (*or 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

WITNESS my hand and official seal.

Barbara C Henson
Signature of Notary Public

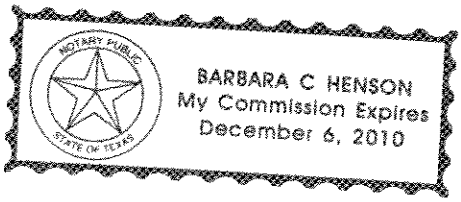


EXHIBIT 1
Resolution No. PC-07-22

FINDINGS FOR USE PERMIT (UP 2007-11)
(Municipal Code Section 17.60.070)

1. Consistent with the evidence contained within the Staff Report and provided at the public hearing, the Planning Commission finds that the proposed use is consistent with the General Plan and the Municipal Code because the project meets the requirements for tandem parking and mechanical lifts.
2. The Planning Commission finds that the proposed location of the use is in accord with the objectives and purpose of the zone in which it is located because the North Village Specific Plan requires understructure parking and encourages sustainability and environmental sensitivity which is accomplished through the use of tandem parking and mechanical vehicular lifts which take up less space that standard parking spaces.
3. The Planning Commission finds that the proposed use will be operated in a way that will be compatible with surrounding uses and will not be detrimental to the public health, safety, and welfare nor be materially injurious to properties or improvements in the vicinity because it will be designed and constructed according to the Town building and engineering standards.
4. The Planning Commission finds that the proposed site is adequate in size and shape and has adequate access for the proposed use because the tandem parking and mechanical vehicular lifts will meet Town standards.
5. The Planning Commission finds that the proposed use, with conditions, complies with the applicable sections of the zoning regulations because the project meets or exceeds code in all areas.
6. Findings are further substantiated by evidence presented in this staff report and subsequent attachments and oral evidence presented at the public hearing on November 14, 2007.

Resolution No. PC 2007-22

FINDINGS FOR TIME EXTENSION APPROVAL
(Municipal Code Section 17.60.100C)

1. The Planning Commission finds that the site-specific conditions and circumstances justifying the approval of Tentative Tract Map 36-235 and Use Permit 2005-09 for the Mammoth Hillside project are still applicable and that conditions have not changed since the original approval that would warrant the denial of the one-year time extension request, with the exception that tract map condition #15 shall be changed to read as stated in condition #2 in Exhibit 2. The project conforms to Municipal Code development standards, which implement the goals and policies of the General Plan.

2. The Planning Commission finds that the project will not detract from the value or utility of adjoining properties as a result of inappropriate, inharmonious, or inadequate design since the Mammoth Hillside project was reviewed at a public hearing by the Planning Commission on January 12, 2006 when Tentative Tract Map 36-235 and Use Permit 2005-09 were considered and no evidence was received by the Town to indicate that the project would detract from the value or utility of adjoining properties.

EXHIBIT 2
Resolution No. PC-07-22
Case No. UP 2007-11 & Time Extension for TTM 36-235/UP 2005-09
PLANNING DIVISION CONDITIONS

Standard Use Permit Conditions

1. This approval authorizes the following: Tandem parking and mechanical parking lifts within the Mammoth Hillside parking garage, and 50 off-site parking spaces for the 8050 project. The final number of units permitted to be constructed under UPA 2005-09 and TTM 36-235 may be limited by the available parking in the Mammoth Hillside garage. One year time extension for Tentative Tract Map 36-235 and Use Permit 2005-09 which were approved in January of 2006.
2. This use permit and all rights hereunder shall automatically terminate unless the business operation, site preparation or construction has been commenced within 24 months 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 17.60.160 for concurrent applications.
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 Section 17.60.130 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. The site shall be maintained in a neat, clean and orderly manner.
5. All improvements shall be maintained in a condition of good repair and appearance. Outdoor storage of equipment and other materials is prohibited (except as approved as a part of the construction management plan). 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 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 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 Commission approval in accordance with Municipal Code Chapter 17.68.
14. Prior to receipt of a grading or building permit, the applicant shall obtain a secondary source permit or letter of exemption from the Great Basin Unified Air Pollution Control District.
15. Pursuant to Government Code Section 66474.9 the subdivider shall defend, indemnify, and hold harmless the local agency and its agents, officers, and employees from any claim, action, or proceeding against the local agency and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the local agency, advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Government Code Section 66499.37. The Town shall promptly notify the subdivider of any claim, action, or proceeding and shall cooperate fully in the defense.
16. The project shall meet the requirements of Municipal Code Section 15.36 (Water Efficient Landscape Regulations).
17. All exterior lighting shall comply with Chapter 17.34 of the Town of Mammoth Lakes Municipal Code, Outdoor Lighting. Exterior light fixtures having a total of over 40-watts of incandescent illumination 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.
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. 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.
20. Prior to building permit issuance, the applicant shall pay any fees due on this project processing account.

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 Development Department or Planning Commission pursuant to Municipal Code Section 17.32.120.
22. 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.
23. Prior to the issuance of building permits a attendant (valet) parking agreement is required to be executed between the property owner and the town of Mammoth Lakes to assure that valet parking is provided during all days and hours of the use of the tandem parking spaces. The attendant parking agreement shall be binding upon and inured to the benefit of each party and their respective successors and assigns.
24. Future changes to the unit mix of the project may be approved by the Community Development Director as long as the total project will meet the North Village Specific Plan parking requirements.

Time Extension Conditions

1. The approved plans, building materials, colors, and improvements required for Tentative Tract Map 36-235 and Use Permit 2005-09 (Resolution No. PC 2006-01) shall be adhered to and maintained for the duration of this time extension approval.
2. All conditions of approval for Tentative Tract Map 36-235 and Use Permit 2005-09 (Resolution No. PC 2006-01) shall be adhered to, or satisfied, prior to Final Tract Map approval or Certificate of Occupancy, as may be applicable. Standard Engineering Condition No. 15 shall be revised to read, "The applicant shall pay a fee per parcel, lot or unit created to the Community Development Department for long range planning reimbursement prior to approval by staff of the final map."

Engineering Conditions for Use Permit

1. Prior to the issuance of a grading permit, building permit and any site disturbance the applicant shall demonstrate that the parking garage, aisles and ramps meets all Town standards, to the satisfaction of the Town Engineer, including parking stall dimensions, maximum ramp grades, height clearance requirements, and turning radii such that there will be no conflicts with two-way traffic.

Recording Requested by and
When Recorded Mail To:

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

Doc # 2008001899
Page 1 of 6
Date: 4/21/2008 02:05P
Filed by: MAMMOTH LAKES; TOWN OF
Filed & Recorded in Official Records
of MONO COUNTY
LYNDA ROBERTS
CLERK-RECORDER
Fee: $0.00

Space Above for Recorder's Use

RESOLUTION NO. PC-2008-02

A RESOLUTION OF THE MAMMOTH LAKES PLANNING COMMISSION APPROVING USE PERMIT 2007-14 TO ALLOW AN ALTERNATIVE HOUSING MITIGATION PLAN FOR PROPERTY LOCATED ON THE WEST SIDE OF CANYON BOULEVARD, NORTH OF LAKE MARY ROAD.

(APN's: 33-020-10, -11, -21, -33 and 31-110-27)

WHEREAS, a request for consideration of a Use Permit was filed by Brian Parro, CE Mammoth LLC, property owner, and Robert S. Black, Inc., property owners representatives, to allow an alternate affordable housing mitigation plan; and

WHEREAS, the Planning Commission conducted a Noticed Public Hearing on the application request on February 13, 2008, at which time all those desiring to be heard were heard; and

WHEREAS, the Planning Commission considered, without limitation:

1. The Agenda Report to the Planning Commission with exhibits;
2. The State Map Act (if applicable), Specific or Master Plan (if applicable), General Plan, Municipal Code, Design Review Guidelines, and associated Land Use Maps;
3. Oral evidence submitted at the hearing;
4. Written evidence submitted at the hearing;

WHEREAS, the Planning Commission made the following findings pursuant to Chapter 17.60 (Use Permits) of the Mammoth Lakes Municipal Code:

(SEE EXHIBIT "1")

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission, in its independent judgment, finds this project to be consistent with a previously adopted Environmental Impact Report for this site, pursuant to section 15162 of the California Environmental Quality Act (CEQA) Guidelines.

BE IT FURTHER RESOLVED that the Planning Commission of the Town of Mammoth Lakes hereby approves Use Permit 2007-14, subject to the following conditions:

(SEE EXHIBIT "2")

PASSED AND ADOPTED this 13th day of February 2008, by the following vote, to wit:

AYES: Barrett, Duggan, Tenney

NAYS: Bacon, Saari

ABSENT:

ABSTAIN:

Roy Saari, Chair of the Mammoth Lakes Planning Commission

ATTEST:

Mark Wardlaw
Community Development Director

NOTE: This action is subject to Chapter 17.68 of the Municipal Code, which specifies time limits for legal challenges.

I, Brian Parro, CE Mammoth LLC., am the property owner for this project request and I do hereby attest that I have read, and agree to, the conditions of approval stipulated within this Resolution.

Brian Parro, CE Mammoth LLC
(Notary Required)

Date 3/28/08

STATE OF TEXAS

COUNTY OF DALLAS

On March 28, 2008 before me Barbara C. Henson, personally appeared Brian Parro personally known to me (*or 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.

WITNESS my hand and official seal.

Barbara C Henson
Signature of Notary Public

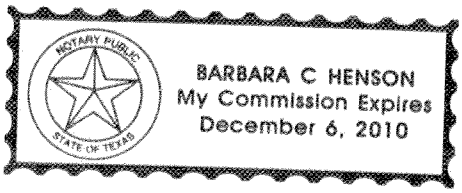


EXHIBIT 1
Resolution No. PC-08-02

FINDINGS FOR USE PERMIT (UP 2007-14)
(Municipal Code Section 17.60.070)

1. Consistent with the evidence contained within the Staff Report and provided at the public hearing, the Planning Commission finds that the proposed use is consistent with the General Plan and the Municipal Code because the project will provide the required affordable housing through the payment of in lieu fees.
2. The Planning Commission finds that the proposed location of the use is in accord with the objectives and purpose of the zone in which it is located because the North Village Specific Plan allows an alternative housing mitigation plan to be approved subject to a greater housing benefit.
3. The Planning Commission finds that the proposed use will be operated in a way that will be compatible with surrounding uses and will not be detrimental to the public health, safety, and welfare nor be materially injurious to properties or improvements in the vicinity because the project includes the payment of fees in lieu of building affordable housing units on site.
4. The Planning Commission finds that the proposed site is adequate in size and shape and has adequate access for the proposed use because the Planning Commission previously approved the project site.
5. The Planning Commission finds that the proposed use, with conditions, complies with the applicable sections of the zoning regulations because the project meets or exceeds code in all areas.
6. Findings are further substantiated by evidence presented in this staff report and subsequent attachments and oral evidence presented at the public hearing on February 13, 2008.
7. Consistent with Chapter 17.36 of the Municipal Code related to Affordable Housing Mitigation Regulations (AHMR), the applicant is providing affordable housing mitigation for the Mammoth Hillside project under the provisions of the Alternate Mitigation Plan provision of the Municipal Code (Section 17.36.050). The Planning Commission considers the payment of in lieu fees the functional equivalent of on-site construction of units and finds that the Alternate Mitigation Plan provides an increased benefit to the community. The applicant will pay an increase of 30 percent on top of the in lieu fee which results in a greater housing benefit to the community. Additionally, the Town of Mammoth Lakes will be able to pursue additional housing immediately which may result in affordable housing being provided to the community more quickly that it would have been if it was included within the project.

EXHIBIT 2
Resolution No. PC-08-02
Case No. UP 2007-14
PLANNING DIVISION CONDITIONS

Standard Use Permit Conditions

1. This approval authorizes the following: An alternative housing proposal for the Mammoth Hillside project which allows the applicant to pay an in lieu affordable housing fee instead of constructing the units on the project site.
2. This use permit and all rights hereunder shall automatically terminate unless the business operation, site preparation or construction has been commenced within 24 months 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 17.60.160 for concurrent applications.
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 Section 17.60.130 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. The site shall be maintained in a neat, clean and orderly manner.
5. All conditions of this use permit shall be met or secured prior to final occupancy approval of any tenant improvements or new structures.
6. 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.
7. This action may be appealed to the Town Council within fifteen (15) calendar days from the date of Planning Commission approval in accordance with Municipal Code Chapter 17.68.
8. Pursuant to Government Code Section 66474.9 the subdivider shall defend, indemnify, and hold harmless the local agency and its agents, officers, and employees from any claim, action, or proceeding against the local agency and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the local agency, 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.

9. Prior to building permit issuance, the applicant shall pay any fees due on this project processing account.
10. 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.
11. The project is subject to the Affordable Housing Mitigation Regulations (Municipal Code Chapter 17.36). As agreed to by the applicant, the project owners shall enter into an agreement with the Town of Mammoth Lakes to purchase a total of 49 FTEE credits in the amount of $5,586,000 million. The agreement shall be executed prior to the issuance of grading permits.

Attachment 3

Mammoth Hillside Project plans

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORKS OF THE ARCHITECT AND THE SAME MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT



AFTER



RESORT PERSPECTIVE

N.T.S

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Mammoth Hillside Resort

Mammoth Lakes, California

R.A. NELSON
fine builders
GE JOHNSON
CONSTRUCTION COMPANY
A Joint Venture

MG
THE MERIDIAN GROUP
P.O. BOX 100-505 MAMMOTH LAKES, CA 93546
TEL: 760-924-8582 FAX: 760-924-7709

Project No.:	04041
Date:	NOVEMBER 18, 2005
Scale:	AS NOTED
Sheet No.:	A5.00

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ENTRY VIEW



VIEW DOWN CANYON TOWARD LAKE MARY ROAD

RESORT PERSPECTIVE

N.T.S

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Mammoth Hillside Resort

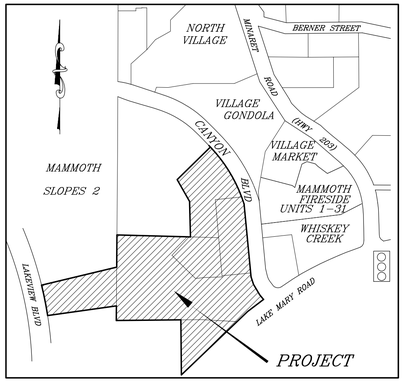
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Project No.:	04041
Date:	NOVEMBER 18, 2005 REV. DEC. 1, 2005
Scale:	AS NOTED
Sheet No.:	A5.00b

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VICINITY MAP
N.T.S.

EASEMENT NOTES

THE NUMBERS ON EASEMENTS CORRESPOND TO THE LINE ITEMS IN PRELIMINARY TITLE REPORT DATED OCTOBER 31, 2005.

(8)(27) EASEMENT AGREEMENT (CANYON BOULEVARD SLOPE) BETWEEN INTRAWEST CALIFORNIA HOLDINGS, INC. AND THE TOWN OF MAMMOTH LAKES PER INSTRUMENT NO. 2003007395 DATED JULY 11, 2003 TO BE PARTIALLY QUITCLAIMED.

(10) TRANSIT IMPROVEMENT EASEMENT IN FAVOR OF THE TOWN OF MAMMOTH LAKES PER INSTRUMENT NO. 2003007393, DATED JULY 11, 2003 TO REMAIN.

(20) CONSTRUCTION EASEMENT AGREEMENT (FOR CRANE FOOTINGS, SOIL PINS, AND ACCESS) BY AND BETWEEN MAMMOTH HILLSIDE, LLC AND INTRAWEST CALIFORNIA HOLDINGS, INC. PER INSTRUMENT NO. 2004006019 DATED JUNE 29, 2004. ACCESS EASEMENTS TO BE TERMINATED IN ACCORDANCE WITH SAID AGREEMENT. EASEMENTS FOR CRANE FOOTINGS AND SOIL PINS TO REMAIN.

(25) POLE LINES AND CONDUIT EASEMENT IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY AS PER 78/129 O.R., DATED DEC. 8, 1965 TO BE PARTIALLY QUITCLAIMED.

(28) UTILITY EASEMENT IN FAVOR OF THE TOWN OF MAMMOTH LAKES PER INSTRUMENT NO. 2004006305, DATED MAY 14, 2004 TO REMAIN.

THE FOLLOWING MAY AFFECT A PORTION OF OR ALL OF THE PROPERTY, THE EXACT LOCATIONS ARE NOT DISCLOSED AS OF RECORD:

(9) AN EASEMENT BY SOUTHERN CALIFORNIA EDISON COMPANY AND VERIZON CALIFORNIA, INC. FOR ELECTRICAL SUPPLY SYSTEMS AND COMMUNICATION SYSTEMS AFFECTING ALL THAT PORTION OF LAND LYING WITHIN TRACT NO. 36-193A PER INSTRUMENT NO. 2001006640 TO BE QUITCLAIMED.

(20) CONSTRUCTION EASEMENT AGREEMENT (FOR CRANE AIRSPACE) BY AND BETWEEN MAMMOTH HILLSIDE, LLC AND INTRAWEST CALIFORNIA HOLDINGS, INC. PER INSTRUMENT NO. 2004006019 DATED JUNE 29, 2004 TO BE TERMINATED IN ACCORDANCE WITH SAID AGREEMENT.

(21) A DRAINAGE EASEMENT AGREEMENT BY AND BETWEEN INTRAWEST CALIFORNIA HOLDINGS, INC. AND MAMMOTH HILLSIDE LLC PER INSTRUMENT NO. 2004006020 TO REMAIN.

(22) A BRIDGE RECIPROCAL EASEMENTS AGREEMENT BY AND BETWEEN MAMMOTH HILLSIDE, LLC AND INTRAWEST CALIFORNIA HOLDINGS, INC. PER INSTRUMENT NO. 2004006021 DATED JUNE 29, 2004 TO REMAIN.

PHASING

TWO PHASES PROPOSED WITH THIS TENTATIVE MAP; A SECOND FINAL MAP WILL BE FILED ON THE REMAINDER PARCEL FROM PHASE 1.

LEGAL DESCRIPTION

SEE TITLE REPORT

DESIGN NOTES

ASSESSOR'S PARCEL NO.:	31-110-27, 33-010-02, 33-020-10, 33-020-11, 33-020-21, AND 33-020-33
GROSS SITE AREA:	6.37 ACRES
EXISTING ZONING:	SP (SPECIFIC PLAN)
EXISTING LAND USE DESIGNATION:	R-O (RESORT GENERAL)
WATER SUPPLY:	MAMMOTH COMMUNITY WATER DISTRICT
SEWAGE DISPOSAL:	MAMMOTH COMMUNITY WATER DISTRICT
ELECTRICITY:	SOUTHERN CALIFORNIA EDISON
TELEPHONE:	VERIZON CALIFORNIA
FIRE PROTECTION:	MAMMOTH LAKES FIRE PROTECTION DISTRICT
SOLID WASTE:	MAMMOTH DISPOSAL
PROPOSED LOTS:	2

RECORD OWNER

MAMMOTH HILLSIDE LLC, A DELAWARE LIMITED LIABILITY COMPANY

PREPARED BY

TRIAD/ HOLMES ASSOCIATES
P.O. BOX 1570
MAMMOTH LAKES, CA 93546
(760) 934-7588 934-5619 FAX

LEGEND

EXISTING PROPERTY LINE
CENTERLINE
INTERIOR PROPERTY LINE TO BE EXTINGUISHED UPON RECORDATION OF PHASE 1 FINAL MAP

LICENSED LAND SURVEYOR
DAVID A. LAVERTY
EXP. 9/30/06
NO. 4587
STATE OF CALIFORNIA

DAVID LAVERTY DATE
L.S. 4587 LIC. EXP. 9-30-06

PREPARED UNDER THE DIRECTION OF DAVID LAVERTY, L.S. 4587.

TENTATIVE TRACT MAP No. 36-235

MAMMOTH HILLSIDE, LLC

A RESUBDIVISION MAP FOR CONDOMINIUM PURPOSES

MAMMOTH LAKES, MONO COUNTY, CALIFORNIA

triad/holmes assoc.
civil engineering
land surveying

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fax (925) 485-1083
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REVISIONS	BY

DATE 11/16/05
SCALE AS SHOWN
DRAWN JG
JOB NO. 2473
DWG 2473TTM.DWG
SHEET M1
OF SHEETS

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☐ SITE AND PAVING NOTES

1. (E) ROLLED CURB TO BE REMOVED
2. (E) ROLLED CURB (PROTECT IN PLACE)
3. (E) SIDEWALK (PROTECT IN PLACE)
4. (P) P.C.C. PATH/SIDEWALK
5. (P) SAWCUT LINE
6. (P) 2.0' P.C.C. ROLLED CURB & GUTTER
7. (P) ROCKERY/DRY STACK WALLS (REFER TO GRADING PLANS FOR APPROXIMATE HEIGHT)
8. (P) TRANSFORMER PAD
9. (E) SITE LIGHT
10. (P) P.C.C. VALLEY GUTTER
11. (P) DIRECTIONAL ARROW & STRIPING

LAND USE FOR PHASE 1:

PAVED AREA (DRIVEWAYS, WALLS, BOULDERS, PATHS, POOL, AND SPAS)	±1.06 ACRES
BUILDING AREA	±1.89 ACRES
LANDSCAPED AREA	±2.13 ACRES
TOTAL	5.08 ACRES

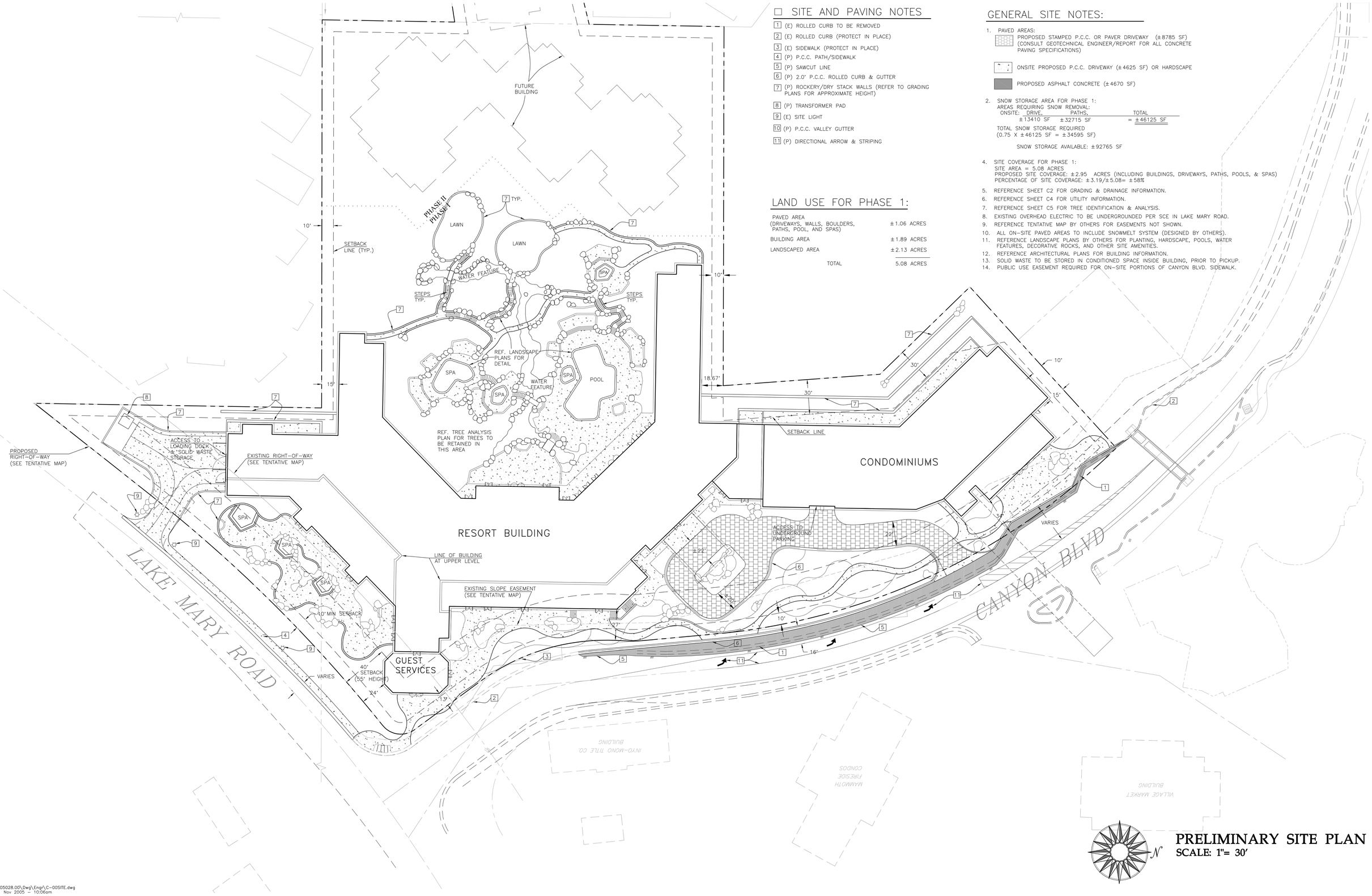
GENERAL SITE NOTES:

1. PAVED AREAS:
   - PROPOSED STAMPED P.C.C. OR PAVER DRIVEWAY (±8785 SF) (CONSULT GEOTECHNICAL ENGINEER/REPORT FOR ALL CONCRETE PAVING SPECIFICATIONS)
   - ONSITE PROPOSED P.C.C. DRIVEWAY (±4625 SF) OR HARDSCAPE
   - PROPOSED ASPHALT CONCRETE (±4670 SF)
2. SNOW STORAGE AREA FOR PHASE 1:
   AREAS REQUIRING SNOW REMOVAL:

ONSITE: DRIVE,	PATHS,	TOTAL
±13410 SF	±32715 SF	= ±46125 SF

   TOTAL SNOW STORAGE REQUIRED (0.75 X ±46125 SF = ±34595 SF)

   SNOW STORAGE AVAILABLE: ±92765 SF
4. SITE COVERAGE FOR PHASE 1:
   SITE AREA = 5.08 ACRES
   PROPOSED SITE COVERAGE: ±2.95 ACRES (INCLUDING BUILDINGS, DRIVEWAYS, PATHS, POOLS, & SPAS)
   PERCENTAGE OF SITE COVERAGE: ±3.19/±5.08= ±58%
5. REFERENCE SHEET C2 FOR GRADING & DRAINAGE INFORMATION.
6. REFERENCE SHEET C4 FOR UTILITY INFORMATION.
7. REFERENCE SHEET C5 FOR TREE IDENTIFICATION & ANALYSIS.
8. EXISTING OVERHEAD ELECTRIC TO BE UNDERGROUNDED PER SCE IN LAKE MARY ROAD.
9. REFERENCE TENTATIVE MAP BY OTHERS FOR EASEMENTS NOT SHOWN.
10. ALL ON-SITE PAVED AREAS TO INCLUDE SNOWMELT SYSTEM (DESIGNED BY OTHERS).
11. REFERENCE LANDSCAPE PLANS BY OTHERS FOR PLANTING, HARDSCAPE, POOLS, WATER FEATURES, DECORATIVE ROCKS, AND OTHER SITE AMENITIES.
12. REFERENCE ARCHITECTURAL PLANS FOR BUILDING INFORMATION.
13. SOLID WASTE TO BE STORED IN CONDITIONED SPACE INSIDE BUILDING, PRIOR TO PICKUP.
14. PUBLIC USE EASEMENT REQUIRED FOR ON-SITE PORTIONS OF CANYON BLVD. SIDEWALK.



N

PRELIMINARY SITE PLAN
SCALE: 1"= 30'

File: X:\Projects\05028.00\Dwg\Engr\C-00SITE.dwg
<Mathy> Mon, 21 Nov 2005 - 10:06am

HG
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Project No.:	05028.00
Date:	November 18, 2005
Scale:	AS NOTED
Sheet No.:	C2

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Attachment 4

North Village Specific Plan

(http://ca-mammothlakes.civicplus.com/index.aspx?nid=650)