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RESOLUTION NO. 2014-

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA APPROVING VESTING TENTATIVE TRACT MAP 13-002, USE PERMIT 13-003, AND DESIGN REVIEW 13-003 TO ALLOW THE INN AT THE VILLAGE PROJECT LOCATED AT 50 CANYON BOULEVARD, INCLUDING A 30 ROOM DENSITY TRANSFER FROM EITHER MAMMOTH CROSSING SITE 1 OR SITE 3, CONSISTENT WITH DISTRICT ZONING AMENDMENT 13-001

(APNs: 033-044-011-000; 033-044-014-000; 033-044-010-000; and 033-100-042-000)

WHEREAS, a request for consideration of a vesting tentative tract map, use permit, and design review was filed by Severy Realty Group for the property owner, SFI Mammoth Owner LP, to allow the Inn at the Village project, in accordance with Section 17.68 and 17.88 of the Town of Mammoth Lakes Municipal Code, for property located within the North Village Specific Plan at 50 Canyon Boulevard; and

WHEREAS, the Planning and Economic Development Commission conducted a duly noticed public hearing on the application request on October 8, 2014, at which times all those desiring to be heard were heard; and

WHEREAS, following the receipt of all oral and written testimony, the Planning and Economic Development Commission closed the public hearing on October 8, 2014 and adopted Resolution No. PEDC 2014-10 recommending certification of the Inn at the Village Final Subsequent Environmental Impact Report (SEIR) and approval of the Inn at the Village Project to the Town Council, with conditions; and

WHEREAS, the Town Council conducted a noticed public hearing on the application request on November 19, 2014, at which time all those desiring to be heard were heard; and

WHEREAS, the Town Council considered, without limitation:

1. The staff report dated November 19, 2014 with all attachments and exhibits to the Town Council,

2. The 2007 General Plan, North Village Specific Plan, State Map Act, Municipal Code, Design Review Guidelines, associated Land Use Maps,
3. North Village District Planning Study,
4. Oral evidence submitted at the hearing,
5. Written evidence submitted at the hearing,
6. Project plans consisting of:
 - a. Architectural Set, Sheets 3-11, 3-12, 3-13, 3-14, and 3-15, dated May 22, 2014; Sheets A2.01, A2.02, A2.10, A2.40, A2.70, A2.80, A3.10, A3.20, A4.10, 17-3, 18-1, 18-2, 18-3, 18-5, and 18-7, dated February 28, 2014; Sheet 18-4, dated June 18, 2014; and Sheet 18-6, dated September 10, 2014;
 - b. Site Strategy, Sheet 3-10, dated September 10, 2014;
 - c. Materials, Sheet 17-1, dated February 28, 2014;
 - d. Landscape Site Plan, Sheet L1.0, dated June 19, 2014; Sheet L1.1, dated May 24, 2014; and Sheets L1.2, L1.3, L1.4, L1.5, L1.6, L1.7, L3.0, L4.0, L5.0, L5.1, and L5.2, dated May 24, 2013;
 - e. Tree Protection/Preservation Plan, Sheet L2.0, dated May 27, 2014;
 - f. Enlarged Illustrative Pocket Park Plan, Sheet L1.8, dated September 10, 2014;
 - g. Corner Modulation Study, Sheets A and B, dated September 10, 2014; and
 - h. Vesting Tentative Tract Map 13-002, Sheets C1, C2, C3, and C4, dated September 22, 2014,
7. Inn at the Village Draft Subsequent Environmental Impact Report (SEIR), Final SEIR, and associated technical appendices (collectively, the “Subsequent Environmental Impact Report” or “SEIR”) (State Clearinghouse No. 2014032081),
8. Council Resolution 2014-__ making California Environmental Quality Act (CEQA) findings, certifying the Inn at the Village Final SEIR, and adopting the Mitigation Monitoring and Reporting Program, and
9. Council Ordinance 14-__ approving District Zoning Amendment 13-001 for the Inn at the Village Project and making findings in support thereof.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Mammoth Lakes, California, as follows:

1. That the Town Council finds the above recitations are true and correct.
2. The Town Council incorporates by reference all exhibits and attachments cited in this Resolution.
3. Pursuant to the requirements of the California Environmental Quality Act (CEQA), the Town Council makes the following findings:

CEQA Guidelines Section 15092:

- A. The Town Council has considered the Final SEIR and made the required CEQA findings pursuant to CEQA Guidelines Section 15091 (Council Resolution 2014-__) prior to deciding whether or how to approve or carry out the Inn at the Village Project (“Project”).
- B. The Project will not have a significant effect on the environment with the incorporation of mitigation measures.

Final SEIR Certification: The Town Council certified the Inn at the Village Final SEIR (Council Resolution 2014-__).

CEQA Action: The Town Council directs staff to file a Notice of Determination.

4. Pursuant to the requirements of the Town of Mammoth Lakes Municipal Code, the Town Council makes the findings contained in Exhibit A attached hereto.
5. The Town Council approves Vesting Tentative Tract Map 13-002, Use Permit 13-003, and Design Review 13-003, subject to the conditions attached hereto as Exhibit B.
6. The documents and other materials that constitute the record of proceedings upon which the Town Council’s decision is based are located in the Town Offices of the Town of Mammoth Lakes, at 437 Old Mammoth Road, Suite R, Mammoth Lakes, California 93546 and Jamie Gray, Town Clerk, is hereby designated as the custodian of these records.

APPROVED AND ADOPTED THIS 19th day of November, 2014

JO BACON, Mayor

ATTEST:

JAMIE GRAY, Town Clerk

EXHIBIT “A”
Resolution No. TC-14-
Case No. VTTM 13-002, UPA 13-003, and DR 13-003

FINDINGS

FINDINGS FOR USE PERMIT

(Municipal Code Section 17.68.050)

- a. The proposed use is consistent with all applicable sections of the General Plan because it would implement the North Village district character as described in the General Plan: an intensely focused entertainment district; creating a sense of exploration using pedestrian-oriented sidewalks, plaza, and courtyards; resort and resident activities, services, and amenities; retail and services in a “storefront” setting located at the sidewalk; and shared and pooled parking.

The project implements this district character because it is a 67-room hotel with streetscape improvements and amenities, food and beverage, spa, and outdoor pool and jacuzzi terrace, and landscape elements. The streetscape improvements include a pedestrian porte cochere, pocket park, informational kiosk, landscaping, and permanent heat traced sidewalk. A food and beverage terrace would face Minaret Road, providing further streetscape animation. The parking garage would be shared by 8050A and B, Fireside Condominiums, and the proposed project. The project would not exceed the maximum density allowed within the General Plan.

The Subsequent EIR found the project to be inconsistent with General Plan Policy C.2.X., which requires building height to be limited to the top of the forest canopy, because the proposed building height would be 5 to 13 feet above the average tree canopy in the area. However, since the project is consistent with all other applicable General Plan policies and Design Guidelines, the project was found to have a less than significant impact regarding General Plan consistency.

The project would not result in increased public view blockage of the Sherwin Range compared to the approved and permitted 8050C building (i.e., the building envelope allowed pursuant to the North Village Specific Plan) (Policies C.2.J and C.2.W).

- b. The proposed use is consistent with all applicable sections of Title 17 and the North Village Specific Plan as described below. The North Village Specific Plan sets forth the required land use and development standards for the site instead of Title 17, Zoning Code. The proposed hotel use is consistent with the Resort General land use designation of the North Village Specific Plan because the use is a hotel with accessory uses such as a spa, food and beverage service, and a pool and jacuzzi terrace. The project implements the NVSP objective for the development of a concentrated, visitor and pedestrian-oriented activity center because the project creates a hotel adjacent to the Village plaza and gondola that includes commercial uses on the first floor. The project is consistent with the North Village Specific Plan with Council approval of Ordinance 14-____, which

approved an amendment to three North Village Specific Plan development standards for the project: 1) building height, 2) setback along Minaret Road, and 3) density.

- c. The proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health and safety nor materially injurious to properties or improvements in the vicinity because the Subsequent EIR analyzed potential project impacts associated with aesthetics, air quality, hazard and hazardous materials, hydrology and water quality, land use and planning, noise, public services, traffic/circulation/parking, utilities and services systems, and others. As described in the Subsequent EIR, the project would have no significant and unavoidable impacts with the incorporation of mitigation measures. Mitigation measures would be enforced through an adopted Mitigation Monitoring and Reporting Program. Furthermore, conditions of approval related to truck delivery, valet attendants, and signage have been included to reduce potential issues to properties in the vicinity.
- d. The proposed Alternate Housing Mitigation Plan (AHMP), which is to mitigate affordable housing requirements of this project through compliance with the Housing Ordinance in effect at the time of building permit submittal, is adequate because that Ordinance will reflect the Town's vision, goals, and current strategies for affordable housing. Furthermore, if building permit submittal occurs prior to the adoption of a new Housing Ordinance, the project will comply with the Interim Affordable Housing Policy (Town Council Resolution 09-76). Therefore, the project's AHMP will meet the necessary findings pursuant to the applicable housing regulations.
- e. The project does not indiscriminately destroy trees or natural vegetation, nor does it create excessive or unsightly grading, indiscriminate clearing of the property, or the destruction of natural significant landforms since the project site is already developed and all trees with a diameter at breast height of six inches or greater would be preserved.

FINDINGS FOR DESIGN REVIEW PERMIT

(Municipal Code Section 17.88.060)

- a. The proposed project is consistent with the applicable standards and requirements of the Mammoth Lakes Zoning Code because the project is consistent with the North Village Specific Plan (NVSP) development standards, which supersede Title 17, Zoning Code. The project is consistent with the NVSP with Council approval of Ordinance 14-____, which approved an amendment to three NVSP development standards for the project: 1) building height, 2) setback along Minaret Road, and 3) density.

The project complies with the NVSP development standards, including but not limited to uses, lot coverage, parking, building area, pedestrian walkways, snow management, and landscaping. The proposed project is also consistent with the design standards of the NVSP because the building is proposed to take advantage of natural sun patterns since the building's mass would be aggregated towards the east to accommodate a south-facing outdoor pool and jacuzzi terrace and improve passive solar to the proposed hotel rooms; flat and pitched roofs are designed to reduce overall building height, improve snow management, provide covered pedestrian areas, and provide articulation to the building façade; durable materials are proposed, including metal, corten-look metal panel-look metal panel, concrete fiber board panels, stone veneer, and heavy timber structural columns; the proposed colors are natural tones that would blend in the mountain environment as well as with adjacent properties; and landscaped areas include pavers, accent stone, native plantings and trees, and pedestrian furnishings.

The building mass expresses a vertical rather than horizontal form (Development Objective 1). Furthermore, the hotel does not block views of Sherwin Range compared to the approved and permitted 8050C building, does not shade the Village plaza, and allows for an inviting pedestrian entry and amenities. The building establishes its own design personality and promotes a varied skyline (Overall Land Use Policy 7). The pedestrian porte cochere overhang emphasizes the pedestrian hotel entrance and encourages visual variety at the pedestrian level (Development Objectives 6 and 7).

- b. The proposed project is consistent with the General Plan because it would implement the North Village district character as described in the General Plan: an intensely focused entertainment district; creating a sense of exploration using pedestrian-oriented sidewalks, plaza, and courtyards; resort and resident activities, services, and amenities; retail and services in a “storefront” setting located at the sidewalk; and shared and pooled parking.

The project implements this district character because it is a 67-room hotel with streetscape improvements and amenities, food and beverage, spa, outdoor pool and jacuzzi terrace, and landscape elements. The streetscape improvements include a pedestrian porte cochere, pocket park, informational kiosk, landscaping, and permanent heat traced sidewalk. A food and beverage terrace would face Minaret Road, providing further streetscape animation. The parking garage would be shared by 8050A and B, Fireside Condominiums, and the proposed project.

The building reflects thoughtful site planning because it allows for a hotel with efficient design and improved solar access, in addition to a southwest facing pool and jacuzzi terrace (Policy C.2.L). The building discourages architectural monotony because it provides varying rooflines and roof pitches along Minaret Road and in the context of adjacent buildings (Policy C.2.U). The building complements neighboring uses because the height allows for a hotel, which is a similar use to the neighboring lodging and condominium projects (Policy C.2.V). Additionally, a larger setback from the Fireside Condominiums to the south is provided, compared to the approved 8050C project. While the North Village Specific Plan only requires a 10-foot side yard setback, the project is setback approximately 25 feet from the side property line with Fireside Condominiums (a 35-foot setback is provided to the Fireside Condominium buildings). The project preserves all trees with a diameter at breast height of six inches or greater and additional trees would be planted; retaining the forested character allows the project to transition to adjacent buildings (Policy C.4.C).

The pedestrian porte cochere overhang results in a more hospitable environment for pedestrians by providing weather protection and a welcoming design feature (Policy C.3.E).

The project would not exceed the maximum density allowed within the General Plan.

The Subsequent EIR found the project to be inconsistent with General Plan Policy C.2.X., which requires building height to be limited to the top of the forest canopy, because the proposed building height would be 5 to 13 feet above the average tree canopy in the area. However, since the project is consistent with all other applicable General Plan policies and Design Guidelines, the project was found to have a less than significant impact regarding General Plan consistency.

Lastly, the project would not result in increased public view blockage of the Sherwin Range compared to the approved and permitted 8050C building (i.e., the building envelope allowed pursuant to the North Village Specific Plan) (Policies C.2.J and C.2.W).

- c. The proposed project is consistent with the Town of Mammoth Lakes Design Guidelines and any applicable design guidelines adopted by the Town Council because the project includes street front improvements, building articulation, landscaping, and building colors and materials that are appropriate to the North Village District and Mammoth Lakes. The building design project would not result in increased view blockage of the Sherwin Range compared to the approved and permitted 8050C building (i.e., the building envelope allowed pursuant to the North Village Specific Plan). Additionally, the project was reviewed twice by the Advisory Design Panel (ADP), and the ADP was supportive of the general design and proposed building elements and articulation. Furthermore, conditions of approval require the Planning and Economic Development Commission Design Committee to review buildings colors and the design detail on the southeast corner of the building to ensure conformance with design guidelines.

- d. The proposed site design and building elements integrate in an attractive and visually cohesive manner that is compatible with and complements the desired architectural character of the area and a mountain resort community. The General Plan discourages architectural monotony (Policy C.2.U), and the proposed building would have unique and modern architecture that expresses mountain character appropriate to the North Village area. The project would encourage increased pedestrian activity along Minaret Road through the pedestrian porte cochere, pocket park, informational kiosk, food and beverage terrace, and permanent heat traced sidewalk. The project would promote compatibility among neighboring uses because it would connect to the existing 8050A and B buildings, not impede Fireside Condominium parking in the shared parking structure, and maintain a 35-foot setback from the Fireside Condominiums when the North Village Specific Plan would only require a 10-foot setback¹.
- e. The proposed project includes streetscape improvements, including landscaping, a pocket park, and a permanent heat traced sidewalk, consistent with desired pedestrian-oriented character of the North Village District.
- f. The proposed project includes valet parking to maximize the efficiency of the existing parking garage and provide the required number of parking spaces. The project includes landscaping and streetscape improvements, which would improve the aesthetics of the parking garage from Minaret Road and buffer surrounding land uses. Bicycle parking will be included in the porte cochere area to minimize conflicts between vehicles. Lot coverage would be consistent with the North Village Specific Plan standards, thereby minimizing stormwater run-off.
- g. The proposed project will include attractive lighting that complements the proposed architecture and will comply with the Town's Outdoor Lighting regulations as required by conditions of approval. Furthermore, Mitigation Measure AES-2 requires an Outdoor Lighting Plan to be reviewed and approved for compliance with Municipal Code lighting requirements prior to building permit issuance.
- h. The proposed project landscaping would utilize less water than would be allowed pursuant to the Town's water efficient landscape regulations. The proposed landscaping is designed to help relate the building to the surrounding landscape and enhance the architectural character. Landscaping will include shade tolerant planting where appropriate. Mitigation Measure 5.3-1d requires landscaping to blend with plants native to the local environment.
- i. The proposed project is consistent with any approved tentative map, use permit, variance, or other planning or zoning approval that the project required because this design review permit is being processed concurrently with a tentative tract map and use permit application, and therefore would be consistent with these approvals.

¹ A private agreement between the 8050 property owner and the Fireside Condominiums includes additional setback provisions. Since this is a private agreement, and the Town of Mammoth Lakes is not a party, the Town is not responsible for enforcing the terms and conditions of this agreement.

SUBDIVISION MAP ACT FINDINGS

(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 map would implement the North Village district character as described in the General Plan: an intensely focused entertainment district; creating a sense of exploration using pedestrian-oriented sidewalks, plaza, and courtyards; resort and resident activities, services, and amenities; retail and services in a “storefront” setting located at the sidewalk; and shared and pooled parking.

The project implements this district character because it is a 67-room hotel with streetscape improvements and amenities, food and beverage, spa, and outdoor pool and jacuzzi terrace, and landscape elements. The streetscape improvements include a pedestrian porte cochere, pocket park, informational kiosk, landscaping, and permanent heat traced sidewalk. A food and beverage terrace would face Minaret Road, providing further streetscape animation. The parking garage would be shared by 8050A and B, Fireside Condominiums, and the proposed project. The project would not exceed the maximum density allowed within the General Plan.

The Subsequent EIR found the project to be inconsistent with General Plan Policy C.2.X., which requires building height to be limited to the top of the forest canopy, because the proposed building height would be 5 to 13 feet above the average tree canopy in the area. However, since the project is consistent with all other applicable General Plan policies and Design Guidelines, the project was found to have a less than significant impact regarding General Plan consistency.

Lastly, the project would not result in increased public view blockage of the Sherwin Range compared to the approved and permitted 8050C building (i.e., the building envelope allowed pursuant to the North Village Specific Plan) (Policies C.2.J and C.2.W).

- b. The proposed map is consistent with the North Village Specific Plan as specified in Section 66451 of the Subdivision Map Act because a condominium-hotel is consistent with the Resort General land use designation of the North Village Specific Plan. The project implements the North Village Specific Plan objective for the development of a concentrated, visitor and pedestrian-oriented activity center because the project creates a hotel adjacent to the Village plaza and gondola that includes commercial uses on the first floor. The project is consistent with the North Village Specific Plan with Council approval of Ordinance 14-___, which approved an amendment to three North Village Specific Plan development standards for the project: 1) building height, 2) setback along Minaret Road, and 3) density. The project complies with the NVSP development standards, including but not limited to uses, lot coverage, parking, building area, pedestrian walkways, snow management, and landscaping.

The building’s mass would be aggregated towards the east to accommodate an outdoor pool and jacuzzi terrace with southern exposure and create an efficient and functional

hotel. Additionally, the project would accept the transfer of 30 rooms of density from the Mammoth Crossing designation, which is located farther from the Village transit hub, gondola, and plaza. The project would not exceed the total allowable density in the North Village Specific Plan.

- c. The design and improvements of the subdivision are consistent with applicable general and specific plans because the proposed project would be consistent with the North Village District character and standards of the North Village Specific Plan. The North Village Specific Plan development standards implement the goals and policies of the Town's General Plan because the North Village Specific Plan supersedes the Municipal Code Zoning requirements.

The project is consistent with the North Village Specific Plan with Council approval of Ordinance 14-___, which approved an amendment to three North Village Specific Plan development standards for the project: 1) building height, 2) setback along Minaret Road, and 3) density. Furthermore, the project is consistent with the North Village Specific Plan because the project conforms to the North Village Specific Plan Resort General development standards including but not limited to allowed uses, building area, lot coverage, snow storage, and parking. The project includes a permanent heat traced sidewalk and widened shoulder for emergency vehicles along Minaret Road consistent with General Plan, North Village Specific Plan, and Town standards.

The proposed project is also consistent with the design standards of the North Village Specific Plan because the building is proposed to take advantage of natural sun patterns since the building's mass would be aggregated towards the east to accommodate a south-facing outdoor pool and jacuzzi terrace and improve passive solar to the proposed hotel rooms; flat and pitched roofs are designed to reduce overall building height, improve snow management, provide covered pedestrian areas, and provide articulation to the building façade; durable materials are proposed, including metal, corten-look metal panel, concrete fiber board panels, stone veneer, and heavy timber structural columns; the proposed colors are natural tones that would blend in the mountain environment as well as with adjacent properties; and landscaped areas include pavers, accent stone, native plantings and trees, and pedestrian furnishings.

- d. The site is physically suitable for the type of development proposed because the site is already developed with a parking garage and is planned to have lodging or residential uses above. The first floor is intended for a mix of commercial and restaurant uses, as proposed by the project.

The site is located adjacent to the Village plaza, transit hub, and gondola, which are easily accessed from the site without crossing any streets. Therefore, the site is in an appropriate location for the project. Also, the project includes adequate delivery, valet, and snow management operations. Lastly, adequate public services and utilities (e.g., fire, water, sewer, police, etc.) can be provided as described in the Subsequent EIR.

- e. The site is physically suitable for the proposed density of development because the overall density of the North Village Specific Plan and General Plan would not be exceeded and adequate public services and utilities can be provided as described in the Subsequent EIR. Additionally, the density would be relocated closer to the Village Plaza, gondola, and Village transit hub.
- f. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat since the property is not located within an environmentally sensitive area, the Modified Initial Study found no new impact/no impact related to biological resources, and the Department of Fish and Wildlife filed a No Effect Determination, determining that the project has no effect on fish, wildlife, or their habitat.
- g. The design of the subdivision and the types of improvements is not likely to cause serious public health problems since the Subsequent EIR analyzed potential project impacts associated with aesthetics, air quality, hazard and hazardous materials, hydrology and water quality, land use and planning, noise, public services, traffic/circulation/parking, utilities and services systems, and others. As described in the Subsequent EIR, the project would have no significant and unavoidable impacts with the incorporation of mitigation measures. Mitigation measures would be enforced through an adopted Mitigation Monitoring and Reporting Program. No evidence has been submitted during the planning review process to indicate that the development would cause any serious public health problems. All necessary public services are currently provided, or can be extended to, the site to assure health and safety for those individuals occupying and using the site facilities.
- h. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision since easements are shown on the tentative map or are required through conditions of approval, and the property has access to a public street with approved street 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 shared among condominium owners.

EXHIBIT “B”
Resolution No. TC-14-
Case No. VTTM 13-002, UPA 13-003, and DR 13-003

PLANNING DIVISION CONDITIONS

STANDARD CONDITIONS

1. This approval authorizes the Inn at the Village project, a 67-room hotel with streetscape improvements and amenities, food and beverage, spa, and outdoor pool and jacuzzi terrace. This approval supersedes 8050C entitlement (Tentative Tract Map 36-229 and Use Permit 2005-01; Planning Commission Resolution 2005-26). This approval is not effective until Ordinance 14-___, adopting District Zoning Amendment 13-001, is effective.
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 17.64.060.B.
3. All new improvements constructed on the site shall be in compliance with all Town of Mammoth Lakes, County of Mono, Mammoth Community Water District, the Mammoth Lakes Fire Protection District, the CRWQCB Lahontan District, Great Basin Air Pollution Control District, OSHA, State of California and United States of America laws, statutes, ordinances, regulations, directives, orders, and the like applicable thereto and in force at the time thereof. Any violation of the above may constitute grounds for revocation of the use permit under Section 17.128 of the Mammoth Lakes Municipal Code.
4. This resolution of approval, as conditioned herein, shall be recorded for the subject property by the Mono County Recorder’s Office to commence the approved use on the property or the issuance of any building permits for new or remodeled structures.
5. The site shall be maintained in a neat, clean and orderly manner. All improvements shall be maintained in a condition of good repair and appearance. Outdoor storage of equipment and other materials is prohibited, except as allowed through a temporary construction management plan approved by the Public Works Director.
6. Storage of construction materials and equipment off-site shall not be permitted without a permit issued by the Community and Economic Development Department of the Town. Any public or private property altered, damaged or destroyed by site preparation, grading, construction or use shall be restored to its pre-existing condition by the permittee.
7. All conditions of this use permit shall be met or secured prior to final occupancy approval of any tenant improvements or new structures.
8. All uses are subject to review by the Building Official of the Town of Mammoth Lakes and must conform to occupancy ratings of the structures to obtain occupancy.

9. Town staff shall have the right to enter the subject property to verify compliance with these conditions. The holder of any permit associated with this project shall make the premises available to Town staff during regular business and shall, upon request, make records and documents available to Town staff as necessary to evidence compliance with the terms and conditions of the permit.
10. Prior to the issuance of a building permit, the applicant shall pay Development Impact Fees as prescribed by ordinance and/or resolution and pay any fees due on this project processing account.
11. Where compliance with the conditions of approval or applicant initiated changes to the plans require additional staff review, that review time shall be billed at the Town's established billing rates. Prior to the issuance of a building or grading permit, the applicant shall pay all outstanding costs for the processing of this application.
12. The approved site and building plans shall be adhered to and maintained for the duration of the permit.
13. This action may be appealed to the Town Council within fifteen (15) calendar days from the date of Planning and Economic Development Commission approval in accordance with Municipal Code Chapter 17.104.
14. 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 Town and its agents, officers, and employees from any claim, action, or proceeding against the Town and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the Town, advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Government Code Section 66499.37. The Town shall promptly notify the subdivider in writing of any claim, action, or proceeding and shall cooperate fully in the defense.
16. 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 submit a petition to be annexed into the Transit and Transportation Fee Community Facility District (CFD 2013-03) and pay all fees association with the annexation process prior to final map approval by staff. CFD 2013-03 shall be referenced in the project CC&Rs, as well as in any disclosure documents required by the California Department of Real Estate for the project.
17. All exterior lighting shall comply with Chapter 17.36.030 of the Town of Mammoth Lakes Municipal Code, Outdoor Lighting. Exterior light fixtures having a total of over 400 lumens of output shall be equipped with shields that extend below the horizontal plane of the light source to direct the light downward onto the structure or surrounding grounds. Accent lighting is permitted as described in Section 17.36.030.F.6.

18. The project shall meet the requirements of Municipal Code Section 17.40 (Water Efficient Landscape Regulations) including the Landscape Documentation Package. A final landscape and irrigation plan shall be submitted to, and approved by, the Community and Economic Development Department for inclusion in the project grading permit. Where no grading permit is required, the final landscape plan must be submitted to and approved by the Town prior to issuance of a building permit. Said landscape and irrigation plan shall substantially conform to the preliminary landscape plan reviewed and approved by the Planning and Economic Development Commission. All landscape plantings shall be maintained in a healthy and growing condition at all times (as applicable for the season) and individual plants shall be replaced if they become diseased or die. An automated irrigation system shall be provided for each landscape area. The irrigation equipment and system 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 owner, with the exception of benefit assessment district areas.
19. 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.
20. 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.
21. 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.
22. 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.
23. A certificate of occupancy is required for all future tenant improvements within the subject structure. Tenant improvements shall identify occupancy separation requirements, disabled access requirements and compliance with all applicable building, electrical, plumbing, and fire code requirements.
24. 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.
25. Roof vents, exhaust, pipes and flues shall be combined and/or collected together on slopes of roof out of public view to the greatest extent possible.
26. Public trails and bike lanes must be maintained in a safe and usable condition during construction. Trails or bike lanes that are to be relocated must be relocated prior to removal of the existing facility.

27. Prior to the Town Council's second reading of the ordinance approving the project, the applicant shall provide the Community and Economic Development Department with a \$50 check payable to Mono County for the County Clerk Processing Fee for the Final SEIR Notice of Determination. The \$3,029.75 EIR fee is not required because the Department of Fish and Wildlife made a No Effect Determination for the project.
28. The project shall comply with all of the mitigation measures identified in the Inn at the Village Final Subsequent EIR Mitigation Monitoring and Reporting Program (MMRP). These mitigation measures shall be conditions of project approval and incorporated by reference herein.

SPECIAL PLANNING CONDITIONS

29. Prior to final map approval, the applicant shall submit a delivery operational plan that addresses all delivery vehicles, including large trucks. The plan shall require all deliveries to occur off of Canyon Boulevard in the porte cochere and/or driveway. The plan shall also require a person, or other method approved by the Public Works Director, to manage traffic while delivery vehicles are parked. This shall be reviewed and approved by the Public Works Director prior to the Planning and Economic Development Commission's consideration of the final map. The Town shall enforce the terms of the delivery operational plan through code compliance efforts.
30. Prior to final map approval, the applicant shall execute a density transfer covenant to transfer up to 30 rooms from one of the Mammoth Crossing sites (Site 1 or Site 3) to the project site. The density transfer covenant shall be on a form approved by the Town Attorney and shall be recorded on the title of both properties (i.e., the Inn site and either Mammoth Crossing Site 1 or Site 3).
31. Prior to issuance of any certificate of occupancy for the project, bicycle parking shall be reviewed and approved by the Community and Economic Development Director and installed/operational.
32. As required by the valet analysis, the applicant shall require a minimum of three valet attendants at all times. This shall be included in the CC&Rs for the projects, which shall be reviewed and approved by the Community and Economic Development Director and Public Works Director prior to the Planning and Economic Development Commission's consideration of the final map.
33. The applicant shall install directional signage on Canyon Boulevard to direct residents and visitors of the Fireside Condominiums to park in the 8050 garage. This signage shall be reviewed and approved by the Planning and Economic Development Commission Design Committee and shall be installed prior to any certificate of occupancy for the project.
34. As required by the North Village Specific Plan, the applicant shall comply with Housing Policy #3 that prohibits construction workers who reside outside of Inyo or Mono County to be housed in the RMF-1 Zone. Documentation of the provision of housing for contractor employees shall be provided to the Town, upon request.

35. If existing or future structural columns impact parking spaces proposed or the parking layout, the applicant shall submit a use permit amendment demonstrating how the required number of spaces will be provided. This parking plan shall be reviewed and approved by the Planning and Economic Development Commission.
36. If, at time of final map submittal, a condominium-hotel is proposed, the condominium-hotel shall include floor plans and uses that substantially conform with those shown in the plans approved by this resolution, and shall meet the hotel and motel requirements described in Municipal Code 17.52.120.D.2 as determined by the Planning and Economic Development Commission prior to the Commission's approval of the final map.
37. The final design for the widened shoulder along Minaret Road shall be reviewed and approved by the Town, Caltrans, and the Mammoth Lakes Fire Protection District prior to construction. The widened shoulder along Minaret Road shall be installed, or alternate interim emergency vehicle access approved by the Public Works Director and Mammoth Lakes Fire Protection District, and if necessary, approved by Caltrans, prior to issuance of a building permit.
38. The applicant shall provide a name for the project that is not similar to an already existing name or location in town. The proposed name shall be reviewed and approved by the Community and Economic Development Director and the Mammoth Lakes Fire Protection District prior to issuance of a building permit.
39. 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. If building permit submittal occurs prior to the adoption of a new housing ordinance, the project shall comply with the Interim Affordable Housing Policy (Town Council Resolution 09-76). If, in either circumstance, compliance requires revisions to the tentative or final tract map or other approvals for this project, the applicant shall be responsible for processing any amendments and the associated costs.
40. The design detail on the southeast corner of the building shall be refined to avoid a "looming" building appearance. The refined design shall be reviewed and approved by Planning and Economic Development Commission Design Committee prior to building permit issuance.
41. The building colors shall be reviewed and approved by Planning and Economic Development Commission Design Committee prior to building permit issuance. This may result in revisions to the colors proposed on the Materials Board dated February 28, 2014.

ENGINEERING DIVISION CONDITIONS

STANDARD CONDITIONS / GENERAL REQUIREMENTS:

42. A final map, consistent with the tentative map and the conditions herein, shall be recorded with the County Recorder of Mono County prior to the expiration of the approved tentative map. The final map shall conform to the Subdivision Map Act and the

Subdivision Ordinance for the Town of Mammoth Lakes. The tentative map shall expire 24 months after the approval date. Failure to record the final map prior to the expiration will nullify all approvals, except as such time limitation may be extended by law or by the Planning and Economic Development Commission in accordance with the Subdivision Map Act.

43. Copies of all exceptions, easements, restrictions and encumbrances listed in the preliminary title report together with a copy of the current grant deed and a current title report, a copy of each record map for the subject property shown within the tentative map boundary, and a copy of each and every adjacent map, deed or other document as necessary that establish, or were used for the survey of, and for the retracement of the subdivision boundary shall be submitted with the initial submittal of the final map. A subdivision guarantee shall be issued and dated within 30 days prior to final map approval by the Planning and Economic Development Commission.
44. 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.
45. Slope rights adjacent to public rights of way shall be dedicated on the final map where necessary.
46. All new utility lines within, adjacent to or serving the site shall be placed underground.
47. The site grading design and all building construction shall conform to State and Federal disabled access regulations.
48. Paved access is required to a maintained street. Street and traffic signs shall meet the California Manual of Uniform Traffic Control Devices (MUTCD).
49. Landscaping and irrigation systems within the public right of way, adjacent to the project area and within the project shall be maintained by property owner, with the exception of benefit assessment district areas.
50. The applicant shall obtain an easement or letter of permission to grade all areas requiring off-site grading prior to issuance of a grading permit or a building permit. These areas shall be contour graded.
51. The applicant shall submit to the Town an electronic file of the final map in AutoCAD, or other format as may be approved by the Public Works Director, within 30 days of approval of the final map.
52. All easements and dedications shall be in a form and content acceptable to the Public Works Director.

53. Application shall be made to the Town for re-apportionment of any existing assessment lien(s) under Community Facilities District (CFD) 2002-1 to the new lots and units proposed. Application shall be made in conjunction with the final map consideration by the Planning and Economic Development Commission.
54. 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.
55. All grading and public improvements shall be consistent with the Town of Mammoth Standard Plans for Public Works.

THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO APPROVAL BY STAFF OF THE FINAL MAP:

56. The final map shall conform to the requirements of Town of Mammoth Lakes Ordinance 84-10 and all amendments thereto.
57. A preliminary soils report, an update of an existing soils report, or a letter of conformance to an existing soils report, shall be filed with and reviewed by the Public Works Director.
58. A form of security listed in Government Code Section 64999(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 bonds 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 forms of security 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 forms of security shall be posted prior to the issuance of a grading permit and prior to approval by staff of the final map.
59. A form of security listed in Government Code Section 64999(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 security shall be prepared by the licensed land surveyor preparing the final map and shall be approved by the Town Surveyor.
60. Rights of way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing shall be required as necessary.
61. All easements as shown on the tentative map shall be granted on the final map, or recorded by separate document prior to or concurrent with recordation of the final map in a form and in content acceptable to the Town. Easements to be recorded by separate document shall be submitted to the Town for review and approval. The fully executed

documents shall be submitted to the Public Works Director prior to approval of the final map. Easements shown on the tentative map to be granted or dedicated shall indicate the beneficiary of the easement(s).

62. Easements shown on the tentative map to the benefit of an agency other than the Town or to other parties shall be shown on the final map as "Easements Reserved". The owner's statement on the parcel map shall reserve said easements unto themselves, their heirs and assigns.
63. All documents that are required to record prior to or concurrent with the recordation of the final map shall be reviewed and approved by the Town and shall be fully executed, notarized and ready for recordation prior to approval of the final map by town staff. The originals of the executed documents shall be delivered to the Public Works Director together with the final map prior to approval of the final map.
64. Monumentation of the subdivision shall be installed in accordance with the Subdivision Ordinance of the Town, Ordinance 84-10.
65. A final snow removal/storage plan or an amendment to the existing 8050 snow management plan shall be submitted by the applicant and approved by the Community and Economic Development Department. Pursuant to the North Village Specific Plan, snow and ice shall be removed daily prior to the opening of any business and pedestrian areas shall be maintained during business hours. The plan shall also include methods to address potential cornice and ice falling onto pedestrian and vehicular areas. This plan and provisions for maintenance of private driveways and drainage facilities shall be included in the CC&Rs prior to final map approval by Town staff.
66. The CC&Rs shall contain provisions granting rights of access and parking, as necessary, to the owners, tenants, and their guests, of the condominium units.
67. Existing CC&Rs, if any, encumbering the property shall be amended as necessary for the proposed development of this project.
68. 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 Town staff and the Mammoth Lakes Fire Protection District.
69. For condominium projects the following statement shall appear on the signature sheet of the final map: "THIS SUBDIVISION IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 6542 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA, CONTAINING A MAXIMUM 67 ROOMS WITHIN 67 RESIDENTIAL UNITS AND 4 COMMERCIAL UNITS AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT."

70. Prior to approval of the final map by staff, the applicant shall provide evidence to the Town that the property taxes have been pre-paid to Mono County Tax Collector or their payment has been secured by the filing of a surety bond or other cash-equivalent security acceptable to the County.
71. As required by the Town's Subdivision Ordinance Section 17.08.035 and Council Resolution 14-28, the applicant shall pay a fee for each unit, parcel or lot, including lettered lots and parcels and common area lots or parcels, created to the Community and Economic Development Department for long range planning reimbursement prior to approval by staff of the final map.

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

72. 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 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.
73. An application for a grading permit shall be submitted to the Engineering Services Division of the Public Works Department in accordance with Chapter 12.08 of the Municipal Code. No change to the existing conditions of the site, including site grading, drainage interruption, land clearing, etc. shall be commenced until an engineered grading, drainage and landscape/irrigation plans have been approved by the Public Works Director.
74. 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.
75. An encroachment permit shall be obtained from Caltrans prior to construction within the State right of way. A copy of the Caltrans encroachment permit shall be provided to the Town's Engineering Services Division prior to construction within the State right of way. If any construction is proposed within Town right-of-way, an encroachment permit shall be obtained from the Town's Engineering Services Division in accordance with Chapter 12.04 of the Municipal Code.
76. No work within public right of way shall be commenced until a traffic control plan has been approved by Caltrans and the Town's Engineering Services Division, if required.
77. 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 and Caltrans 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.

78. 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.
79. Final grading and improvement plans and profiles shall indicate the location of any existing utility facility that would affect construction. All existing utilities shall be shown on the improvement plans and relocated as necessary without cost to the Town. Existing overhead utilities requiring relocation shall be converted to underground.
80. 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 Public Works Director for review and approval.
81. A geotechnical report shall be required that confirms that any proposed drywell locations shown on the final grading and drainage plans will not be subject to groundwater entering the drywell or cause leaching through an adjacent slope face. If necessary, a sediment and oil water separator shall be installed in substantial conformance with water quality Phase 2 requirements.
82. Slope stability tests are required for all cuts greater than 2:1 or fills greater than 3:1 (H:V).
83. 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.
84. 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.
85. 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.
86. Drainage across the property shall be maintained. The design of the grading and drainage facilities shall not create concentrated discharges to adjacent properties and/or public rights of way in excess of historical flows. A registered civil engineer shall investigate existing facilities and design adequate drainage facilities to intercept and conduct the drainage flows around or through the site in a manner that will not adversely affect adjacent or downstream properties. The engineer shall verify that downstream facilities, and drainage channels accepting site flows are not adversely affected by an increase in runoff from this development. If the project does create concentrated or sheet flows off-site that are greater than historical, the applicant shall demonstrate that the downstream facilities can

accommodate the increased flows; otherwise, the applicant shall provide on-site detention for excess flows.

87. A final hydrology and hydraulics study is required and shall be submitted with the grading and improvement plans for the project. The study shall be prepared in accordance with the grading chapter of the municipal code and the adopted Storm Drain Master Plan of the Town and shall be prepared by a registered civil engineer. The study shall include runoff from the entire site and shall also include runoff that enters the property from all upstream sources, and shall include all storm drains, drywells, infiltrators and surface flows. The study shall indicate the method of conveying surface and underground runoff and shall address drainage conveyances downstream to the extent they exit to an existing facility or natural drainage course. All existing drainage facilities on-site and tributary to the site shall be identified and shown on the grading plans. The hydraulic calculations shall include all pipe flows, velocities and head loss calculations sufficient to show the adequacy of all conveyance systems. Q100 and V100 and the hydraulic grade line for all public storm drains and all facilities with an equivalent diameter of 18 inches or greater shall be shown on the approved grading and improvement plans. The drainage study for the project and the final design of the storm drain system shall be approved prior to approval by staff of the grading and improvement plans and the final map. Infiltrators and storm water pollution prevention facilities are to be designed to accept the "first flush" levels of runoff. The capacity of these facilities shall not be assumed to reduce storm water flows of other drainage facilities that may be required for the project.
88. Temporary and permanent erosion control plans shall be included with the grading, improvement, and building plans. Continuous water spraying or other approved methods shall be used during grading operations to control fugitive dust. Drop inlet filters and other temporary Best Management Practices shall be employed to filter nuisance water from storm drain inlets affected by construction, on-site and off-site. Groundwater pollution from urban run-off water generated by the project shall be mitigated using best management practices (BMPs), per the requirements of the California Regional Water Quality Control Board, Lahontan District, and as indicated in the "New Development and Redevelopment Guidelines". The applicant shall apply for and obtain all required permits, written clearances or exemptions from the Lahontan District prior to any grading. All BMPs shall be shown on the erosion control plans. If the Town inspector determines that the BMPs in place are not adequate, then additional BMPs shall be installed at the discretion of the Town inspector or a revised erosion control plan shall be prepared for approval by the engineering services division. Gravel bags shall be used in lieu of sand bags. All permanent erosion control measures shall be irrigated for at least one season. Permanent BMPs shall include sediment traps upstream of infiltrators and oil water separators for parking areas consistent with the General Plan.
89. A Construction Staging and Management Plan shall be submitted to, and approved by the Public Works Director prior to grading or building permit issuance. Said plan shall include provisions related to the parking of construction worker vehicles, construction equipment, construction materials, and specific limitations restricting access into 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, special approval for work outside hours allowed. The plan shall also contain provisions for interrupting utility services to neighboring properties and sufficient noticing to affected residents and property owners. The Construction Management Plan shall comply with the requirements of Final SEIR Mitigation Measure TRA-1.

90. On the cover sheet of the grading plans and in a very conspicuous location place the following note: "The conditions of approval for the approved tentative tract map, TTM 14-002, and use permit, UPA 14-003, 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. 2014xxxxxx, 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.
91. If necessary, 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.
92. 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. A form of security listed in Government Code Section 64999(a) and acceptable to the Town shall be posted to cover the cost of grading and paving prior to approval by staff of the map.
93. The grading plan and building permit plans shall indicate all snow storage areas and drainage facilities.
94. All easements shall be shown on the grading and building permit plans.
95. All export shall be taken to, and all import shall be taken from a permitted site, which shall be identified at grading permit issuance. The applicant shall prepare a haul route, subject to the approval of the Public Works Director prior to the import or export of material for the site.
96. A tree removal plan shall be approved prior to any land disturbance and the issuance of a grading or building permit. A pre-construction meeting shall be held on-site prior to any land disturbance to inspect clearing limit fencing.
97. The grading plan shall include tree protection measures to address how construction can occur without disturbing the drip-line of retained trees. The drip-line areas shall be "fenced" off with barriers to prevent disturbance during site grading. Additionally, finish grading shall not disturb existing understory vegetation or retained trees. Grading operations shall not commence until all erosion control measures and tree protection measures are in place as shown on the approved plans, and as required by the Town.

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

98. 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.
99. For all retaining and screening walls, the applicant shall submit plans to and obtain a building permit from the building division.

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

100. 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 64999(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 whose approval shall not be unnecessarily withheld.
101. 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.
102. The final condominium plans, if any, 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, if any, 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, if any, shall not occur prior to Town review of the condominium plans. The condominium plans, if any, shall be recorded prior to issuance of the first temporary, conditional or final certificate of occupancy for the project.
103. Construction of private facilities and related drainage improvements shall be inspected and certified by the Public Works Director and/or designee.
104. All required grading, public and private street and drainage improvements shall be completed, all “punchlist” items completed to the satisfaction of the Public Works Director, the as-built plans submitted, reviewed and approved and the required warranty security posted prior to the issuance of the first certificate of occupancy for the project.
105. 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.

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

SPECIAL ENGINEERING CONDITIONS

107. Prior to or concurrent with approval of the final map, the applicant shall submit an easement to allow the pedestrian entry feature to encroach into the common area of the 8050 project. This shall be shown on the final map, reviewed and approved by the Public Works Director or his/her designee, and recorded in title with recordation of the final map.

108. A new cost sharing agreement shall be executed that cancels and/or supersedes the existing cost sharing agreement for hydronic snowmelt system at Canyon Boulevard and Minaret Road sidewalks (Recordation No. 2006008381). This new agreement shall be reviewed and approved by the Public Works Director and Town Attorney prior to Planning and Economic Development Commission consideration of the final map.

109. Prior to recording of the final map, the Property Owner shall petition the Town to have the property placed in a Benefit Assessment District for the operation, maintenance and repair, snow removal, heat traced, landscaping and irrigation, sidewalk and pedestrian improvements, street lighting, and other things, of the public improvements along the property frontage and Canyon Boulevard. The Property Owner shall also enter into an agreement with the Town in which the Property Owner shall agree to waive their rights to vote in favor of the dissolution of the Benefit Assessment District. The agreements shall run with the land and shall be binding upon all future owners of the property.

110. The 8050 project has two forms of security that were posted for on-site and off-site improvements associated with Tentative Tract Map 36-229 and Use Permit 2005-01 and Final Tract Map 36-229. These forms of security will be released upon the replacement of new forms of security for frontage and on-site improvements included as part of this project approval that have not been completed prior to recording of the new final map.

111. The Town has a capital project along the frontage of Minaret Road adjacent to the southern property line of the project site. The property owner shall complete the project frontage improvement prior to or in conjunction with the construction of that capital project. This may require the property owner to construct project frontage improvements prior to the commencement of project construction.

112. The property owner shall make an easement for sidewalk, landscape, and utility easement along the project frontages for pedestrian and landscape areas and they shall be continuous from one foot behind the sidewalk/walkway to the existing Caltrans Minaret Road/State Route 203 right of way. The easement shall be reviewed and approved by the

Public Works Director prior to the Commission consideration of the final map. The existing Town easements shall be vacated with this new easement and recordation of the final map.

113. "As-built" drawings for grading and building shall be provided to the Town upon completion of the project.