

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-2011-04

A RESOLUTION OF THE MAMMOTH LAKES PLANNING COMMISSION
ADOPTING THE INTITIAL STUDY/MITIGATED NEGATIVE
DECLARATION, RESPONSE TO COMMENTS, MITIGATION MONITORING
AND REPORTING PROGRAM, AND APPROVING VESTING TENTATIVE
PARCEL MAP 10-001 AND USE PERMIT 10-001 FOR PROPERTY LOCATED
AT 500 LE VERNE STREE/SOUTH OF 374/376 TAMARACK STREET (APN
022-400-25)

WHEREAS, a request for consideration of a vesting tentative parcel map and use permit was filed by Plum Mammoth Lakes Family Limited Partnership to subdivide a 4.39-acre parcel for the future development of single-family homes and associated improvements for property located within the Rural Residential (RR) Zoning District at 500 Le Verne Street/South of 374/376 Tamarack Street (APN: 022-400-025).

WHEREAS, the Town of Mammoth Lakes prepared an Initial Study/Mitigated Negative Declaration (State Clearinghouse Number 2010122005), as required by CEQA to assess potential environmental impacts of the Terry Plum Vesting Tentative Parcel Map and Use Permit Project;

WHEREAS, a public review period was noticed and held as required by CEQA to solicit comments on the Initial Study/Mitigated Negative Declaration from the public and/or agencies related to potential environmental impacts of the Project;

WHEREAS, after the close of the Initial Study/Mitigated Negative Declaration public review period, the Town of Mammoth Lakes prepared Response to Comments and Mitigation Monitoring and Reporting Program;



WHEREAS, the environmental documentation was prepared in accordance with the California Environmental Quality Act (CEQA) and Guidelines;

WHEREAS, the Planning Commission conducted a Noticed Public Hearing on the Vesting Tentative Parcel Map and Use Permit 10-001, Initial Study/Mitigated Negative Declaration, Response to Comments, and Mitigation Monitoring and Reporting Program on May 11, 2011, at which time all those desiring to be heard were heard;

WHEREAS, the Planning Commission considered, without limitation:

1. The Staff Report to the Planning Commission with exhibits;
2. The State Map Act (if applicable), Specific or Master Plan (if applicable), General Plan, Municipal Code, and associated Land Use Maps;
3. Project plans consisting of: (1) Civil Plans Sheets 1-4; (2) Exhibits 1 - 10, all dated received by the Town of Mammoth Lakes ("date received") on April 26, 2011;
4. The Terry Plum Initial Study/Mitigated Negative Declaration;
5. The Terry Plum Initial Study/Mitigated Negative Declaration Response to Comments and Mitigation Monitoring and Reporting Program;
6. Oral evidence submitted at the hearing;
7. Written evidence submitted at the hearing; and

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

SECTION 1. FINDINGS.

1. CEQA.

- a. The Planning Commission considered the proposed Initial Study/Mitigated Negative Declaration together with all comments received during the public review process, including the Response to Comments and Mitigation Monitoring and Reporting Program, and finds that on the basis of the whole record, there is no substantial evidence that the Project will have a significant effect on the environment.
- b. The Planning Commission finds that the Initial Study/Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis.
- c. The custodian and location of the documents and other material which constitute the record of proceedings upon which this decision is based is the Town Clerk at the Town of Mammoth Lakes Offices, 437 Old Mammoth Road, Suite R, Mammoth Lakes, California 93546.



- d. A program for reporting on or monitoring the required mitigation measures has been prepared and will be adopted with the Initial Study/Mitigated Negative Declaration.
- e. The Planning Commission finds that Project will not result in a safety hazard or noise problem for persons using the Mammoth Yosemite Airport or for persons residing or working in the Project area with the incorporation of mitigation measures identified in the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.
- f. Mitigation Measure BIO-8 has been revised as a result of the public review process and the revised language as identified in the Response to Comments and Mitigation Monitoring and Reporting Program is more effective in mitigating or avoiding potentially significant effects and that it in itself will not cause any potentially significant effect on the environment.
- g. All mitigation measures shall be conditions of Project approval.

2. MUNICIPAL CODE FINDINGS.

FINDINGS FOR USE PERMIT APPROVAL

(Municipal Code Section 17.60.070)

- a. Consistent with the evidence contained within the Agenda Report and provided at the public hearing, the Planning Commission finds that the proposed use is consistent with the General Plan because the future development of single-family homes at a maximum density of 2.0 dwellings per acre is allowed within the Low Density Residential (LDR-1) designation in accordance with the goals and policies of the General Plan. The zoning regulations implement the goals and policies of the General Plan as they relate to the Special Conservation Planning (SCP) and the Snow Deposition Design (SDD) overlay zones. The intent of the use permit is to assure that the proposed development will not adversely impact surrounding properties and will not increase the potential for avalanche hazards within the SDD zone. The proposed non-motorized shared public access easement is consistent with the 1991 Trails Master Plan, Draft 2009 Trail System Master Plan, and the Sherwin Area Recreation Plan. Additionally, the proposed ADA parking space, which is not required by the Town, provides improved access to public lands and recreation opportunities for the disabled community and is consistent with General Plan goals and the Sherwin Area Recreation Plan recommendations.
- b. The Planning Commission finds that the proposed subdivision is in accord with the objectives and purpose of the zone in which it is located because the proposed use is permitted in the Rural Residential (RR) zone and has been reviewed and found in compliance with development standards of the RR zone and the SDD and SCP overlays within the Bluffs subdivision. Therefore, the Planning Commission finds the project in conformance with the purpose of the zoning district and that use permit approval is warranted.



- c. The Planning Commission finds that the proposed site is adequate in size and shape and has adequate access for the proposed use because the project meets minimum lot dimensions, lot area, buildable area, and access standards of the Town.
- d. 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 proposed project will comply with the mitigation measures required by the Initial Study/Mitigated Negative Declaration and will include emergency access improvements to Tamarack Street consistent with Town Council Resolution 09-64, Policy for Development on Substandard Streets, and will comply with the regulations of Municipal Code Section 17.28 with regard to the Snow Deposition Design Zone.
- e. The Planning Commission finds that the proposed uses comply with the applicable sections of the zoning regulations because the project meets Town Code requirements and standards in all areas.

FINDINGS FOR VESTING TENTATIVE PARCEL MAP APPROVAL

(State Map Act Section 66474 and 66498.1)

- a. The proposed map is consistent with the General Plan as specified in Section 66451 of the Subdivision Map Act because the project conforms to the density standards for both the General Plan and the Zoning Code. No Specific Plans apply to this site. The Commission further finds that the proposed subdivision complies with Zoning Code property development standards and Town policies that implement the General Plan and that all utilities and access roadways can be improved and/or extended to service the project area.
- b. The design and improvements of the subdivision are consistent with General Plan because the project, as conditioned, complies with the development standards of the Rural Residential (RR) and Snow Deposition Design (SDD) zones 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. The property is not located within a Specific Plan area.
- c. The site is physically suitable for the proposed type and density of development because the site can accommodate the intensity of development proposed while meeting all applicable development standards established by the Municipal Code. As a condition of approval, prior to the issuance of a grading or building permit, future development of Project Parcel 1 will require a subsequent use permit and design review in accordance with Municipal Code Section 17.28.720 to ensure that there will be no greater snow deposition in the related avalanche starting zones and no overall increase to the avalanche hazard in the balance. Also as a condition of approval, the required Design Review permit shall ensure compliance with Municipal Code Section 17.16.040.C.8 with regard to mitigation of potential off-site visual impacts as described in the Bluffs Environmental Impact Report (EIR).



- d. 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 mitigation measures imposed on the property have been determined to be adequate to reduce the impacts to a less than significant level as described in the project's Initial Study/Mitigated Negative Declaration, consistent with the California Environmental Quality Act (CEQA) Guidelines.
- e. The design improvements are not likely to cause serious public health problems since the required mitigation measures reduce health-related impacts to a less than significant level. All necessary public services are currently provided, or can be extended to, the site to assure health and safety for those individuals occupying and using the site facilities.
- f. 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, property within the proposed subdivision since all utilities, and their easements, are indicated on the Vesting Tentative Parcel Map and the subdivision will not adversely impact upon any existing public easements. The property has access to a public street with approved street/driveway alignments and widths. All utilities, and their easements, are currently in place on, or can be extended to the property and the proposed subdivision will not impact upon adjacent property easements and/or common areas.

SECTION 2. PLANNING COMMISSION ACTIONS. The Planning Commission hereby takes the following actions:

1. Adopts Initial Study/Mitigated Negative Declaration (State Clearinghouse 2010122005), Response to Comments, and Mitigation Monitoring and Reporting Program, pursuant to the California Environmental Quality Act (CEQA) Guidelines; and
2. Approves Vesting Tentative Parcel Map and Use Permit 10-001 subject to the following conditions:

(SEE EXHIBIT "A")



PASSED AND ADOPTED this 11th day of May 2011, by the following vote, to wit:

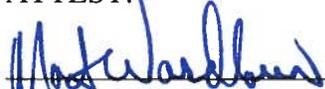
AYES: Duggan, Deinken, Tenney

NAYS: Clark

ABSENT:

ABSTAIN:

ATTEST:



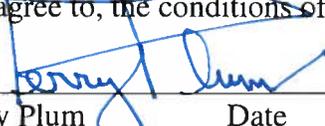
Mark Wardlaw
Community Development Director



Jay Deinken, Vice Chair of the Mammoth
Lakes Planning Commission

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

I, Terry Plum, am the applicant for this project request and I do hereby attest that I have read, and agree to, the conditions of approval stipulated within this Resolution.



Terry Plum Date
(Notary Required)

May 13, 2011




ACKNOWLEDGMENT

State of California
County of mono

On 5.13.11 before me, P. Freeman, notary public
(insert name and title of the officer)

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

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

WITNESS my hand and official seal.

Signature  (Seal)

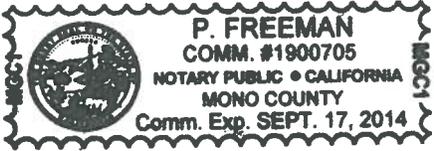






EXHIBIT A

Resolution No. PC-11-04

Case No. VTPM 10-001, UPA 10-001,

CONDITIONS OF APPROVAL AND MITIGATION MEASURES

PLANNING GENERAL CONDITIONS

1. This approval authorizes the following: a Vesting Tentative Parcel Map and Use Permit (VTPM/UPA 10-001) to subdivide parcel APN 022-400-025 into four lots for the development of single-family homes. Three of the new lots will take access via a private driveway that will connect to an extension of the public roadway (Gibbs Cemetery Goad) at the south end of Tamarack Street. The fourth lot will take access from Le Verne Street in the Bluffs subdivision. The project includes off-site measures to improve Tamarack Street by widening the pavement in three areas to create turn-out locations to allow improved emergency vehicle access and on new fire hydrant per Town Resolution 09-64 for sub-standard streets. Two new fire hydrants will also be located on the Project's private driveway. A 10-foot wide non-motorized shared public access easement will be granted along the easterly boundary of the property to provide access to the public lands south of the project. The project also includes an offer to grant approximately 0.25 acres of land to the Town of Mammoth Lakes, improvement of the transit stop location at Old Mammoth Road and Tamarack Street, and the construction of one ADA compliant parking space.
2. This 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.
3. All new improvements constructed on the site shall be in compliance with all Town of Mammoth Lakes laws, statutes, ordinances, regulations, and resolutions in force at the time the project application was deemed complete on May 25, 2010. 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. All new improvements constructed on the site shall be in compliance with all 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, and resolutions 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.
5. This resolution of approval, as conditioned herein, shall be recorded for the subject property with the Mono County Recorder's Office to document the approved use on the property or the issuance of any building permits for new structures.
6. The site shall be maintained in a neat, clean and orderly manner, which shall include timely removal of grease and debris. All improvements shall be maintained in a



- condition of good repair and appearance. Except as otherwise approved by the construction storage and management plan, outdoor storage of equipment and other materials is prohibited. Non-operating vehicles, equipment and materials inappropriate to the site and its use shall not be stored on the site.
7. Storage of construction materials and equipment off-site shall not be permitted without a permit issued by the Community Development Department and shall be consistent with the approved construction management plan.
 8. Any public or third-party private property altered, damaged or destroyed by site preparation, grading, construction or use shall be restored to its pre-existing condition by the permittee.
 9. All conditions of this use permit shall be met or secured prior to final occupancy approval of any new structures.
 10. 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.
 11. 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.
 12. The applicant shall pay Development Impact Fees as prescribed by ordinance and required by Municipal Code Section 15.16 Article II in effect at the time the application was deemed complete on May 25, 2010.
 13. 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 final parcel map approval or the issuance of an engineered grading or building permit, whichever occurs first, all outstanding application processing fees due to the Town in excess of the original deposit shall be paid.
 14. The approved vesting tentative parcel map shall be adhered to and maintained for the duration of the use permit.
 15. 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.
 16. 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.



GENERAL PUBLIC WORKS CONDITIONS

17. A final parcel map, consistent with the tentative parcel map and the conditions herein, shall be recorded with the County Recorder of Mono County prior to the expiration of the approved tentative parcel map. The final parcel map shall conform to the Subdivision Map Act and the Subdivision Regulations of the Town of Mammoth Lakes. The tentative parcel map shall expire twenty-four (24) months after the approval date. Failure to record the final parcel map prior to the expiration will nullify all approvals, except that such time limitation may be extended by the Planning Commission, in accordance with the Subdivision Map Act and the Municipal Code.
18. Copies of all exceptions, easements, restrictions and encumbrances listed in the preliminary title report together with a copy of the current grant deed and a current title report, a copy of each record map for the subject property shown within the tentative map boundary, and a copy of each and every adjacent map, deed or other document as necessary that establish, or were used for the survey of, and for the retracement of the subdivision boundary shall be submitted with the initial submittal of the final parcel map. A subdivision guarantee shall be issued and dated within 30 days prior to final parcel map approval by the Planning Commission.
19. If any portion of any future structure encroaches into front or street side yards, as approved by the Town, the property owner shall execute a hold harmless agreement waiving any liability on the part of the Town for damage from snow removal or other standard street maintenance functions.
20. The applicant shall submit to the Town an electronic file of the final parcel map in AutoCAD, Version 2008, or other format as may be approved by the Public Works Director, within 30 days of approval of the final parcel map.
21. Application shall be made to the Mammoth Community Water District (MCWD) 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 parcel map consideration by the Planning Commission.
22. Prior to staff approval of the final parcel map, the applicant shall provide evidence to the Town that the property taxes have been pre-paid to Mono County Tax Collector or their payment has been secured by the filing of a surety bond or other cash-equivalent security acceptable to the County.
23. The applicant shall pay a fee for each unit, parcel, or lot created, including lettered lots and parcels and common area lots or parcels, to the Community Development Department for long range planning reimbursement (New Construction Fee) prior to approval by staff of the final parcel map. The current fee is \$550.00 per unit.
24. The property owner, applicant/developer and holder of any and all permits associated with this property shall conform to the statutes, ordinances, regulations, and resolutions of the Town of Mammoth Lakes and Federal, State, County and Local agencies, 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.
25. Nothing in the approval of this tentative parcel map shall be construed to allow for the deviation, adjustment, variance or non-conformance of any Town of Mammoth



- Lakes Municipal Code or ordinance, or of any local, State or federal standard, policy, regulation or law, unless specifically provided for herein.
26. All grading and public improvements shall be consistent with the Town Of Mammoth Public Works Standard Plans.
 27. Prior to the staff approval of the final parcel map, the final parcel map shall conform to the requirements of Town of Mammoth Lakes Subdivision Ordinance 84-10 and all amendments thereto.
 28. Prior to the staff approval of the final parcel map, easements shall be designated and offered for dedication on the final map in a form and in content acceptable to the Public Works Director and/or other applicable agencies. Final design of driveway, non-motorized public access, retaining walls or footings, drainage, and utilities may require revisions to easements shown on the tentative parcel map.
 29. Right-of-way/easement dedications and improvements (including off-site) for street transitions and drainage improvements and transitions from proposed to existing improvements shall be required as necessary.
 30. Prior to the staff approval of the final parcel map, monumentation of the subdivision shall be installed or bonded for 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 Tamarack Street and Sunnyslope Lane or at an appropriate offset.
 31. Prior to the staff approval of the final parcel map, 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 final parcel map by the Town Public Works Department and the Fire District.
 32. Construction of water and sewer improvements shall require water and sewer permits from the Mammoth Community Water District. Engineered grading plans shall be submitted to the Town for review and approval and an engineered grading permit shall be obtained from the Town in accordance with the Municipal Code prior to any construction activity on the site. All mitigating measures and best management practices to prevent erosion and to protect existing trees shall be constructed prior to work commencing for any and all water and sewer improvements.
 33. No work within Town right of way shall be commenced until a traffic control plan has been approved by the Engineering Services Division of the Town.
 34. Prior to the issuance of an encroachment, engineered grading or improvement permit, slope stability tests are required for all cuts greater than 2:1 or fills greater than 3:1 (H:V).
 35. In addition to the drainage, traffic related, or other requirements stated herein, other "on-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.
 36. 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.

37. 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.

MOBILITY AND PARKING

38. A 10-foot wide non-motorized shared public access easement (Sherwin Trail Multiuse Path), which shall connect the public roadway extension of Tamarack Street to the southern border of the Project site, shall be conveyed by separate document to the Town of Mammoth Lakes. The non-motorized shared public access easement shall be available for use by the public year-round and shall be constructed consistent with ADA trail guidelines. Non-motorized uses consist of bicycles, pedestrians, equestrians, and other non-motorized uses.
39. The Applicant shall grant the northerly 0.25 acres of APN 022-400-023 to the Town of Mammoth Lakes by separate document prior to approval of the final parcel map and shall construct the required improvements within 24 months of final map approval or prior to the issuance of the first certificate of occupancy, including the required health and safety improvements to Tamarack Street (turnouts and fire hydrant), the extension of Tamarack Street, the ADA parking space, and the private driveway and non-motorized shared public access easement.
40. The ADA parking space shall be available for use by the public year-round. Town staff shall present a restricted parking proposal to the Town Council for consideration, which may prohibit overnight parking in the ADA parking space, restrict on-street parking on Tamarack Street and Sunnyslope Lane, and provide enforcement by the Town of Mammoth Lakes Police Department. Maintenance of the extension of Tamarack Street, the ADA parking space, and the private driveway and non-motorized shared public access easement, including snow removal, shall be the responsibility of the Town of Mammoth Lakes through a Benefit Assessment District.
41. The design of all required improvements, including the Tamarack Street health and safety improvements, the Tamarack Street extension, the ADA parking space, and the private driveway, shall be consistent with the Public Works standard plans, unless otherwise determined by the Public Works Director, and ADA guidelines where applicable (parking space and non-motorized public access multiuse path easement).
42. 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.
43. The ADA parking space and non-motorized public access multiuse path shall include signage and wayfinding, consistent with current accepted Town standards, as part of the engineered grading plan, at locations acceptable to the applicant if they are located outside of the easement or deeded property. Installation of approved signage/wayfinding shall occur in conjunction with the construction of the required



improvements.

44. The Applicant shall provide financial assistance to the Town of Mammoth Lakes for the purpose of improving the transit stop at Old Mammoth Road and Tamarack Street. Financial assistance shall not exceed \$10,000 and shall be provided within 24 months of tentative map approval. Transit stop improvement may consist of relocating the existing transit stop from the southwest corner of the intersection to the southeast corner, paving of a 40 to 50-foot turnout within existing Town right-of-way, installation of necessary transit signage, and installation of trail system signage to be approved by the Town.

DESIGN

45. All future structures shall be designed and constructed in accordance with the Town Design Guidelines.
46. Prior to issuance of an engineered grading or building permit for Project Parcel 1, accessing Le Verne Street in the Bluffs subdivision, a Design Review permit shall be approved to ensure compliance with Municipal Code Section 17.16.040.C.8 with regard to mitigation of potential off-site visual impacts as described in the Bluffs Environmental Impact Report (EIR). The Design Review shall also evaluate whether the proposed structure incorporates the following mitigation from the Bluffs EIR: (a) Keeping the finished floor elevations as low as possible, (b) Utilizing building materials (including roofing materials), exterior textures, and color finishes that are visually unobtrusive with the native landscape and surroundings, and (c) Reducing light glare impacts by utilizing glazing that meets the performance of HP Sun II, or equivalent low-e factory installed gray tinted glass, and shielding exterior lights.
47. A building height verification stamp shall be placed on the plans prior to issuance of Building Permit to ensure the Building Height Certificate is provided. A Building Height Certificate shall be required during the construction period of Project Parcel 1 to ensure that the roof heights are consistent with future approved plans. Staff shall verify the Building Height Certificate prior to the issuance of any certificates of occupancy.
48. Roof vents, exhaust pipes, flues, and other mechanical appurtenances shall be combined and/or collected together on slopes of roof out of public view to the greatest extent possible, and, that equipment shall be of a non-reflective material or finish.
49. Retaining wall design and material(s) shall be reviewed by the Town prior to engineered grading permit issuance. All retaining and screening walls, other than those associated with the public roadway extension and the private driveway, shall also require a building permit.
50. The private driveway, including the 10-foot non-motorized public access multiuse path easement area, shall be constructed with "grasscrete" or similar product as approved by the Public Works Director.



AVALANCHE DESIGN AND MITIGATION

51. A use permit for development of Project Parcel 1, shall be approved prior to approval of an engineered grading permit in conjunction with the required Design Review, in accordance with Municipal Code Section 17.28.720, which requires properties within the Snow Deposition Design overlay zone (17.28.700) to obtain a use permit prior to development. As specified in 17.28.720.B., the use permit application shall contain certification by a recognized expert in the field of avalanche occurrence, force and behavior, that there will be no greater snow deposition in the related avalanche starting zones and no overall increase in the avalanche hazard in the balance. The certification shall evaluate building design and orientation to ensure that the recommendations made in previous avalanche studies and peer-reviews relevant to the subject property, as well as the requirements included in the Mitigation Monitoring and Reporting Program related to mitigation of avalanche hazards have been appropriately incorporated. Any mitigation measures that may be required as part of the Project Parcel 1 use permit or design review process shall also be incorporated. Per 17.28.720.C., the Town staff has the right to hire an expert to provide a second opinion, at the expense of the applicant, to review any of the calculations, studies, reports or certifications required under this section.
52. Development of Project Parcels 2, 3, and 4 shall be designed and oriented consistent with the recommendations or mitigation measures required in avalanche studies and/or peer-reviews relevant to the subject property, as well as the requirements included in the Mitigation Monitoring and Reporting Program related to mitigation of avalanche hazards. Per 17.28.720.C., the Town staff has the right to hire an expert to provide a second opinion, at the expense of the applicant, to review any of the calculations, studies, reports or certifications required under this section.
53. Per Municipal Code Section 17.28.740, "Avalanches occur naturally, suddenly and unpredictably based on many factors including slope, exposure, snow pack composition, snowfall rate, wind and temperature. The SDD zone is considered reasonable for regulatory purposes and is based upon and limited by the engineering and scientific methods of study. The town of Mammoth Lakes does not represent, guarantee or warrant the ultimate safety of any construction, use or occupancy of structures situated in any avalanche area, whether designated or undesignated by this ordinance. Avalanches may occur with forces greater than those set forth in avalanche studies. This article does not represent or imply that areas outside the SDD zone are free from avalanches or avalanche danger. The granting of any permit or approval for any structure or use, or the declaration or failure to declare the existence of an avalanche hazard shall not constitute a representation, guarantee or warranty of any kind or nature by the town of Mammoth Lakes, or any official or employee, of the practicality or safety of any construction, use or occupancy thereof, and shall create no liability upon or cause of action against such public body, or its officials or employees for any injury, loss or damage that may result thereby. Persons who develop or occupy real property within an SDD zone or other undesignated avalanche area do so at their own risk."
54. All development shall comply with all avalanche hazard mitigation measures established in the Hazards and Hazardous Materials Section of the Project Mitigated Negative Declaration.



SNOW MANAGEMENT

55. Prior to the issuance of an encroachment, engineered grading or improvement permit; the engineered grading plan shall indicate all snow storage areas and drainage facilities.

LANDSCAPE/IRRIGATION

56. A. The project shall meet the requirements of Municipal Code Section 17.38 (Water Efficient Landscape Regulations). A final landscape and irrigation plan shall be submitted to, and approved by, the Community Development Department for inclusion in the project engineered grading permit. The design intent of the landscape plan shall provide substantial privacy screening between the existing properties to the east of the project site and the public trail and future project development. Where no engineered grading permit is required, the final landscape plan must be submitted to and approved by the Town prior to the issuance of a building permit. All landscape plantings shall be maintained in a healthy and growing condition at all times (as applicable for the season) and individual plants shall be replaced if they become diseased or die. Irrigation equipment and systems shall be maintained in a proper working condition at all times. Landscaping and irrigation systems within the public right-of-way within or adjacent to the project area shall be maintained by the property owners or owners association, with the exception of benefit assessment districts.
- B. The applicant shall retain a certified arborist to review the landscape, grading and improvement plans and provide recommendations to protect existing trees along the project driveway during excavation and construction to the greatest extent possible.

LIGHTING

57. 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 400 lumens 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.
58. Design Review for Project Parcel 1, which will be accessed by Le Verne Street in the Bluffs subdivision, will include review of exterior and interior lighting to reduce potential impacts from light and glare. All interior lights shall be "ambient" lighting with the fixtures directed upwards onto the walls and ceilings so as not to be directly visible through windows. Canned, recessed lights should not be visible through the windows from off-site.
59. All project lighting within the right-of-way will require an encroachment permit.

NOISE

60. All construction and maintenance equipment shall be properly equipped and operated to minimize noise disturbance.



61. Construction equipment shall be operated in accordance with Town of Mammoth Lakes regulations. Improperly equipped vehicles shall not be permitted to operate.
62. All development shall comply with all noise related mitigation measures established by the Project Mitigated Negative Declaration.

AFFORDABLE HOUSING

63. Pursuant to Municipal Code Chapter 17.36 (Affordable Housing Mitigation Regulations), the housing demand generated by the project will be mitigated by the payment of in-lieu fees. The actual fees will be based on the affordable housing mitigation regulations in effect at time the project application was deemed complete on May 25, 2010.

LIFE SAFETY

64. In accordance with Planning Commission Resolution 09-64 and the Public Works standard plans, construction of three (3) paved pullouts and installation of one fire hydrant on Tamarack Street as shown on the approved plans shall occur prior to issuance of first occupancy permit.
65. Prior to any construction occurring on any parcel, the applicant shall contact the Fire District for verification of the then current fire protection requirements that will be applicable for the building permit(s). Building permit plans shall be reviewed and permit issued by the MLFPD. Basic compliance to provide a defensible space barrier shall be reviewed by the Fire Marshal. The typical defensible space requires two levels of vegetation modification (30-foot and 100 foot defensible buffer) from the structure where vegetation has been reduced or changed to act as a barrier between an advancing wildland fire and structures. Vegetation may be reduced or changed through several techniques, such as tree and shrub thinning, limbing-up, and pruning to increase crown separation and reduce ladder fuels. No wood shake roofs are allowed, even if they meet Class "A" fire-resistive requirements. Automatic sprinkler system and smoke detectors are required in compliance with the California Building/Fire/Residential Codes and a portable fire extinguisher with the minimum rated capacity of 2A10BC will be required to be installed within the kitchen.
66. Prior to the issuance of the first temporary, conditional or final certificate of occupancy, address numbers shall be placed on all new and existing structures in such a manner as to be plainly visible and legible from the access roadway or street, consistent with Municipal Code Section 16.32.
67. 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.



68. The Fire District shall be granted a 16 to 20-foot access easement for the entire length of the private driveway and to the southern most portion of Parcel 2 and the property boundary with Forest Service lands for the purpose of emergency access. The public roadway extension and private driveway shall be signed "No Parking" or "No Parking Bike Lane" every 100 feet on both sides, or as otherwise required by the MLFPD.
69. All structures shall be designed and constructed in accordance with the current California Building Code incorporating lateral force requirements for the appropriate seismic zone.
70. A lateral force (seismic) analysis shall be prepared by a licensed structural or civil engineer for all building structures and submitted with the building permit application. The analysis must analyze lateral forces under maximum snow load conditions.
71. In areas where soils exhibit potential for liquefaction or other instability during a seismic event, building construction shall be avoided unless a soils engineering report indicates that remedial soils conditioning can eliminate hazards.

STORMWATER MANAGEMENT

72. An engineered grading plan shall be submitted and approved prior to grading activities. The Project shall comply with the National Pollution Discharge Elimination System (NPDES) requirements for construction projects, the MOU between the Town of Mammoth Lakes and Lahontan Regional Water Quality Control Board (LRWQCB), and the Town Municipal Code.
73. Drainage across the property shall be maintained. The design of the grading and drainage facilities shall not create concentrated discharges to adjacent properties and/or public rights of way in excess of historical flows. A registered civil engineer shall investigate existing facilities and design adequate drainage facilities to intercept and conduct the drainage flows around or through the site in a manner that will not adversely affect adjacent or downstream properties. The Public Works Director shall verify that downstream facilities and drainage channels accepting site flows are not adversely affected by an increase in runoff from this development. If the project does create concentrated or sheet flows off-site that are greater than historical, the applicant shall demonstrate that the downstream facilities can accommodate the increased flows.
74. Prior to the issuance of an encroachment, engineered grading, or improvement permit, additional review and analysis, including core studies, of potential groundwater sources shall be performed on-site. Foundations shall include sub-drainage facilities where appropriate for structures including retaining walls and raised foundation stem walls. The review shall coincide with further required soil review for the proposed building foundations.
75. Prior to the issuance of an encroachment, engineered grading or improvement permit, 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, infiltrators and surface flows. The study shall indicate the method of conveying surface and underground runoff and shall address drainage conveyances downstream to the extent they exit to an existing facility or natural drainage course. All existing drainage facilities on-site and tributary to the site shall be identified and shown on the grading plans. The hydraulic calculations shall include all pipe flows, velocities and head loss calculations sufficient to show the adequacy of all conveyance systems. Q100 and V100 and the hydraulic grade line for all public storm drains and all facilities with an equivalent diameter of 18 inches or greater shall be shown on the approved engineered 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 engineered grading and improvement plans and the final parcel map. Infiltrators and storm water pollution prevention facilities are to be designed to accept the "first flush" levels of runoff. The capacity of these facilities shall not be assumed to reduce storm water flows of other drainage facilities that may be required for the project. A sediment and oil water separator shall be installed in conjunction with the infiltrator, substantially in conformance with water quality Phase 2 requirements.

CONSTRUCTION & MANAGEMENT

76. The applicant shall obtain an easement or letter of permission to grade all areas requiring off-site, or out of right-of-way, grading prior to issuance of an engineered grading permit or a building permit. These areas shall be contour graded.
77. An engineered 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, drainage and landscape/irrigation plans have been approved by the Public Works Director.
78. An engineered grading permit for the project may be issued prior to submission of a building permit or prior to recordation of the final parcel map provided all easements denoted on the tentative map have been recorded.
79. Prior to construction within the right of way, an encroachment permit or a letter of exemption shall be obtained from the Engineering Services Division in accordance Chapter 12.04 of the Municipal Code.
80. Temporary and permanent erosion control plans shall be included with the engineered grading and improvement plans. Appropriate Best Management Practices shall be used during grading operations to control fugitive dust. Drop inlet filters and other temporary Best Management Practices shall be employed to filter nuisance water from storm drain inlets affected by construction, on-site and off-site. Groundwater pollution from urban run-off water generated by the project shall be mitigated using best management practices (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." The applicant shall apply for and obtain all required permits, written clearances or exemptions from the Lahontan District prior to any grading. 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 services division. Gravel bags shall be used in lieu of sand bags. All permanent erosion control measures shall be irrigated for at least one season. Permanent BMPs shall include sediment traps upstream of infiltrators and oil water separators for parking areas consistent with the General Plan.

81. A Construction Staging and Management Plan shall be submitted to, and approved by the Public Works Director prior to engineered grading permit issuance. Said plan shall include provisions related to the parking of construction worker vehicles, construction equipment, construction materials, and specific limitations restricting access into 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 staging plan shall address hours of work, consistent with the established noise mitigation measures of the Project Mitigated Negative Declaration. The plan shall also contain provisions for interrupting utility services to neighboring properties and sufficient noticing to affected residents and property owners.
82. Prior to the issuance of an encroachment, engineered grading or improvement permit, 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 vesting tentative parcel map, Vesting TPM 10-001, and Use Permit, UPA 10-001, 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 as Document No. 2011xxxxxx shall be made a part of these plans and the engineered 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.
83. Prior to the issuance of an encroachment, engineered grading or improvement permit, 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.
84. The engineered 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.
85. If necessary, all export shall be taken to, and all import shall be taken from a permitted site, which shall be identified at engineered grading permit issuance. Prior to the issuance of an encroachment, engineered grading or improvement permit, the applicant shall prepare a haul route, subject to the approval of the Public Works Director prior to the import or export of material for the site.



86. Any approved phasing shall provide that construction work and traffic control be scheduled and constructed to provide for a minimum of inconvenience and a maximum of safety to the public vehicular and pedestrian traffic. Multi-seasonal impacts to the public sidewalks and streets shall not be approved. All work shall comply with the mitigation measures established in the Mitigated Negative Declaration.
87. Construction activities shall be in accordance with Town of Mammoth Lakes regulations.
88. Construction hours shall be limited to those described in the Mitigation Monitoring and Reporting Program as outlined in the Mitigated Negative Declaration.
89. Paved access is required to a maintained street during construction. Street and traffic signs shall meet Town standards.
90. Prior to combustible construction materials being placed on-site, verification that fire hydrants in the vicinity of the project have been tested and accepted and an all-weather access road shall be maintained serving all exterior portions of any structure to the satisfaction of MLFPD and the Public Works Department.
91. Safe pedestrian access around the site shall be maintained at all times during construction.

AIR QUALITY

92. Prior to receipt of an engineered 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.

GEOLOGY & SOILS

93. Prior to engineered grading or building permit issuance for the individual Project Parcels, a soils report for the proposed building foundation shall be submitted and any recommendations or mitigation measures specific to those foundations shall be incorporated and shall be verified by the Community Development Director and Public Works Director.
94. Where “unsuitable” soils, such as undocumented fills, colluvium, and alluvium, will be subjected to increased loads from new fills or structures, remedial grading consisting of over-excavation and compaction should be utilized to improve the bearing capacity of those materials. The applicant shall retain geotechnical services for construction observation and review during site grading and foundation installation allowing for evaluation of the actual soil conditions and the ability to provide appropriate revisions where required during construction. Remedial grading shall follow the recommendations and/or mitigations measures provided in the Preliminary Geotechnical Investigation prepared for the proposed project roadway alignment by Sierra Geotechnical Services, Inc on November 3, 2003 and May 11, 2010, as well as in the required subsequent studies that are performed for grading and construction relative to the building sites on the Project Parcels.

95. The project shall comply with the Guidelines for Erosion Control and required BMPs in the Mammoth area and as required by Lahontan Regional Water Quality Control Board. This shall include submittal of a Report of Waste Discharge prior to issuance of an engineered grading or building permit if required. Prior to the first occupancy permit, the developer shall prepare a stormwater management operation plan that the property owners and/or owner association shall use for ongoing operation and maintenance of permanent erosion control and storm water.
96. All oversize rock (greater than 6-inches diameter) and organic debris shall be disposed of at a Town approved site in accordance with the earthwork and grading recommendation included in Appendix C of the Preliminary Geotechnical Investigation prepared for the proposed project roadway alignment by Sierra Geotechnical Services, Inc on November 3, 2003 and May 11, 2010, as well as in the required subsequent studies that are performed for grading and construction relative to the building sites on the Project Parcels.
97. The applicant and future applicants shall follow all of the recommendations outlined in Section 10 of the Preliminary Geotechnical Investigation prepared for the proposed project roadway alignment by Sierra Geotechnical Services, Inc on November 3, 2003 and May 11, 2010, as well as in the required subsequent studies that are performed for grading and construction relative to the building sites on the Project Parcels.
98. 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.
99. Slope rights adjacent to public rights of way shall be dedicated on the final parcel map where necessary.

UTILITIES

100. Water and sewer improvements require a construction permit from Mammoth Community Water District. Prior to the Town issuing an engineered grading or building permit, the applicant shall obtain water and sewer permits from Mammoth Community Water District and pay applicable fees to the District.
101. All new utility lines within, adjacent to or serving the site shall be placed underground.
102. A final Utility Plan shall be provided to the Town and MLFPD that shows the location of all utilities, including but not limited to, propane, electric, sewer, water, CATV, phone, etc. Utility lines shall be adjacent to the proposed driveways to the future residences, where feasible, to avoid the disturbance of the natural terrain. Utility design and installation shall conform to the requirements of the serving utility company.
103. Final engineered grading and improvement plans and profiles shall indicate the location of any existing utility facility that would affect construction. All existing utilities shall be shown on the improvement plans and relocated as necessary without cost to the Town.



FINAL PARCEL MAP

104. There shall be a note on the final parcel map stating: "No further subdivision of the parcels created by this approval shall occur."
105. A final parcel map, consistent with the tentative parcel map and the conditions herein, shall be recorded with the County Recorder of Mono County prior to the expiration of the approved tentative parcel map. The final parcel map shall conform to the Subdivision Map Act and the Subdivision Regulations of the Town of Mammoth Lakes. The tentative parcel map shall expire twenty-four (24) months after the approval date. Failure to record the final parcel map prior to the expiration will nullify all approvals, except that such time limitation may be extended by the Planning Commission, in accordance with the Subdivision Map Act and the Municipal Code.
106. Prior to the issuance of an engineered grading permit for the building pads or building permit, the final parcel map shall be recorded. 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 parcel map.

SURETIES

107. Prior to the staff approval of the final parcel map, 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 an engineered grading permit and prior to approval by staff of the final parcel map.
108. Prior to the staff approval of the final parcel map, surety shall be posted with the Town in a form acceptable to the Town Public Works Director for any deferred final monumentation for the final parcel 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 Public Works Director.

ASSESSMENT DISTRICTS

109. Project Parcel 1 shall remain a part of Assessment District 93-4 (The Bluffs) Zone 1, Maintenance District No. 1 for the operation, maintenance, and repair, snow removal, pavement, multiuse path easement surface, landscaping and irrigation, street lighting, and other things, of the public improvements as described in the Engineers Report for the District.
110. With the initial application for the final parcel map, an application shall be made to the Town for re-apportionment of the assessment liens (if necessary) under Assessment District 93-4 (The Bluffs) Zone 1, and Assessment District 93-4 (The



Bluffs) Zone 1, Maintenance District No. 1.

111. A Maintenance Assessment District shall be adopted for Project Parcels 2, 3, 4 of the Project and LLA Parcels 1 and 2 of LLA 08-01 (APNs 022-400-023 and 022-400-024) into the District. An Engineer's Report prepared by Town staff for the re-apportionment and annexation (if necessary) shall be approved by Town Council. The Town Council resolution approving the Engineer's Report shall be fully executed by all parties and submitted to the Public Works Department for recordation prior to approval of the final parcel map. The resolution shall record concurrently with the final parcel map. The Applicant shall be responsible for all costs and fees associated with the re-apportionment and annexation.

EASEMENTS AND DEDICATIONS

112. Existing Conservation Easement 602/496 O.R. requires that the existing headstones and gravesites presumably located below shall not be disturbed or impacted in any way and should be left in their existing state, subject to only normal wear and tear over time. The easement states that nothing shall be done within its boundaries that would indirectly compromise the integrity of the headstones or gravesites. A low, permanent fence of weather-resistant materials (e.g. wrought iron, or stone pillars and wooden rails) shall be constructed around the gravesites. The fence can either be constructed along the gravesite easement boundary, or be placed in a 7-foot by 8-foot boundary around the gravesites, as recommended in the cultural resources study prepared for the Project Mitigated Negative Declaration.
113. An easement will be required for a minimum 10-foot wide non-motorized shared public access (Sherwin Trail Multiuse Path), which shall connect the public roadway extension of Tamarack Street to the southern border of the Project site, shall be conveyed by separate document to the Town of Mammoth Lakes. The non-motorized public access multiuse path easement shall be available for use by the public year-round and shall be constructed consistent with Federal ADA trail guidelines. Non-motorized uses consist of bicycles, pedestrians, equestrians, and other non-motorized uses.
114. As soon as possible, and within eighteen (18) months after the tentative parcel map is approved by the Planning Commission and at no cost to the Town, the Applicant shall offer the Town a temporary license agreement, in a recordable form acceptable to the Public Works Director and Town Attorney, for use of a 4-foot wide area across LLA 08-01 Parcels 1 and 2 and the Project Parcels as a non-exclusive, non-motorized public access way to the public lands south of the Project site. The temporary license agreement shall allow for clearing of existing vegetation as necessary for such use of the licensed area; provided that the clearing activities do not require a grading permit. The temporary license agreement shall be effective and irrevocable until the approved Final Parcel Map is recorded in the County Recorder's Office and the Final Parcel Map includes the 10-foot wide easement required by condition number 113, or the Vesting Tentative Parcel Map/Use Permit 10-001 expires as noted in condition number 2 (whichever occurs first). The clearing activities shall be satisfactorily performed, as reasonably determined by the Town Manager, or his designee, by the Applicant within that same 18-month period.



115. The Applicant shall provide a grant deed that describes the northerly 0.25 acre of APN 022-400-023 to the Town of Mammoth Lakes (as the dominant tenant) by separate document prior to approval of the final parcel map and shall construct the required improvements prior to the issuance of the first certificate of occupancy, including the required health and safety improvements to Tamarack Street (turnouts and fire hydrant), the extension of Tamarack Street, the ADA parking space, and the private driveway and non-motorized public access multiuse path easement. The grant of the northerly 0.25 acre of APN 022-400-023 to the Town of Mammoth Lakes shall include a propane utility easement in favor of the Project Parcels and APNs 022-400-23 and 24.
116. All easements as shown on the tentative parcel map shall be granted on the final parcel map, or recorded by separate document prior to or concurrent with recordation of the final parcel map. Easements to be recorded by separate document shall be submitted to the Town for review and approval by all applicable agencies. The fully executed documents shall be submitted to the Public Works Director prior to staff approval of the final parcel map. Easements shown on the tentative parcel map to be granted or dedicated shall indicate the beneficiary of the easement(s).
117. Prior to the staff approval of the final parcel map, easements shown on the tentative parcel map to the benefit of an agency other than the Town or to other parties for utilities (water, sewer, gas, phone, cable) shall be shown on the final map as "Easements Reserved."
118. The Applicant's statement on the tentative parcel map shall reserve said easements unto themselves, their heirs and assigns or easement by separate document.
119. Prior to the issuance of an encroachment, engineered grading or improvement permit, all easements shall be shown on the plans.
120. Prior to staff approval of the final parcel map, evidence shall be provided to the Town that any easements identified on the tentative parcel map as "to be quitclaimed" have been applied for.

CC&Rs

121. The CC&Rs and/or reciprocal easement agreements shall contain provisions granting rights of access, as necessary, to the owners and their guests, for the parcels, including LLA Parcels 1 and 2 of LLA 08-01 (APNs 022-400-023 and 022-400-024).

STREET & DRIVEWAY IMPROVEMENTS

122. Prior to the issuance of an encroachment, engineered grading or improvement permit, an evaluation of the structural street section, to include parkway improvements if necessary, from a qualified civil and/or geotechnical engineer, shall be submitted to the engineering services division with an application.
123. Prior to the issuance of an encroachment, engineered grading or improvement permit, the common driveways shall be designed in accordance with the driveway standards of the Town.

124. Prior to the issuance of an encroachment, engineered grading or improvement permit, street and public improvement plans for streets, sidewalks (if applicable), 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.
125. A retaining wall shall be constructed as part of the common driveway improvements on the Beardsley property (APN 22-343-10) with the permission of the property owner. Review and approval of the retaining wall shall either occur through a separate building permit or through the required Project encroachment , engineered grading, or improvement permit.
126. 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.
127. Construction of private streets and private facilities and related drainage improvements shall be inspected and certified by the Public Works Director according to Public Works Standard Plans and/or the Municipal Code.
128. A thirty-five foot (35) foot radius of return grant of easement is required for rounding the corner of intersecting streets when the half-width right-of-way of any intersecting street is forty (40) feet or greater. A twenty-five (25) foot radius of return grant of easement is required for rounding the corners of intersecting streets if the half-width right-of-way of all intersecting streets is less than forty (40) feet. At intersections street dedication shall be from point of curb return (PCR) to PCR of property line.

MITIGATION MEASURES

129. The project shall comply with all applicable mitigation measures of the Terry Plum Vesting Tentative Parcel Map and Use Permit 10-001 Mitigated Negative Declaration, as included in this Exhibit.



MITIGATION MEASURES

AESTHETIC

- AES-1:** Future structures will be required to adhere to the Town's Design Guidelines, which include standards for materials, color, and design that will result in buildings that are harmonious with the natural landscape and are visually unobtrusive. Additional review by the Planning Commission's Design Committee, in conjunction with a use permit application, will be required for future development of proposed Parcel 1 to ensure compliance with Municipal Code Section 17.16.040.C.8. as it relates to the mitigation of potential off-site visual impacts as described in the Bluffs EIR.
- AES-2:** All appurtenances (i.e. meters, roof vents, and electrical equipment shall be screened or placed in areas that are not highly visible, where feasible.
- AES-3:** The landscaping for each Project parcel, when developed, shall enhance the character of the on-site development and shall be compatible with, and complementary to, the natural environment in Mammoth Lakes and the surrounding region. All building sites and graded areas shall be revegetated to blend with existing native landscape consistent with firesafe requirements. Native plant materials shall be utilized whenever possible.
- AES-4:** Existing trees and vegetation shall be preserved to the maximum extent possible. No live trees over six inches in diameter shall be removed without prior approval of the Community Development Director. As mitigation for tree removal, the Community Development Director may require replacement plantings. Required replacement shall not exceed a total trunk diameter equal to that removed and shall be limited to plantings in areas suitable for tree replacement.
- AES-5:** Construction equipment staging areas shall use appropriate screening (i.e., temporary fencing with opaque material) to buffer views of construction equipment and material, when feasible. Staging locations and screening techniques shall be indicated on grading permit plans and shall be approved by the Community Development Department prior to permit issuance.
- AES-6:** All outdoor lighting related to the development of the Project parcels, including construction, shall comply with Municipal Code Section 17.34, which regulates light and glare. In addition, an outdoor lighting plan shall be submitted in conjunction with a use permit application for the future development of proposed Parcel 1 in accordance with Municipal Code Section 17.34.060.
- AES-7:** All utilities shall be placed underground.

AIR QUALITY

- AQ-1:** In order to reduce emissions associated with both mobile and stationary sources (i.e., wood burning stoves and fireplaces), the Project shall adhere to the regulations contained in the Air Quality Management Plan (AQMP) and



- Particulate Emissions Regulations of the Town Municipal Code Section 8.30.
- AQ-2:** In order to reduce fugitive dust emissions, each Project parcel shall obtain permits, as needed, from the Town and the State Air Pollution Control District (APCD) and shall implement measures during grading and/or construction of the individual parcels to ensure compliance with permit conditions and applicable Town and APCD requirements.
- a. The individual parcels shall comply with State, APCD, Town, and Uniform Building Code dust control regulations, so as to prevent the soil from being eroded by wind, creating dust, or blowing onto a public road or roads or other public or private property.
 - b. Adequate watering techniques shall be employed on a daily basis to partially mitigate the impact of construction-generated dust particulates.
 - c. Clean-up on construction-related dirt on approach routes to the Project parcels shall be ensured by the application of water and/or chemical dust retardants that solidify loose soils. These measures shall be implemented for construction vehicle access, as directed by the Public Works Director. Measures shall also include covering, watering or otherwise stabilizing all inactive soil piles (left more than 10 days) and inactive graded areas (left more than 10 days).
 - d. Any vegetative ground cover to be utilized on the individual Project parcels shall be planted as soon as possible to reduce the amount of open space subject to wind erosion. Irrigation shall be installed as soon as possible to maintain the ground cover.
 - e. All trucks hauling dirt, soil or other loose dirt material shall be covered.
- AQ-3:** To reduce the potential of spot violations of the CO standards and odors from construction equipment exhaust, unnecessary idling of construction equipment shall be avoided.
- AQ-4:** The Project shall contribute on a fair share basis through payment of Development Impact Fees to the Town's street sweeping operations in order to reduce emissions and achieve the required Federal standard.

BIOLOGICAL RESOURCES

- BIO-1:** Grading permits required for the Project shall include, but not be limited to, the following where applicable:
- a. Stockpile and protect topsoil removed during the construction phase of the Project.
 - b. Reapply topsoil to cleared and graded surfaces as soon as feasible and prevent unnecessary soil compaction.
 - c. Terrace cleared slopes and apply protective mulch.
 - d. Select species for planting that satisfy the project's landscaping goals, yet are suited for the existing environmental conditions.
 - e. Plantings should be healthy individuals grown under field conditions.



- f. Plant shrubs and trees in late spring or early summer after threat of snow and heavy frost is past.
- g. Fertilize plants sparingly or not at all.
- h. Provide for irrigating young plants using a drip irrigation system for approximately two years, or until establishment is certain.

- BIO-2:** All newly disturbed areas shall be immediately revegetated, preferably with native plant materials, to minimize loss of wildlife habitat and to reduce weed species invasion.
- BIO-3:** Construction shall be limited to 7:00 AM to 7:00 PM in accordance with the Bluffs subdivision EIR, to minimize noise impacts to wildlife, and in particular to mule deer.
- BIO-4:** In accordance with Municipal Code Section 12.08.090, during construction, dust controls shall be instituted to reduce wildlife impacts. Such controls are to include watering and mulching of disturbed areas; initiation of revegetation efforts shall commence as soon as practical after construction.
- BIO-5:** Night lighting shall be limited in both amount and intensity of fixtures to a level adequate for safety purposes, so as to reduce impacts to nocturnal wildlife species, particularly mule deer.
- BIO-6:** Dogs shall not be permitted to roam freely; dogs, including during the construction phase, must be on a leash or within an enclosure.
- BIO-7:** To reduce the spread of insect pests, trees, and other large plants in close proximity to construction sites shall be protected by erecting barriers (e.g. plastic flagging) and to avoid root, stem, or trunk damage.
- BIO-8:** To reduce impacts on mule deer, Great Grey Owl, and Northern Goshawk, construction activities shall be scheduled to minimize disturbance to migratory deer and nesting/fledgling raptors, that is, not during the spring and fall migration/holding periods. Major construction activities (e.g. earthmoving, paving, extensive exterior building work, etc.) shall be scheduled between November 15 – April 1 and August 1 – October 1.
- BIO-9:** Fences generally should be discouraged. Otherwise, any fences shall follow United States Forest Service guidelines for fencing that allow for easier deer movement. All proposed fencing shall be approved by the Community Development Department.
- BIO-10:** Any other impediments to deer movement (such as soil piles, open ditches, and cut-fills) shall be avoided. Such impediments shall be rectified as soon as possible to reduce wildlife/deer movement, interference and danger.
- BIO-11:** Disturbance of habitat in the areas adjacent to the development shall be limited to that which is necessary to accomplish necessary work. Limits of disturbance shall be established in accordance with Town engineering standards.

CULTURAL RESOURCES

- CUL-1:** A low, permanent fence of weather-resistant materials (e.g. wrought iron, or stone pillars and wooden rails) shall be constructed around the gravesites. The fence can either be constructed along the easement boundary, or be placed in a 7-foot by 8-foot boundary around the gravesites, as recommended in the cultural resources study.
- CUL-2:** Additionally, in accordance with State law and the Bluffs EIR, in the event that a material of potential cultural significance is uncovered during grading and/or construction, including grading and construction of the parcels, public ADA parking space, off-site turnout improvements to Tamarack Street, and improvements to the transit stop on Old Mammoth Road at Tamarack Street, all work in the area of the uncovered material shall cease, the Town notified, and an archaeological monitoring program should be implemented. The monitoring program shall be managed by an archaeologist who meets the *Secretary of the Interior's Professional Qualification Standards*. The archaeological monitoring program shall include provisions for an archaeological monitor; assessing the significance of archaeological finds; consideration of avoidance and minimization of impacts to significant archaeological resources (in consultation with the Town); mitigation measures including archaeological excavation, laboratory analysis, reporting, and curation; and consultation with Indian Tribes if resource is prehistoric in nature.
- CUL-3:** If any human remains are encountered during construction, all work in the vicinity of the discovery must be halted and the Town notified in accordance with State of California Public Resources Health and Safety Code § 7050.5-7055 and § 5097.98). 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.

GEOLOGY AND SOILS

- GEO-1:** Prior to grading or building permit issuance for the individual single-family lots, a soils report for the proposed building foundations will be required and any recommendations or mitigation measures specific to those foundations shall be incorporated and shall be assured by the Community Development Director and Public Works Director.
- GEO-2:** The Project shall obtain a Engineered Grading Permit from the Town in accordance with the erosion and drainage design standards outlined in Municipal Code Section 12.08.
- GEO-3:** Construction shall be consistent with the Town of Mammoth Lakes Seismic Zone IV standards.

HAZARDS AND HAZARDOUS MATERIALS

- HHM-1:** Structures within the identified run-out zone shall be designed and constructed to meet the required design-year avalanche impacts as specified in the November 4, 2003 Arthur I. Mears report entitled, Avalanche Mitigation Analysis, Tamarack Road Lots, Mammoth Lakes, California.
- HHM-2:** Structures within the Snow Deposition Design (SDD) shall be designed meet the following minimum criteria:
- a. Structures shall be located a minimum of 30 feet to the windward of the point at which the slope steepens to 30 degrees.
 - b. Structures shall be located at a minimum of 1.5 times their height above grade to the windward of the point at which the slope steepens to 30 degrees. Should the structures be multilevel, each level shall conform to this 1.5 times factor.
 - c. Roof, walkways, and driveways shall be located or positioned such that shedding snow or plowed snow is not directed toward the starting zones.
- HHM-3:** The following factors should be considered when designing avalanche mitigation into future structures to be built on Project parcels.
- a. Windows and doors exposed to avalanche shall be designed for avalanche impact.
 - b. Alternate entrances safe from avalanches shall be included.
 - c. Final loads may require adjustment by an impact factor.
 - d. Building orientation, shape, or other factors could change the loads.
 - e. Impact decreases linearly with height.
- HHM-4:** Prior to grading permit and/or building permit issuance for each Project parcel, an assessment of the proposed building site orientation and structure design shall be assessed by a certified structural engineer and/or avalanche consultant to ensure that all avalanche hazard mitigation design requirements are met.

HYDROLOGY AND WATER QUALITY

HWQ-1: A Engineered Grading Plan shall be submitted for grading activities. The Project shall comply with the National Pollution Discharge Elimination System (NPDES) requirements for construction projects, the MOU between the Town of Mammoth Lakes and Lahontan Regional Water Quality Control Board (LRWQCB), and the Town Municipal Code. Construction activities subject to these requirements shall include clearing, grading, and disturbances to the ground such as stockpiling or excavation, but not including regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Grading Plan shall be designed and incorporate Best Management Practices (BMPs) into plans and Storm Water Pollution Prevention Plan (SWPPP) as required. All temporary off-site Best BMPs are required to be removed in the Town right-of-way after October 15th or before April 30th each year. The applicant shall maintain the BMP's on-site at all times and shall conform to the permits during construction.

NOISE

- N-1:** Prior to grading operations, the Project shall demonstrate, to the satisfaction of the Town of Mammoth Lakes Community Development Department, that the project complies with the following through a construction management plan reviewed and approved by the Town:
- a. All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers.
 - b. Construction noise reduction methods such as shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools, rather than diesel equipment, shall be used where feasible.
 - c. During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receptors.
 - d. During construction, stockpiling and vehicle staging areas shall be located as far as practical from noise sensitive receptors.
 - e. Operate earthmoving equipment on the construction site as far away from vibration sensitive areas as possible.
 - f. A project sign shall be clearly posted at the primary construction entrance as an information source for surrounding property owners and residents. The sign shall include the following minimum project information: project name, general contractor, normal construction hours, normal workdays, and local telephone number of job superintendent. If the Town of job superintendent receives a complaint, the superintendent shall investigate,



take appropriate corrective action, and report the action taken to the Town Community Development Department.



