



# Town of Mammoth Lakes

## Planning & Economic Development

### Commission Workshop Report

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<b>Date:</b>	July 30, 2015	<b>Case/File No.:</b>	Concept Review 15-001
<b>Place:</b>	Council Chambers, 2 <sup>nd</sup> Floor Minaret Village Shopping Center Mammoth Lakes, CA 93546		
<b>Time:</b>	After 2:00 p.m.	<b>Project:</b>	Old Mammoth Place
<b>Agenda Item:</b>	1	<b>Location:</b>	164, 202, and 248 Old Mammoth Road
<b>Appeal Status:</b>	N/A	<b>General Plan:</b>	Clearwater Specific Plan
<b>Applicant/ Property Owner:</b>	Brent Truax/Metric Mammoth, LLC	<b>Specific Plan:</b>	Clearwater Specific Plan
<b>Environmental Review:</b>	To be determined	<b>Zoning:</b>	Clearwater Specific Plan

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**TITLE:** Workshop on the Old Mammoth Place Amendment (Concept Review 15-001)

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#### **A. EXECUTIVE SUMMARY**

##### **1. Subject/Requested Actions**

The Commission is requested to discuss the preliminary plans for a proposed amendment to the Old Mammoth Place project<sup>1</sup>. Staff is requesting the Commission to provide initial feedback at this conceptual stage before a formal application is submitted.

##### **2. Required Findings to Support Requested Actions**

No required findings because this is a workshop item.

##### **3. Report Summary**

This workshop allows the Commission and public to provide early input on the preliminary plans for a proposed amendment to the Old Mammoth Place project. This report includes a brief analysis based on the conceptual plans provided. The plans consist of a conceptual reconfiguration that increases the residential (condo-hotel) square footage through additional building height, expanded building footprints and building mass, and elimination of on-site workforce housing.

After this workshop, the applicant will consider feedback received and may submit a formal application (e.g., District Zoning Amendment, Tentative Tract Map, Use Permit, etc.) that incorporates that feedback. Questions are posed in this report to facilitate the workshop discussion.

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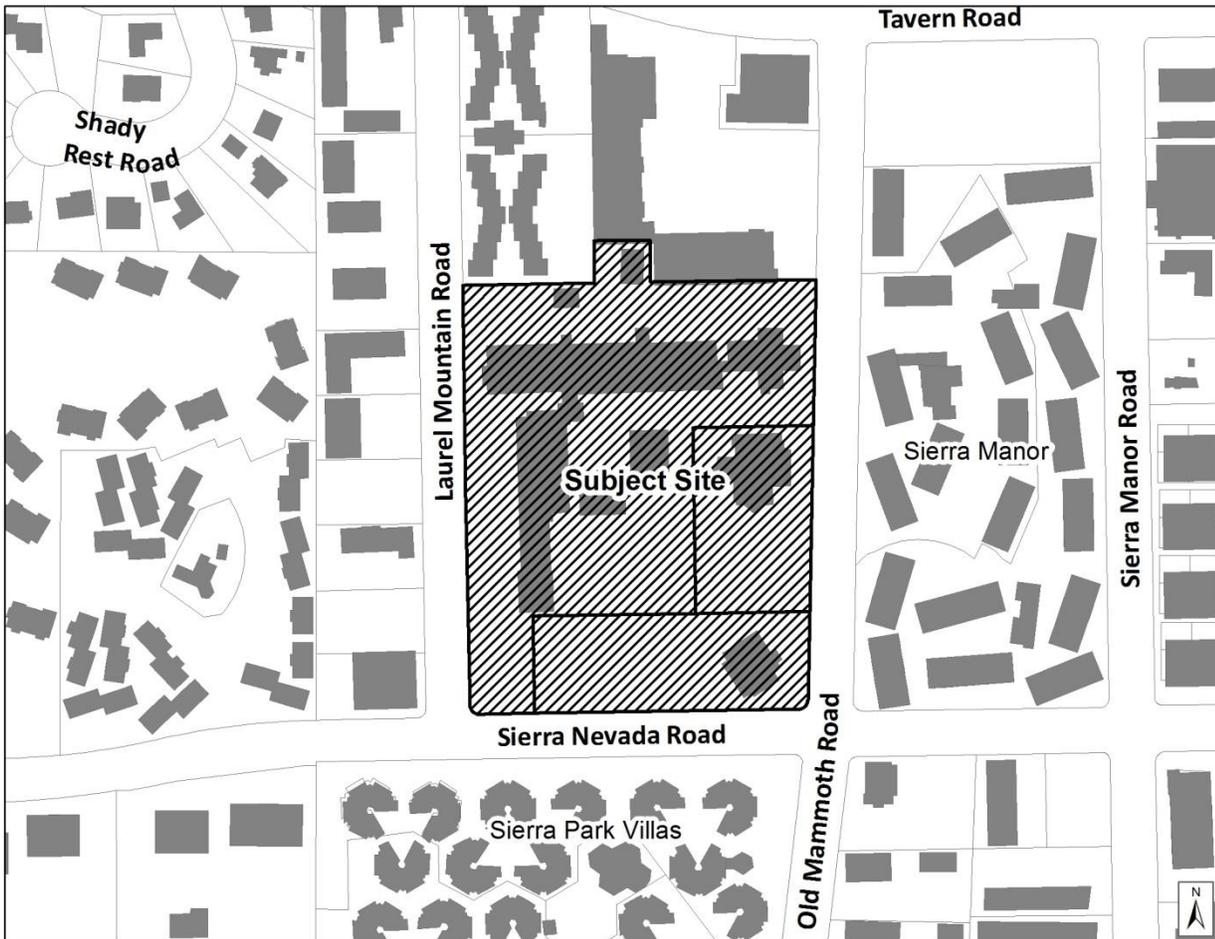
*Report Prepared By:*  
Jen Daugherty, Senior Planner

*Report Approved By:*  
Sandra Moberly, Planning Manager

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<sup>1</sup> The Old Mammoth Place project consists of District Zoning Amendment 09-001, Vesting Tentative Tract Map 09-003, Use Permit 09-003, Design Review 09-005, and Adjustment 09-004.

#### 4. Location Map



#### B. ANALYSIS

##### 1. Purpose of a Concept Review Application

The concept review process provides an opportunity for a developer to receive feedback on preliminary plans prior to preparing the detailed and comprehensive plans and information required for a formal application submittal (e.g., District Zoning Amendment, Tentative Tract Map, Use Permit, etc.). At this preliminary stage it is much easier to incorporate feedback into the project plans. Also, a concept review typically results in a more streamlined formal application process since major issues are often identified early and addressed by the time of a formal application submittal.

##### 2. Background and Project History

###### *Clearwater Specific Plan & North Old Mammoth Road District Special Study*

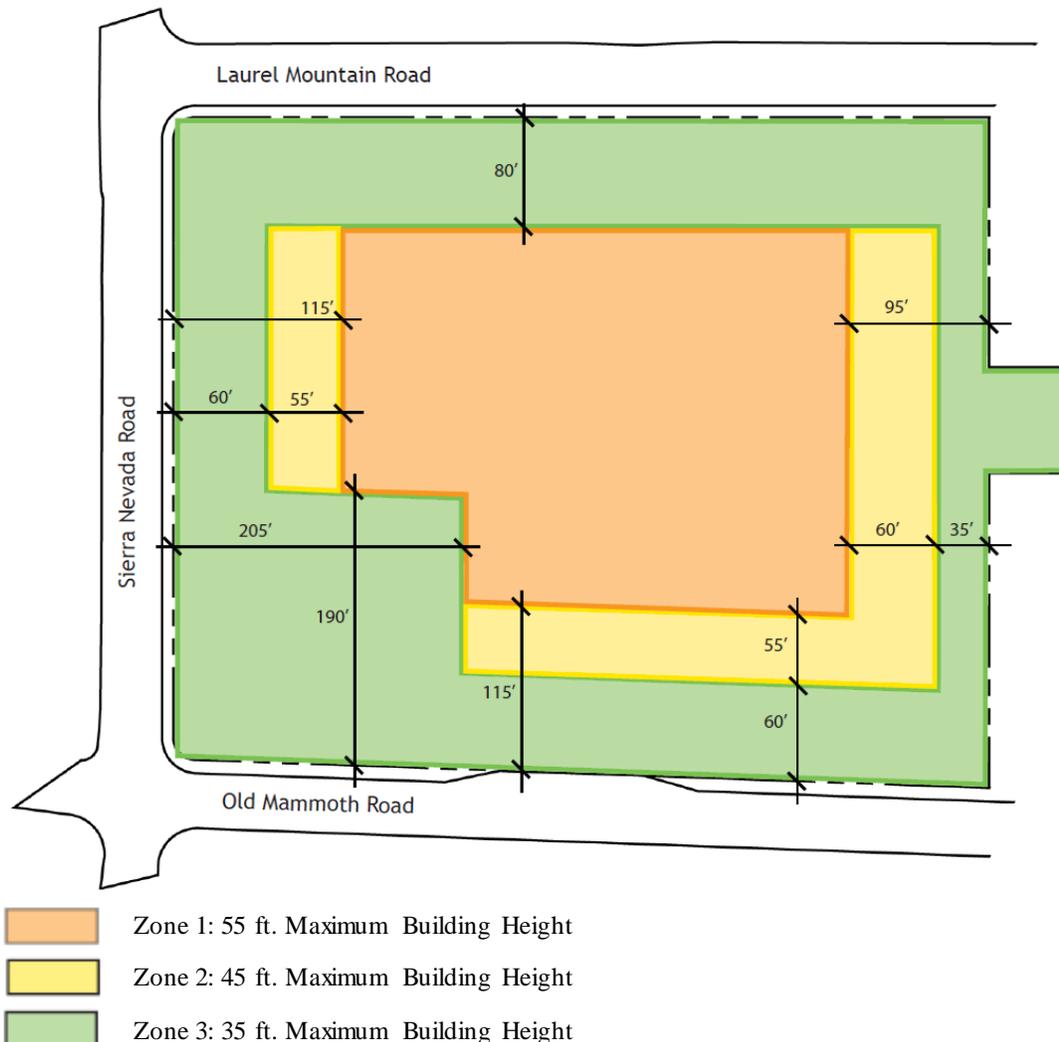
The Clearwater Specific Plan (CSP) was adopted by the Town Council on January 7, 2009. The CSP envisions a pedestrian-oriented mixed-use corridor along Old Mammoth Road and calls for a mix of retail, condominium hotel, and conference uses, along with on-site workforce housing and public plaza areas that provides a venue for a variety of community activities and events. The CSP was adopted after

an extensive and lengthy public process, including numerous public meetings and workshops, giving ample opportunity to comment on the proposed plan prior to its adoption.

As part of the CSP adoption, the North Old Mammoth Road District Special Study (NOMRDSS) was completed. The intent of the NOMRDSS was to reinforce the North Old Mammoth Road District as a desirable place for residents as well as visitors to live, shop, and recreate while reducing the dependency on the automobile. The NOMRDSS identifies goals and objectives for the District and recommends development standards to help achieve those goals. Although the NOMRDSS has no regulating power, it is an important reference document for the District. Most of the development standards recommended in the NOMRDSS are included in the CSP (e.g., building setbacks, stepbacks, massing, and height).

The NOMRDSS and public comments contributed to a number of changes that were incorporated into the CSP. The CSP established new zoning standards and is the regulating document for this site. Building height was a very controversial aspect of the CSP. When Council adopted the CSP, Council required that the proposed 65-foot maximum building height be reduced to 55 feet.

The following is Figure D of the CSP, which depicts allowable heights and the distances between the height zones and from the site boundary.



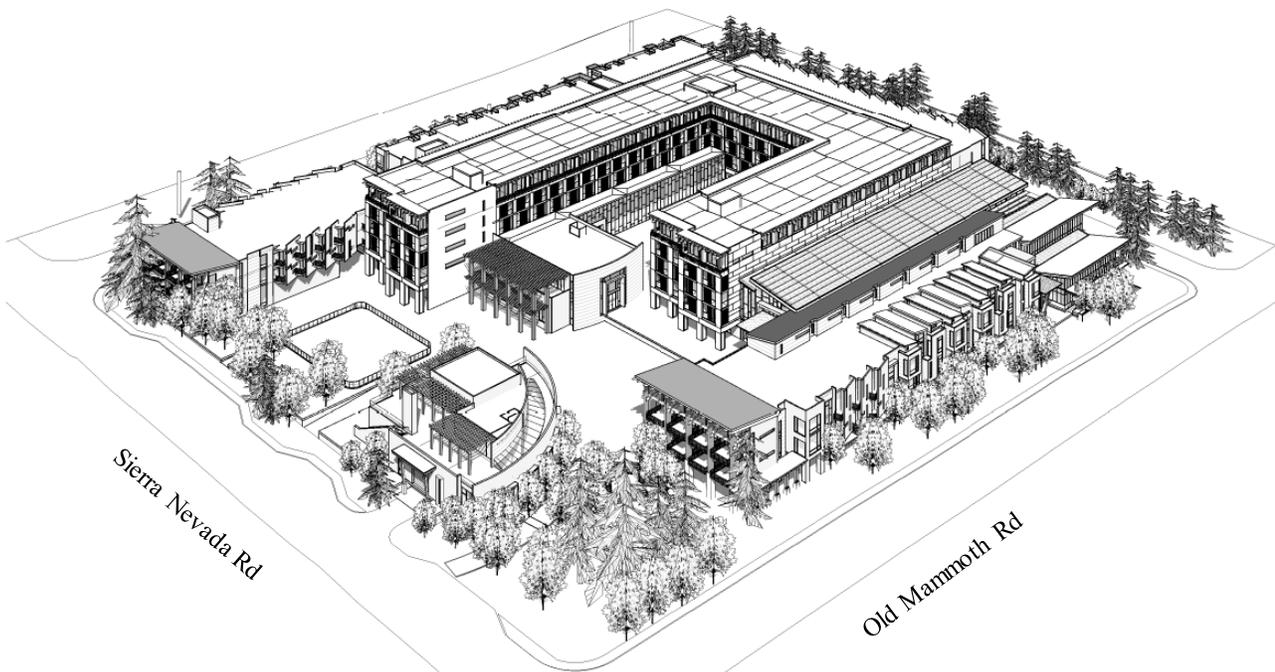
### ***Old Mammoth Place Project***

In March 2010, the Planning and Economic Development Commission approved the Old Mammoth Place (OMP) project (Attachment 2). An appeal was filed, but the Town Council rejected the appeal and confirmed the Commission's approval in May 2010 (Attachment 3). The OMP project is currently entitled for this site (i.e., the owner could apply for construction permits to build the OMP project).

The approved OMP project is a condo-hotel, mixed-use project that includes the following components:

- Up to 488 hotel rooms (80 rooms/acre)
- 8 units of workforce housing
- Outdoor public plazas
- A pool
- An ice rink
- Approximately 17,000 square feet of restaurant
- Approximately 20,000 square feet of commercial/retail
- Approximately 9,500 square feet of conference space
- A spa and wellness center of approximately 4,500 square feet
- An underground parking structure with a minimum of 619 parking spaces
- A mid-block vehicular connector between Old Mammoth Road and Laurel Mountain Road

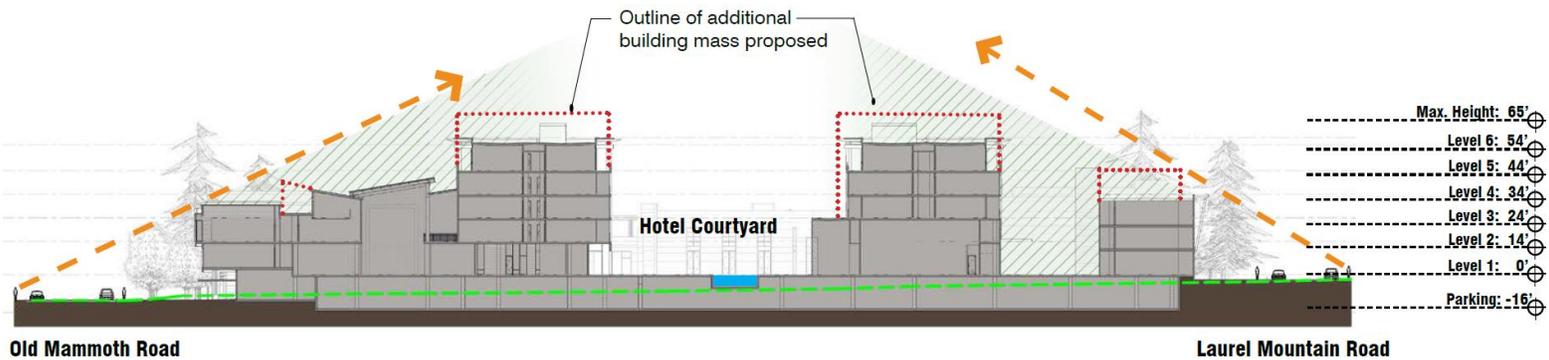
Building heights range from one to five stories and are sited to maximize sun exposure to the greatest number of units possible as well as to the public plaza areas. Consistent with the CSP, building heights along the perimeter of the site are approximately 35 feet or lower (1-3 floors), and building heights in the center of the site are approximately 55 feet (5 floors). The following is the site massing view from the OMP approved plans (Attachment 2, Sheet 26).



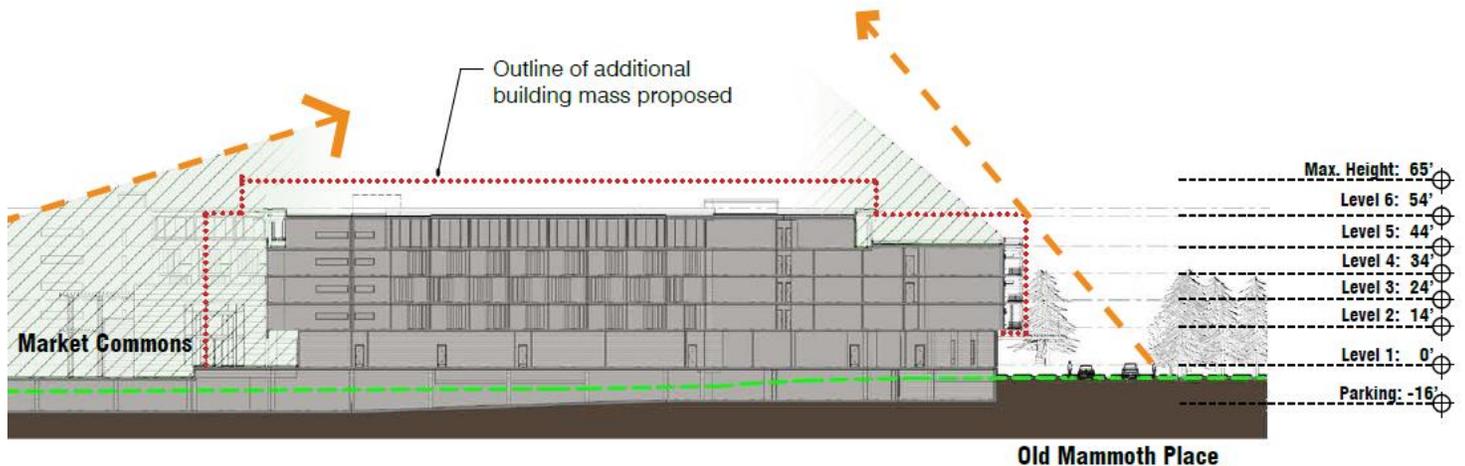
### 3. Concept Review Proposal

The Concept Review proposal, CR 15-001, consists of a conceptual reconfiguration of the Old Mammoth Place project that increases the residential (condo-hotel) square footage while maintaining a room count consistent with the CSP (i.e., 80 rooms per acre). The additional square footage is proposed to be achieved through additional building height, expanded building footprints and mass, and the elimination of on-site workforce housing (Attachment 1). Some of the modifications are described below:

- A fourth floor is proposed on the entire building along Laurel Mountain Road. The current height allowed is 38.5 feet<sup>2</sup> (3 floors).

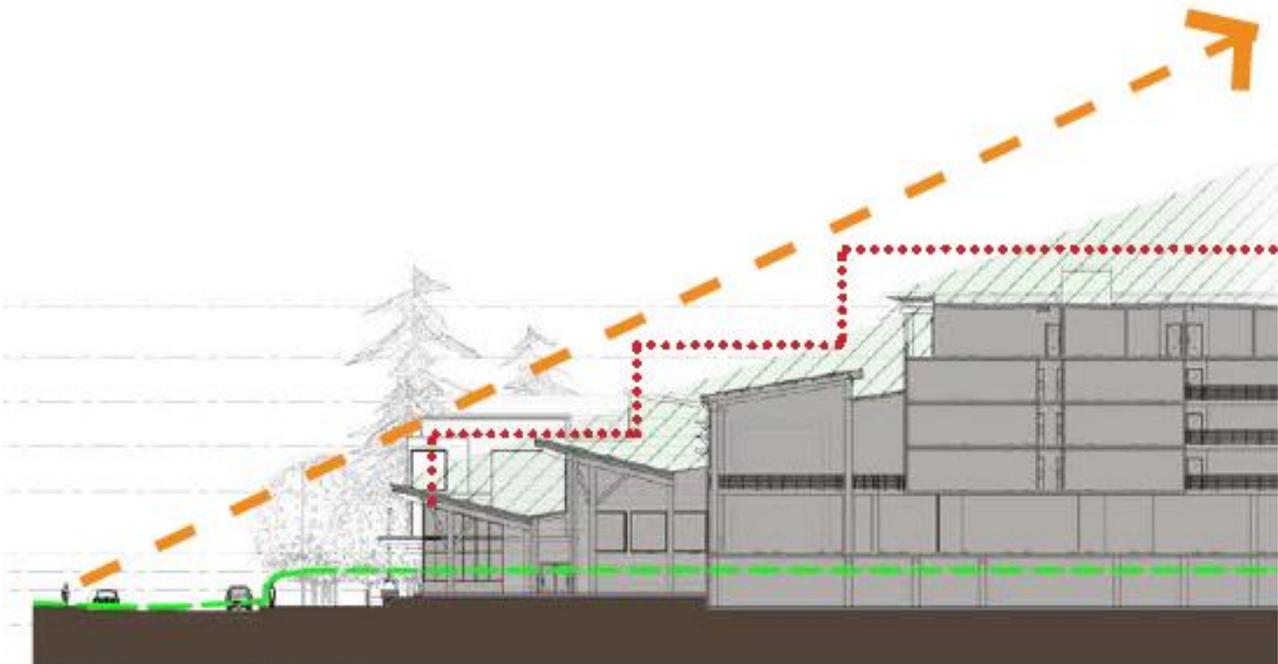


- A fifth floor is proposed along the majority of the building facing Old Mammoth Place (mid-block vehicular connector between Old Mammoth Road and Laurel Mountain Road). The current height allowed is 45 feet (4 floors).
- A six floor is proposed on the portion of the building in the interior of the site. The current height allowed is 55 feet (5 floors).



<sup>2</sup> An Adjustment was approved with the Old Mammoth Place project that allowed the 35-foot maximum height along Laurel Mountain Road and Old Mammoth Road to be increased to 38.5 feet to provide architectural variation and enhanced pedestrian spaces.

- Residential (condo-hotel) space would be added at the northeast corner of the site (along Old Mammoth Road adjacent to Mammoth Mall) that would increase the height by one floor as the building steps back.



## Old Mammoth Road

- The building footprint along Old Mammoth Road would be expanded to the south, reducing The Grove area.
- Residential (condo-hotel) space is proposed over the Zen Garden on the third, fourth, and fifth floors, which would replace an area that was open to above.

- The building footprint along Laurel Mountain Road would be expanded to the north. An additional unit would be added to this end of the building on the first through fourth floors.
- The building footprint along Old Mammoth Place would be expanded to the north (towards Old Mammoth Place).
- The units along Old Mammoth Road have been expanded to the west, which would reduce the retail space in the Market Hall. However, additional retail space has been added adjacent to the Old Mammoth Square/Ice Rink, which would result in a net loss of approximately 585 square feet of retail.
- The on-site workforce housing units located at the southwest corner of the site would be replaced with residential (condo-hotel) units. The proposal does not include any on-site workforce housing.

#### 4. Subject Property and Surrounding Land Uses

The Old Mammoth Place site is located within the Clearwater Specific Plan (CSP). It consists of three parcels and is approximately 6.1 acres in size. Existing buildings on the property include the Sierra Nevada Lodge, Rafters restaurant, and Red Lantern/Jimmy’s restaurants. Surface parking and a miniature golf course also exist on site. Although the site appears generally flat, there is a grade change of approximately 19 feet from the northwest to the northeast corner.

The project is zoned Clearwater Specific Plan (CSP) and the surrounding land uses include both commercial and residential uses. Table 1 describes the surrounding land uses and zoning.

Table 1: Surrounding Land Uses and Zoning.

Location	Zoning*	Adjacent Streets	Land Use
North	D, OMR	N/A	Mammoth Mall (commercial), Krystal Villas East (residential condos)
South	RMF-2	Sierra Nevada Road	Sierra Park Villas (residential condos)
East	OMR	Old Mammoth Road	Sierra Manor (residential condos)
West	OMR	Laurel Mountain Road	Commercial, apartments, and L’Abri (residential condos)

\*D = Downtown, OMR = Old Mammoth Road, RMF-2 = Residential Multi-Family 2

#### 5. Clearwater Specific Plan (CSP) Consistency

Based on the Concept Review plans provided, the overall OMP project would remain consistent with various elements of the CSP; however, the proposal would be inconsistent in terms of building height and on-site workforce housing.

### **A. *Building Height***

The CSP includes Objective 3.2.4: “To design building massing so that it is considerate of neighbors and the pedestrian environment.” The policies and standards associated with this objective are:

- Taller structures shall step back from the perimeter of the site.
- Design shall include varied building heights throughout the site and along street frontages to provide visual interest.

Building height is proposed to exceed all height zones identified in the CSP by approximately 10 feet (1 floor). The height increases would require an amendment to the CSP.

### **B. *On-Site Workforce Housing***

The CSP goals include “to provide comfortable, livable, quality workforce housing, well integrated with the neighborhood.” This goal reflects the Town’s General Plan, which states that “the Main Street, Old Mammoth Road, and Shady Rest areas should invite pedestrian activity and provide gathering places and opportunities for interaction in a vibrant mix of retail, commercial, and workforce housing.”

The elimination of on-site workforce housing would require an amendment to the CSP (e.g., Vision and Goals (Section 1.1), Project Description (Section 3), Objective 5.1.6, etc.). An amendment could allow the current Housing Ordinance, which does not mandate on-site housing, to be applied to the site.

Any amendment to the CSP would be reviewed for conformance to the General Plan, CEQA, and would be subject to Council approval.

## **6. General Plan Consistency**

Based on the Concept Review plans provided, the overall OMP project would remain consistent with various goals and policies of the General Plan; however, the proposal may not be consistent with the following goals and policies:

- Goal C.2: Design the man-made environment to complement, not dominate, the natural environment.
- Policy C.2.E: Ensure that each district center is an attractive destination that is comfortable and inviting with sunny streets, plazas and sidewalks.
- Policy C.2.J: Be stewards in preserving public views of surrounding mountains, ridgelines and knolls.
- Policy C.2.V: Building height, massing and scale shall complement neighboring land uses and preserve views to the surrounding mountains.

Additional information would be needed to determine whether or not the proposed modifications to the OMP project would be consistent with these goals and policies of the General Plan.

## 7. Community Benefits and Incentive Zoning (CBIZ) Policy

The OMP approval includes findings under the Community Benefits/Incentive Zoning (CBIZ) Policy. The CBIZ Policy functioned as a tool to help the Town consider and evaluate requests for legislative and discretionary amendments<sup>3</sup> until district planning (e.g., North Old Mammoth Road District Special Study (NOMRDSS)), the Trail System Master Plan, and the Parks and Recreation Master Plan were completed. After these planning documents were completed, the CBIZ Policy was rescinded by Council in 2014.

Although the CBIZ Policy has been rescinded, the General Plan and CSP both require that significant community benefits be provided to achieve the maximum density of 80 rooms/acre (base density is 40 rooms/acre). Community benefits are defined in CSP Section 3.6, and the Concept Review proposal would not eliminate the approved OMP community benefits (CSP Section 3.6.1 – outdoor plazas and public open spaces, mid-block connector, retail/restaurant, conference space, etc.).

The CBIZ Policy allowed community benefits and incentive density (i.e., rooms above the base density of 40 rooms/acre) to be exempt from the payment of development impact fees (DIF), public art fee and program requirements, and workforce housing requirements. Therefore, the CSP incorporates this provision, but also vests DIF and public art and workforce housing requirements as of November 4, 2009, which are higher and/or more burdensome than current requirements. After additional analysis and as part of a formal application, the applicant may request to delete portions of the CSP that reflect the CBIZ Policy.

## 8. Environmental Analysis

An Environmental Impact Report (EIR) was certified for the Clearwater Specific Plan (CSP). The EIR evaluated building heights up to 65 feet with architectural features extending up to 97 feet. However, Council approved the CSP with a maximum height of 55 feet instead of 65 feet with architectural appurtenances extending two feet above the maximum height. An EIR conformance review was prepared for the Old Mammoth Place (OMP) project since that project complied with the CSP requirements for land uses, building setbacks, stepbacks, and massing.

The modifications proposed to the OMP project shown in the Concept Review plans would exceed the building height analyzed in the EIR as follows:

	Proposed Height	EIR Height	Difference
Height along Laurel Mountain Road	45 feet	35 feet	10 feet
Height along Old Mammoth Place	55 feet	45 feet	10 feet
Height at east end along Old Mammoth Place	45 feet	35 feet	10 feet
Height at west end along Old Mammoth Place	55 feet	35 feet	20 feet
Height north of Market Commons	65 feet	35 feet	20 feet

Therefore, another CEQA document will be required before the revised project could be reviewed and considered by the Commission and Council (e.g., Subsequent EIR, EIR Addendum, etc.). The scope of that CEQA document would be determined after a formal application is submitted.

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<sup>3</sup> The CBIZ Policy refers to legislative amendments as those that include modifications to existing development standards and require Council approval. The discretionary applications referred to are those that request to increase lodging density from 40 to 80 rooms per acre in Commercial Zones.

## 9. Discussion Questions

The purpose of this workshop is to receive feedback from the Commission and public regarding conceptual plans for an amendment to the OMP project. The discussion questions below are for Commission consideration during the workshop. The Commission and/or the public may raise additional questions for discussion.

### A. *Based on the conceptual information provided, do the proposed building height requests appear reasonable?*

- The requested height includes 45-foot tall buildings facing Laurel Mountain Road and 55-foot tall buildings facing Old Mammoth Place (mid-block connector). The properties adjacent to the OMP site are in the Old Mammoth Road (OMR) or Downtown (D) zones. The OMR and D zones only allow 20% of a building face along a street to be 45 feet tall and require a 10-foot setback from the floor below.
- The requested height includes 65-foot tall buildings in the center of the site. The maximum height allowed in the OMR Zone is 45 feet, and the maximum height allowed in the D Zone is 55 feet. Also, the maximum height of the Residential Multi-Family 2 Zone is 35 feet (Sierra Park Villa Condos to the south). During the CSP approval, the Council reduced the maximum height allowed in the CSP from 65 feet to 55 feet.
- For reference, the Shilo Inn (D Zone) is approximately 43 feet tall with a rooftop cupola at the north end that extends to approximately 58.5 feet tall.

### B. *Based on the conceptual information provided, do the proposed building footprint increases appear reasonable?*

- Building footprint additions would reduce some of the open space and retail areas on the OMP project site. These additions could impact solar access and overall project character.

### C. *Does it appear reasonable to eliminate the eight on-site workforce housing units?*

- The CSP goals include “to provide comfortable, livable, quality workforce housing, well integrated with the neighborhood.” This goal reflects the Town’s General Plan, which states that “the Main Street, Old Mammoth Road, and Shady Rest areas should invite pedestrian activity and provide gathering places and opportunities for interaction in a vibrant mix of retail, commercial, and workforce housing.”
- The CSP project objectives listed in the CSP EIR include: “Encourage development of employee housing and provide housing for employees on-site.”
- According to the CSP (Section 5.2.3, Density) and the General Plan (Clearwater Specific Plan, page 36), workforce housing units do not count toward total allowable density. Therefore, if on-site workforce units are included, the number of market rate rooms proposed (488 rooms) would not need to be reduced.
- The recently adopted Housing Ordinance does not mandate on-site housing and allows developers to pay a fee to mitigate for a project’s workforce housing impacts. The applicant could include an amendment request in the formal application to apply the current Housing Ordinance to the project.

## **10. Financial and Staffing Considerations**

The applicant is paying for the staff time for the processing of this Concept Review application.

## **11. Process and Next Steps**

After the July 30<sup>th</sup> workshop, the applicant will consider feedback received and may submit a formal application (e.g., District Zoning Amendment, Tentative Tract Map, Use Permit, etc.) that incorporates that feedback. A formal submittal would include additional information such as building elevations, views of the project from public spaces and streets, shade/shadow analysis, a 3D fly-around to visualize the proposed building envelopes, and justification for the amendments to the CSP (e.g., building height and workforce housing amendments).

After a formal application is submitted, the required CEQA analysis would be completed, staff would conduct a thorough analysis, and then public hearings would be scheduled. Since an amendment to the CSP is proposed, the Commission would hold a public hearing to make a recommendation to the Town Council, and the Council would make the final decision on the project. The formal application process is estimated to take between six months and 16 months with the CEQA analysis being the critical path item<sup>4</sup>.

## **C. OPTIONS**

This item is a workshop so no options are provided.

## **D. RECOMMENDATION**

Staff recommends that the Planning and Economic Development Commission take public input, discuss those questions identified in Section 9 of this report, and provide feedback to staff and the applicant.

## **Attachments**

Attachment 1: Old Mammoth Place (OMP) Amendment Concept Review plans (CR 15-001)

Attachment 2: Approved OMP plans

Attachment 3: OMP Approvals (Ordinance 10-09, Council Resolution 10-17, and Commission Resolution 10-05)

Attachment 4: Clearwater Specific Plan (available online  
<http://www.townofmammothlakes.ca.gov/DocumentCenter/Home/View/1518>)

Attachment 5: North Old Mammoth Road District Study (available online  
<http://www.townofmammothlakes.ca.gov/DocumentCenter/Home/View/540>)

Attachment 6: Old Mammoth Place Advisory Design Panel plans and response memo, January 4, 2010 (available online <http://www.ci.mammoth-lakes.ca.us/index.aspx?nid=141>)

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<sup>4</sup> The Inn at the Village project, which also included an increase in building height and required a Subsequent EIR, was processed in approximately 16 months.

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# **Attachment #1**

Old Mammoth Place Amendment Concept Review plans

(CR 15-001)

<http://www.townofmammothlakes.ca.gov/index.aspx?nid=665>



## **Attachment #2**

Approved Old Mammoth Place plans

<http://www.townofmammothlakes.ca.gov/index.aspx?NID=141>



## **Attachment #3**

OMP Approvals (Ordinance 10-09, Council Resolution 10-17,  
and Commission Resolution 10-05)

<http://www.townofmammothlakes.ca.gov/index.aspx?NID=141>



**ORDINANCE NO. 10-09**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA, ADOPTING DISTRICT ZONING AMENDMENT 10-002, AMENDING THE CLEARWATER SPECIFIC PLAN AND GRANTING FEE WAIVERS TO THE OLD MAMMOTH PLACE DEVELOPMENT PROJECT PURSUANT TO THE CB/IZ POLICY**

THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA, DOES ORDAIN AS FOLLOWS:

Section 1: PROCEDURAL FINDINGS. The Town Council makes the following findings in connection with the adoption of this Ordinance:

A. An application has been filed with the Town by Mark Carney on behalf of the owner, Metric Mammoth LLC, ("Applicant") requesting an amendment to the Clearwater Specific Plan (District Zoning Amendment DZA 10-002) to implement the Town's prior approval of incentive density and community benefits by granting a waiver of Development Impact Fees, Public Art Fee and Program requirements, and Workforce Housing Ordinance requirements for the increment of incentive density and community benefits already approved by the Town pursuant to the Town's Community Benefits/Incentive Zoning ("CB/IZ") Policy. This application relates to a mixed-use project that includes a maximum of 340 residential units with up to 488 lodging rooms and 8 units of on-site workforce housing, outdoor public events plazas and associated amenities, 19,500 square feet of retail, 17,000 square feet restaurant space, 9,500 square feet of conference space, a 4,500 square foot quality spa and wellness center, and subterranean parking capacity for no fewer than 619 vehicles for property located within the Clearwater Specific Plan at 164, 202, and 248 Old Mammoth Road.

B. On January 7, 2009, the Town Council approved the Clearwater Specific Plan ("CSP"), and thereafter on April 21, 2010, the Town Council approved Vesting Tentative Tract Map 09-003, Use Permit 09-003, Design Review 09-005, and Adjustment 09-004. On April 21, 2010, the Town Council also gave second reading to and adopted District Zoning Amendment 09-001. All of these actions operated to approve, with conditions, the Applicant's proposed Old Mammoth Place development project.

C. On August 5, 2009, the Town Council adopted Resolution No. 09-55 adopting the Town's CB/IZ Policy, which allows for discretionary development incentives in exchange for community benefits and provides a policy directive by which impact fees and requirements for workforce housing, development impact fees and public art fee and requirements should not be applied to square footage or density provided as incentive density or community benefits.

D. The Town's CB/IZ Policy was intended to be a "bridge" framework to be further implemented through changes in Town ordinances and that, because the CB/IZ policy was adopted by resolution, it did not operate to amend or waive the textual requirements of the Town's Code as pertains to development impact fees, public art fee and program requirements, and workforce

housing requirements, thereby necessitating implementing amendments or waivers to those applicable Town Code requirements.

E. In connection with the Town's approval of the Old Mammoth Place development project, the Town applied the Town's CB/IZ Policy to the project to allow increased density in exchange for specified community benefits. As conditions of that approval (Conditions 3 and 102 of the project conditions), the Town provided that the waiver of Development Impact Fees, Public Art Fee and Program requirements, and Workforce Housing Requirements for the increment of incentive density and community benefits would not be effective unless and until revisions to the Town's Ordinances were made to provide for those exemptions.

F. The purpose and intent of the Applicant's request for District Zoning Amendment 10-002 is to provide for the waiver of the Development Impact Fees, Public Art Fee and Program requirements, and Workforce Housing Requirements for the increment of incentive density and community benefits contained in the approved development in advance of a generally applicable Town Code Amendment.

G. District Zoning Amendment 10-002 would amend the approved text of the Clearwater Specific Plan to include provisions that provide for the waiver of the Development Impact Fees, Public Art Fee and Program requirements, and Workforce Housing Requirements for the increment of incentive density and community benefits contained in the approved development.

H. Also, District Zoning Amendment 10-002 would expressly grant the requested waivers to the applicable provisions of the Town of Mammoth Lakes Town Code that is specific to the approval of the Old Mammoth Place project only.

I. An Environmental Impact Report (EIR) for the Clearwater Specific Plan (State Clearinghouse #20066012041) was prepared pursuant to the California Environmental Quality Act and the State CEQA Guidelines to address the environmental effects, mitigation measures, and project alternatives associated with the Clearwater Project and actions related thereto.

J. The EIR for the Clearwater Specific Plan was circulated for a 45-day review period on December 14, 2006 and was certified by the Town Council on January 7, 2009; and

K. The Town Council adopted a Statement of Overriding Considerations as a part of its certification of the EIR, which statement is incorporated hereby by this reference; and

L. On April 21, 2010, the Town Council approved a "Conformance Review" document as an addendum to the EIR for the Clearwater Specific Plan, by which the Town Council determined that the Old Mammoth Place development project was consistent with the project evaluated in the EIR for the Clearwater Specific Plan.

M. The Planning Commission conducted a noticed public hearing on the application request on May 26, 2010, at which time all those desiring to be heard were heard, and following the close of the public hearing adopted Resolution No. 2010-11 recommending approval of District Zoning Amendment 10-002.

N. The Town Council conducted a noticed public hearing on the application request on June 17, 2010, at which time all those desiring to be heard were heard and closed the public hearing.

**Section 2:** GENERAL FINDINGS. The Town Council makes the following findings in connection with the adoption of this Ordinance:

A. Consistent with the evidence contained within the staff report, environmental conformance analysis, and provided at the public hearing, the Town Council finds that the proposed amendment to the Clearwater Specific Plan is consistent with the General Plan, the Clearwater Specific Plan, and the Municipal Code because the project will:

1. Implement the Town's adopted Community Benefits/Incentive Zoning Policy by allowing for a waiver of Development Impact Fees, Art Fee and Program requirements and Workforce Housing Ordinance requirements for the increment of incentive density and community benefits that are part of the approved Old Mammoth Place development project approval;
2. Comply with the neighborhood and district character element of the General Plan which seeks to achieve a more diversified economy and employment base, and requires a vibrant mix of retail, commercial, and workforce housing;
3. Comply with the General Plan requirement that projects in this district maintain a high level of design;
4. Ensure safe and attractive public spaces, including sidewalks, trails, parks and streets, including creating well-designed and significant public spaces to accommodate pedestrians and encourage social interaction and community activity;
5. Attract a diversified labor force through a mix of housing types and housing affordability and increase the supply of workforce housing;
6. Support development that contributes to destination resort visitation in Mammoth Lakes and encourage adequate and appropriate commercial services for residents and visitors; and
7. Maintain and improve safe and efficient movement of people, traffic, and goods in a manner consistent with the feet first initiative and support transit ridership and pedestrian activity by emphasizing district parking, shared parking, mixed use, and other strategies to achieve a more efficient use of land and facilities.

B. Consistent with the evidence contained within the staff report, the environmental conformance document, and provided at the public hearing, the Town Council finds that the proposed Specific Plan amendment is consistent with the intent of the Town of Mammoth Lakes Municipal Code, as interpreted and applied by the Town through the CB/IZ Policy because it would allow for the development of community benefits in exchange for incentive densities by providing for a fee waiver for the increment of incentive density and community benefits

approved by the Town pursuant to the Town's Community Benefits/Incentive Zoning ("CB/IZ") Policy.

C. Consistent with the evidence contained within the staff report, environmental conformance document and provided at the public hearing, the Town Council finds that the proposed Specific Plan amendment is consistent with the Town's Vision Statement because:

1. It would support the creation of an intensive mixed-use, infill development project within the Town's Urban Growth Boundary, and within an area designated and envisioned as a mixed use district including lodging, workforce housing, and retail development;
2. Development of the project under the revised Specific Plan will create new affordable housing and commercial that will help to house workers and provide services in a central location that is near transit and other amenities; and
3. The amended Specific Plan will also help to realize the Community Vision of becoming a premier destination resort, by allowing for the construction of several hundred new rooms of transient lodging, which will be obligated, by policy, to have the management and operational characteristics to ensure it provides true hot-bed hotel lodging. The development of the Old Mammoth Place project allowed for by the Specific Plan amendment would also contribute a significant increment of visitor-oriented commercial development, sited so as to encourage an animated, street level retail district within the North Old Mammoth Road District.

D. Consistent with the evidence contained within the staff report, environmental conformance document, and provided at the public hearing, the Town Council finds that the requested amendment is in the interest of or will further the public health, safety, comfort, convenience and welfare because the project is already conditioned to provide various public amenities and to mitigate its impacts on the environment and its impact on public health, safety, comfort, convenience and welfare of the community.

E. Based upon all the evidence in the record, including the staff report, environmental conformance document and public testimony provided at the public hearing, the Town Council finds that the Specific Plan Amendment will not adversely affect the established character of the surrounding neighborhood nor be detrimental to adjacent properties because the amendment would not change the physical development of the site as previously approved and the project would continue to be consistent with the desired character and land use objectives of the North Old Mammoth Road District.

F. Consistent with the evidence contained within the staff report, environmental conformance document, and provided at the public hearing, the Town Council finds that with the amendment, the neighborhood infrastructure is adequate or will be modified to accommodate any increase in intensity of land use if such would occur because the mitigation measures in the EIR and implemented through the Mitigation and Monitoring Program will reduce the impacts of the project, and along with conditions of approval, and will require new neighborhood

infrastructure including sidewalks, pedestrian connections through the project site, and transit improvements.

**Section 3: CEQA DETERMINATION.**

Based on the findings contained in Section 1 and Exhibit 1 of this Ordinance, the Town Council finds that District Zoning Amendment 10-002 and the waiver of fees and requirements contained in Section 5 are consistent with the project evaluated in the EIR for the Clearwater Specific Plan and that no additional environmental review is required in connection with the approval of this Ordinance.

**Section 4: ADOPTION OF DISTRICT ZONING AMENDMENT 10-002, AMENDING THE CLEARWATER SPECIFIC PLAN.**

Consistent with District Zoning Amendment 10-002, the Clearwater Specific Plan is hereby revised and adopted as set forth on Exhibit 2 attached hereto and incorporated herein by this reference.

**Section 5: WAIVER OF FEES AND REQUIREMENTS PURSUANT TO CB/IZ POLICY.**

A. **Development Impact Mitigation Fees.** Notwithstanding the requirements of Article II (Development Impact Mitigation Fees) of Chapter 15.16 (Special Fees) of Title 15 (Building and Construction) of the Municipal Code of the Town of Mammoth Lakes, the Town Council hereby waives the development impact mitigation fees on the increment of incentive density and community benefits contained in Old Mammoth Place development project, as approved by the Town pursuant to Vesting Tentative Map 09-003, Use Permit 09-003, Design Review 09-005, and Adjustment 09-004.

B. **Public Arts Fee and Program Requirements.** Notwithstanding the requirements of Chapter 15.18 (Public Arts Fee and Program Requirements) of Title 15 (Building and Construction) of the Municipal Code of the Town of Mammoth Lakes, the Town Council hereby waives the public arts fee and program requirements on the increment of incentive density and community benefits contained in Old Mammoth Place development project, as approved by the Town pursuant to Vesting Tentative Map 09-003, Use Permit 09-003, Design Review 09-005 and Adjustment 09-004.

C. **Workforce Housing Ordinance Requirements.** Notwithstanding the requirements of Chapter 17.36 (Housing) of Title 17 (Zoning) of the Municipal Code of the Town of Mammoth Lakes, the Town Council hereby waives the workforce housing fee and requirements on the increment of incentive density and community benefits contained in Old Mammoth Place development project, as approved by the Town pursuant to Vesting Tentative Map 09-003, Use Permit 09-003, Design Review 09-005, and Adjustment 09-004.

**Section 6: EFFECTIVE DATE OF ORDINANCE**

This Ordinance shall become effective and enforceable thirty (30) days from and after the date of its adoption.

Section 7: POSTING

The Town Clerk shall, within fifteen (15) days after the passage of this Ordinance, cause it to be posted at the duly designated posting places established by resolution of the Town Council, published once in a newspaper of general circulation, and entered in the Book of Ordinances of the Town.

Section 8: SEVERABILITY

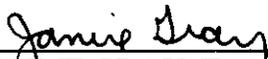
If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Ordinance are declared to be severable.

The foregoing Ordinance was introduced on the 17th day of June, 2010, and PASSED, APPROVED, AND ADOPTED on the 23rd day of June, 2010.



\_\_\_\_\_  
NEIL MCCARROLL, MAYOR

ATTEST:

  
\_\_\_\_\_  
JAIME GRAY, Town Clerk

## **Exhibit 1**

### **Additional CEQA Findings**

The Town of Mammoth Lakes prepared an environmental conformance analysis for the Old Mammoth Place project, as an addendum to the EIR, and determined that the previously certified Clearwater Specific Plan EIR (State Clearinghouse #2006012041) sufficiently analyzed the Old Mammoth Place project and further environmental review was not necessary pursuant to CEQA Guidelines Section 15162(a). The following findings were made:

1. No substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. No substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
3. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
  - A. The project will have one or more significant effects not discussed in the previous EIR;
  - B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would not substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

## **Exhibit 2**

### **Amendments to Clearwater Specific Plan DZA 2010-002**

1. A new subpart 3.6.1 (Community Benefits for Old Mammoth Place Project) of Subsection 3.6 (Community Benefits) of Section 3.0 (Project Description) of the Clearwater Specific Plan is hereby added to read as follows:

#### **“3.6.1 Community Benefits for Old Mammoth Place Project.**

For the Old Mammoth Place project only, as that project was approved by Vesting Tentative Tract Map 09-003, Use Permit 09-003, Design Review 09-005, Adjustment 09-004 and District Zoning Amendment 09-001, the portion of the project that qualifies as community benefits are as follows:

- Outdoor plazas and public open spaces (Old Mammoth Square, Market Commons, The Grove and Cascade Park but excluding the River Terrace).
- Mid-block connector and widening of Old Mammoth Road.
- Retail/Restaurant Space (32,000 of the total 40,000 square feet of such area is regarded as a community benefit.)
- Meeting/Conference Space (6,400 of the total 9,500 square feet of such area is regarded as a community benefit.)
- Portions of the underground parking spaces. Specifically, 100% of the parking spaces for the commercial and restaurant areas, 50% of the parking spaces for the hotel and residential areas, and none of the parking spaces for the workforce housing, are counted as community benefits.

The portion of development within the Specific Plan that is approved as either incentive density or as a community benefit, as defined in this Section, by the Planning Commission or the Town Council pursuant to the Town’s “Community Benefits/Incentive Zoning (CB/IZ) Policy” shall be exempt from the payment of Development Impact Fees, Public Art Fee and Program requirements, and Workforce Housing Ordinance requirements. The portions of the development within the Specific Plan that are proposed as part of the base density or as square footage that does not qualify as a community benefit shall be subject to the applicable Development Impact Fees, Public Art Fee and Program requirements, and Workforce Housing Ordinance requirements. For the Old Mammoth Place project only, as that project was approved by Vesting Tentative Tract Map 09-003, Use Permit 09-003, Design Review 09-005 and Adjustment 09-004, the amount of the fee or requirement shall be based upon the formulas in effect when the above-mentioned development applications were deemed complete (November 9, 2009), or if the formulas are adjusted downward between November 9, 2009 and one year after the development

project was approved (April 21, 2011), then the fees and requirements applicable to the development shall be based upon the formulas in effect on April 21, 2011.”

2. Subpart 5.2.12 (Public Art) of Subsection 5.2 (Development Standards) of Section 5.0 (Land Use) of the Clearwater Specific Plan is hereby amended to add a new paragraph at the end of the subpart to read as follows:

“The portion of development within the Specific Plan that is approved as either incentive density or as a community benefit (see Section 3.6.1) by the Planning Commission or the Town Council pursuant to the Town’s “Community Benefits/Incentive Zoning (CB/IZ) Policy” shall be exempt from the Public Art Fee and Program requirements. The portions of the development within the Specific Plan that are proposed as part of the base density or as square footage that does not qualify as a community benefit shall be subject to the applicable Public Art Fee and Program requirements. The Public Art Program requirement shall be satisfied by the installation of art within the Specific Plan area and not by the payment of an in lieu fee, unless otherwise approved by the Community Development Director. For the Old Mammoth Place project only, as that project was approved by Vesting Tentative Tract Map 09-003, Use Permit 09-003, Design Review 09-005 and Adjustment 09-004, the public art requirement shall be based upon the formula in effect when the above-mentioned development applications were deemed complete (November 4, 2009), or if the formula is adjusted downward between November 4, 2009 and one year after the development project is approved (April 21, 2011), then the public art program requirement applicable to the development shall be based upon the formula in effect on April 21, 2011.”

3. Subpart 5.2.3 (Density) of Subsection 5.2 (Development Standards) of Section 5 (Land Use) of the Clearwater Specific Plan is hereby amended to add a new paragraph at the end of the subpart to read as follows:

“The portion of development within the Specific Plan that is approved as either incentive density or as a community benefit (see Section 3.6.1) by the Planning Commission or the Town Council pursuant to the Town’s “Community Benefits/Incentive Zoning (CB/IZ) Policy” shall be exempt from the payment of Development Impact Fees, Public Art Fee and Program requirements, and Workforce Housing Ordinance requirements. The portions of the development within the Specific Plan that are proposed as part of the base density or as square footage that does not qualify as a community benefit shall be subject to the applicable Development Impact Fees, Public Art Fee and Program requirements, and Workforce Housing Ordinance requirements. For the Old Mammoth Place project only, as that project was approved by Vesting Tentative Tract Map 09-003, Use Permit 09-003, Design Review 09-005 and Adjustment 09-004, the amount of the fee or requirement shall be based upon the formulas in effect when the above-mentioned development applications were deemed complete (November 4, 2009), or if the formulas are adjusted downward between November 4, 2009 and one year after the development project was approved (April 21, 2011), then the fees and requirements applicable to the development shall be based upon the formulas in effect on April 21, 2011.”

4. Subsection 7.2 (Housing Mitigation Plan) of Section 7.0 (Housing) of the Clearwater Specific Plan is hereby amended to add a new paragraph at the end of the introductory portion of that subsection to read as follows:

“Notwithstanding the requirements of Table 17.36.030-1 of the Town of Mammoth Lakes Municipal Code and any other applicable housing standard in place, the portion of development within the Specific Plan that is approved as either incentive density or as a community benefit (see Section 3.6.1) by the Planning Commission or the Town Council pursuant to the Town’s “Community Benefits/Incentive Zoning (CB/IZ) Policy” shall be exempt from the Workforce Housing Ordinance requirements. The portions of the development within the Specific Plan that are proposed as part of the base density or as square footage that does not qualify as a community benefit shall be subject to the applicable Workforce Housing Ordinance requirements. For the Old Mammoth Place project only, as that project was approved by Vesting Tentative Tract Map 09-003, Use Permit 09-003, Design Review 09-005 and Adjustment 09-004, the amount of the fee or requirement shall be based upon the formula in effect when the above-mentioned development applications were deemed complete (November 4, 2009), or if the formula is adjusted downward between November 4, 2009 and one year after the development project was approved (April 21, 2011), then the fees and requirements applicable to the development shall be based upon the formula in effect on April 21, 2011.”

5. Subpart 7.2.3 (Description of Type, Number & Size of Workforce Units) of Subsection 7.2 (Housing Mitigation Plan) of Section 7.0 (Housing) of the Clearwater Specific Plan is hereby amended to add a new paragraph at the end of that subpart to read as follows:

“The portion of development within the Specific Plan that is approved as either incentive density or as a community benefit (see Section 3.6.1) by the Planning Commission or the Town Council pursuant to the Town’s “Community Benefits/Incentive Zoning (CB/IZ) Policy” shall be exempt from the Workforce Housing Ordinance requirements. The portions of the development within the Specific Plan that are proposed as part of the base density or as square footage that does not qualify as a community benefit shall be subject to the applicable Workforce Housing Ordinance requirements. For the Old Mammoth Place project only, as that project was approved by Vesting Tentative Tract Map 09-003, Use Permit 09-003, Design Review 09-005 and Adjustment 09-004, the amount of the fee or requirement shall be based upon the formula in effect when the above-mentioned development applications were deemed complete (November 4, 2009), or if the formula is adjusted downward between November 4, 2009 and one year after the development project was approved (April 21, 2011), then the fees and requirements applicable to the development shall be based upon the formula in effect on April 21, 2011.”

6. Section 10 (Administrative Procedures) of the Clearwater Specific Plan is hereby amended to add a new subsection 10.5 to read as follows:

“As noted in prior sections of this Specific Plan, the portion of development within the Specific Plan that is approved as either incentive density or as a community benefit (see Section 3.6.1) by the Planning Commission or the Town Council pursuant to the Town’s “Community Benefits/Incentive Zoning (CB/IZ) Policy” shall be exempt from the payment of Development Impact Fees, Public Art Fee and Program requirements, and Workforce Housing Ordinance

requirements. The portions of the development within the Specific Plan that are proposed as part of the base density or as square footage that does not qualify as a community benefit shall be subject to the applicable Development Impact Fees, Public Art Fee and Program requirements, and Workforce Housing Ordinance requirements. These exemptions shall be applied at the time the required fees or requirements are to be paid or satisfied. For the Old Mammoth Place project only, as that project was approved by Vesting Tentative Tract Map 09-003, Use Permit 09-003, Design Review 09-005 and Adjustment 09-004, the amount of the fee or requirement shall be based upon the formulas in effect when the above-mentioned development applications were deemed complete (November 4, 2009), or if the formulas are adjusted downward between November 4, 2009 and one year after the development project was approved (April 21, 2011), then the fees and requirements applicable to the development shall be based upon the formulas in effect on April 21, 2011.”

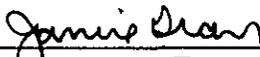
**TOWN OF MAMMOTH LAKES**

Notice is hereby given that on June 17, 2010 the Town Council introduced an Ordinance entitled:

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES,  
STATE OF CALIFORNIA, ADOPTING DISTRICT ZONING AMENDMENT 10-002,  
AMENDING THE CLEARWATER SPECIFIC PLAN AND GRANTING FEE WAIVERS TO  
THE OLD MAMMOTH PLACE DEVELOPMENT PROJECT  
PURSUANT TO CB/IZ POLICY.**

A copy of the complete text of the Ordinance is posted and may be read at the Town Offices, Minaret Mall, Old Mammoth Road, Mammoth Lakes, and/or a copy may be obtained from the office of the Town Clerk at a nominal charge.

Dated: June 21, 2010

  
\_\_\_\_\_  
JAMIE GRAY, Town Clerk  
Town of Mammoth Lakes

**TOWN OF MAMMOTH LAKES**

Notice is hereby given that on June 23, 2010 the Town Council adopted an Ordinance entitled:

**ORDINANCE NO. 10-09**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES,  
STATE OF CALIFORNIA, ADOPTING DISTRICT ZONING AMENDMENT 10-002,  
AMENDING THE CLEARWATER SPECIFIC PLAN AND GRANTING FEE WAIVERS TO  
THE OLD MAMMOTH PLACE DEVELOPMENT PROJECT  
PURSUANT TO CB/IZ POLICY.**

by the following vote:

**AYES: Councilmember Sugimura, Mayor Pro Tem Eastman, and Mayor McCarroll**

**NOES: Councilmember Harvey**

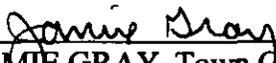
**ABSENT: None**

**ABSTAIN: Councilmember Bacon**

**DISQUALIFICATION: None**

A certified copy of the complete text of the Ordinance is posted and may be read at the Town Offices, Minaret Mall, Old Mammoth Road, Mammoth Lakes, and /or a copy may be obtained from the office of the Town Clerk at a nominal charge.

Dated: June 29, 2010

  
\_\_\_\_\_  
JAMIE GRAY, Town Clerk  
Town of Mammoth Lakes



**RESOLUTION NO. 10-17**

RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA,  
REJECTING THE APPEAL AND CONFIRMING THE PLANNING  
COMMISSION'S APPROVAL OF VESTING TENTATIVE TRACT  
MAP 09-003, USE PERMIT 09-003, DESIGN REVIEW 09-005,  
AND ADJUSTMENT 09-004

TO ALLOW A MIXED-USE PROJECT FOR PROPERTY  
LOCATED AT 164, 202, & 248 OLD MAMMOTH ROAD  
(APN: 035-230-005, -006, -007)

**WHEREAS**, a request for consideration of a Permit was filed by Severy Realty group on behalf of the owner, Metric Mammoth LLC, to allow a mixed-use project that includes 340 residential units with up to 488 lodging rooms and 8 units of on-site workforce housing, outdoor public events plazas and associated amenities, 19,500 square feet of retail, 17,000 square feet restaurant space, 9,500 square feet of conference space, a 4,500 square foot quality spa and wellness center, and subterranean parking capacity for no fewer than 619 vehicles, in accordance with Section 10.0 of the Clearwater Specific Plan, for property located within the Clearwater Specific Plan at 164, 202, and 248 Old Mammoth Road.

**WHEREAS**, An Environmental Impact Report (EIR) for the Clearwater Specific Plan (State Clearinghouse #20066012041) was prepared pursuant to the California Environmental Quality Act and the State CEQA Guidelines to address the environmental effects, mitigation measures, and project alternatives associated with the Clearwater Project and actions related thereto; and

**WHEREAS**, The EIR for the Clearwater Specific Plan was circulated for a 45-day review period on December 14, 2006 and was certified by the Town Council on January 7, 2009; and

**WHEREAS**, The Town Council adopted a Statement of Overriding Considerations as a part of the EIR which is incorporated by reference; and

**WHEREAS**, the Planning Commission conducted a Noticed Public Hearing on the application request on March 10, 2010, at which time all those desiring to be heard were heard; and

**WHEREAS**, the Planning Commission considered, without limitation:

1. The staff report to the Planning Commission with exhibits;
2. The State Map Act, Clearwater Specific Plan, General Plan, Municipal Code, Design Guidelines, and associated land use maps;
3. Oral evidence submitted at the hearing;
4. Written evidence submitted at the hearing;
5. Project plan packet dated received by the Town of Mammoth Lakes on February 8, 2010; and

**WHEREAS**, the Planning Commission approved the project and made the following findings, and the Town Council affirms those findings, pursuant to Section 17.60 of the Mammoth Lakes Municipal Code and Sections 66474 and 66498.1 of the Subdivision Map Act:

(SEE EXHIBIT A-1 through A-6)

**WHEREAS**, Kirk Stapp, a private citizen representing a group of appellants, submitted an appeal of the Planning Commission's decision pursuant to Municipal Code 17.68; and

**WHEREAS**, the Town Council conducted a Noticed Public Hearing on the application request on April 21, 2010, at which time all those desiring to be heard were heard; and

**WHEREAS**, the Town Council considered, without limitation:

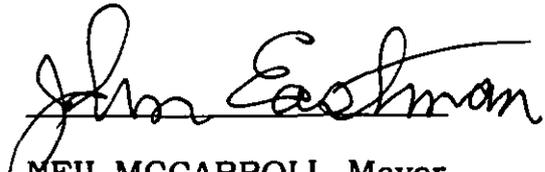
1. The staff report to the Planning Commission and agenda bill to Town Council with exhibits;
2. The State Map Act, Clearwater Specific Plan, General Plan, Municipal Code, Design Guidelines, and associated land use maps;
3. Oral evidence submitted at the hearing;
4. Written evidence submitted at the hearing;
5. Project plan packet dated received by the Town of Mammoth Lakes on February 8, 2010; and

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council, in its independent judgment, finds that this project is consistent with the

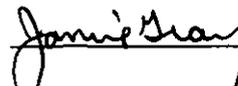
Clearwater Specific Plan Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA) Guidelines.

**BE IT FURTHER RESOLVED** that the Town Council of the Town of Mammoth Lakes hereby denies the appellant's request and upholds the Planning Commission's approval of Vesting Tentative Tract Map 09-003, Use Permit 09-003, Design Review 09-005, and Adjustment 09-004 subject to conditions as outlined in the Planning Commission Resolution.

APPROVED AND ADOPTED THIS 5<sup>th</sup> DAY of MAY, 2010

  
NEIL MCCARROLL, Mayor

ATTEST:

  
JAMIE GRAY, Town Clerk

**EXHIBIT A-1**

**Resolution No. TC-10-**

**VTTM 09-003, UPA 09-003, ADJ 09-004, DR 09-003**

**FINDINGS FOR USE PERMIT**

(Municipal Code Section 17.60.070)

1. Consistent with the evidence contained within the Agenda Report and provided at the public hearing, the Town Council finds that the proposed use is consistent with the General Plan because hotel, condominium-hotel, workforce housing, street front retail along Old Mammoth Road, and a large public plaza intended for use as an event venue are allowed within the Clearwater Specific Plan designation in accordance the goals and policies of the General Plan.
2. The Town Council finds that the proposed location of the uses are in accord with the objectives and purpose of the zones in which they are located because the Land Use Areas 1-3 of the Clearwater Specific Plan are intended for hotel, condominium-hotel, workforce housing, street front retail, public plazas, and conference space uses in accordance with zoning objectives and purpose of the Clearwater Specific Plan.
3. The Town Council finds that the proposed site is adequate in size and shape and has adequate access for the proposed use because the project meets lot coverage, setbacks, and access standards of the Town.
4. The Town Council 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 EIR and will include street and sidewalk improvements, pedestrian paths though the project site, a transit stop on Old Mammoth Road, as well as other improvements that will ensure compatibility with surrounding uses.
5. The Town Council finds that the proposed uses comply with the applicable sections of the zoning regulations because the project meets the Clearwater Specific plan requirements and standards in all areas.

## **EXHIBIT A-2**

### **FINDINGS FOR VESTING TENTATIVE MAP APPROVAL**

(State Map Act Section 66474 and 66498.1)

1. The proposed map is consistent with applicable general and specific plans 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 Clearwater Specific Plan. The Council further finds that the proposed mixed-use development complies with Clearwater Specific Plan 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.
2. The design and improvements of the project are consistent with General Plan standards since the project complies with the development standards of the Clearwater Specific Plan and with all other applicable Town Ordinances and applicable agency requirements in effect at the time the tentative map request was submitted for review and considered by the Town Council.
3. The site is physically suitable for the type of development because the proposed buildings are situated on the site such that maximum solar exposure is available to the public areas and the project is well below the permitted lot coverage. The project will not adversely impact significant natural landforms since no significant landforms were identified on the property.
4. The site is physically suitable for the proposed density of development because the proposed project is consistent with the density requirements of the General Plan and the Clearwater Specific Plan within buildings that only cover 42% of the total site area.
5. The design of 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 and since the project was found to be consistent with the Clearwater Environmental Impact Report, pursuant to the California Environmental Quality Act (CEQA) Guidelines.
6. The design improvements is not likely to cause serious public health problems since the required mitigation measures reduce health-related impacts to a less than significant level and 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.

7. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision since the property has access to three existing public streets with approved street alignments and widths, proposes a new public street, and will grant a public access easement to the plaza areas on the site. All utilities and their easements are currently in place on, or can be extended to the property and the proposed project will not impact adjacent property easements and/or common areas shared among condominium owners.

## **EXHIBIT A-3**

### **FINDINGS FOR DESIGN REVIEW PERMIT**

(Municipal Code Section 17.32.120)

1. The design of the project is consistent with the goals, policies, and objectives of the General Plan, the Clearwater Specific Plan, and the provisions of the Municipal Code since it is a mixed-use, hotel project designed with public plaza areas and pedestrian-friendly street frontages.
2. The project design is consistent with the Design Review Guidelines to assure that colors, materials, illumination, and landscaping enhance the image, attractiveness, and environmental qualities of the Town since staff has reviewed the project against the Town's Design Guidelines and found that the project meets the Guidelines, as conditioned, for all components of the project. Additionally, the site plan has been composed to maximize sunlight into public spaces as well as to provide southern exposure and natural light for the buildings while placing the tallest portions of the building in the center of the site so as to effectively screen the mass from adjacent properties.
3. The project will not detract from the value or utility of adjoining properties as a result of inappropriate, inharmonious, or inadequate design since the site is currently run-down and the proposed project will provide new uses and buildings on the site that are consistent with what is intended for this site.
4. 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 proposes to save 16 of the 58 existing trees on the site, including a grove of five large trees at the southeast corner of the site.
5. The project ensures an architectural design of structures, materials, lighting, and colors which are appropriate to the function of the project and are visually harmonious with surrounding development and natural landforms, trees, and vegetation since the proposed materials are natural or of a natural appearance, and because the architecture is appropriate for a mountain resort environment.

## **EXHIBIT A-4**

### **FINDINGS FOR COMMUNITY BENEFITS/INCENTIVE ZONING**

1. The proposal would result in a project whose proposed community benefits and increment of development incentives fit the site and relate appropriately to adjacent uses and structures because the project will accommodate the proposed uses and community benefits on site within the maximum development envelope approved in the Clearwater Specific Plan and the project will serve to revitalize this portion of Old Mammoth Road which may serve as a catalyst for other commercial developments in the area. Additionally, the project has been designed with the tallest portions of the building in the center of the site so as to effectively screen the mass from adjacent properties.
2. The proposal will be consistent with the accepted list and prioritization established in Section B.2 of the Community Benefits/Incentive Zoning (CBIZ) Policy (adopted by the Town Council on August 5, 2009 by Resolution No. 09-55) as adopted with the Clearwater Specific Plan; and the proposed benefits would not otherwise result through provisions of the Town's policies, Codes, and other requirements. The project implements the General Plan Main Street/Old Mammoth Road/Shady Rest District Character and is consistent with the accepted community benefits list which is contained within the Clearwater Specific Plan. The Clearwater Specific Plan outlines the following community benefits for the proposed project, all of which are included in the Old Mammoth Place project and have been the subject of financial analysis by KMA and a peer review by EPS, incorporated into these findings by reference:
  - Indoor meeting and conference space.
  - Outdoor public events plaza.
  - Commercial, retail, and restaurant uses along Old Mammoth Road.
  - Underground parking.
  - Pedestrian and vehicular mid-block connectors.
  - Dedication of property for the purpose of improving public rights-of-way and sidewalks and the achieving "complete streets."
  - Public access to the events plaza and mid-block connectors secured through easements.

3. The proposal reflects a fair financial balance of costs and benefits to the applicant and the Town in that the financial analysis for the project concluded that the financial value of the community benefits (excluding fiscal/economic benefits) outweigh the projected economic benefits to the developer by more than 10 times. The residual land value increase associated with the density bonus is estimated at approximately \$2.5 million, whereas the value of the physical benefits provided by the project is estimated at over \$26 million. From this, it can be concluded that the award of additional density will not result in a disproportionate "windfall" to the developer. Further, the benefits accruing to the community from the project's proposed features and amenities have been determined to achieve community goals, as defined in the General Plan, to a greater extent than would be achieved through the payment of impact fees and other exactions that may be foregone pursuant to CBIZ Policy A.4.
4. The project will not result in unacceptable environmental or other impacts as assessed through CEQA and the People at One Time (PAOT) and Impact Assessment. An environmental compliance analysis was completed for this project and it was determined that the project will not result in any impacts above those analyzed in the EIR for the project. The PAOT and Impact Assessment (adopted by the Town Council on June 17, 2009 by Resolution 09-34) show that the proposed project will not result in unacceptable impacts.

## **EXHIBIT A-5**

### **FINDINGS FOR ADJUSTMENT**

(Municipal Code Section 17.76)

1. The adjustment requests an increase of not more than 10% of the permitted height of the buildings along Old Mammoth Road and Laurel Mountain Road, resulting buildings with a height not to exceed 38.5 feet with two additional feet permitted for appurtenances. This request is a permitted adjustment, pursuant to Municipal Code section 17.76.010.B.2.
2. The adjustment contributes to a strong project design by providing architectural variation along the street frontages, which contributes to the overall character of the project and enhances the pedestrian spaces along Old Mammoth Road and Laurel Mountain Road.

## **EXHIBIT A-6**

### **CEQA Findings**

The Town of Mammoth Lakes prepared an environmental conformance analysis for the Old Mammoth Place project and determined that the previously certified Clearwater Specific Plan EIR (State Clearinghouse #2006012041) sufficiently analyzed the Old Mammoth Place project and further environmental review was not necessary pursuant to CEQA Guidelines Section 15162(a). The following findings were made:

(1) No substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) No substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

STATE OF CALIFORNIA        )  
COUNTY OF MONO            )            ss.  
TOWN OF MAMMOTH LAKES)

I, JAMIE GRAY, Town Clerk of the Town of Mammoth Lakes, DO HEREBY CERTIFY under penalty of perjury that the foregoing is a true and correct copy of Resolution No. 10-17 adopted by the Town Council of the Town of Mammoth Lakes, California, at a meeting thereof held on the 5th day of May, 2010, by the following vote:

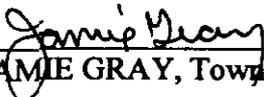
AYES:                        Councilmember Sugimura, Mayor Pro Tem Eastman, and Mayor  
                                  McCarroll

NOES:                        Councilmember Harvey

ABSENT:                     None

ABSTAIN:                    None

DISQUALIFICATION:        Councilmember Bacon

  
\_\_\_\_\_  
JAMIE GRAY, Town Clerk

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

Doc # 2010002436  
Page 1 of 42  
Date: 5/20/2010 01:27P  
Filed by: MAMMOTH LAKES; TOWN OF  
Filed & Recorded in Official Records  
of MONO COUNTY  
LYNDA ROBERTS  
CLERK-RECORDER  
Fee: \$0.00

Space Above for Recorder's Use

**RESOLUTION NO. PC-2010-05**

**A RESOLUTION OF THE MAMMOTH LAKES PLANNING COMMISSION  
APPROVING VESTING TENTATIVE TRACT MAP 09-003, USE PERMIT  
09-003, DESIGN REVIEW 09-005, AND ADJUSTMENT 09-004 AND  
RECOMMENDING APPROVAL TO THE TOWN COUNCIL OF  
DISTRICT ZONING AMENDMENT 09-001,  
TO ALLOW A MIXED-USE PROJECT FOR PROPERTY  
LOCATED AT 164, 202, & 248 OLD MAMMOTH ROAD  
(APN: 035-230-005, -006, -007)**

**WHEREAS**, a request for consideration of a Permit was filed by Severy Realty group on behalf of the owner, Metric Mammoth LLC, to allow a mixed-use project that includes 340 residential units with up to 488 lodging rooms and 8 units of on-site workforce housing, outdoor public events plazas and associated amenities, 19,500 square feet of retail, 17,000 square feet restaurant space, 9,500 square feet of conference space, a 4,500 square foot quality spa and wellness center, and subterranean parking capacity for no fewer than 619 vehicles, in accordance with Section 10.0 of the Clearwater Specific Plan, for property located within the Clearwater Specific Plan at 164, 202, and 248 Old Mammoth Road.

**WHEREAS**, the Planning Commission conducted a Noticed Public Hearing on the application request on March 10, 2010, at which time all those desiring to be heard were heard; and

**WHEREAS**, the Planning Commission considered, without limitation:

1. The staff report to the Planning Commission with exhibits;
2. The State Map Act, Clearwater Specific Plan, General Plan, Municipal Code, Design Guidelines, and associated land use maps;
3. Oral evidence submitted at the hearing;
4. Written evidence submitted at the hearing;

- 5. Project plan packet dated received by the Town of Mammoth Lakes on February 8, 2010; and

**WHEREAS**, the Planning Commission made the following findings pursuant to Section 17.60 of the Mammoth Lakes Municipal Code and Sections 66474 and 66498.1 of the Subdivision Map Act:

(SEE EXHIBIT A)

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission, in its independent judgment, finds that this project is consistent with the Clearwater Specific Plan Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA) Guidelines.

**BE IT FURTHER RESOLVED** that the Planning Commission of the Town of Mammoth Lakes hereby approves Vesting Tentative Tract Map 09-003, Use Permit 09-003, Design Review 09-005, and Adjustment 09-004 contingent upon Town Council approval of DZA 09-001 and subject to the following conditions:

(SEE EXHIBIT B)

**PASSED AND ADOPTED** this 10<sup>th</sup> day of March 2010, by the following vote, to wit:

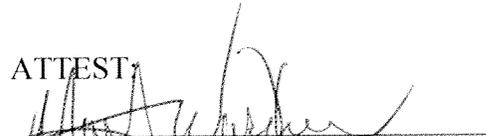
AYES: Barrett, Deinken, Duggan, Tenney

NAYS: Clark

ABSENT:

ABSTAIN:

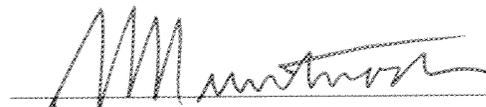
ATTEST:

  
Mark Wardlaw  
Community Development Director

  
Rhonda Duggan, 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, James Demetriades, am the owner of this property and I do hereby attest that I have read, and agree to, the conditions of approval stipulated within this Resolution.

 May 14, 2010  
James Demetriades Date

(Notary Required)

**ALL-PURPOSE ACKNOWLEDGMENT**

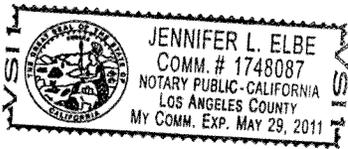
State of California

County of Los Angeles } SS.

On May 14, 2010, before me, Jennifer L. Elbe, Notary Public,

personally appeared James T. Demetriades, ~~personally known to me~~ (or

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



WITNESS my hand and official seal.  
Jennifer L. Elbe  
NOTARY'S SIGNATURE

PLACE NOTARY SEAL IN ABOVE SPACE

**OPTIONAL INFORMATION**

The information below is optional. However, it may prove valuable and could prevent fraudulent attachment of this form to an unauthorized document.

**CAPACITY CLAIMED BY SIGNER (PRINCIPAL)**

- INDIVIDUAL
- CORPORATE OFFICER \_\_\_\_\_ TITLE(S)
- PARTNER(S)
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: \_\_\_\_\_

**DESCRIPTION OF ATTACHED DOCUMENT**

Tentative Tract Map  
TITLE OR TYPE OF DOCUMENT

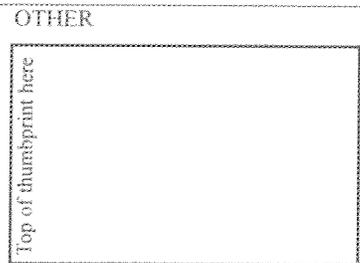
Forty One  
NUMBER OF PAGES

May 14, 2010  
DATE OF DOCUMENT

**SIGNER (PRINCIPAL) IS REPRESENTING:**  
NAME OF PERSON(S) OR ENTITY (IES)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RIGHT  
THUMBPRINT  
OF  
SIGNER



**EXHIBIT A**

**Resolution No. PC-10-05**

**Case No. DZA 09-001, VTTM 09-003, UPA 09-003, ADJ 09-004, DR 09-003**

**FINDINGS FOR DISTRICT ZONING AMENDMENT**

(Municipal Code Section 17.72)

1. Consistent with the evidence contained within the staff report, environmental conformance analysis, and provided at the public hearing, the Planning Commission finds that proposed amendment to the Clearwater Specific Plan is consistent with the General Plan, the Clearwater Specific Plan, and the Municipal Code because the project will:
  - Comply with the neighborhood and district character element of the General Plan which requires a vibrant mix of retail, commercial, and workforce housing;
  - Comply with the General Plan requirement that projects in this district maintain a high level of design;
  - Provide pedestrian-oriented sidewalks plazas and courtyards at grade with the adjacent streets rather than plazas and courtyards that are approximately four feet below existing grade; and
  - Provide hotel rooms along Laurel Mountain Road that are level with existing grade and retain mountain views, rather than basement level rooms.
2. Consistent with the evidence contained within the staff report, the environmental conformance document, and provided at the public hearing, the Planning Commission finds that the proposed Specific Plan amendment is consistent with the intent of the Town of Mammoth Lakes Municipal Code, because the specific standards and development requirements for the Old Mammoth Place project would continue to be regulated by a Specific Plan, as allowed for in the Municipal Code.
3. Consistent with the evidence contained within the staff report, environmental conformance document and provided at the public hearing, the Planning Commission finds that the proposed Specific Plan amendment is consistent with the Vision Statement because:
  - It would support the creation of an intensive mixed-use, infill development project within the Town's Urban Growth Boundary, and within an area designated and envisioned as a mixed use district including lodging, workforce housing, and retail development;
  - Development of the project under the revised Specific Plan will create new affordable housing and commercial that will help to house workers and provide services in a central location that is near transit and other amenities; and

- The amended Specific Plan will also help to realize the Community Vision of becoming a premier destination resort, by allowing for the construction of several hundred new rooms of transient lodging, which will be obliged, by policy, to have the management and operational characteristics to ensure it provides true hot-bed hotel lodging. The development of the Old Mammoth Place project allowed for by the Specific Plan amendment would also contribute a significant increment of visitor-oriented commercial development, sited so as to encourage an animated, street level retail district within the Old Mammoth district.
4. Consistent with the evidence contained within the staff report, environmental conformance document, and provided at the public hearing, the Planning Commission finds that the change is in the interest of or will further the public health, safety, comfort, convenience and welfare because with incorporation of mitigation measures required by the FEIR and referenced in the environmental conformance document, the project has no impact on public health, safety, comfort, convenience and welfare.
  5. Based upon all the evidence in the record, including the staff report, environmental conformance document and public testimony provided at the public hearing, the Planning Commission finds that the Specific Plan Amendment will not adversely affect the established character of the surrounding neighborhood nor be detrimental to adjacent properties because the changes would continue to be consistent with the desired character and land use objectives of the Old Mammoth Road district.
  6. Consistent with the evidence contained within the staff report, environmental conformance document, and provided at the public hearing, the Planning Commission finds that the neighborhood infrastructure is adequate or will be modified to accommodate any increase in intensity of land use if such would occur from a change in the zone classification because the proposed mitigation measures proposed in the EIR and implemented through the Mitigation and Monitoring Program will reduce the impacts of the project, and along with conditions of approval, and will require new neighborhood infrastructure including sidewalks, pedestrian connections through the project site, and transit improvements.

**FINDINGS FOR USE PERMIT**  
(Municipal Code Section 17.60.070)

1. 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 hotel, condominium-hotel, workforce housing, street front retail along Old Mammoth Road, and a large public plaza intended for use as an event venue are allowed within the Clearwater Specific Plan designation in accordance the goals and policies of the General Plan.
2. The Planning Commission finds that the proposed location of the uses are in accord with the objectives and purpose of the zones in which they are located because the Land Use Areas 1-3 of the Clearwater Specific Plan are intended for hotel, condominium-hotel, workforce housing, street front retail, public plazas, and conference space uses in accordance with zoning objectives and purpose of the Clearwater Specific Plan.
3. 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 lot coverage, setbacks, and access standards of the Town.
4. 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 EIR and will include street and sidewalk improvements, pedestrian paths though the project site, a transit stop on Old Mammoth Road, as well as other improvements that will ensure compatibility with surrounding uses.
5. The Planning Commission finds that the proposed uses comply with the applicable sections of the zoning regulations because the project meets the Clearwater Specific plan requirements and standards in all areas, as amended as a part of this action.

## FINDINGS FOR VESTING TENTATIVE MAP APPROVAL

(State Map Act Section 66474 and 66498.1)

1. The proposed map is consistent with applicable general and specific plans 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 Clearwater Specific Plan. The Commission further finds that the proposed mixed-use development complies with Clearwater Specific Plan 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.
2. The design and improvements of the project are consistent with General Plan standards since the project, contingent upon the Town Council approval of DZA 09-001, complies with the development standards of the Clearwater Specific Plan and with all other applicable Town Ordinances and applicable agency requirements in effect at the time the tentative map request was submitted for review and considered by the Planning Commission.
3. The site is physically suitable for the type of development because the proposed buildings are situated on the site such that maximum solar exposure is available to the public areas and the project is well below the permitted lot coverage. The project will not adversely impact significant natural landforms since no significant landforms were identified on the property.
4. The site is physically suitable for the proposed density of development because the proposed project is consistent with the density requirements of the General Plan and the Clearwater Specific Plan within buildings that only cover 42% of the total site area.
5. The design of 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 and since the project was found to be consistent with the Clearwater Environmental Impact Report, pursuant to the California Environmental Quality Act (CEQA) Guidelines.
6. The design improvements is not likely to cause serious public health problems since the required mitigation measures reduce health-related impacts to a less than significant level and 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.
7. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision since the property has access to three existing public

streets with approved street alignments and widths, proposes a new public street, and will grant a public access easement to the plaza areas on the site. All utilities and their easements are currently in place on, or can be extended to the property and the proposed project will not impact adjacent property easements and/or common areas shared among condominium owners.

## **FINDINGS FOR DESIGN REVIEW PERMIT**

(Municipal Code Section 17.32.120)

1. The design of the project is consistent with the goals, policies, and objectives of the General Plan, the Clearwater Specific Plan, and the provisions of the Municipal Code since it is a mixed-use, hotel project designed with public plaza areas and pedestrian-friendly street frontages..
2. The project design is consistent with the Design Review Guidelines to assure that colors, materials, illumination, and landscaping enhance the image, attractiveness, and environmental qualities of the Town since staff has reviewed the project against the Town's Design Guidelines and found that the project meets the Guidelines, as conditioned, for all components of the project.
3. The project will not detract from the value or utility of adjoining properties as a result of inappropriate, inharmonious, or inadequate design since the site is currently run-down and the proposed project will provide new uses and buildings on the site that are consistent with what is intended for this site.
4. 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 proposes to save 16 of the 58 existing trees on the site, including a grove of five large trees at the southeast corner of the site.
5. The project ensures an architectural design of structures, materials, lighting, and colors which are appropriate to the function of the project and are visually harmonious with surrounding development and natural landforms, trees, and vegetation since the proposed materials are natural or of a natural appearance, and because the architecture is appropriate for a mountain resort environment.

## FINDINGS FOR COMMUNITY BENEFITS/INCENTIVE ZONING

1. The proposal would result in a project whose proposed community benefits and increment of development incentives fit the site and relate appropriately to adjacent uses and structures because the project will accommodate the proposed uses and community benefits on site within the maximum development envelope approved in the Clearwater Specific Plan and the project will serve to revitalize this portion of Old Mammoth Road which may serve as a catalyst for other commercial developments in the area. Additionally, the project has been designed with the tallest portions of the building in the center of the site so as to effectively screen the mass from adjacent properties.
2. The proposal will be consistent with the accepted list and prioritization established in Section B.2 of the CBIZ Policy as adopted with the Clearwater Specific Plan; and the proposed benefits would not otherwise result through provisions of the Town's policies, Codes, and other requirements. The project is consistent with the accepted community benefits list which is contained within the Clearwater Specific Plan. The Clearwater Specific Plan outlines the following community benefits for the proposed project, all of which are included in the Old Mammoth Place project and have been the subject of financial analysis by KMA and a peer review by EPS, incorporated into these findings by reference:
  - Indoor meeting and conference space.
  - Outdoor public events plaza.
  - Commercial, retail, and restaurant uses along Old Mammoth Road.
  - Underground parking.
  - Pedestrian and vehicular mid-block connectors.
  - Dedication of property for the purpose of improving public rights-of-way and sidewalks and the achieving "complete streets."
  - Public access to the events plaza and mid-block connectors secured through easements.
3. The proposal reflects a fair financial balance of costs and benefits to the applicant and the Town in that the financial analysis for the project concluded that the financial value of the community benefits (excluding fiscal/economic benefits) outweigh the projected economic benefits to the developer by more than 10 times. The residual land value increase associated with the density bonus is estimated at approximately \$2.5 million, whereas the value of the physical benefits provided by the project is estimated at over \$26 million. From this, it can be concluded that the award of additional density will not result in a disproportionate "windfall" to the developer. Further, the benefits accruing to the community from the project's proposed features and amenities have been determined to achieve community goals, as defined in the

General Plan, to a greater extent than would be achieved through the payment of impact fees and other exactions that may be foregone pursuant to CBIZ Policy A.4.

4. The project will not result in unacceptable environmental or other impacts as assessed through CEQA and the PAOT and Impact Assessment. An environmental compliance analysis was completed for this project and it was determined that the project will not result in any impacts above those analyzed in the EIR for the project. The PAOT and Impact Assessment show that the proposed project will not result in unacceptable impacts.

## **FINDINGS FOR ADJUSTMENT**

(Municipal Code Section 17.76)

1. The adjustment requests an increase of not more than 10% of the permitted height of the buildings along Old Mammoth Road and Laurel Mountain Road, resulting buildings with a height not to exceed 38.5 feet with two additional feet permitted for appurtenances. This request is a permitted adjustment, pursuant to Municipal Code section 17.76.010.B.2.
2. The adjustment contributes to a strong project design by providing architectural variation along the street frontages, which contributes to the overall character of the project and enhances the pedestrian spaces along Old Mammoth Road and Laurel Mountain Road.

**EXHIBIT B**

**Resolution No. PC-10-05**

**Case No. DZA 09-001, VTTM 09-003, UPA 09-003, ADJ 09-004, DR 09-003**

**CONDITIONS OF APPROVAL**

**PLANNING GENERAL CONDITIONS**

1. This approval authorizes the following: A pedestrian oriented, mixed-use project with a new vehicular mid-block connector; street and sidewalk improvements along Old Mammoth Road, Sierra Nevada Road, and Laurel Mountain Road; understructure parking capacity for no fewer than 619 vehicles, and street front retail along Old Mammoth Road. Additionally, the project proposes up to 488 hotel and/or condominium hotel rooms, 8 units of on-site workforce housing, 17,361 square feet of restaurant, 19,603 square feet of retail/commercial, and 9,582 square feet of conference and pre-function 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. Approval of Vesting Tentative Tract Map (VTTM) 09-003, Use Permit (UPA) 09-003, Adjustment (ADJ) 09-004, and Design Review (DR) 09-005 is contingent upon the Town Council approval of District Zoning Amendment (DZA) 09-001. The waiver of certain Municipal Code requirements contemplated with this project to implement the CBIZ policy is contingent upon amendments to Municipal Code Chapters 15.16 (Development Impact Fees), 15.18 (Public Art Program), and 17.36 (Workforce Housing). These amendments shall be prepared for review and approval by the Town prior to application for a grading permit for which the incentive density and benefits are proposed to be excluded from these Municipal Code requirements. The Town will initiate, and use good faith efforts to review and approve, amendments within one year of Town Council action on the project. However, nothing contained herein commits the Town to adopt those amendments or predetermines the outcome of those deliberations, and the Town retains its legislative authority to not adopt those changes. If the Town does not adopt changes to the Municipal Code, the fees and requirements imposed shall be consistent with the provisions of the Municipal Code that were in effect at the time the application was deemed complete.
4. All new improvements constructed on the site shall be in compliance with all Town of Mammoth Lakes, County of Mono, Mammoth Community Water District, the Mammoth Lakes Fire Protection District, the CRWQCB Lahontan District, Great Basin Air Pollution Control District, OSHA, State of California and United States of America laws, statutes, ordinances, regulations, directives, orders, and the like applicable thereto and in force at the time thereof. Any violation of the above may constitute grounds for revocation of the use permit under Section 17.60.130 of the

Mammoth Lakes Municipal Code.

5. 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 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. Prior to the first certificate of occupancy, any public or private property 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 tenant improvements or new structures.
10. All uses are subject to review by the Building Official 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 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. Prior to the issuance of a building permit, the applicant shall pay Development Impact Fees as prescribed by ordinance in effect at the time of a building permit application submittal.
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 the issuance of a building or grading permit, the applicant shall pay all outstanding costs for the processing of this application.
14. The approved site and building plans shall be adhered to and maintained for the duration of the 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.

17. A certificate of occupancy is required for all future tenant improvements within the subject structures. Tenant improvements shall identify occupancy separation requirements, disabled access requirements and compliance with all applicable building, electrical, plumbing, and fire code requirements.
18. Zoning entitlement conditions of approval shall be printed verbatim on all of the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the index.
19. The conditions of Use Permit 09-003 shall remain in effect for the life of the project.
20. In the event the Town determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the Town, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the Town should otherwise agree with applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails on every issue in the enforcement proceeding.

#### **GENERAL PUBLIC WORKS CONDITIONS**

21. A final map, consistent with the tentative map and the conditions herein, shall be recorded with the County Recorder of Mono County prior to the expiration of the approved tentative map. The final map shall conform to the Subdivision Map Act and the Subdivision Ordinance for the Town of Mammoth Lakes. The tentative map shall expire 24 months after the approval date. Failure to record the final map prior to the expiration will nullify all approvals, except such time limitation as may be extended by law or by the Planning Commission in accordance with the Subdivision Map Act.
22. 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 Commission.
23. The site grading design and all building construction shall conform to State and federal disabled access regulations.
24. The applicant shall submit to the Town an electronic file of the final map in AutoCAD, Version 2008, or other format as may be approved by the Town Engineer, within 30 days of approval of the final map.

25. All easements and dedications shall be in a form and content acceptable to the Town Engineer or Public Works Director.
26. Application shall be made to the Mammoth Community Water District for re-apportionment of any existing assessment lien(s) to the new lots and units proposed. The applicant shall submit a receipt of the application from MCWD to the Town prior to final map consideration by the Planning Commission.
27. Application shall be made to the Town for re-apportionment of Benefit Assessment District (BAD) 2001-1 to the new lots and units proposed. Application shall be made in conjunction with the final map consideration by the Planning Commission.
28. Prior to staff approval of the final 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.
29. 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 Development Department for long range planning reimbursement prior to approval by staff of the final map. The current fee is \$550.00 per unit and is adjusted annually by the Town Council.
30. The property owner, applicant/developer and holder of any and all permits associated with this property shall conform to the requirements of the Town of Mammoth Lakes and Federal, State, County and Local agency requirements, as they may apply. This includes, at a minimum, the CRWQCB, Lahontan District, the Great Basin Air Quality Control District, OSHA, the Mammoth Lakes Fire Protection District, and the Mammoth Community Water District.
31. Nothing in the approval of this tentative tract map shall be construed to allow for the deviation, adjustment, variance or non-conformance of the Clearwater Specific Plan, and any amendment(s) thereto, 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.
32. All grading and public improvements shall be consistent with the Town Of Mammoth Standard Plans for Public Works.
33. Prior to the staff approval of the final map, the final map shall conform to the requirements of Town of Mammoth Lakes Ordinance 84-10 and all amendments thereto.
34. Prior to the staff approval of the final map, easements shall be designated and offered for dedication on the final map in a form and in content acceptable to the Town Engineer or Public Works Director.
35. Right-of-way dedications and improvements (including off-site) for street transitions and drainage improvements and transitions from proposed to existing improvements shall be required as necessary.

36. Prior to the staff approval of the final map, monumentation of the subdivision shall be installed or bonded for in accordance with the Subdivision Ordinance of the Town, Ordinance 84-10.
37. Prior to the staff approval of the final 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 map by staff.
38. Construction of water and sewer improvements shall require water and sewer permits from the Mammoth Community Water District. Grading plans shall be submitted to the Town for review and approval and a grading permit 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.
39. 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.
40. Prior to the issuance of an encroachment, grading or improvement permit, slope stability tests are required for all cuts greater than 2:1 or fills greater than 3:1 (H:V).
41. In addition to the drainage, traffic related, or other requirements stated herein, other "on-site" or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to the Town Engineer.
42. All required grading; public and private street and drainage improvements shall be completed; all "punchlist" items completed to the satisfaction of the Town Engineer; 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.
43. 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.

#### **LAND USE AND OPERATION**

44. Hours of operation and limits for noise levels for outdoor uses will be established prior to the issuance of any building permit under the Clearwater Specific Plan.
45. An administrative permit for events shall be obtained from the Tourism and Recreation Department for all outdoor events.

#### **MOBILITY**

46. Bicycle racks and parking shall be provided at a rate consistent with the CSP. Storage areas and bicycle rack design shall be consistent with the Town standards in place at that time. Staff will verify compliance prior to the issuance of a building permit.

47. Guests shall be provided information on the local transit systems, bike routes, and public trails. Information could be provided through a kiosk area in the lobby and market, or by other similar methods.
48. Changing rooms and lockers shall be provided on-site for employees of the hotel and commercial units who choose to walk or bike to work. The final configuration and operational details of the changing rooms shall be determined prior to approval of a building permit.
49. The project shall encourage guests to explore the numerous recreational options around Mammoth Lakes by providing information including signage and wayfinding and providing appropriate on-site support facilities and infrastructure to connect to nearby recreation amenities as identified by MLTPA GIC points (see Appendix VI).
50. In consideration of the Town's Vision Statement requiring a de-emphasis of the use of the automobile, occupancy and mode of travel expectations and to mitigate the impacts of the project on air quality as required by CEQA, the applicant and the owners association, if formed, shall execute a transit agreement with the Town prior to recordation of the final map. If no owners' association is formed at that time, the applicant shall demonstrate, subject to review and approval of the Town Attorney, the ability to bind future homeowners to the transit agreement and shall execute the agreement on their behalf. The applicant shall be subject to an annual payment of \$121.00 per residential unit and as adjusted for inflation since inception (the Fiscal Year 2009-2010 rate is \$148.11). The annual payment shall be adjusted annually for inflation using the Los Angeles/Riverside Consumer Price Index. The transit service agreement, when executed, shall be recorded in the Official Records of Mono County and 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. Once recorded, the agreement can be modified only by mutual written agreement of the Town and the owners' association when formed and the service shall not be discontinued for any reason without an amendment to the agreement.
51. 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.
52. Prior to the staff approval of the final map, the applicant shall enter into an agreement with the Town for the cost sharing and reimbursement for the boiler capacity and heat trace source for the public sidewalk adjacent to the project, where necessary.
53. If applicable, prior to staff approval of the final map, the Property Owner shall make application with the Town for the creation of a parking district or for the annexation into an existing parking district for any parking shortage and could provide for inclusion of excess parking into a district. The property owner shall 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 an existing district or against the creation of a future proposed district (in which the Property Owner's

- property is located) established for the purpose of managing parking (parking district). The agreement shall run with the land and shall be binding upon all future owners of the property.
54. The parking design shall be consistent with the standard plans, including garage standards and the valet parking program prepared by LSA dated December 28, 2009, unless otherwise determined by the Public Works Director.
  55. The project shall satisfy the parking demand of the project and shall supply no fewer than 619 parking spaces, excluding on-street parking. Because the project parking program (prepared by LSA Associates, Inc. dated December 28th, 2009) contemplates satisfying a portion of the overall parking demand through valet operations, the Public Works Director shall approve the total number of parking spaces effectively provided on-site through the valet parking operation, and any short-fall of the parking supply shall be satisfied by payment of an in-lieu parking fee paid in full to the Town at the time of building permit. The required parking supply for affordable housing residents and guests and for retail uses shall not be met through valet (i.e. valet services shall not be used to meet demand for these uses). Parking spaces within the on-site parking structure shall be designated and shall be “self-park” for the residents and guests of the affordable housing units and shall be located appropriately so as to provide convenient access to those units. Parking spaces for patrons of the retail uses shall also be designated and shall be “self-park” within the on-site parking structure.
  56. A valet parking service shall be provided for the project 24 hours a day, 365 days per year. The valet service shall be staffed at all times. The valet parking service shall be required for hotel guests and restaurant patrons. Valet service shall not be required for the residents and guests of the affordable housing units, nor for patrons of the retail uses, however these drivers may request valet service if desired and these vehicles must be parked in designated “self-park” spaces. The CC&Rs shall include language stating such. The level of service shall be a maximum five-minute return time for 99% of customers, or other equivalent criteria approved by the Public Works Director.
  57. A parking utilization monitoring system shall be installed that consists of an automated vehicle counter installed at the garage entry ramp(s). The automated parking monitoring system shall record garage accumulation on an hourly basis, 365 days per year. Data collected from the system shall be submitted to the Town in a format approved by the Town on an annual basis.
  58. A transportation demand management (TDM) program shall be implemented for the project that could include, but is not limited to, the following programs: employee ride-sharing, employee guaranteed rides home, and employee and hotel guest cash back discounts for not driving a vehicle to the hotel. A detailed narrative describing the TDM program to be implemented shall be submitted at the time of building permit.
  59. Guests shall be provided information on the local transit systems, bike routes, and public trails. Information could be provided through a kiosk area in the lobby and market, or by other similar methods.

60. A separate shuttle service for hotel or condominium hotel guests shall be provided to and from, but not limited to, the following locations: Mammoth Mountain Ski Area portal(s), the Mammoth-Yosemite Airport, the golf courses, and Vons (or other major grocery store). Operational details shall be provided to and approved by the Town prior to issuance of the first certificate of occupancy.
61. Bicycle parking and storage shall be provided on-site at a minimum rate of 2 spaces per commercial unit, 2 spaces per 2,500 square feet of plaza space, and 1 space for every 5 condominium /hotel units. All bicycles racks shall be large enough to accommodate a minimum of 6 bicycles at any one time. Condominium/hotel bicycle parking shall be safe and secure and shall be indoors or within a garage. For the workforce housing, bicycle storage shall be provided at a minimum rate of one space per each 1.5 units. The majority of bicycle storage shall be safe and secure and shall be indoors or in a garage, with 10-15 spaces, or other appropriate number as determined by the Community Development Director, of outdoor bicycle parking provided.
62. A bus loading and drop-off facility and overnight parking with electrical plug-ins for at least two busses shall be provided on-site.
63. The project shall provide an intelligent parking system that will indicate from Old Mammoth Place commercial space availability, valet parking, and other parking capacity information necessary to provide information for guest parking.
64. Review of the project traffic study and update shall be prepared and submitted for review and approval at each phase of construction to evaluate timing of mitigation measures and consistency with the original assumptions in the Clearwater Specific Plan FEIR.
65. A delivery management plan showing loading, unloading, and delivery locations shall be submitted to the Town with the final map application and approved as part of staff approval of the final map. A detailed delivery management plan, including commercial loading and delivery paths, shall be approved with the approval of the first building permit. In no case shall delivery vehicles impede traffic.
66. The porte-cochere shall be designed to accommodate 40 foot vehicle at check in area shall be designed to accommodate design template "CITY-BUS" design vehicle and have a clear height of 14 feet.
67. If the applicant wishes the connector road to be two-way throughout, two-way traffic on the connector shall be reviewed in conjunction with the commercial delivery management plan and a traffic Level of Service review in conjunction with the final map application.
68. The garage entrance ramp shall be heat melted.

#### **DESIGN**

69. New or changed improvements, exterior illumination, elevations, designs, materials, or colors shall conform to the adopted Design Guidelines of the Town of Mammoth Lakes and will require review and approval from the Town of Mammoth Lakes Community Development Department or Planning Commission pursuant to

Municipal Code Section 17.32.120. The applicant shall prepare and submit revised architectural drawings for review by staff and the Advisory Design Panel to address the design issues described below. Revised drawings shall be submitted no later than the design development stage (50% construction drawings) and shall be approved by staff prior to staff approval of the final map. Refinement shall address the following:

- a. Achieve a more visible, compelling, and attractive design approach and sequence to the project as viewed from north and south travel on Old Mammoth Road and the mid-block connector. The design concept should include concepts for projecting signs and graphics that are perpendicular to the travelers view.
  - b. Refine and reconcile the use of materials and the design of posts, columns and pillars through the project. This includes achieving a more graceful proportion of the vertical elements (base, middle and top) of columns as well as the height and width of columns. Refine column materials through the use and composition of materials such as steel, native stone, board formed concrete, heavy timbers, and other similar products.
  - c. Refine the design and materials of the south elevation of the hotel building.
  - d. Refine the design of windows, fenestration, building bays, and columns.
  - e. Landscaping and hardscape (excluding those designed as Public Art), including boulders, water features, and placement of trees shall appear natural rather than rigid and angular.
  - f. Signage design (including retail signs) should be integrated into the project design.
70. 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.
71. Retaining wall design and material(s) shall be reviewed by the Town prior to grading permit issuance. All retaining and screening walls shall also require a building permit.
72. A Building Height Certificate shall be required for each individual building on the site during the construction period to ensure that the roof heights are consistent with the approved plans. 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. Staff shall verify each Building Height Certificate prior to the issuance of any certificates of occupancy.
73. A minimum separation of 9 feet shall be maintained between the pavement within the understructure parking garage and any obstructions above (i.e. ceilings, piping, signs, plumbing, light fixtures, etc.) including along ramp transition lanes. Clearance for head-in parking adjacent to walls may have reduced clearance to 5 feet over the "hood" area to allow for mechanical/electrical facilities and equipment.

74. A wayfinding plan that is complementary to the Town's wayfinding and design system shall be submitted to and approved by the Town prior to issuance of the first certificate of occupancy. Plan shall include information similar to the "Type 2 Kiosk System."
75. The applicant shall satisfy the public art requirement in effect at the time of building permit application submittal by placing public art in the pedestrian plaza or in other public areas in or adjacent to the site. The applicant shall work with the Public Arts Commission to determine appropriate artwork for this area. A plan to ensure that the Public Art requirement is satisfied shall be in place prior to issuance of a building permit.
76. All proposed outdoor trash and recycling receptacles shall be bear proof and meet the standards of the Public Works Department.
77. Any bike racks proposed to be placed in or adjacent to the public right of way shall be consistent with the approved Town standard specification in place at the time of installation.

### **SNOW MANAGEMENT**

78. For encroachments into front or street side yards, the property owner shall execute and record a hold harmless agreement waiving any liability on the part of the Town for damage from snow removal or other standard street maintenance functions prior to the first certificate of occupancy.
79. A snow removal/storage plan shall be submitted by the applicant and approved by the Community Development Department as part of the final map application. This plan and provisions for maintenance of private driveways and drainage facilities shall be included in the CC&R's prior to final map approval by Town staff.
80. Prior to the issuance of an encroachment, grading or improvement permit; the grading plan shall indicate all snow storage areas and drainage facilities.
81. The applicant shall apply for an annual snow storage permit in order to use the public right-of-way to access snow storage areas on the subject property.
82. Pathways to transit and shuttle connections shall be cleared and maintained year-round.

### **LANDSCAPE/IRRIGATION**

83. The project shall meet the requirements of Municipal Code Section 17.38 (Water Efficient Landscape Regulations) including submittal of the Landscape Documentation Package. A final landscape and irrigation plan shall be submitted to, and approved by, the Community Development Department for inclusion in the project grading permit. Said landscape and irrigation plan shall substantially conform to the preliminary landscape plan reviewed and approved by the Planning 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 or adjacent to the project area shall be maintained by the property owner or the benefit assessment district.
- a. Box Elder (*Acer negundo*) shall be eliminated from the list of proposed plants and trees. A suggested replacement is Amur Maple or Mountain Maple which are both in the Design Guidelines.
  - b. Tree sizes shall include container or gallon size in addition to specified height.
84. A tree removal plan shall be approved prior to any land disturbance and the issuance of a grading or building permit. A pre-construction meeting shall be held on-site prior to any land disturbance. The applicant shall obtain the necessary Timber Harvest Permit, if required, prior to any tree removal.
  85. The grading plan shall include tree protection measures to address how construction can occur with minimal disturbance to the drip-line of retained trees. The drip-line areas shall be “fenced” off with barriers to prevent disturbance during site grading. Additionally, finish grading shall minimize disturbance of existing understory vegetation and retained trees. Special care shall be taken to protect the perimeter trees to ensure that their root zones and trunks are protected to the greatest extent possible and that sidewalks are designed to go around the 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.
  86. The maintenance of graded slopes and landscaped areas shall be the responsibility of the developer until the maintenance is officially assumed by an approved maintenance district or property owners association.
  87. All required landscaping and irrigation improvements shall be constructed prior to issuance of the first certificate of occupancy for the project, unless sureties are posted with the Town to the satisfaction of the Public Works Director for any required landscaping and irrigation improvements to be deferred. A schedule shall be submitted to the Town for the construction of the deferred improvements. Deferral of the construction of any landscaping and irrigation improvements shall be at the sole discretion of the Community Development Department Director.
  88. Due to the public benefit and value to the public derived from existing trees to remain, an assurance surety shall be required. All trees to remain greater than 12” diameter shall be covered by a damage surety to the Town of Mammoth Lakes in the amount of \$5,000.00 each, to be paid prior to issuance of a grading permit. The release of the damage surety shall be at the sole discretion of the Town of Mammoth Lakes Community Development Department Director.
  89. Due to the size and scale of the project and the intent of the conifer trees in the design, the minimum size at time of planting shall be 8 feet in height. The applicant shall provide the minimum caliper for deciduous trees of 1 ½ inch minimum at 8 - 10 feet high and 2-inch minimum at 10 - 12 feet high.
  90. The stamp and signature of a Landscape Architect shall be on the landscape and irrigation plans submitted with a grading and/or building permit application.

91. The landscape plans shall provide soil composition and weight provisions for the landscape planting soils above the garage prior to the issuance of a building permit.
92. The landscape plan shall provide a value to value analysis of the trees removed and the trees provided as required by CSP objective 8.2.1.3 with a grading permit application.

### **LIGHTING**

93. 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.
94. To reduce the potential for evening glare from interior lights, glazing that meets the performance of HP Sun II, or equivalent low-e factory installed gray tinted glass shall be used for all windows. 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 outside of the buildings or off-site.
95. All project lighting within the right-of-way will require an encroachment permit.

### **SIGNS**

96. A master sign plan for the Specific Plan area is required to be submitted to and approved by the Community Development Department and the Advisory Design Panel at the design development stage, before any signs are installed, and all signage shall be in accordance with that plan. The master sign plan may allow large place making signage. Temporary signs such as a site development sign may be permitted without approval of a master sign plan, provided that they comply with the Town’s sign ordinance.

### **NOISE**

97. Appropriate noise attenuation features shall be included in the design of all facilities.
98. All construction and maintenance equipment shall be properly equipped and operated to minimize noise disturbance.
99. Construction equipment shall be operated in accordance with Town of Mammoth Lakes regulations. Improperly equipped vehicles shall not be permitted to operate.
100. All development shall comply with all noise related mitigation measures established by the EIR.
101. Residential buildings shall be constructed to meet the Town of Mammoth Lakes Municipal Code noise level limits of 35 dBA for residence interiors between 10:00 p.m. and 7:00 a.m.

### **AFFORDABLE HOUSING**

102. The project shall be subject to the Housing Ordinance (M.C. Chapter 17.36) in effect

one year from the date of Town Council action on this project. The Town will initiate, and use good faith efforts to review and approve, amendments to the Housing Ordinance within one year of Town Council action on the project. However, nothing contained herein commits the Town to adopt those amendments or predetermines the outcome of those deliberations, and the Town retains its legislative authority to not adopt those changes. If the Town does not adopt any changes to the Municipal Code, the workforce housing obligations shall be consistent with the provisions of the Municipal Code that were in effect at the time the application was deemed complete.

103. Certificates of occupancy for the required workforce housing units for any phase must be obtained before or simultaneously with the first certificates of occupancy for the hotel or condominium hotel units.
104. Workforce housing shall meet relevant livability criteria adopted by Mammoth Lakes Housing or the Town, in terms of unit size, configuration, amenities and quality of construction.
105. A minimum of 150 square feet of on-site common amenity/recreation area shall be provided for each on-site workforce-housing unit. Said area may include recreation room(s), swimming /spa facilities, tennis courts, play areas, etc, and shall be for the use of the workforce housing occupants. This is currently proposed to be satisfied by providing a day care and community center area. Operational details of this area shall be provided and approved by the Community Development Department prior to issuance of the first certificate of occupancy. This facility may be available to the general public if vacancies allow and should be reflected in the operational plan. If the recreation area is not constructed in the same phase as the workforce housing units, an interim area of equivalent square footage and function shall be provided and approved by the Community Development Department.
106. Storage for skis and other recreational equipment shall be provided for the workforce housing units. This can be accommodated as closets within or for each unit, storage lockers in a storage or locker room, or in some other manner.

#### **TRASH/RECYCLING**

107. Exterior trash enclosure(s), if any, shall be improved with a concrete slab and constructed of masonry with an exterior of stone veneer or other materials compatible with that of the building(s). Adequate space for recyclable materials shall be provided within the enclosure(s). The enclosure(s) is/are not required to be gated.
108. Prior to the issuance of a building permit, the applicant shall submit a trash and recycling management plan that ensures efficient, convenient, and unobtrusive removal of trash, restaurant waste, shipping materials, and disposal of recyclables.

#### **LIFE SAFETY**

109. This project is protected by the Mammoth Lakes Fire Protection District. Prior to any construction occurring on any parcel, the applicant shall contact the Fire Marshal for verification of the then current fire protection requirements that will be required for the building permit.

110. 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.
111. 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 Town Engineer, may approve any plan or approve a change to an approved plan, which complies with the intent of this policy.
112. All pedestrian facilities, including plazas, pathways, and other areas, shall have adequate lighting, visible signage, and markings for pedestrian safety.
113. The Fire District will require access to the internal fire lanes to be a minimum of 16 feet wide with designated locations of 26 feet as determined by the Fire District (can be pedestrian paths but must be built to fire apparatus weight requirements). Planters can be on either side, but no steps or other barriers to emergency vehicle movement are permitted.
114. For portions of exterior building walls that are located more than 150 feet from fire apparatus access, a stand/yard pipe system will be required to satisfy code requirements.
115. All development shall mitigate increased response times due to construction activity, increased visitation and project related traffic, particularly on Old Mammoth, Laurel Mountain, and Sierra Nevada Roads, to the satisfaction of MLFPD.
116. All development shall comply with current State and local fire code requirements in place at the time of an application submittal.
117. Access to and circulation through the Clearwater Specific Plan site for emergency vehicles shall be provided, per Town of Mammoth Lakes Municipal Code and Mammoth Lakes Fire Protection District (MLFPD).
118. Throughout the Clearwater Specific Plan area, a system of hydrants shall be developed in accordance with MLFPD regulations.
119. Pursuant to previous comments from the Mammoth Lakes Fire Protection District, fire truck access to the "Commons" area will be required. Thom Heller will draft this language.
120. All structures shall be designed and constructed in accordance with the current California Building Code incorporating lateral force requirements for the appropriate seismic zone.
121. 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.

122. 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**

123. Prior to the issuance of an encroachment, grading or improvement permit, 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.
124. 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.
125. Prior to the issuance of an encroachment, 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 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. A sediment and oil water separator shall be installed in conjunction with the infiltrator, substantially in conformance with water quality Phase 2 requirements.
126. The parking garage plans shall show oil/water separators sufficient to serve the garage and any facilities in place to separate silt from storm water. Oil or other

petroleum contaminants shall not be discharged to the Town of Mammoth Lakes Stormwater and Sewer System.

127. A stormwater operations plan shall be approved prior to the first certificate of occupancy.

### **CONSTRUCTION & MANAGEMENT**

128. 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.
129. Prior to the issuance of an encroachment, grading or improvement permit, an application for a grading permit shall be submitted to the Engineering Services Division of the Public Works Department in accordance Chapter 12.08 of the municipal code. No change to the existing conditions of the site, including site grading, drainage interruption, land clearing, etc. shall be commenced until an engineered grading, drainage and landscape/irrigation plans have been approved by the Town Engineer.
130. A grading permit for the project shall not be issued prior to submission of the second review for an application for a building permit to the Building Division of the Community Development Department. The Building Official shall make the determination as to whether or not the building application resubmittal is complete.
131. 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.
132. Temporary and permanent erosion control plans shall be included with the grading and improvement 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 (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.
133. A Construction Staging and Management Plan shall be submitted to, and approved by the Town Engineer prior to grading permit issuance. Said plan shall include provisions related to the parking of construction worker vehicles,

- construction equipment, construction materials, 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.
134. Prior to the issuance of an encroachment, 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 tract map, Vesting TTM 09-003, and use permit, UPA 09-003, 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. 2010xxxxxx, 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.
  135. Prior to the issuance of an encroachment, 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.
  136. All export shall be taken to, and all import shall be taken from a permitted site, which shall be identified at grading permit issuance. Prior to the issuance of an encroachment, grading or improvement permit, the applicant shall prepare a haul route, subject to the approval of the Town Engineer prior to the import or export of material for the site.
  137. 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 EIR.
  138. Construction activities shall be in accordance with Town of Mammoth Lakes regulations.
  139. Construction hours shall be limited to those hours typically permitted by the Town of Mammoth Lakes. Construction is prohibited outdoors on Sundays.
  140. Phasing and demolition shall be consistent with the phasing plan approved as part of the use permit application.
  141. Paved access is required to a maintained street during construction. Street and traffic signs shall meet Town standards.
  142. Prior to combustible materials being placed on-site, an all-weather access road

shall be maintained serving all exterior portions of the structure to the satisfaction of MLFPD.

143. Safe pedestrian access around the site shall be maintained at all times during construction.
144. An approximately 10-foot border of sidewalk and "construction hoarding fence" shall be installed along Old Mammoth Road to provide attractive pedestrian access around the site, prior to the issuance of a grading permit and shall remain throughout the construction period.

#### **AIR QUALITY**

145. No solid fuel burning appliances shall be installed in any of the multi-family residential units, consistent with General Plan Section R.10.J. As permitted for other similar projects, one solid fuel burning appliance may be permitted in the lobby or other similar common area, provided that it is consistent with the Town, State, and Federal air pollution control standards and subject to approval by the Community Development Director.
146. 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.

#### **GEOLOGY & SOILS**

147. 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.
148. Prior to the staff approval of the final map, a preliminary soils report shall be filed with and reviewed by the Town Engineer. The report shall address and make recommendations as to the compacted and un-compacted fills on-site, foundations, infiltrators, and other improvements proposed by the project.
149. Prior to approval of the improvement plans, the applicant shall contract with a materials testing (or civil/qualified) engineer. Any proposed grading within the street right-of-way shall be done under the direction of the soils testing engineer. Compaction tests of embankment construction, trench backfill, and all sub-grades shall be performed at no cost to the Town. Prior to placement of any base materials, and/or paving, a written report shall be submitted by the soils testing engineer to the Town Engineer for review and approval.

#### **UTILITIES**

150. 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.
151. All new utility lines within, adjacent to or serving the site shall be placed underground.
152. If the subject property has existing overhead utilities along the property frontage. The Subdivision Ordinance requires that undergrounding of utilities shall be mandatory for all subdivisions and all condominium projects. Prior to the staff

- approval of the final map, the applicant shall convert the existing utilities underground along the frontage of the property, or post a surety in a Town acceptable form to guarantee undergrounding of utilities that shall be completed prior to first certificate of occupancy. The pole shown on the tentative map that serves the adjacent property need not be undergrounded.
153. The design and construction and the estimated costs and fees for the conversion to underground of the utilities shall meet the standards and approval of all serving utility companies within the Mammoth Lakes area and the standards and requirements of the Town.
  154. 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.

### **FINAL MAP**

155. 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 Regulations of the Town of Mammoth Lakes. The tentative map shall expire twenty-four (24) months after the approval date. Failure to record the final 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.
156. 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 1350 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA, CONTAINING A MAXIMUM 340 RESIDENTIAL UNITS AND 80 COMMERCIAL UNITS AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT."
157. Prior to the issuance of a grading or building permit, the final 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 map.

### **SURETIES**

158. Prior to the staff approval of the final 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 a grading permit and prior to approval by staff of the final map.

159. Prior to the staff approval of the final map, surety shall be posted with the Town in a form acceptable to the Town Surveyor for any deferred final monumentation for the final map. The estimated amount of the surety shall be prepared by the licensed land surveyor preparing the final map and shall be approved by the Town Surveyor.

#### **ASSESSMENT DISTRICTS**

160. Prior to staff approval of the final map, the Property Owner shall make application with the Town in which the Property Owner shall agree to annex the following property into the Old Mammoth Road Benefit Assessment District, BAD 2001-1, for the operation, maintenance and repair, snow removal, heat trace, landscaping and irrigation, street lighting, and other things, of the public improvements along the property frontage:
  - a. Old Mammoth Road frontage improvements;
  - b. Sierra Nevada Road frontage;
  - c. Laurel Mountain Road frontage; and
  - d. The new mid-block connector right of way.
161. 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 Old Mammoth Road Benefit Assessment District, BAD 2001-1. The agreements shall run with the land and shall be binding upon all future owners of the property.

#### **EASEMENTS**

162. 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. Easements to be recorded by separate document shall be submitted to the Town for review and approval. The fully executed documents shall be submitted to the Town Engineer prior to staff approval of the final map. Easements shown on the tentative map to be granted or dedicated shall indicate the beneficiary of the easement(s).
163. Prior to the staff approval of the final map, 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.
164. Prior to the issuance of an encroachment, grading or improvement permit, all easements shall be shown on the plans.
165. Prior to staff approval of the final map, evidence shall be provided to the Town that the easements identified on the tentative map as "to be quitclaimed" have been applied for.
166. A public access easement shall be provided to the Town for public plazas, access to the public plazas, and mid block connectors.

#### **CC&Rs**

167. 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.
168. Existing CC&Rs, if any, encumbering the property shall be amended as necessary for the proposed development of this project.
169. The final condominium plans for the project shall be submitted to the Town for review for conformance with the approved development plan, tentative map, use permit and CC&Rs. The condominium plans shall conform to the conditions of approval with respect to ownership of required appurtenant use areas. Issuance of the first certificate of occupancy and recordation of the condominium plans shall not occur prior to Town approval of the condominium plans. The condominium plans shall be recorded prior to issuance of the first temporary, conditional or final certificate of occupancy for the project.

### **STREET & DRIVEWAY IMPROVEMENTS**

170. Prior to the issuance of an encroachment, grading or improvement permit, an 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 with an application.
171. Prior to the issuance of an encroachment, grading or improvement permit, all driveways shall be designed in accordance with the driveway standards of the Town.
172. Prior to the issuance of an encroachment, grading or improvement permit, street and public improvement plans for streets, sidewalks, drainage, and other public/private infrastructure shall be prepared by a registered civil engineer and submitted to the Town for review and approval. Existing topography and proposed grading with sufficient contours intervals (not to exceed two feet) shall be prepared by a registered civil engineer or a licensed land surveyor.
173. 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 Town Engineer confirming the adequacy of the grade and provided that drainage can be adequately maintained.
174. Construction of private streets and private facilities and related drainage improvements shall be inspected and certified by the Town Engineer according to Public Works Standard Plans and/or the Clearwater Specific Plan.
175. The offsite improvements under the circulation mitigations of the Clearwater Specific Plan EIR for the signals at Sierra Nevada Road and Old Mammoth Road and Azimuth and Meridian Boulevard, if required, shall be entirely funded by the developer and constructed by the Town of Mammoth Lakes. The traffic mitigations shall be installed and completed either when the intersection is determined to exceed a LOS "D" or by the first certificate of occupancy for the third phase of construction. They may be reimbursed for any intersection improvements that are included in the Development Impact Fee program at the time of building permit application submittal.
  - a. To mitigate traffic at Laurel Mountain Road and Main Street, any traffic improvement along the Main Street corridor that will sufficiently mitigate

the level of service impacts at this intersection will be acceptable. It is anticipated that the construction of a signal at USPO/Center Street and Main Street will mitigate this intersection level of service. These improvements are currently in design and planned to be constructed in the 2008/2009 Five Year Capital Improvement Plan by the Town of Mammoth Lakes. In the event the Town of Mammoth Lakes has not completed the required improvements before a certificate of occupancy is issued, the developer shall provide a schedule to the Town of Mammoth Lakes that will have the improvements completed before the issuance of the first certificate of occupancy.

- b. Prior to the first certificate of occupancy, The developer shall re-stripe and sign the intersections at Laurel Mountain and Main, Old Mammoth and Main Street, and Tavern Road and Old Mammoth Road to provide a through and left turn lane.
  - c. Applicant shall stripe, paint, and sign all new bike lanes and street parking that will be constructed as part of this project prior to the first certificate of occupancy for each phase.
- 176. The developer and/or completed projects shall financially participate on a fair-share basis in the Town of Mammoth Lakes' annual traffic monitoring program until all certificates of occupancy have been issued for the project.
  - 177. The proposed transit shelter shall meet the Town's specifications, including being a minimum dimension of 6 feet by 15 feet on the inside dimension and shall be complete with the first certificate of occupancy for the first phase of construction.
  - 178. A 24-foot tall Town standard light pole and fixture shall be installed at the intersection of Laurel Mountain Road and Sierra Nevada Road, in addition to other street lights shown on the plans and shall be complete prior to issuance of the first certificate of occupancy for Phase II of construction.
  - 179. Since the new mid-block connector is proposed to be one-way on the east side and two-way on the west side, the applicant shall install signage advising guests where the two-way section of the road ends and the westbound lane shall be on the north side of the road.
  - 180. For the new mid-block connector, a 40-foot irrevocable offer of dedication of the right-of-way to the Town will be required to be submitted with an application for a final map. The Town will accept the offer upon completion of construction of the improvements.
  - 181. Curb and gutter improvements are required along the property frontages. All new curb and gutter shall be consistent with the Town of Mammoth Lakes Public Works standards. The design of the improvements shall provide for adequate drainage along all fronting streets. The existing drainage inlets at the intersection of Old Mammoth Road and Main Street shall be expanded with the first phase of development, if the project creates any additional runoff and completed prior to the first certificate of occupancy.
  - 182. Heat tracing or an alternative, similarly suitable automated method of ice removal, that shall be approved by the Public Works Director, shall be provided along Old

Mammoth Place, since the shadow studies indicate that the street and sidewalk will be in the shade for more than two hours per day and for longer than a week.

### **SUSTAINABILITY**

183. The Town encourages the project applicant to achieve the highest LEED certification possible; the project applicant shall seek, at a minimum, a LEED silver certification or equivalent. If the applicant does not wish to seek LEED certification, a third party review shall be provided to the Town verifying that the project is built to a LEED silver equivalent or higher. The Town shall review and approve any document prior to issuance of the first certificate of occupancy.
184. The applicant shall install water-efficient fixtures that will use 20 percent less water for all non-irrigation uses, and 50 percent less water for landscape irrigation, than a non-LEED certified baseline project in accordance with LEED Silver requirements.
185. The applicant has stated that it intends to utilize geothermal as an energy source on this site, if feasible. Therefore, the applicant shall drill a test hole of sufficient depth and prepare a feasibility study by a qualified civil or mechanical engineer. The study shall be submitted to the Town for review and comment at the time of a grading permit application submittal for the garage.
186. Testing and drilling for geothermal wells may require a permit from the State Department of Energy and the Mono County Health Department. Other applicable permits and a water basin analysis may also be required.
187. A project shall be equipped with waste compaction and recycling facilities to reduce the volume of waste disposed. Recycling bins shall be required in all residential units, commercial units, and common areas.
188. Water conservation devices shall be installed in all residential and commercial structures.

### **WATER RESOURCES**

189. The project shall comply with the following recommendations from the Mammoth Community Water District. Feasibility studies shall be completed and submitted to the Town prior to or concurrent with the submittal of a grading permit.
  - a. Evaluate the feasibility (cost and water savings) of and consider plumbing the new buildings for dual-use of potable and recycled or grey water supply.
  - b. Evaluate the feasibility of and consider installing all irrigation plumbing systems to be completely separate from the site's potable service connections, and meet the State requirements for use of recycled water for irrigation and water features supply.
  - c. Evaluate the feasibility of and consider use of EPA Water Sense, CUWCC best management practices, and/or grey water dual plumbing per "a" to minimize water demands.
  - d. Evaluate the feasibility of and consider installing an 8-inch recycled water pipeline along the project frontage on Old Mammoth Road as part of the

street widening and related improvements. This would facilitate eventual use of recycled water supply, once a more complete distribution system is in place.

- e. Evaluate the feasibility of and consider a voluntary, private partnership between the project owner and a suitable off-site public or private building complex to fund water efficiency retrofits which would offset the increased water demands of the project, above the baseline project site water demands.

#### **MITIGATION MEASURES**

The project shall comply with all applicable mitigation measures of the Clearwater Specific Plan EIR, as included in Exhibit C.

## **EXHIBIT C**

### **Resolution No. PC-10-05**

**Case No. DZA 09-001, VTTM 09-003, UPA 09-003, ADJ 09-004, DR 09-003**

### **MITIGATION MEASURES**

#### **SHORT-TERM CONSTRUCTION AESTHETIC IMPACTS**

- AES-1 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 shall be indicated on Final Development Plans and Grading Plans.
- AES-2 A grading plan shall be submitted concurrently with the development plans and shall be approved through the design review process by the Planning Commission. All grading and earthwork activities must be conducted in accordance with an approved construction grading plan and grading permit issued by the Mammoth Lakes Public Works Department. All grading plans must meet Lahontan Regional Water Quality Control Board standards for interim and permanent erosion control measures.
- AES-3 The applicant shall prepare and submit a construction hauling plan to be reviewed and approved by the Community Development Department prior to issuance of grading permit. The plan shall ensure that construction haul routes do not affect sensitive uses in the project vicinity.
- AES-4 All construction-related lighting shall be located and aimed away from adjacent residential areas and consist of the minimal wattage necessary to provide safety at the construction site. A construction safety lighting plan shall be submitted to the Community Development Department for review concurrent with Grading Permit application.

#### **LONG-TERM AESTHETIC IMPACTS**

- AES-5 The overall color scheme shall be determined by the Town Design Guidelines and Town of Mammoth Lakes Advisory Design Panel, subject to approval by the Town of Mammoth Lakes Planning Commission. The color of exterior materials, whether applied or innate, shall reflect the appearance of the natural surroundings and not seem synthetic or man-made. Accent colors shall integrate with the overall color scheme and form of the building.
- AES-6 All signs shall be in accordance with general provisions, prohibitions, exemptions, and special purposes delineated in Chapter 17.40 of the Town's Municipal Code, the Clearwater Specific Plan, and the Clearwater Landscape Design Guidelines as established and adopted hereafter by the Town Planning Commission.

- AES-7 Landscape design shall be consistent with TOML Municipal Code Chapter 17.20.040, property development standards, and the Clearwater Specific Plan Landscape Design Guidelines. The landscape 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.
- AES-8 Flat roofs shall be designed to carry snow accumulations of a minimum of 161 pounds per square feet, and have a minimum slope of 3/12 for adequate drainage. Roofs shall be designed to not shed ice and snow onto adjacent properties, walkways, plaza, driveways, and decks.
- AES-9 Roof appurtenances shall be integral parts of the architecture of the structure. Non-functional roof ornamentation shall be avoided. Mechanical, electrical and roof access equipments, vents, and antennas shall be integrated into the roof design to avoid visual impact on other properties. Skylights, solar collectors and clerestories shall be designed as masses at angles relating to the primary roof, and building architecture, not applied forms. Exposed chimney flues shall not be permitted.
- AES-10 All appurtenances (i.e., meters and electrical equipment, etc.) shall be integrated into the project design to avoid visual impact from pedestrians and other properties. These appurtenances shall be screened or placed in areas that are not highly visible, where possible.
- AES-11 Fencing and outdoor enclosures shall be compatible in material, color, and design to adjacent structures, and the neighborhood and regional character. Fences and enclosures shall be designed to withstand heavy snowfall conditions and snow removal operations. Fences, walls, and enclosures shall be no higher than necessary to perform the intended function. Landscape features, fences, and walls in dedicated snow slope areas shall be designed to accommodate snow storage and removal activities.
- AES-12 All outdoor furnishings shall complement adjacent building character and scale, and shall be appropriate to the project theme, allow for snow removal operations, and accessibility requirements. The tree grates shall be used in areas of high pedestrian activity and traffic. They shall be constructed of cast iron, metal, or concrete.

### **LONG-TERM LIGHT AND GLARE**

- AES-13 The applicant shall prepare and submit an outdoor lighting plan pursuant to the Town's Lighting Ordinance (Chapter 17.34.060, Outdoor Lighting Plans, of the Municipal Code) to the Community Development Director that includes a footcandle map illustrating the amount of light from the project site at adjacent light sensitive receptors.
- AES-14 Landscape lighting should be designed as an integral part of the project. Lighting levels shall respond to the type, intensity, and location of use. Safety and security for pedestrians and vehicular movements must be anticipated.

Lighting fixture locations shall not interfere or impair snow storage or snow removal operations. Light fixtures shall have cut-off shields to prevent light spill and glare into adjacent areas.

### **SHADE AND SHADOW**

AES-15 The applicant shall implement a snow plowing and cindering plan during the three worst-case shadow months of the year at any portion of a pedestrian or vehicular travelway that receives less than two hours of mid-day sun for more than a week. The Community Development Director shall review the methodology and effectiveness of the plan during its implementation. If it is determined by the Town that the plan does not adequately reduce hazards resulting from shadows (i.e. black ice), the Town shall require the applicant to install heat traced pavement at any portion of a pedestrian or vehicular travelway that receives less than two hours of mid-day sun for more than a week.

### **TRAFFIC GENERATION – LONG-TERM**

TRA-1 Old Mammoth Road/Sierra Nevada Road. Since the project contributes to an existing, cumulative, and long-range General Plan deficiency at the intersection of Old Mammoth Road/Sierra Nevada Road, the project shall be required to submit a fair share contribution for the installation of a traffic signal. As part of the signalization, permitted left-turn phasing in the eastbound and westbound directions and protected phasing in the northbound and southbound directions would need to be constructed.

TRA-2 Azimuth Drive/Meridian Boulevard. Since the project contributes to an existing, cumulative, and long-range General Plan deficiency at the intersection of Azimuth Drive/Meridian Boulevard, the project shall be required to submit a fair share contribution for the installation of a traffic signal. As part of the signalization, permitted left-turn phasing in the northbound and southbound directions and protected phasing in the eastbound and westbound directions as well as a separate northbound left-turn lane would need to be constructed. Based on the access analysis, the project design shall be required to include separate eastbound left- and right-turn lanes at Old Mammoth Road/Old Mammoth Place.

### **INTERNAL CIRCULATION, PROJECT ACCESS, PEDESTRIAN CIRCULATION**

TRA-3 Old Mammoth Road/Old Mammoth Place (two-way road scenario). Since the project contributes to a long-range General Plan deficiency at Old Mammoth Place, the project design shall be required to include separate eastbound left- and right-turn lanes at Old Mammoth Road/Old Mammoth Place.

### **PARKING**

TRA-4 Prior to site plan approval, the applicant shall demonstrate to the satisfaction of the Director of Community Development that the project meets or exceeds the

requirements of the Clearwater Specific Plan parking requirements. The parking configuration shall be designed so that all project-related vehicles are parked on-site.

### **SHORT-TERM (CONSTRUCTION) AIR EMISSIONS**

AQ-1 Prior to approval of the project plans and specifications, the Public Works Director, or his designee, shall confirm that the plans and specifications stipulate that, in compliance with GBUPACD Rule 401, excessive fugitive dust emissions shall be controlled by regular watering or other dust preventive measures, as specified in the GBUPACD Rules and Regulations. In addition, GBUPACD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors:

- All active portions of the construction site shall be watered to prevent excessive amounts of dust;
- On-site vehicles' speed shall be limited to 15 miles per hour (mph);
- All on-site roads shall be paved as soon as feasible or watered periodically or chemically stabilized;
- All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust; watering, with complete coverage, shall occur at least twice daily, preferably in the late morning and after work is done for the day;
- If dust is visibly generated that travels beyond the site boundaries, clearing, grading, earth moving or excavation activities that are generating dust shall cease during periods of high winds (i.e., greater than 25 mph averaged over one hour) or during Stage 1 or Stage 2 episodes; and
- All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.

AQ-2 Under GBUPACD Rule 200-A and 200B, the project applicant shall apply for a Permit To Construct prior to construction, which provides an orderly procedure for the review of new and modified sources of air pollution.

AQ-3 Under GBUPACD Rule 216-A (New Source Review Requirement for Determining Impact on Air Quality Secondary Sources), the project applicant shall complete the necessary permitting approvals prior to commencement of construction activities.

AQ-4 Prior to demolition activities, the applicant shall demonstrate to the GBUPACD that the project is consistent with the Toxic Substance Control Act (TSCA), (15 U.S.C. Section 2601 et. seq.) Title 2 - Asbestos Hazard Emergency Response for handling asbestos.

### **LONG-TERM (OPERATIONAL) AIR EMISSIONS**

AQ-5 Prior to approval of building plans, the applicant shall provide confirmation, to the satisfaction of the Town of Mammoth Lakes Community Development Department, that wood fired stoves or appliances would not be used on-site.

### **SHORT-TERM CONSTRUCTION NOISE IMPACTS**

N-1 Prior to Grading Permit issuance, the project shall demonstrate, to the satisfaction of the Town of Mammoth Lakes Community Development Department, that the project complies with the following:

- All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers;
- 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;
- During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers;
- During construction, stockpiling and vehicle staging areas shall be located as far as practical from noise sensitive receptors;
- Operate earthmoving equipment on the construction site, as far away from vibration sensitive sites as possible; and
- Construction hours, allowable workdays and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the Town or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action and report the action taken to the reporting party.

### **LONG-TERM (STATIONARY) NOISE IMPACTS**

N-2 The proposed project shall be required to adhere to Chapter 8.80.090 of the Municipal Code, which prohibits loading activities between the hours of 10:00 P.M. and 7:00 A.M.

N-3 Mechanical equipment shall be placed as far practicable from sensitive receptors. Additionally, the following shall be considered prior HVAC installation: proper selection and sizing of equipment, installation of equipment with proper acoustical shielding, and incorporating the use of parapets into the building design.

**WATER SUPPLY**

USS-1 The applicant shall provide lateral sewer lines to the centerlines of the nearest adjacent roadways. The lateral sewer lines shall be constructed in accordance with Town and MCWD standards and specifications, to the satisfaction of the Town of Mammoth Lakes.

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## **Attachment #4**

Clearwater Specific Plan – available online:

<http://www.townofmammothlakes.ca.gov/index.aspx?NID=142>



## **Attachment #5**

North Old Mammoth Road District Study – available online:

<http://www.townofmammothlakes.ca.gov/index.aspx?NID=142>



## **Attachment #6**

Old Mammoth Place Advisory Design Panel plans and response memo, January 4, 2010 – available online:

<http://www.townofmammothlakes.ca.gov/index.aspx?NID=141>

