

# **Attachment I**

## **Planning and Economic Development Commission Resolution**

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**RESOLUTION NO. PEDC-2016-\_\_**

**A RESOLUTION OF THE MAMMOTH LAKES  
PLANNING AND ECONOMIC DEVELOPMENT COMMISSION  
RECOMMENDING TO THE TOWN COUNCIL  
ADOPTION OF THE ADDENDUM TO THE CLEARWATER  
SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT AND  
APPROVAL OF DISTRICT ZONING AMENDMENT 15-002,  
VESTING TENTATIVE TRACT MAP 16-001,  
USE PERMIT 16-001, AND DESIGN REVIEW 16-004,  
TO ALLOW THE REVISED OLD MAMMOTH PLACE PROJECT  
FOR PROPERTIES LOCATED AT  
164, 202, AND 248 OLD MAMMOTH ROAD  
(APN(s): 035-230-005-000; 035-230-006-000; and 035-230-007-000)**

**WHEREAS**, a request for consideration of a district zoning amendment, vesting tentative tract map, use permit amendment, and design review was filed by Brent Truax, on behalf of the owner, Metric Mammoth, LLC to amend the Clearwater Specific Plan to allow the revised Old Mammoth Place project, in accordance with Chapter 17.116 (Specific Plans), 17.68 (Use Permits), and 17.88 (Design Review) of the Town of Mammoth Lakes Municipal Code and Section 10.0 of the Clearwater Specific Plan, for property located within the Clearwater Specific Plan Zoning District at 164, 202, and 248 Old Mammoth Road; and

**WHEREAS**, the Planning and Economic Development Commission conducted a noticed public hearing on the application request on June 15, 2016, at which time all those desiring to be heard were heard; and

**WHEREAS**, the Planning and Economic Development Commission considered, without limitation:

1. The staff report to the Planning and Economic Development Commission with exhibits;
2. The 2007 General Plan, Clearwater Specific Plan, State Map Act, Municipal Code, Design Review Guidelines, and associated Land Use Maps;
3. North Old Mammoth Road District Special Study;
4. Oral evidence submitted at the hearing;

5. Written evidence submitted at the hearing;
6. Amendments to the Clearwater Specific Plan, consisting of the complete text of the Specific Plan with changes as indicated in redline/strikeout format, dated June 15, 2016, attached hereto as Exhibit 2;
7. Project plans consisting of:
  - a. Volume 1: Project Narrative, dated May 27, 2016
  - b. Volume 2, dated June 7, 2016:
    - i. Conceptual Design and Approach, Sheets 10-15; 20-23; and 30-32;
    - ii. Architectural Drawings, Sheets A1.0 - A1.6; A2.0A - A2.0C; A2.1 - A2.7; A3.1 - A3.5; A4.1 - A4.3; and A.37 - A.39;
    - iii. Landscape Drawings, Sheets L1.0 - L1.7 and 5.2, dated February 2, 2010;
    - iv. Height, Massing & View Analysis, Sheets HA.2, HA.6, HA.7, HA.9, HA.12, AND HA.15,
8. Vesting Tentative Tract Map 16-001, Sheets C1.0 - C6.0, dated June 8, 2016
9. Addendum to the Clearwater Specific Plan Environmental Impact Report (EIR) (State Clearinghouse No. 2006062154), attached hereto as Exhibit 1; and
10. The Clearwater Specific Plan Environmental Impact Report, incorporated herein by reference.

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

**SECTION 1. FINDINGS.**

1. **CEQA.** (EIR Addendum - California Environmental Quality Act Guidelines Section 15164)
  - a. The Planning and Economic Development Commission considered the Addendum to the Clearwater Specific Plan Environmental Impact Report (EIR) (State Clearinghouse No. 2006062154) together with the Clearwater Specific Plan EIR, any comments received, including the Mitigation Monitoring and Reporting Program, pursuant to the CEQA Guidelines, and finds that on the basis of the whole record, there is no substantial evidence that the proposed district zoning amendment, vesting tentative tract map, use permit, and design review will result in any new significant effects or a substantial increase in the severity of previously identified significant effects.
  - b. The Planning and Economic Development Commission finds that the Addendum to the Clearwater Specific Plan EIR has been completed in compliance with CEQA and reflects the lead agency's independent judgment and analysis.

- c. An addendum is adequate because the Addendum demonstrates that the environmental analysis and impacts identified in the Clearwater Specific Plan EIR remain substantively unchanged by the proposed district zoning amendment, vesting tentative tract map, use permit, and design review, and supports the finding that the proposed district zoning amendment, vesting tentative tract map, use permit, and design review do not result in any new environmental effects and does not exceed the level of impacts identified in the EIR.
- d. The custodian and location of the documents and other material which constitute the record of proceedings upon which this decision is based is the Town Clerk at the Town of Mammoth Lakes Offices, 437 Old Mammoth Road, Suite R, Mammoth Lakes, California 93546.
- e. The Planning and Economic Development Commission finds that the proposed district zoning amendment, vesting tentative tract map, use permit, and design review will not result in a safety hazard or noise problem for persons using the Mammoth Yosemite Airport or for persons residing or working in the Project area because the Project site is located approximately seven miles from the Mammoth Yosemite Airport.
- f. A program for reporting on or monitoring the required mitigation measures has been adopted and all of the mitigation measures remain applicable.
- g. All mitigation measures shall be conditions of Project approval.

**2. MUNICIPAL CODE FINDINGS.**

**FINDINGS FOR DISTRICT ZONING AMENDMENT**  
(Municipal Code Section 17.116.060)

- a. The proposed amendment, which consists of revised project development standards for building height and requirements for workforce housing and minor text edits to provide consistency with the current conditions on the site, is consistent with the General Plan because it would comply with all applicable Goals and Policies of the General Plan.

The proposed amendment is consistent with the Neighborhood and District Character Element of the General Plan and the Clearwater Specific Plan land use designation because it would achieve the goals and objectives of the Old Mammoth Road District and the Clearwater Specific Plan by providing a pedestrian-oriented mixed-use condominium-hotel development that has ground-floor retail that is oriented to the street; commercial corridors that are walkable year-round; distinctive mountain architecture; streetscapes that are safe and designed for the pedestrian; numerous public plazas, courtyards, and pedestrian links that create a sense of exploration; and mid-block pedestrian access.

Additionally, the proposed amendment is consistent with all applicable Goals and Policies of the Community Design Element of the General Plan since the increased height at the center of the site will be largely mitigated by the smaller, surrounding buildings. The public view planes from the sidewalk level and across the street from the project are governed by the foreground structures and the increased height in the center of the site will be largely outside of the public view. Additionally, as shown and described in the Addendum to the Clearwater Specific Plan EIR, the project would not result in increased public view blockage of the Sherwin Range compared to the approved and permitted Old Mammoth Place project. The amendment would maintain the sense of “*a village in the trees*” since the maximum building height of 65-feet is consistent with the average mature height of the trees on the site and with what was analyzed by the Clearwater Specific Plan EIR. Furthermore, the project incorporates a high quality of architecture through the use of varied natural materials that are consistent with mountain architecture and the building mass is broken up by incorporating significant building articulation and stepping of the building height from the perimeter of the site to the center.

The proposed amendment is consistent with the Housing Element of the General Plan since housing will be mitigated in a manner consistent with the Town’s Housing Ordinance.

The proposed amendment is internally consistent with the Clearwater Specific Plan because the project would create a condominium-hotel that includes ground-floor commercial and other associated uses (i.e., restaurant and retail spaces, subterranean parking garage, conference space, spa and wellness center, and public open spaces). The mass of the buildings would be aggregated to the center of the site to reduce impacts to public views and to maintain a building height at street level that is consistent with the adjacent Zoning Districts. The project does not exceed the total allowable density in the General Plan or the Clearwater Specific Plan. Additionally, the project complies with all of the development standards of the Clearwater Specific Plan with the exception of building height. The amendment to the building height standards will achieve a project that is consistent with the Clearwater Specific Plan.

- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the town because with the incorporation of the mitigation measures from the Clearwater Specific Plan EIR, the amendment would not impact public health, safety, convenience, or welfare.
- c. The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA) because an Addendum to the Clearwater Specific Plan EIR has been prepared for the Project, which determined that on the basis of the whole record, there is no substantial evidence that the proposed district zoning amendment, vesting tentative tract map, use permit, and design review will result in any new significant effects or a substantial increase in the severity of previously identified significant effects. The Clearwater Specific

Plan EIR did conclude that impacts to aesthetics/light and glare, land use and relevant planning, and short-term construction noise would remain significant and unavoidable despite implementation of mitigation measures and a statement of overriding considerations was adopted. The proposed amendment does not increase the severity of these impacts that were found to be significant and unavoidable.

- d. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities for the requested zoning designation and the proposed use and development because the site is already developed with a lodging establishment and the proposed re-development of the site would result in a pedestrian-oriented mixed-use lodging establishment that is consistent with the Clearwater Specific Plan, as amended. Based on a maximum density of 488 hotel rooms, the Clearwater Specific Plan EIR found that adequate public services and utilities could be provided to the site. Furthermore, the conditions of approval require compliance with all Mammoth Lakes Fire Protection District requirements for emergency access and fire protection.
- e. The amendment is consistent with Mammoth Yosemite Airport land use plan because the project is located approximately seven miles from the Mammoth Yosemite Airport and due to the nature and scope of the project, no impact to air traffic patterns are anticipated.
- f. The amendment has been processed in accordance with Municipal Code Section 17.116.070.C (Specific Plans – Amendments) and Government Code 65453.

**FINDINGS FOR USE PERMIT**  
(Municipal Code Section 17.68.050)

- a. The proposed use is consistent with all applicable sections of the General Plan and Title 17 and is consistent with any applicable specific plan or master plan because it would implement the goals and objectives of the Old Mammoth Road District and the Clearwater Specific Plan by providing a pedestrian-oriented mixed-use condominium-hotel development that has ground-floor retail that is oriented to the street; commercial corridors that are walkable year-round; distinctive mountain architecture; streetscapes that are safe and designed for the pedestrian; numerous public plazas, courtyards, and pedestrian links that create a sense of exploration; and mid-block pedestrian access.

The project proposes a maximum of 488 condominium-hotel rooms, along with streetscape improvements, retail and restaurant uses, conference space, a spa and wellness center, and public open space areas. The streetscape improvements include wider sidewalks, landscaping, and a new pedestrian and vehicular mid-block connector road. Ground-floor retail and restaurants along Old Mammoth Road provides further animation by providing outdoor café seating and other pedestrian scaled elements. The project would not result in increased public view blockage of the Sherwin Range compared to the

approved and permitted Old Mammoth Place project. The project would not exceed the maximum density allowed within the General Plan or the Clearwater Specific Plan.

The Clearwater Specific Plan sets forth the required land use development standards for the site rather than Title 17 (Zoning Code). The proposed condominium hotel use and other associated uses are all consistent with the Clearwater Specific Plan land use designation. As described in the staff report, incorporated herein by reference, the project is consistent with the Clearwater Specific Plan, with the exception of building height. The proposed amendment to the building height standard will achieve a project that is consistent with the Clearwater Specific Plan.

The proposed use is consistent with the Clearwater Specific Plan because the project would create a condominium-hotel that includes ground-floor commercial and other associated uses (i.e., restaurant and retail spaces, subterranean parking garage, conference space, spa and wellness center, and public open spaces). The mass of the buildings would be aggregated to the center of the site to reduce impacts to public views and to maintain a building height at street level that is consistent with the adjacent Zoning Districts. The project does not exceed the total allowable density in the General Plan or the Clearwater Specific Plan.

- b. The proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health and safety nor materially injurious to properties or improvements in the vicinity because the proposed project will comply with the mitigation measures required by the Clearwater Specific Plan EIR and will include street and sidewalk improvements, pedestrian paths through the project site, and a transit stop on Old Mammoth Road.
- c. The proposed amendments to the Clearwater Specific Plan Housing Section (Section 7.0), to allow mitigation of the affordable housing requirements of this project through compliance with the Housing Ordinance in effect that the time of building permit submittal, is adequate because the Housing Ordinance reflect the Town's visions, goals, and current strategies for affordable housing. Additionally, the Housing Ordinance found all forms of housing mitigation identified in the Ordinance as being appropriate ways to mitigate housing.

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

(Municipal Code Section 17.88.060)

- a. The proposed project is consistent with the applicable standards and requirements of the Mammoth Lakes Zoning Code because the project is consistent with the Clearwater Specific Plan development standards, which supersede Title 17 (Zoning Code), except for building height. The proposed amendment to the building height standard will achieve a project that is consistent with the Clearwater Specific Plan.

As described in the staff report, incorporated herein by reference, the proposed project is consistent with the Clearwater Specific Plan because the project conforms to the Clearwater Specific Plan development standards including, but not limited to permitted uses, density, site coverage, building separation, setbacks, parking, and snow storage and removal. Additionally, the proposed amendment to the building height standard will achieve a project that conforms to the building height standard of the Clearwater Specific Plan.

- b. The proposed project is consistent with the General Plan because it would implement the goals and objectives of the Old Mammoth Road District and the Clearwater Specific Plan by providing a pedestrian-oriented mixed-use condominium-hotel development that has ground-floor retail that is oriented to the street; commercial corridors that are walkable year-round; distinctive mountain architecture; streetscapes that are safe and designed for the pedestrian; numerous public plazas, courtyards, and pedestrian links that create a sense of exploration; and mid-block pedestrian access.

The project proposes a maximum of 488 condominium-hotel rooms, along with streetscape improvements, retail and restaurant uses, conference space, a spa and wellness center, and public open space areas. The streetscape improvements include wider sidewalks, landscaping, and a new pedestrian and vehicular mid-block connector road. Ground-floor retail and restaurants along Old Mammoth Road provides further animation by providing outdoor café seating and other pedestrian scaled elements. The project would not result in increased public view blockage of the Sherwin Range compared to the approved and permitted Old Mammoth Place project. The project would not exceed the maximum density allowed within the General Plan or the Clearwater Specific Plan.

The proposed project is consistent with the Clearwater Specific Plan because the project conforms to the Clearwater Specific Plan development standards including, but not limited to permitted uses, density, site coverage, building separation, setbacks, parking, and snow storage and removal. Additionally, the proposed amendment to the building height standard will achieve a project that conforms to the building height standard of the Clearwater Specific Plan. The proposed project is also consistent with the design guidelines of the Clearwater Specific Plan because it requires projects to be consistent with the Town's Design Guidelines (see below).

- c. The proposed project is consistent with the Town of Mammoth Lakes Design Guidelines and any applicable design guidelines adopted by the Town Council because the mass of the buildings is broken up through significant building façade articulation and stepping from the perimeter of the site to the center; the roofs have a dominant form with interesting design features such as changes of height and varied eaves; and the buildings adjacent to the street are at a scale that creates comfort and interest for the pedestrian environment. Additionally, the building materials and colors are appropriate to Mammoth Lakes since the buildings on the periphery of the site have a more rugged mountain feel achieved through the use of heavy timber, granite, rusted metal and a natural color palette of shingles, while the taller buildings in the center have a more

refined mountain feel achieved through the use of heavy timber and channel glass accents. The building design would not result in increased public view blockage of the Sherwin Range compared to the approved and permitted Old Mammoth Place project. Furthermore, conflicts between pedestrian and vehicular circulation are minimized and the parking areas are screened from public view. The revised project was reviewed by the Planning and Economic Development Commission Design Committee and the Committee members were supportive of the revisions to the project and felt that the project remained consistent with the overall design intent of the approved Old Mammoth Place project.

- d. The proposed site design and building elements integrate in an attractive and visually cohesive manner that is compatible with and complements the desired architectural character of the Clearwater Specific Plan area and a mountain resort community. The General Plan discourages architectural monotony (Policy C.2.U), and the proposed buildings would have unique architecture that expresses mountain character appropriate to the area. The project would encourage pedestrian activity in the area through the increased sidewalk width on Old Mammoth Road, the new pedestrian and vehicular mid-block connector, retail and restaurant uses at the ground level oriented to the street, café seating and other pedestrian scaled elements along Old Mammoth Road, and numerous public open space areas and plazas throughout the site. The project would promote compatibility among neighboring uses by limiting the maximum building height at the street level to at or below the building height standard for the adjacent Zoning Districts.
- e. The proposed project includes streetscape improvements, including landscaping, wider sidewalks, café seating and other pedestrian scaled elements, and a new pedestrian and vehicular mid-block connector that will be consistent with the desired pedestrian-oriented character of the Clearwater Specific Plan area and the Old Mammoth Road District.
- f. The proposed project includes a subterranean parking garage that will provide an adequate number of parking spaces to accommodate the proposed uses, or will pay in-lieu fees for any short-fall of the parking supply as determined by the Public Works Director. The project does include valet parking to maximize efficiency of the subterranean parking garage. The subterranean parking garage will not be visible from the street since it will be underground or blocked from view by the ground-floor retail and restaurant uses along Old Mammoth Road. Additionally, the access to the subterranean parking garage will only be visible from Old Mammoth Place (the new mid-block connector Road). Conflicts between vehicles and pedestrians and cyclists will be prevented since access to the parking garage is only via Old Mammoth Place and no other curb cuts are necessary along Old Mammoth Road. Curb cuts along Sierra Nevada Road and Laurel Mountain Road will be minimal and are only for emergency vehicle access and/or delivery truck/bus parking. Stormwater run-off and the heat-island effect will be minimal since the landscaped open space areas account for 52% of the site and those landscaped areas atop the parking garage are required to have a minimal depth of four-feet (4') to allow for the rooting of vegetation and

drainage. Additionally, the project will be required to comply with all stormwater management requirements of the Town and the State.

- g. The proposed project will include attractive lighting that complements the proposed architecture and will comply with the Town's Outdoor Lighting regulations as required by the conditions of approval.
- h. The proposed project landscaping will be required to comply with the Town's and the State's Water Efficient Landscape Ordinance and the Clearwater Specific Plan Landscape Design Guidelines. The landscaping is designed to help relate the buildings to the surrounding landscape and enhance the architectural character. The preliminary landscape plan was not revised as part of this project. A final landscape plan will be required as part of the future building permit submittal.
- i. The proposed project is consistent with any approved tentative map, use permit, variance, or and Clearwater Specific Plan, as described above, because the design review permit is being processed concurrently with the district zoning amendment, vesting tentative tract map, and use permit, and therefore, will be consistent with these approvals.
- j. The project does not indiscriminately destroy trees or natural vegetation, nor does it create excessive or unsightly grading, indiscriminate clearing of the property, or the destruction of natural significant landforms since the project site is already developed. Additionally, the conditions of approval require a surety bond prior to issuance of a grading permit for each tree that is larger than 12-inch diameter-at-breast height (DBH) that will remain.

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

- a. The proposed project would result in a project where the proposed community benefits and increment of development incentives are appropriate for the site and relate appropriately to the 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.
- b. The proposal will be consistent with the accepted list and prioritization established in Section 3.6 of 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 were the subject of a financial analysis completed by KMA and peer reviewed by EPS, incorporated into these findings by reference:

- i. Indoor meeting and conference space
  - ii. Outdoor public events plaza
  - iii. Commercial, retail, and restaurant uses along Old Mammoth Road
  - iv. Underground parking
  - v. Pedestrian and vehicular mid-block connectors
  - vi. Dedication of property for the purpose of improving public right-of-way and sidewalks and achieving “complete streets”
  - vii. Public access to the events plaza and mid-block connectors secured through easements
- c. The proposal reflects a fair financial balance of costs and benefits to the applicant and the Town in that the financial analysis completed by KMA concluded that the financial value of the community benefits (excluding fiscal/economic benefits) outweighed the projected economic benefits to the developer by more than 10 times. The residual land value increase associated with the density bonus was estimated at approximately \$2.5 million, whereas the value of the physical benefits provided by the project was 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 Section 3.6.1 of the Clearwater Specific Plan.
- d. The project will not result in unacceptable environmental or other impacts as assessed through CEQA and the original Population at One Time (PAOT) assessment. An Addendum to the Clearwater Specific Plan EIR was completed for this project, which determined that on the basis of the whole record, there is no substantial evidence that the proposed project will result in any new significant effects or a substantial increase in the severity of previously identified significant effects. Since the project is not proposing to increase the overall density allowed by the General Plan or the Clearwater Specific Plan, PAOT would remain unchanged.

### **3. SUBDIVISION MAP ACT FINDINGS. (State Map Act Section 66474)**

- a. The proposed map is consistent with applicable General and Specific Plan as specified in Section 65451 of the Subdivision Map Act because it would implement the goals and objectives of the Old Mammoth Road District and the Clearwater Specific Plan by providing a pedestrian-oriented mixed-use condominium-hotel development that has ground-floor retail that is oriented to the street; commercial corridors that are walkable year-round; distinctive mountain architecture; streetscapes that are safe and designed for the pedestrian;

numerous public plazas, courtyards, and pedestrian links that create a sense of exploration; and mid-block pedestrian access.

The project proposes a maximum of 488 condominium-hotel rooms, along with streetscape improvements, retail and restaurant uses, conference space, a spa and wellness center, and public open space areas. The streetscape improvements include wider sidewalks, landscaping, and a new pedestrian and vehicular mid-block connector road. Ground-floor retail and restaurants along Old Mammoth Road provides further animation by providing outdoor café seating and other pedestrian scaled elements. The project would not result in increased public view blockage of the Sherwin Range compared to the approved and permitted Old Mammoth Place project. The project would not exceed the maximum density allowed within the General Plan or the Clearwater Specific Plan.

The proposed project is consistent with the Clearwater Specific Plan because the project conforms to the Clearwater Specific Plan development standards including, but not limited to permitted uses, density, site coverage, building separation, setbacks, parking, and snow storage and removal. Additionally, the proposed amendment to the building height standard will achieve a project that conforms to the building height standard of the Clearwater Specific Plan.

- b. The design and improvements of the subdivision are consistent with the General and Specific Plan because the proposed condominium-hotel project would be consistent with the Old Mammoth Road District and standards of the Clearwater Specific Plan. The Clearwater Specific Plan development standards implement the goals and policies of the Town's General Plan because the Clearwater Specific Plan supersedes the Municipal Code Zoning requirements. Although the project requires an amendment to the specific plan for building height; the proposed changes would allow for a viable project and achieve a critical mass of hotel rooms and associated amenities (i.e., restaurant and retail spaces, subterranean parking garage, conference space, spa and wellness center, and public open spaces), while achieving an efficient and functional hotel layout. The project includes wider sidewalks and a new pedestrian and vehicular mid-block connector road consistent with General Plan, Clearwater Specific Plan, and Town standards.

Furthermore, the project is consistent with the Clearwater Specific Plan because the project conforms to the Clearwater Specific Plan development standards including, but not limited to permitted uses, density, site coverage, building separation, setbacks, parking, and snow storage and removal. Additionally, the proposed amendment to the building height standard will achieve a project that conforms to the building height standard of the Clearwater Specific Plan. The proposed project is also consistent with the design guidelines of the Clearwater Specific Plan and the Town's Design Guidelines since the mass of the buildings is broken up through significant building façade articulation and stepping from the perimeter of the site to the center; the buildings adjacent to the street are at a scale that creates comfort and interest for the pedestrian environment; conflicts between pedestrian and vehicular circulation are minimized; and the parking areas are screened from

public view. The building design would not result in increased public view blockage of the Sherwin Range compared to the approved and permitted Old Mammoth Place project.

- c. The site is physically suitable for the type of development because the site is already developed with a lodging establishment and the proposed re-development of the site would result in a pedestrian-oriented mixed-use lodging establishment that is consistent with the Clearwater Specific Plan, as amended and would include ground-floor commercial space and a subterranean parking garage.
- d. The site is physically suitable for the proposed density of development because the maximum density proposed for the site is 488 hotel rooms, which is the maximum allowable density for the site based on the 6.1 acre parcel size and a density of 80 hotel rooms/acre.
- e. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat since the project is not located within an environmentally sensitive area and the Clearwater Specific Plan EIR and the Addendum to the Clearwater Specific Plan EIR found all impacts to biological resources would be less than significant.
- f. The design of the subdivision and the types of 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.
- g. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision since all easements are shown on the tentative map or are required through the conditions of approval, and the property has access to three existing public streets with approved street alignments and widths, proposes a new private road that will have a public access easement, 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 subdivision will not impact upon adjacent property easements and/or common areas shared among condominium owners.



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**ALL-PURPOSE ACKNOWLEDGMENT FOR CALIFORNIA**

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

STATE OF CALIFORNIA  
COUNTY OF \_\_\_\_\_

On \_\_\_\_\_, before me, \_\_\_\_\_  
Date Name And Title Of Officer (e.g. "Jane Doe, Notary Public")

personally appeared \_\_\_\_\_  
Name(s) of Signer(s)

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

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Seal Above

\_\_\_\_\_  
Signature of Officer

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**ALL-PURPOSE ACKNOWLEDGMENT FOR CALIFORNIA**

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

STATE OF CALIFORNIA  
COUNTY OF \_\_\_\_\_

On \_\_\_\_\_, before me, \_\_\_\_\_  
Date Name And Title Of Officer (e.g. "Jane Doe, Notary Public")

personally appeared \_\_\_\_\_  
Name(s) of Signer(s)

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

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Seal Above

\_\_\_\_\_  
Signature of Officer

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**EXHIBIT 1**

**ADDENDUM TO THE CLEARWATER SPECIFIC PLAN  
ENVIRONMENTAL IMPACT REPORT**

(STATE CLEARINGHOUSE NO. 2006062154)

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**ADDENDUM TO THE CLEARWATER SPECIFIC PLAN  
ENVIRONMENTAL IMPACT REPORT**

**Old Mammoth Place**

June 1, 2016

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**Lead Agency:**

Town of Mammoth Lakes  
437 Old Mammoth Road  
Mammoth Lakes, CA 93546  
Contact: Ms. Sandra Moberly, AICP  
Community & Economic Development Manager  
Phone: (760) 934-8989, ext. 251  
Email: [smoberly@townofmammothlakes.ca.gov](mailto:smoberly@townofmammothlakes.ca.gov)

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## 1.0 INTRODUCTION

The proposed project is located within an area covered by The Clearwater Specific Plan (Specific Plan). The Specific Plan was adopted by the Town on January 21, 2009, for the development of a new, pedestrian oriented, mixed-use, resort destination development (herein referenced as the "Specific Plan Development Scenario") located in the North Old Mammoth Road District of the Town. The Town, as the Lead Agency under the California Environmental Quality Act (CEQA), determined that an Environmental Impact Report (EIR) was required for the Specific Plan prior to adoption.

Following approval of the Specific Plan and Specific Plan Final EIR, a Conditional Use Permit (CUP) was approved by the Town for the project site on March 10, 2010. As part of this process, the Town of Mammoth Lakes, Community Development Department, prepared a CEQA Conformance Analysis to confirm the proposed CUP was consistent with what was analyzed as part of the Final EIR. The approved CUP (Old Mammoth Place) included Use Permit Application (UPA) 09-003 and Vesting Tentative Tract Map (VTTM) 09-003 (herein referenced as the "Approved CUP Project").

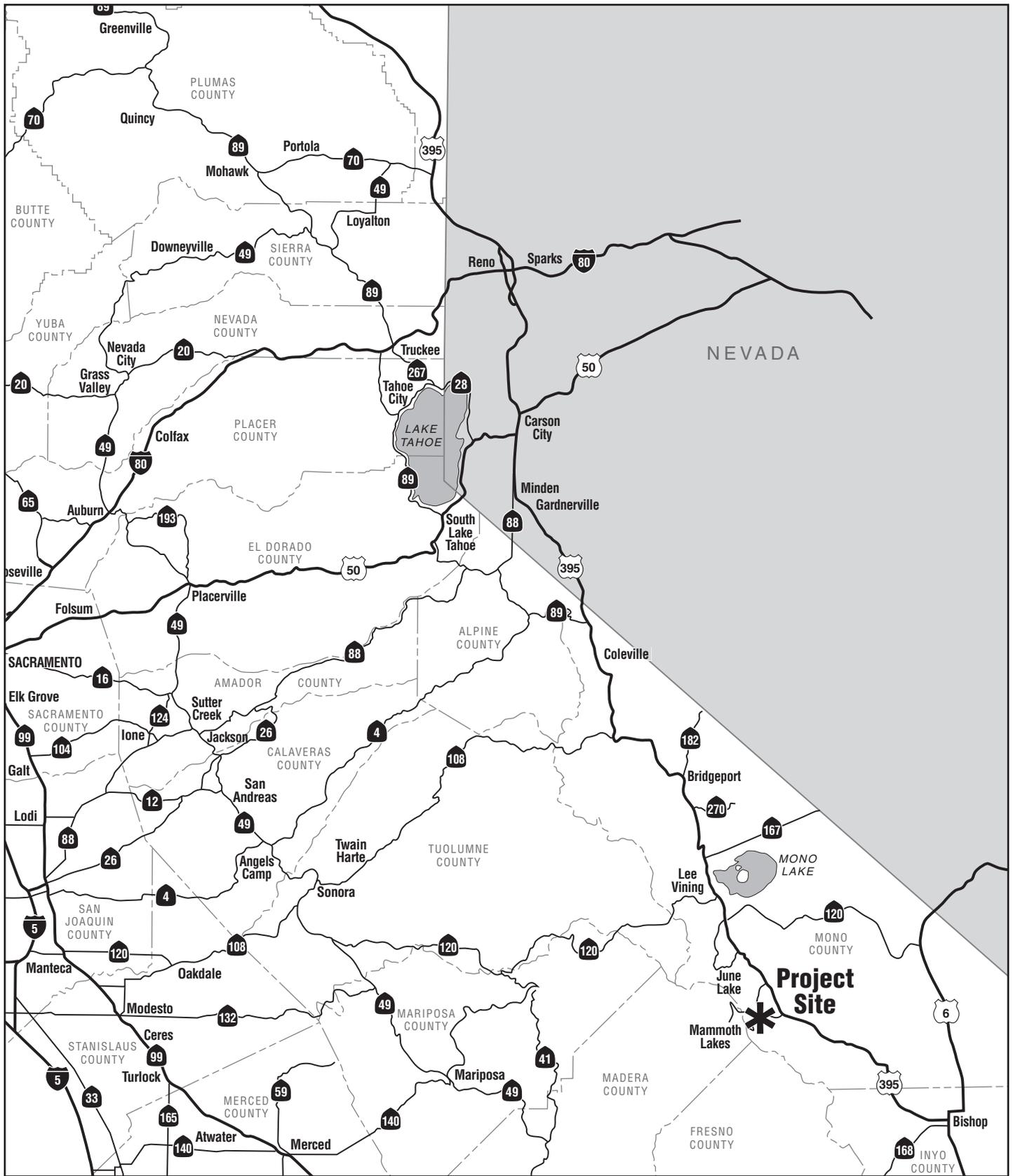
The Approved CUP Project was not constructed, and the Applicant has requested approval of modifications to the Approved CUP Project (proposed project modifications). These changes are the subject of this Addendum to The Clearwater Specific Plan EIR.

### 1.1 PROJECT LOCATION AND EXISTING CONDITIONS

The Town of Mammoth Lakes (Town) is located in the eastern portion of the Sierra Nevada Range, within southwestern Mono County, California; refer to Exhibit 1-1, Regional Vicinity. Regional access to the Town is provided via U.S. Highway 395, which is approximately three miles east of the Town. The Town is served primarily by State Route 203, which acts as a connector to U.S. 395.

The approximate 6.1-acre site is located to the west of Old Mammoth Road and is surrounded on the remaining three sides by Sierra Nevada Road to the south, Laurel Mountain Road to the west, and the Mammoth Mall and Krystal Villa East condominiums to the north; refer to Exhibit 1-2, Site Vicinity.

The site is currently developed with commercial uses, which include the Sierra Nevada Resort and Spa, Frosty's Mini Golf, Rafters Restaurant and Lounge, and a second restaurant building occupied by Red Lantern (downstairs) and Jimmy's Taverna (upstairs). The Sierra Nevada Resort and Spa is an L-shaped building situated at the northwest corner of the project site.



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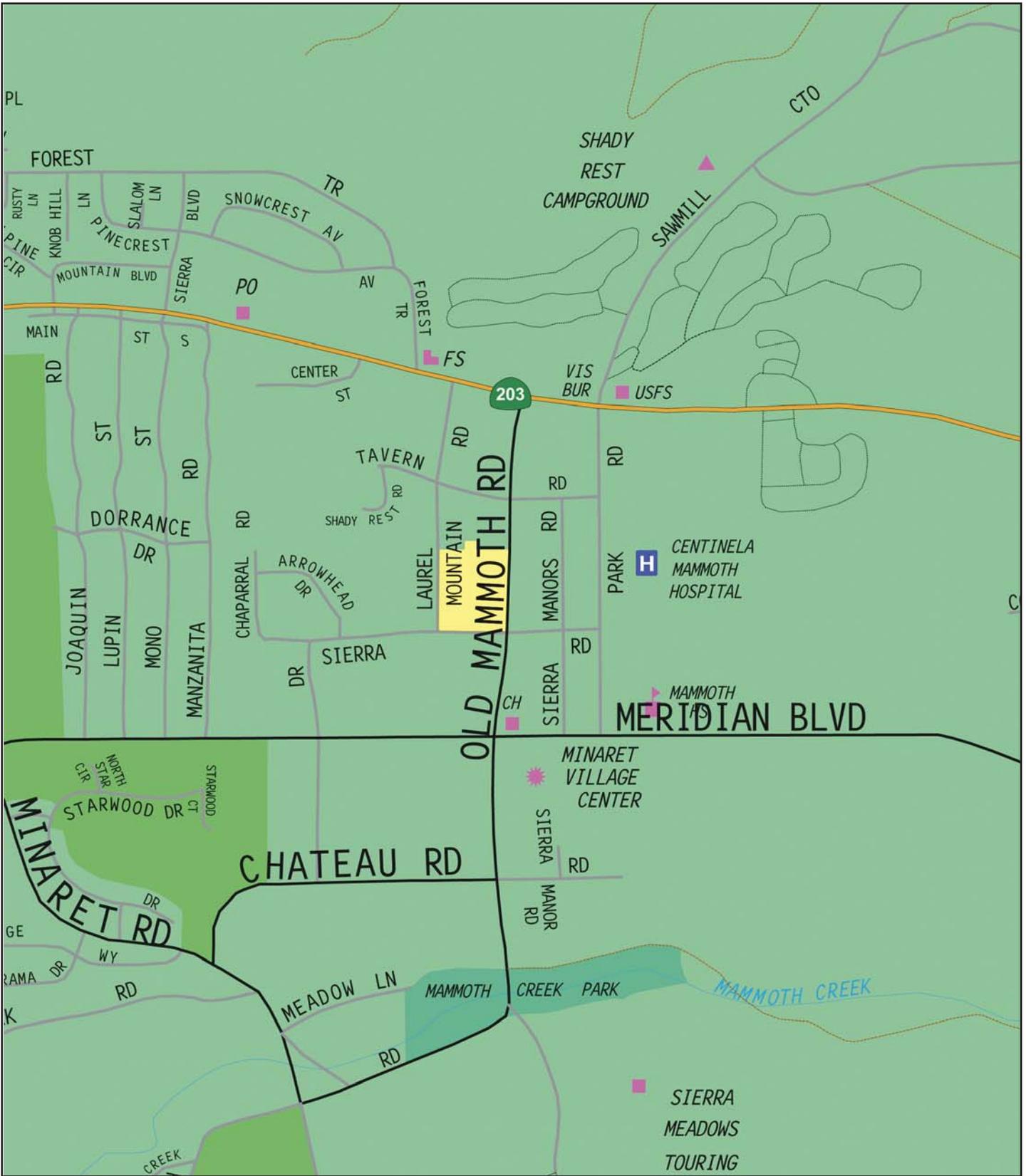
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**Regional Vicinity**

**Exhibit 1-1**



Source: Thomas Brothers Maps, 2007.

 - Project Site

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## Site Vicinity

Exhibit 1-2



Additionally, four detached buildings that are owned and used by the hotel are located along the eastern side of the hotel's main building and along the northern property line. Rafters Restaurant and Lounge, which reopened in December 2009 after being vacant for several years, is located at the central east side of the site. Red Lantern (opened November 2011) and Jimmy's Taverna (opened December 2012), are located within a two-story wood building at the southeastern corner of the site. With recent renovations of the project site, existing vegetation has been reduced from 48 trees to 33 trees on-site. The remainder of the site consists of a private playground and surface parking lots.

To the east of the project site, across Old Mammoth Road, is the Sierra Manor condominium project (zoning designation of Old Mammoth Road [OMR]). To the south, across Sierra Nevada Road, is the Sierra Park Villas condominiums (zoning designation of Residential Multi-Family [RMF-2]). Across Laurel Mountain Road to the west is the Laurel Mountain Professional Center, an unnamed apartment building, and the Sierra Park Apartments (zoning designation of OMR). To the north of the site, are the Krystal Villa East condominiums (zoning designation of OMR) and the Mammoth Mall (zoning designation of Downtown [D]), which houses business offices and retail establishments.

## **1.2 PREVIOUS ENVIRONMENTAL DOCUMENT**

The Clearwater Specific Plan was adopted by the Town on January 21, 2009, for the development of a new, pedestrian oriented, mixed-use resort destination development located in the North Old Mammoth Road District of the Town. The Town, as the Lead Agency under the CEQA, determined that an EIR was required for the Specific Plan prior to adoption. The EIR was prepared in conformance with CEQA (California Public Resources Code [PRC] Section 21000 et seq.); CEQA Guidelines (California Code of Regulations [CCR], Title 14, Section 15000 et seq.); and the rules, regulations, and procedures for implementation of CEQA, as adopted by the Town. The purpose of the EIR was to review the existing conditions, analyze potential environmental impacts, and identify feasible mitigation measures to reduce potentially significant effects of the Specific Plan.

The Draft Environmental Impact Report (Draft EIR) for the proposed Specific Plan was distributed to responsible and trustee agencies, interested groups, and organizations. The Draft EIR (SCH# 2006062154) was made available for public review and comment for a period of 45 days. The public review period for the Draft EIR established by the CEQA Guidelines commenced on December 15, 2006, and ended January 29, 2007. A public scoping meeting for the Draft EIR was held on January 24, 2007, at the Town Council Chambers, in order to gather information on concerns and issues that the general public may have regarding the Specific Plan and Draft EIR.

The Draft EIR focused primarily on changes in the environment that would result from the Specific Plan. The Draft EIR identified potential impacts that would result from the construction and operation of the Specific Plan and provided measures to mitigate potential significant impacts. Those impacts that cannot be mitigated to less than significant levels were also identified.

After publication of the Draft EIR, the project Applicant submitted modifications to the project, which were reflected in the Final EIR. The project proposed as part of the Final EIR considered a 308-unit (480 room) condominium hotel with 18,000 square feet of retail and restaurant commercial uses and 11,900 square feet of recreation uses and ranged in height from 35-65 feet. The condominium hotel also included 32 dwelling units for workforce housing and 8,000 square feet for conference space; refer to [Exhibit 1-3, Final EIR Site Plan](#).



Source: The Landau Partnership; June 20, 2008.

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 ENVIRONMENTAL IMPACT REPORT

# Final EIR Site Plan

Exhibit 1-3



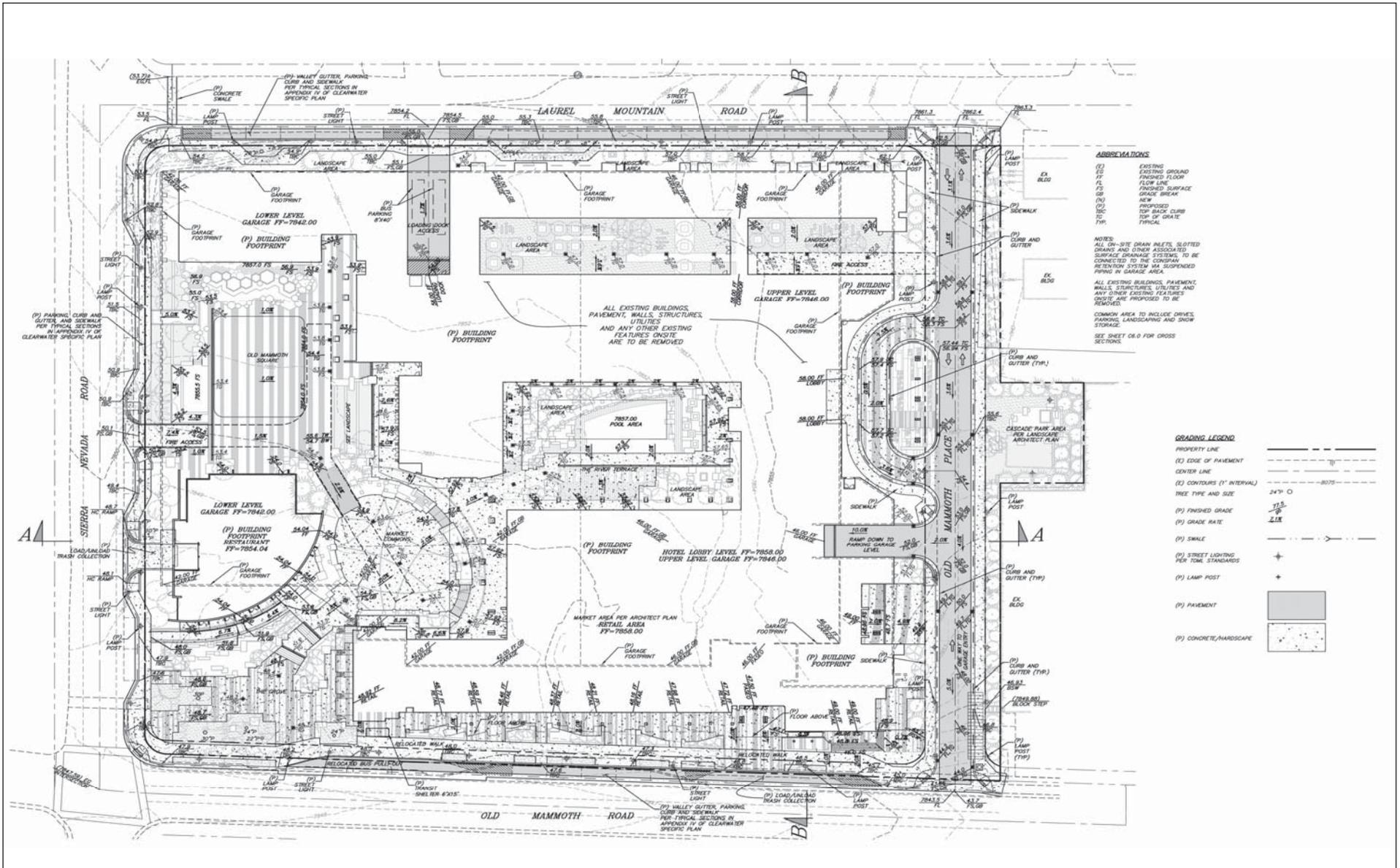
Final EIR Section 2.0, *Revisions to Information Presented in the Draft EIR*, documented these project changes prior to certification of the Final EIR. Per this analysis, these revisions did not change the conclusions presented in the December 2006 Draft EIR. The revised Final EIR development scenario was determined to not create any new significant impacts or create the need for additional mitigation. On January 7, 2009, the Town Council adopted the Final Clearwater Specific Plan and certified the Final EIR.

Following approval of the Final EIR, a Conditional Use Permit (CUP) was approved by the Town on March 10, 2010. The Approved CUP included a 332-unit (488 room) condominium hotel with 36,964 square feet of retail and restaurant commercial uses and 75,425 square feet of recreation uses. The condominium hotel also included 8 dwelling units for workforce housing and 9,582 square feet for conference space; refer to Exhibit 1-4, *Approved CUP Conceptual Plan*, which illustrates the Approved CUP (Old Mammoth Place) site plan. Prior to approval of the CUP, the Town underwent a CEQA Conformance Review in February 2010 in order to verify if the proposed CUP was consistent with the analysis presented in the Final EIR, or if additional CEQA Clearance Documentation was necessary.

Based on the findings presented in the CEQA Conformance Review, the CUP project would not result in substantial changes compared to the development scenario analyzed in the Clearwater Specific Plan Final EIR. Therefore, no new environmental impacts would result, and no new mitigation measures were necessary. The CUP project proposed only minor differences compared to the Final EIR. Further, the proposed amendment to the Specific Plan only included minor administrative changes in order to clarify definitions presented in the Specific Plan. The CEQA Conformance Review determined that project would result in similar impacts to land use and relevant planning, aesthetics/light and glare, traffic and circulation, air quality, noise, utilities service systems, as well as long-term implications. Mitigation measures recommended within the CEQA Conformance Review are the same as those presented in the Final EIR.

Since this time, the Applicant has proposed an amendment to the Approved CUP (the subject of this Addendum), which requires discretionary action by the Town of Mammoth Lakes. Based on the proposed changes, amendments to the Specific Plan, including increased allowed building height and removal of on-site workforce housing, are proposed as part of these project modifications. As such, the Town of Mammoth Lakes has determined that an Addendum to the Final EIR is required.

For the purposes of the analysis in this Addendum, the proposed project modifications (the proposed amendment to the CUP) are compared to the certified Final EIR development scenario.



Source: Triad/Holmes Associates, February 2, 2010.

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**Approved CUP Conceptual Plan**

**Exhibit 1-4**

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## **2.0 DESCRIPTION OF PROJECT MODIFICATIONS**

### **2.1 ADDENDUM'S PURPOSE AND NEED**

When an EIR has been certified or a negative declaration adopted for a project, no subsequent or supplemental environmental review documentation shall be required unless one or more of the following events occurs:

- 1) 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) 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) 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.

When none of the above events has occurred, yet minor technical changes or additions to the previously adopted EIR or negative declaration are necessary, an addendum may be prepared (State CEQA Guidelines Section 15164[b]).

As discussed below, none of the conditions described in State CEQA Guidelines Section 15162 calling for preparation of subsequent environmental review have occurred. This Addendum supports the conclusion that the proposed project modifications are minor technical changes that do not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In addition, as discussed below, the proposed project modifications would not result in any new or substantially increased significant environmental impacts, no new mitigation measures, or no new alternatives that would substantially reduce



significant impacts. As a result, an addendum is an appropriate CEQA document for analysis and consideration of the proposed project modifications.

Circulation of an addendum for public review is not necessary (State CEQA Guidelines Section 15164, subdivision (c)); however, the addendum must be considered in conjunction with the adopted Final EIR by the decision-making body (State CEQA Guidelines Section 15164, subdivision (d)).

## **2.2 LOCATION OF PROJECT MODIFICATIONS**

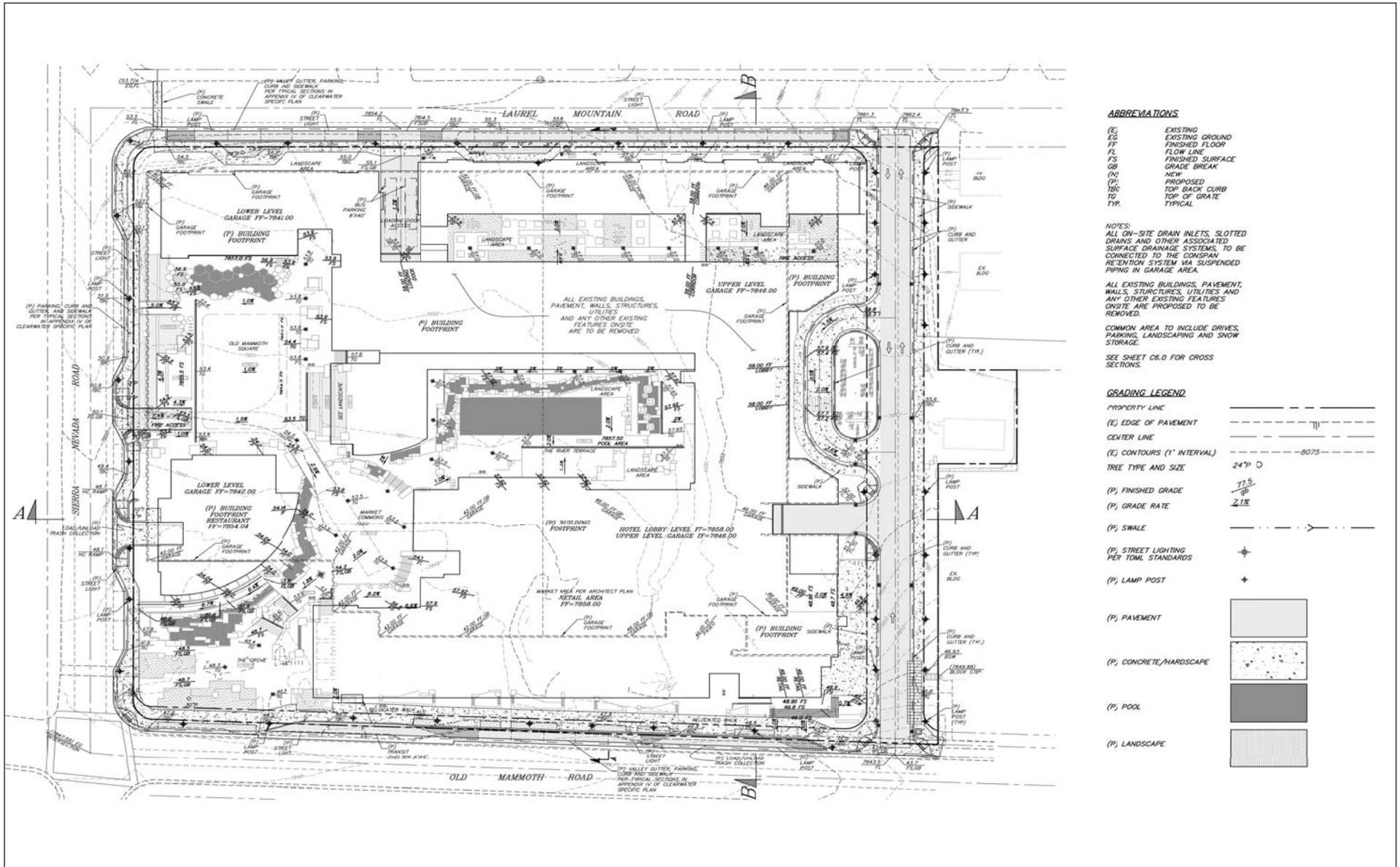
The proposed project modifications would apply to the same 6.1-acre project site identified and described in the Final EIR and Approved CUP Project. The project site is comprised of three parcels located at 164, 202, and 248 Old Mammoth Road, at the northwest corner of Old Mammoth Road and Sierra Nevada Road, in Mammoth Lakes, California.

## **2.3 COMPONENTS OF PROJECT MODIFICATIONS**

The Old Mammoth Place CUP was approved by the Town on March 10, 2010. Recently the Applicant has submitted an application to amend the CUP (the subject of this Addendum). The proposed site plan modifications to the Approved CUP Project are depicted on Exhibit 2-1, Proposed Conceptual Plan (Revised Project).

The proposed project modifications are identical to the Final EIR development scenario in the following respects:

- Acreage for the development would remain unchanged (6.1 acres).
- The proposed modifications would result in similar building setbacks.
- The proposed modifications would not alter the approved site access and circulation. This includes the new interior east-west access road (Old Mammoth Place); loading/unloading driveway along Laurel Mountain Road; and multiple public pedestrian connections that would access the site from the north (along Old Mammoth Place), east (from Old Mammoth Road), and south (from Sierra Nevada Road).
- Landscaping design would be similar to what was proposed in the Final EIR development scenario. Coniferous trees would include Red Fir (*Abies magnifica*), Jeffrey Pine (*Pinus jeffrey*), Lodgepole Pine (*Pinus contorta*), and Mountain Hemlock (*Tsuga mertensiana*). Deciduous trees would include Mountain Maple (*Acer glabrum*), Box Elder (*Acer negundo*), and Mountain Alder (*Alnus tenuifolia*). Accent trees would include Western Water Birch (*Betula occidentalis*), Quaking Aspen (*Populus tremuloides*), and Western Chokecherry (*Prunus virginiana demissa*). Decomposed granite and turf would also be planted on-site.



Source: Triad/Holmes Associates, April 8, 2016.

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OLD MAMMOTH PLACE AMENDMENT  
 ADDENDUM TO THE CLEARWATER SPECIFIC PLAN  
 ENVIRONMENTAL IMPACT REPORT

# Proposed Conceptual Plan (Revised Project)

Exhibit 2-1

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- Construction phasing would be similar to what was proposed in the Final EIR development scenario.
- With the exception of minor design changes, the street frontage along Old Mammoth Road would remain largely unchanged.

The proposed project modifications materially differ to the Final EIR development scenario in the following respects:

- The modifications would increase the total rooms by 8 rooms, remove the on-site workforce housing units, increase the total square footage of restaurant and retail uses on-site by 19,208 square feet, conference space on-site by 6,351 square feet, and recreational uses on-site by 51,297 square feet. Refer to Table 2-1, Development Scenario Comparison, for a comparison of the development scenarios discussed in the Final EIR and the proposed project modifications.

**Table 2-1  
Development Scenario Comparison**

Proposed Land Use	Development Scenario	
	Specific Plan Final EIR	Proposed Project Modifications
Residential Medium Density (MF) – Seasonal Condominiums	308 units (480 rooms)	343 units (488 rooms)
Residential Medium Density (MF) – Year Round (Employee Housing)	32 units	0 units
Restaurant	5,000 s.f.	16,328 s.f.
Retail	13,000 s.f.	20,880 s.f.
Recreation	11,900 s.f.	63,197 s.f.
Conference	8,000 s.f.	14,351 s.f.
Notes: 1. s.f. = square feet 2. Per Specific Plan Appendix 1 (Glossary of Terms), each bedroom is counted as a room.		

- The proposed modifications would result in the following changes to the square footages of the uses:
  - Increase the restaurant area from 5,000 square feet to 16,328 square feet; an increase of 11,328 square feet.
  - Increase the retail area from 13,000 square feet to 20,880 square feet; an increase of 7,880 square feet.
  - Add a spa and wellness center (5,473 square feet) as part of the proposed hotel uses.
  - Increase the conference and banquet facility space from 8,000 square feet to 14,351 square feet; an increase of 6,351 square feet.



- Increase the recreational uses at the project site from 11,900 square feet to 63,197 square feet, an increase of 51,297 square feet.
- The Final EIR development scenario included 32 workforce housing units that would be located along Old Mammoth Road. The proposed modifications would eliminate the on-site workforce housing and instead, allow the developer to mitigate housing by applying the Town's current Housing Ordinance (Town Ordinance 15-02), which allows payment of Housing Impact Mitigation Fees.
- The Final EIR development scenario considered on-site building heights ranging from 35 to 65 feet, with non-habitable architectural features extending as high as 97 feet.<sup>1</sup> Although it is acknowledged that the approved Specific Plan, as amended, did not include the 97-foot high architectural feature and permits on-site buildings to be constructed within three building height zones, ranging in height from 35 to 55 feet as measured from the podium. The proposed project modifications would increase the maximum building heights, ranging from 35 to 65 feet as measured from the podium; a difference of approximately 10 feet per height zone; refer to Exhibit 2-2, Building Zones.
- The proposed project modifications would decrease the site coverage<sup>2</sup> from 55 percent at surface level to 48 percent at surface level. This site coverage would remain below the maximum allowed site coverage of 70 percent per the Specific Plan.
- The proposed modifications would decrease the required number of parking spaces from 675 parking spaces to 597 parking spaces, a decrease in 78 spaces.

## PROPOSED SPECIFIC PLAN AMENDMENTS

As outlined above, the Applicant has proposed an amendment to the Approved CUP Project. These proposed project modifications would also require an amendment to the approved Specific Plan, which are further described below.

### Building Height

The project proposes an increase in building height of 10 feet per building zone. Table 2-2, Specific Plan Building Height Amendments, and Exhibit 2-2, outline the specific building height amendments proposed.

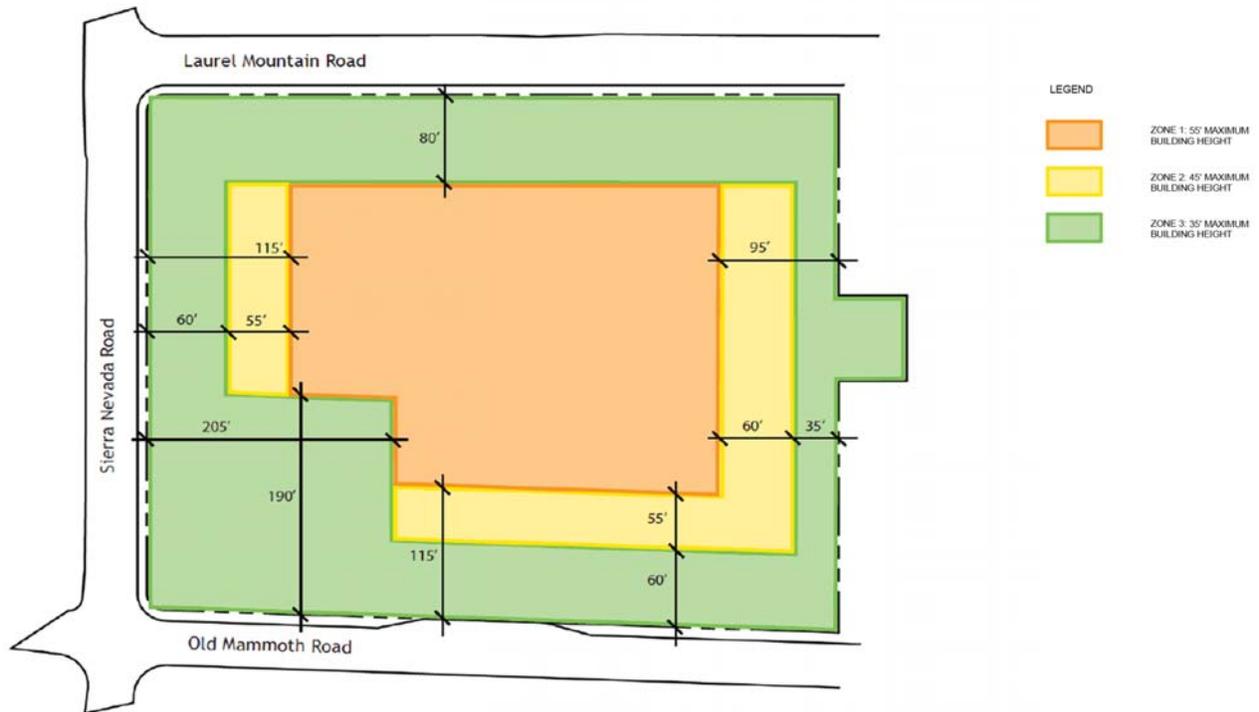
### Housing

The Approved CUP Project included eight workforce housing units that would be located along Old Mammoth Road. The proposed modifications would eliminate the on-site workforce housing and instead, allow the developer to mitigate housing by applying the Town's current Housing Ordinance (Town Ordinance 15-02), which allows payment of Housing Impact Mitigation Fees. Minor modifications to the Specific Plan text are required in order to provide consistency throughout the document.

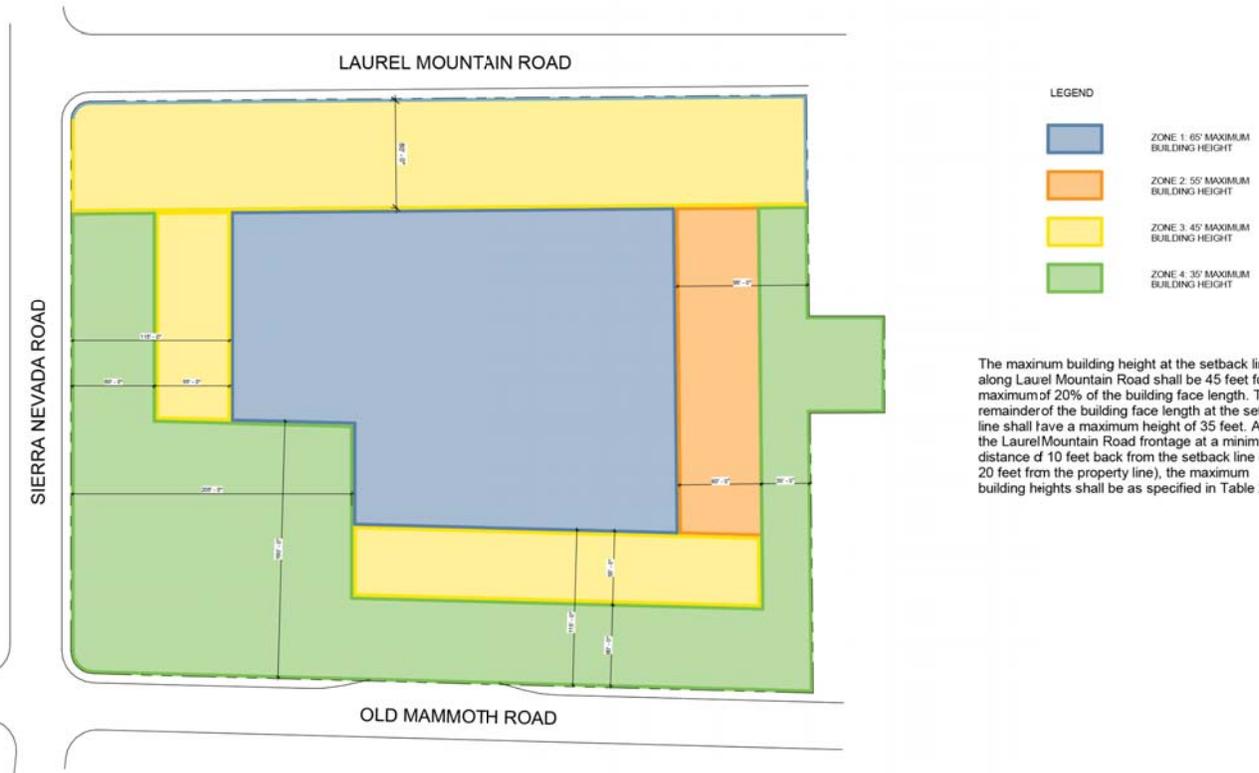
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<sup>1</sup> A 97-foot tall icon was considered in the Final EIR; the Final EIR assumed that this icon feature would be permitted over no more than 400 square feet.

<sup>2</sup> Pursuant to the Clearwater Specific Plan, site coverage is defined as the percent of lot area that may be covered by buildings or structures. Subterranean or podium structures topped by landscaped open areas (of at least a minimum dimension of 10 feet by 10 feet by 4 feet deep) shall not be considered structures for purposes of calculating lot coverage.



APPROVED ZONE DIAGRAM FROM CLEARWATER SPECIFIC PLAN



PROPOSED ZONE DIAGRAM

The maximum building height at the setback line along Laurel Mountain Road shall be 45 feet for a maximum of 20% of the building face length. The remainder of the building face length at the setback line shall have a maximum height of 35 feet. Along the Laurel Mountain Road frontage at a minimum distance of 10 feet back from the setback line (1.e., 20 feet from the property line), the maximum building heights shall be as specified in Table 2-3.

Source: *The Clearwater Specific Plan*, April 8, 2016.

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**Table 2-2  
 Specific Plan Building Height Amendments**

Approved Specific Plan		Proposed Specific Plan Amendments	
Zone	Requirements	Zone	Requirements
Zone 1	Maximum 55 feet	Zone 1	Maximum 65 feet
Zone 2	Maximum 45 feet	Zone 2	Maximum 55 feet
		Zone 3	Maximum 45 feet <sup>1</sup>
Zone 3	Maximum 35 feet	Zone 4	Maximum 35 feet

Notes:

<sup>1</sup> The maximum building height at the setback line along Laurel Mountain Road shall be 45 feet for a maximum of 20 percent of the building face length. The remainder of the building face length at the setback line shall have a maximum height of 35 feet. Along the Laurel Mountain Road frontage at a minimum distance of 10 feet back from the setback line (i.e., 20 feet from the property line), the maximum building heights shall be as specified in Table 2-2.



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### **3.0 ENVIRONMENTAL ASSESSMENT**

As discussed in *Section 1.2, Previous Environmental Document*, for the purposes of this analysis, the proposed project modifications are compared to the certified Final EIR development scenario. Potential environmental impacts resulting from the proposed project, as compared to the development scenario presented in the Final EIR for the Specific Plan, are presented below for each environmental topic area considered in the Final EIR. Implementation of the proposed project would not require any new mitigation measures compared to those recommended in the Final EIR. Mitigation measures recommended within this analysis are the same as those presented in the Final EIR.

#### **3.1 LAND USE**

The proposed project would not produce any new significant land use impacts, as compared to those analyzed in the Final EIR. The Final EIR determined that potential impacts to land use and relevant planning would be significant and unavoidable. The proposed land uses for the project modifications are consistent with the Specific Plan land use designations. The Specific Plan defines three different land use areas: retail/mixed-use (Land Use Area 1), residential (Land Use Area 2), and plaza/outdoor recreation (Land Use Area 3). Conference/meeting space is also permitted by the Specific Plan, in Land Use Areas 1 and 2. Although the revised project would modify the square footage for various uses as compared to the development scenario analyzed for the Specific Plan in the Final EIR, the proposed project would remain consistent with these three designated land use areas.

##### Workforce Housing

Pursuant to the Specific Plan, the project is subject to the housing mitigation standards that were in place as of September 2009. The Clearwater Specific Plan Final EIR analyzed 32 workforce housing units that would be located along Old Mammoth Road; however, the proposed modifications would eliminate the on-site workforce housing. Similar to the Specific Plan, the Applicant proposes to satisfy its mitigation requirements by applying the Town's current Housing Ordinance (Town Ordinance 15-02), which allows payment of Housing Impact Mitigation Fees. Minor modifications to the Specific Plan text are required in order to provide consistency with the Town's current code throughout the document. Although modifications to the Specific Plan are proposed, the project complies with Chapter 17.136 of the Town's Municipal Code. Upon approval of the proposed project, including the proposed amendments to the Specific Plan pertaining to workforce housing requirements, the proposed project modifications would be consistent with the Specific Plan. Thus, impacts in this regard would be less than significant.

##### Density

###### *Allowed by the Specific Plan*

The allowable density for projects within the Specific Plan area is 40 hotel rooms per acre. The Specific Plan allows applicants to request a density of more than 40 hotel rooms per acre, subject to the Community Benefits and Incentive Zoning (CBIZ) policy. Density above the allowable base, up to a maximum of 80 hotel rooms per acre, may be granted based upon criteria established by the Town Council pursuant to the CBIZ policy adopted by Town Council in August 2009. For the purpose of considering increased density up to 80 units per acre, the Specific Plan contemplates the community benefits listed below to be among those that may be determined to be desired by the Town and may be appropriate for the site, such as:



- 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 achieving “complete streets”; and
- Public access to the events plaza and mid-block connectors secured through easements.

### *Town of Mammoth Lakes Community Benefits/Incentive Zoning Policy*

On August 5, 2009, the Town Council adopted the CBIZ policy (Resolution No. 09-55). The Town’s CBIZ policy was rescinded in October 2014; however, the Specific Plan still requires the provision of community benefits in order to gain the additional density of up to 80 rooms per acre. The intent of this policy is to provide regulations for the granting of discretionary development incentives to property developers to encourage the provision of certain community benefits or amenities. The CBIZ policy states that discretionary development incentives may be granted in exchange for community benefits only when the community benefits offered would not otherwise be required or likely to result from the applicable planning process before the Town. The Applicant seeks approval of up to 488 hotel or resort condominium rooms. The project proposes the following Community Benefits on-site:

- Three public outdoor special events plazas;
- An east-west connector street at the north end of the site;
- A north-south pedestrian connector through the project site;
- A children’s play area;
- Approximately 37,208 square feet of retail and restaurant space (approximately 50 percent of which would be sized and programmed with the intent to attract and accommodate local businesses);
- Approximately 14,351 square feet of indoor meeting, events, and conference space;
- Underground parking to accommodate all hotel, residential, and commercial needs; and
- Dedication of right-of-way along the full length of Old Mammoth Road along the project site to accommodate street widening, sidewalk widening, public parking, and other improvements.

The ultimate determination of which of these features are considered community benefits is at the discretion of the Town. As the proposed project modifications would construct similar community benefits as that considered previously, the proposed project modifications would be generally consistent with the intent of the Specific Plan.

### Building Height

Implementation of the proposed project would not require a General Plan Amendment. However, a Specific Plan Amendment is proposed for the project to allow for an adjustment in building height. The requested height change to 65-feet is consistent with the maximum building height analyzed by the Final EIR, with the exception of the building heights along Laurel Mountain Road and Old Mammoth Place. However, the building height along Laurel Mountain Road and Old Mammoth Place would be consistent with the recent increases in allowed building height at adjacent properties allowed by the Zoning Code Update.



## Site Coverage

The proposed project modifications would increase the site coverage (as defined by the Clearwater Specific Plan) from 52 percent to 48 percent. Thus, proposed site coverage would remain below the maximum allowed site coverage of 70 percent per the Specific Plan and would be 4 percent less than that considered in the Final EIR.

## Conclusion

Tentative Tract Map and Use Permit approvals by the Town would be required for the proposed project. The project would be subject to discretionary actions by the Town with regard to allowance of the proposed density bonus and Specific Plan Amendments. Upon approval by the Town, impacts in this regard would be less than significant. Additionally, the revised project would not create any relevant planning impacts that were not previously considered and addressed in the Final EIR.

## **Mitigation Program**

No measures were feasible in the Final EIR for this topic area, and no new measures are feasible.

## **3.2 AESTHETICS/LIGHT AND GLARE**

The Final EIR determined that despite the implementation of recommended mitigation measures, the previously analyzed project would result in significant and unavoidable construction impacts as the surrounding residential areas would be exposed to the visually related impacts of construction activities. Additionally, long-term visual/aesthetic impacts due to increased building heights, removed mature vegetation, increased hardscape features, and view obstruction would remain significant and unavoidable following implementation of recommended mitigation measures. The intensification of the proposed uses from that of the existing on-site uses would also result in a significant light and glare impact as well as shade and shadow impacts.

The proposed project modifications include increasing the building heights throughout most of the project site by 10 feet; as depicted in Exhibit 2-2, *Building Zones*. Minor modifications made to the building massing include step-back features to the facades to provide visual relief along the building's exterior surface. The proposed project would involve demolition, site preparation, construction, and project operation activities similar to those identified in the Final EIR.

### *Views of the Project Site*

A team from Michael Baker visited the project site in January 2016 in order to document the existing visual conditions of the project site; refer to Exhibit 3.2-1, *Existing Condition Photographs*. The project's proposed building massing, setbacks, and heights are illustrated in the revised visual simulations; refer to Exhibit 3.2-2, *Viewpoint 1 (Looking North Along Old Mammoth Road)*, Exhibit 3.2-3, *Viewpoint 2 (Looking South Along Old Mammoth Road)*, and Exhibit 3.2-4, *Viewpoint 3 (Looking South Along Laurel Mountain Road)*. Similar to the Final EIR, views of the project site from the surrounding commercial and residential uses would be altered with implementation of the project. Although the proposed project result in increased building heights on-site, the resultant view blockage to the surrounding mountains and hillsides would remain similar to that analyzed in the Final EIR. The proposed project would not introduce any new view impacts.



Viewpoint 1 (Looking north along Old Mammoth Road)



Viewpoint 2 (Looking south along Old Mammoth Road)



Viewpoint 3 (Looking south along Laurel Mountain Road)



DRAFT EIR



PROPOSED

**Viewpoint 1 (Looking North Along Old Mammoth Road)**



DRAFT EIR



PROPOSED

OLD MAMMOTH PLACE AMENDMENT  
 ADDENDUM TO THE CLEARWATER SPECIFIC PLAN  
 ENVIRONMENTAL IMPACT REPORT

## Viewpoint 2 (Looking South Along Old Mammoth Road)



DRAFT EIR



PROPOSED

OLD MAMMOTH PLACE AMENDMENT  
ADDENDUM TO THE CLEARWATER SPECIFIC PLAN  
ENVIRONMENTAL IMPACT REPORT

## Viewpoint 3 (Looking South Along Laurel Mountain Road)



It is noted that the Final EIR development scenario considered on-site building heights ranging from 35 to 65 feet, with non-habitable architectural features extending as high as 97 feet.<sup>3</sup> The public comments as part of the Final EIR process contributed to a number of changes that were incorporated into the Specific Plan. Building height was a very controversial aspect of the Specific Plan. When the Town Council adopted the Specific Plan, Council required that the proposed 65-foot maximum building height be reduced to 55 feet. Although the building height was reduced, the Final EIR conclusions and mitigation measures remained unchanged.

Northerly views of hillsides and ridgelines from northbound travelers and commercial uses along Old Mammoth Road would remain obstructed (as depicted in [Exhibit 3.2-2](#)). Southerly views of Sherwin Range from southbound travelers along Old Mammoth Road would also be partially obstructed, similar to the previously analyzed project (as depicted in [Exhibit 3.2-3](#)). Lastly, southerly views from residential uses along Laurel Mountain Road would be partially obstructed, to the same degree as previously analyzed (as depicted in [Exhibit 3.2-4](#)). Similar to the Final EIR, views looking south from commercial and residential uses to the north would be blocked by the proposed project features.

The proposed project would still be required to comply with the Final EIR's Mitigation Measures AES-5 through AES-12 in order to reduce long-term visual/aesthetic impacts to the furthest extent feasible. However, impacts would remain significant and unavoidable, as the project would increase building heights within the area, remove mature native vegetation, increase hardscape features and visible building mass, and the obstruct views toward Mammoth Mountain and the Sherwin Range.

The proposed project modifications would include low to moderate levels of interior and exterior lighting for security, parking, signage, landscaping, street lighting, and interior lighting of the proposed structures similar to that considered in the Final EIR. Implementation of the Final EIR Mitigation Measures AES-13 and AES-14 would still be required in order to reduce light and glare impacts. However, similar to that analyzed in the Final EIR, the intensity of operational lighting impacts would remain significant and unavoidable.

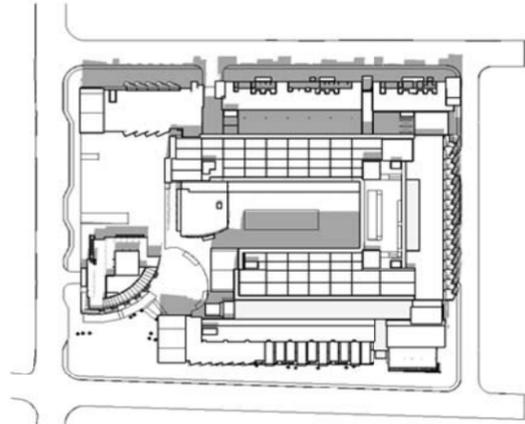
### *Shade and Shadow*

Shade and shadow patterns for the proposed project are provided in [Exhibit 3.2-5, \*Shade and Shadow Diagrams\*](#), which illustrate the proposed shade and shadow conditions during the summer/winter solstices and the spring/autumn equinoxes at 9:00 a.m., 12:00 p.m., and 3:00 p.m. As shown in [Exhibit 3.2-5](#), the proposed project would result in increased shadow impacts compared to that analyzed in the Final EIR. As a result of the increased building heights (ranging between 45 and 65 feet), the project would slightly increase the shade created along portions of Old Mammoth Road as well as to commercial uses located to the north of the project site. Other shading impacts to surrounding roads and residential uses would remain similar to what was analyzed in the Final EIR. Mitigation Measure AES-15 would still be applicable and requires the applicant to implement a snow plowing and cindering plan during the three worst-case shadow months of the year or 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. As no substantial increases in this impact would occur and no new mitigation measures are required, impacts in this regard would be similar to those addressed in the Final EIR.

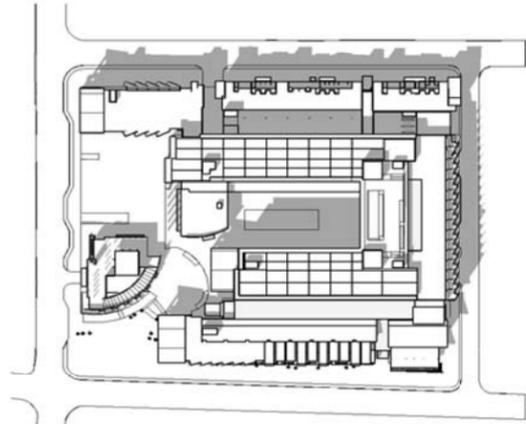
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<sup>3</sup> A 97-foot tall icon was considered in the Final EIR; the Final EIR assumed that this icon feature would be permitted over no more than 400 square feet.

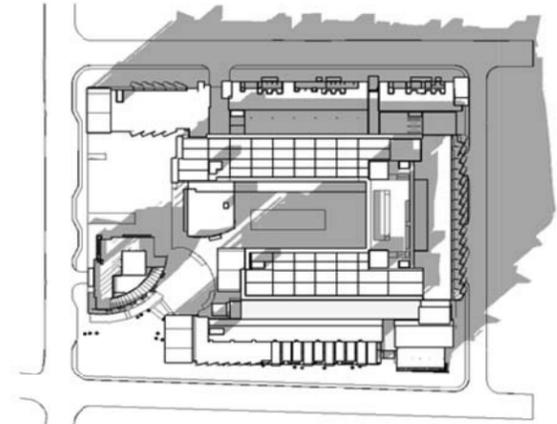
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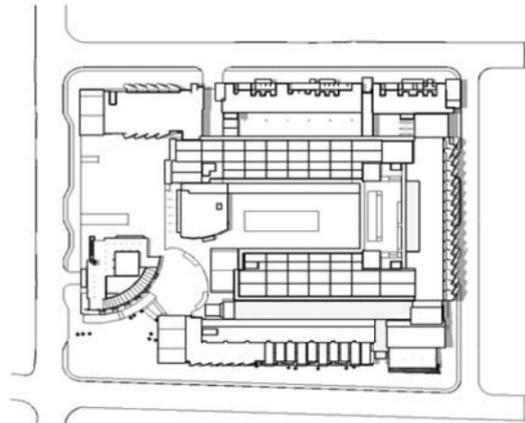
7 SHADOW STUDY - SUMMER 9 AM  
1 : 1500



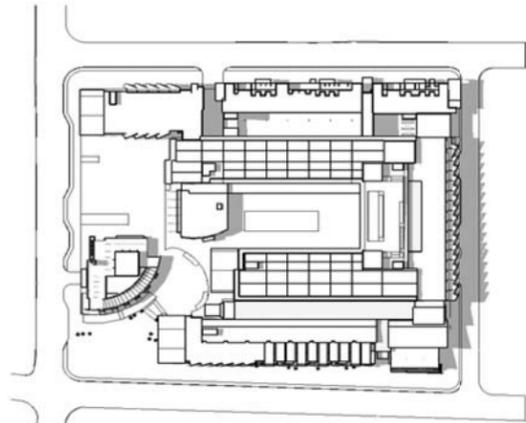
4 SHADOW STUDY - EQUINOX 9 AM  
1 : 1500



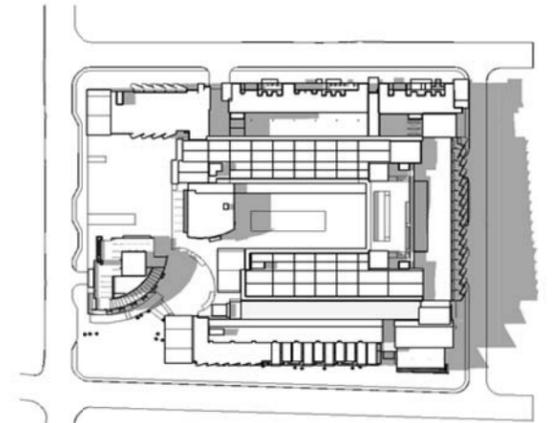
1 SHADOW STUDY - WINTER 9 AM  
1 : 1500



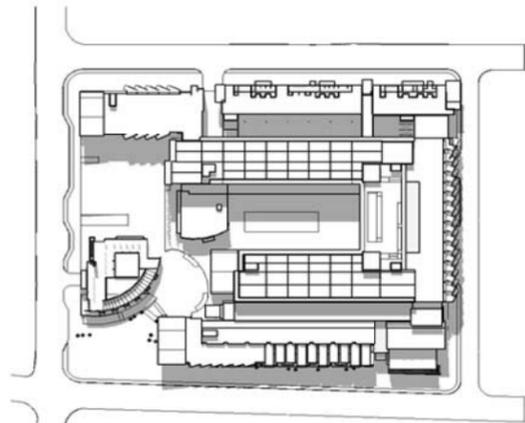
8 SHADOW STUDY - SUMMER 12 PM  
1 : 1500



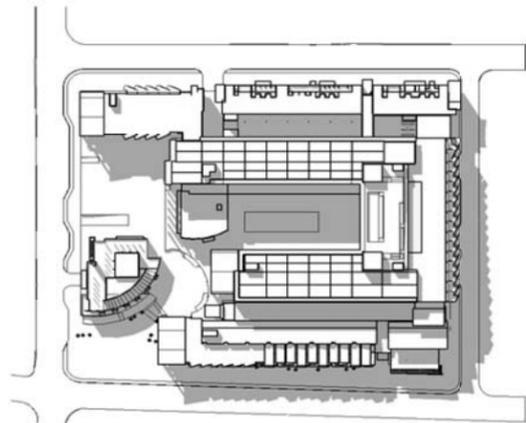
5 SHADOW STUDY - EQUINOX 12 PM  
1 : 1500



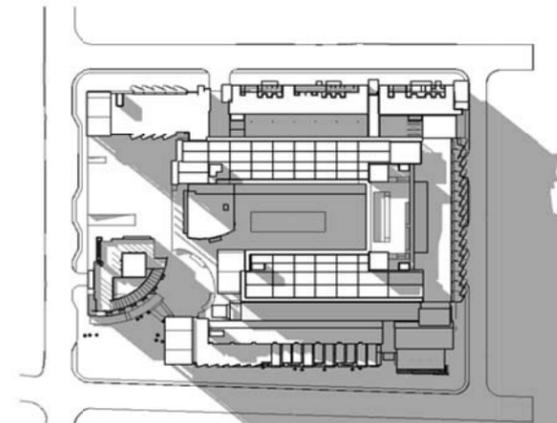
2 SHADOW STUDY - WINTER 12 PM  
1 : 1500



9 SHADOW STUDY - SUMMER 3 PM  
1 : 1500



6 SHADOW STUDY - EQUINOX 3 PM  
1 : 1500



3 SHADOW STUDY - WINTER 3 PM  
1 : 1500

Source: Bull Stockwell Allen, February 11, 2016.

NOT TO SCALE

Michael Baker  
INTERNATIONAL

06/16 • JN 151866

OLD MAMMOTH PLACE AMENDMENT  
ADDENDUM TO THE CLEARWATER SPECIFIC PLAN  
ENVIRONMENTAL IMPACT REPORT

## Shade and Shadow Diagrams

Exhibit 3.2-5

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## Conclusion

Aesthetics/light and glare impacts resulting from the proposed project modifications would be similar to those identified in the Final EIR. Similar to the Final EIR, shade/shadow impacts would remain significant and unavoidable. Construction of the project would involve demolition, site preparation, construction, and phasing similar to what was identified in the Final EIR. Thus, short-term construction impacts would not be increased, compared to that analyzed in the Final EIR. The Final EIR Mitigation Measures AES-1 through AES-15 would still be applicable.

## Mitigation Program

The Final EIR Mitigation Program includes measures to reduce significant and unavoidable impacts associated with the previously approved project to the extent feasible. The following measures from the Final EIR would also be applicable to the proposed project. Any modifications to the original measures are shown in strikethrough for deleted text and new, inserted text is underlined.

### Mitigation Measures

- 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 & Economic Development 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 & Economic 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 & Economic Development Department for review concurrent with grading permit application.
- AES-5 The overall color scheme shall be determined by the Town's Design Guidelines and Town of Mammoth Lakes Advisory Design Panel, subject to approval by the ~~Town of Mammoth Lakes~~ Planning & Economic Development 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 the general provisions, prohibitions, exemptions, and special purposes delineated in Chapter ~~17.40~~17.48 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~~ & Economic Development Commission.
- AES-7 Landscape design shall be consistent with ~~TOML~~ Municipal Code Chapter ~~17.20.040~~17.40, California Model Water Efficiency Landscape Ordinance (CA MWELO), 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 equipment, 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~~Tree grates shall be used in areas of high pedestrian activity and traffic. They shall be constructed of cast iron, metal, or concrete.
- AES-13 The applicant shall prepare and submit an outdoor lighting plan pursuant to the Town's Lighting Ordinance (~~Chapter Section~~ 17.34.060030, Exterior Lighting~~Outdoor Lighting Plans~~, of the Municipal Code) to the Community & Economic 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.
- 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 & Economic 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.

### **3.3 TRAFFIC AND CIRCULATION**

The Final EIR determined that after implementation of recommended mitigation measures, the previously analyzed project would result in less than significant impacts with the implementation of the recommended mitigation measures. The proposed project modifications would result in an increase of 8 rooms, removal of on-site workforce housing (a decrease of 32 units), and an increase of 19,208 square feet of restaurant and retail uses on-site (compared to the development scenario analyzed in the Final EIR). This change in land uses would not result in a substantial change in the trip generation from what was originally analyzed in the Final EIR. The proposed project would still be subject to the Town's Development Impact Fee Program in order to reduce impacts to public services and utilities (i.e., circulation system, library, sewer system, etc.).

The project would relocate the proposed motor court and garage entrance from Sierra Nevada Road to the new interior roadway (Old Mammoth Place). Changes to the location of the main vehicular entrance to the project would not affect regional circulation, as the same streets would be utilized to access the project site. However, changes to the main entrance to the project would affect the number of and distribution of project trips at Old Mammoth Road/Sierra Nevada Road. These changes to the main entrance and valet plan would keep valet trips on-site and off of the Town's streets, and reduce the number of project trips traveling through the intersection of Old Mammoth Road/Sierra Nevada Road.

The calculated total parking demand is 597 spaces, which is conservative (high) since every room is allocated a parking space even with the full valet operation. This conservative demand estimate also addresses the parking needs of the conference center and other on-site amenities that might generate some additional parking demand since the Specific Plan has no requirements for additional parking. However, most of the users of these facilities would likely include on-site residents/guests. A further consideration for the valet parking requirement is that it is only triggered as necessary when the parking demand exceeds approximately 75 percent occupancy. Therefore, standard self-parking could be utilized at up to 75 percent occupancy levels.

The proposed modifications would decrease the required number of parking spaces from 675 parking spaces to 597 parking spaces, a decrease in 78 spaces. The project would still be required to implement the recommended Mitigation Measure TRA-4, which would require the project to meet or exceed the requirements of the Clearwater Specific Plan parking requirements to the satisfaction of the Community & Economic Development Director and the Public Works



Director. The parking configuration would be required to be designed so that all project-related vehicles are parked on-site or the project is annexed into a parking district and all required in-lieu fees are paid as allowed by the Clearwater Specific Plan.

### Conclusions

The proposed changes in land uses on-site would not be substantially different than that considered in the Draft and Final EIR. These changes would not result in a substantial change in the trip generation from what was originally analyzed in the Final EIR. The proposed project modifications would still be subject to the requirements of Mitigation Measure TRA-1 through TRA-4. With implementation of the Final EIR Mitigation Measures TRA-1 through TRA-4, impacts pertaining to traffic and parking would be less than significant (similar to that analyzed in the Draft and Final EIR). The proposed project would not result in any new, different, or potentially adverse traffic and circulation impacts not previously considered and addressed.

### **Mitigation Program**

The Final EIR Mitigation Program includes measures to reduce potential impacts associated with the previously approved project to less than significant levels. The following measures from the Final EIR would also be applicable to the proposed project. Any modifications to the original measures are shown in strikethrough for deleted text and new, inserted text is underlined.

### Mitigation Measures

- 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.
- 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.
- TRA-4 Prior to site plan approval, the applicant shall demonstrate to the satisfaction of the Community & Economic Development Director of Community Development and the Public Works Director 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 or the project is



annexed into a parking district and all required in-lieu fees are paid as allowed by the Clearwater Specific Plan.

### **3.4 AIR QUALITY**

#### Air Quality

The Final EIR determined that after implementation of recommended mitigation measures, development of the Specific Plan would not result in significant air quality impacts in regards to project construction, project operation, *Town of Mammoth Lakes Air Quality Management Plan* (AQMP) consistency, or cumulative development. Additionally, long-term operational impacts would be consistent with the anticipated growth within the area since vehicle miles traveled (VMT) would not exceed the Town's VMT limits. The project would result in approximately 6,378 daily trips, which is higher than the number of trips analyzed in the Final EIR. However, it is noted that the proposed project modifications would result in approximately 108 less daily trips (approximately 2 percent decrease) compared to the approved CUP.

The proposed project would involve demolition, site preparation, construction, and project operation activities similar to those identified in the Final EIR. As a result, air quality impacts resulting from the proposed project would be similar to those identified in the Final EIR. Therefore, with implementation of Mitigation Measures AQ-1 through AQ-5, identified in the Final EIR, the proposed project would not result in significant air quality impacts, as described above. The proposed project would not result in any new, different, or potentially adverse air quality impacts not previously considered and addressed in the Final EIR.

#### Greenhouse Gas Emissions

The Final EIR for the project was certified in 2009. Although this previous environmental document did not include a greenhouse gas (GHG) analysis, a supplemental environmental analysis of GHG impacts cannot be required absent new information on that front.<sup>4</sup> Information on the effect of greenhouse gas emissions on climate was known long before the Town approved the 2009 EIR. Thus, the effect of greenhouse gas emissions on climate could have been raised in 2009 when the Town considered the Draft and Final EIR. A challenge to an EIR must be brought within 30 days of the lead agency's notice of approval and no challenge was brought forward regarding the EIR and greenhouse gas emissions. (Pub. Resources Code, § 21167(b).) Under Public Resources Code section 21166(c), an agency may not require a supplemental environmental review unless new information, which was not known and could not have been known at the time the EIR was approved, becomes available. After a project has been subjected to environmental review, the statutory presumption flips in favor of the project proponent and against further review.<sup>5</sup> “[S]ection 21166 comes into play precisely because in-depth review has already occurred [and] the time for challenging the sufficiency of the original EIR has long since expired. . . .” (*Id.*, 1050.) There is no competent evidence of new information of severe impact, and thus the Town may rely on an addendum. Accordingly, the Town finds that GHG impacts and climate change are not “new information” under Public Resources Code Section 21166.

The Final EIR already contained mitigation measures to address sources of greenhouse gas emissions. Those include mitigation of traffic and air quality impacts of the project. In addition,

<sup>4</sup> *Citizens for Responsible Equitable Environmental Development (CREED) v. City of San Diego*, (2011) 196 Cal.App.4th 515, 531.

<sup>5</sup> *Moss v. County of Humboldt* (2008) 162 Cal.App.4th 1041, 1049-1050.



the project as proposed and conditioned requires the project to achieve a LEED Silver or equivalent certification as well as incorporate numerous water and energy efficiency programs. Through measures to obtain that certification, a variety of construction and operational requirements are imposed. With the mitigation measures and the project requirements, greenhouse gas emissions would be reduced and there is no evidence that further mitigation is necessary to further demonstrate compliance with the greenhouse gas reduction targets of Assembly Bill 32.

## Mitigation Program

The Final EIR Mitigation Program includes measures to reduce potential impacts associated with the previously approved project to less than significant levels. The following measures from the Final EIR would also be applicable to the proposed project. Any modifications to the original measures are shown in strikethrough for deleted text and new, inserted text is underlined.

### Mitigation Measures

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~~ Great Basin Unified Air Pollution Control District (GBUAPCD) Rule 401, excessive fugitive dust emissions shall be controlled by regular watering or other dust preventive measures, as specified in the ~~GBUPACD~~ GBUAPCD Rules and Regulations. In addition, ~~GBUPACD~~ GBUAPCD 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 GBUAPCD 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 GBUAPCD 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 GBUAPCD 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.
- AQ-5 Prior to approval of building plans, the applicant shall provide confirmation, to the satisfaction of the ~~Town of Mammoth Lakes~~Town's Community & Economic Development Department, that wood fired stoves or appliances would not be used on-site.

### **3.5 NOISE**

The Final EIR determined that after implementation of recommended mitigation measures, development of the Specific Plan would result in significant and unavoidable construction noise and cumulative construction noise impacts. The project would involve demolition, site preparation, construction, and project operation activities similar to those identified in the Final EIR. Also similar to the Specific Plan, the project would include outdoor recreational uses with the potential for music and performances. Such activities would be subject to an administrative permit for events, which would regulate the hours of performances and amplification of equipment. As a result, the proposed project would not result in any new, different, or potentially adverse noise impacts not previously considered and addressed in the Final EIR. Implementation of Mitigation Measures N-1 through N-3 would reduce noise impacts, but construction-related noise impacts and cumulative construction noise impacts would remain significant and unavoidable.

#### **Mitigation Program**

The Final EIR Mitigation Program includes measures to reduce significant and unavoidable impacts associated with the previously approved project to the extent feasible. The following measures from the Final EIR would also be applicable to the proposed project. Any modifications to the original measures are shown in strikethrough for deleted text and new, inserted text is underlined.

#### Mitigation Measures

- N-1 Prior to Grading Permit issuance, the project shall demonstrate, to the satisfaction of the ~~Town of Mammoth Lakes~~Town's Community & Economic 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.

N-2 The proposed project shall be required to adhere to ~~Chapter 8.80.090~~ Section 8.16.090 (Prohibited Acts) 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 as practicable from sensitive receptors. Additionally, the following shall be considered prior to 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.

### **3.6 UTILITIES AND SERVICE SYSTEMS**

The Final EIR determined that development of the Specific Plan would create increased demand on utilities and service systems serving the project area; however, impacts would be less than significant. The proposed project involves similar development, compared to the development scenarios considered for the Draft and Final EIR for the Specific Plan. As a result, the proposed project's demand for public services and utilities is anticipated to be similar to that identified in the Draft and Final EIR for the Specific Plan. The Draft and Final EIR determined that with implementation of Mitigation Measure USS-1 and compliance with applicable Town requirements, service or utility provider requirements, and Town Codes and Ordinances, potential impacts would be reduced to a less than significant level.

The proposed project is anticipated to result in similar development as that analyzed for the Draft and Final EIR of the Specific Plan. Implementation of Mitigation Measure USS-1 and compliance with applicable Town, service or utility provider requirements, and Town Codes and Ordinances, potential impacts would still be applicable. With implementation of recommended mitigation measures identified in the Final EIR, impacts related to utilities and service systems resulting from the proposed project would also be reduced to a less than significant level. The proposed project would not result in any new, different or potentially adverse public services and utilities impacts not previously considered and addressed in the EIR for the Specific Plan.



## Water Supply Assessment

Based on the Draft EIR, the Mammoth Community Water District (MCWD) stated that, at the time of the Draft EIR, there were no deficiencies in the water delivery system serving the project site. Additionally, the MCWD indicated that sufficient facilities existed for water supply and wastewater treatment. However, upon submittal of the Old Mammoth Place CUP application, the MCWD provided a comment letter, dated December 9, 2009, with concerns regarding the increased square footage of retail, restaurant, and hotel uses. The MCWD stated their concerns regarding the project's compliance with Senate Bill (SB) 610 for the preparation of a Water Supply Assessment (WSA). In order to address these concerns, Michael Baker prepared a *Water Demand Estimate Memorandum* (Water Demand Estimate Memorandum), dated February 18, 2010, for the proposed project in order to determine whether or not the project meets the requirements for a WSA.<sup>6</sup> Based on the Water Demand Estimate Memorandum, the net project demand is significantly less than demands of these potentially applicable project definitions and the preparation of a Water Supply Assessment was determined to not be necessary.

## **Mitigation Program**

The Final EIR Mitigation Program includes measures to reduce potential impacts associated with the previously approved project to less than significant levels. The following measures from the Final EIR would also be applicable to the proposed project. Any modifications to the original measures are shown in strikethrough for deleted text and new, inserted text is underlined.

### Mitigation Measures

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~~ Mammoth Community Water District (MCWD) standards and specifications, to the satisfaction of the Town of Mammoth Lakes.

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<sup>6</sup> CEQA Conformance Review, Attachment C, *Water Demand Estimate Memorandum*, 2010.



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## **4.0 DETERMINATION/ADDENDUM CONCLUSION**

As detailed in the analysis presented above, this Addendum supports the conclusion that the changes to the proposed project considered in the Final EIR do not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No new information has become available and no substantial changes to the circumstances (under which the project was being undertaken) since the certification of the Final EIR has occurred. There are no new measures required and no new alternatives available that would substantially reduce the environmental effects beyond those previously described in the Final EIR.



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## **5.0 ADDENDUM PREPARATION SOURCES/REFERENCES**

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*California Environmental Quality Act*, 1970, as amended, Public Resources Code Sections 21000-21178.

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LSA Associates, *Old Mammoth Place Parking Program*, dated January 22, 2010.

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Mammoth Community Water District, *Comments on the Vesting Tentative Tract Map 09-003 (Old Mammoth Place)*, dated December 9, 2009.

RBF Consulting, *Final Clearwater Specific Plan Environmental Impact Report*, SCH No. 2006062154, adopted July 2008.

Town of Mammoth Lakes, *Town of Mammoth Lakes Municipal Code*.

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Town of Mammoth Lakes, *The Clearwater Specific Plan*, revised April 21, 2010 (DZA 09-001 and DZA 10-002).



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## **EXHIBIT 2**

### **PROPOSED REVISIONS TO THE CLEARWATER SPECIFIC PLAN**

(Revisions are indicated in redline/strikeout format)

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# **The Clearwater Specific Plan**

**Town of Mammoth Lakes, California**

April 7, 2009

**Revised**

**April 21, 2010 (DZA 09-001 and DZA 10-002)**

**[June 15, 2016 \(DZA 15-002\)](#)**

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## 1.0 Introduction

The Clearwater site is located in the Town of Mammoth Lakes, CA, along Old Mammoth Road approximately two blocks south of Main Street (see [Figure A, Vicinity and Location Map](#)).

The Clearwater Specific Plan establishes land use guidelines and development standards for the Clearwater Specific Plan area. These guidelines and standards provide a framework for development of a cohesive, mixed-use, pedestrian-oriented condominium hotel opportunity that will significantly contribute to the revitalization of the Old Mammoth Road corridor. Implementation of the Clearwater Specific Plan, through adoption by ordinance, shall provide a mechanism for directing and focusing development of proposed projects on the site. After approval of the Clearwater Specific Plan, a tentative map, use permit, and other approvals shall be necessary to implement a project.

### 1.1 Vision and Goals

#### 1.1.1 Specific Plan Vision

The Clearwater Specific Plan envisions a pedestrian-oriented mixed use corridor along Old Mammoth Road. The plan provides for a blend of retail, condominium hotel, and conference uses, ~~along with on-site workforce housing for local workers~~, in addition to a plaza area that provides a venue for a variety of community activities and events. [Workforce housing will be mitigated in a manner consistent with the Town's Housing Ordinance.](#)

The vision of the Clearwater Specific Plan enhances the vision for Old Mammoth Road established in the Town of Mammoth Lakes 2007 General Plan. The condominium hotel will provide a contemporary and enjoyable place to stay for Mammoth visitors, central to the multitude of recreational opportunities available in and around the Town of Mammoth Lakes. Visitors and residents alike will be able to utilize the outdoor spaces provided by development within the Clearwater Specific Plan area, including pedestrian walkways, the plaza/outdoor recreation area, and the on-site conference space. The Clearwater Specific Plan establishes multiple means of access to and from the site, including pedestrian circulation, a project-run shuttle to major recreational sites in town, bikeways, and transit operated by the Eastern Sierra Transit Authority (ESTA) and Mammoth Mountain Ski Area (MMSA).

#### 1.1.2 Project Background

An initial concept of the Clearwater Specific Plan was presented to the Town of Mammoth Lakes Planning Commission on February 8, 2006. Commissioners gave feedback on their impressions of the proposal, as presented. Key issues identified by the Commissioners at this meeting included pedestrian access and building height. Subsequent amendments have been made to the proposal to address these issues.

In 2007, the North Old Mammoth Road District Special Study (NOMRDSS) was prepared, which established general provisions to guide the planning process for projects in the North Old Mammoth Road area. For a discussion of the Clearwater Specific Plan in relation to the NOMRDSS, see Section 4.2.

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### 1.1.3 Specific Plan Goals

The overall goal of the Specific Plan is to create an attractive, pedestrian-friendly, mixed-use condominium hotel opportunity that shall serve to revitalize the economy of the core of the North Old Mammoth Road District area.

Additional goals include the following:

- To provide and encourage a range of transportation options.
- To provide retail and mixed uses that add to Old Mammoth Road's "Main Street" character.
- To develop a more attractive and efficient use of land on the site.
- To provide ~~comfortable, livable, quality~~ workforce housing, ~~well integrated with the neighborhood~~ in a manner consistent with the Town's Housing Ordinance.

Detailed objectives, along with policies and standards are listed in later sections of this Specific Plan.

## 1.2 Purpose of the Specific Plan

A specific plan is a planning document which establishes the type and pattern of land uses for an identified development project site, which are more specific than those normally provided by either the local General Plan or zoning ordinances. As defined by the State of California Government Code, Article 8, Section 6540, a specific plan includes text and diagrams which specify the following in detail:

- The distribution, location, and extent of the uses of land, including open space, within the area covered by the specific plan.
- The proposed distribution, location, extent, and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the specific plan, needed to support uses described in the specific plan.
- Standards and criteria by which development shall proceed, and standards for conservation, development, and utilization of natural resources, where applicable.
- A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out the project or projects described in the specific plan.

In addition, a specific plan includes a statement of its relationship to and conformity with the local General Plan. It is adopted by ordinance, and replaces the existing zoning regulations, effectively becoming the new zoning regulations for the area covered by the specific plan. The specific plan provides a detailed land development plan and zoning requirements, which address site-specific conditions and constraints (State of California OPR, "The Planners Guide to Specific Plans", 1998).

### 1.3 Current Zoning and Land Use Designations

According to the Town of Mammoth Lakes 2007 General Plan, the Clearwater Specific Plan site has a land use designation of Commercial-2 (C-2) (see Town of Mammoth Lakes 2007 General Plan p. 35). The Municipal Code for the Town of Mammoth Lakes designates the site as having a Commercial General (CG) zoning designation. The standards in this specific plan will replace and supersede the existing zoning and land use designations.

Although The Clearwater Specific Plan creates its own development standards, which differ from the existing Town of Mammoth Lakes standards, the Specific Plan nonetheless aims to be consistent with existing standards set forth in the Town of Mammoth Lakes 2007 General Plan.

An environmental impact report (EIR) analyzing both the Clearwater Specific Plan and the proposed project, in compliance with the California Environmental Quality Act (CEQA) guidelines, has been prepared and circulated to the public, and will be certified by the Town Council of the Town of Mammoth Lakes concurrently with its adoption of the Clearwater Specific Plan.

## 2.0 Existing Setting & Conditions

### 2.1 Regional Setting

The Town of Mammoth ~~Lakes is~~[Lakes is](#) located in the Eastern Sierra in the southern portion of Mono County and is comprised of approximately 2,400 acres of private property surrounded by National Forest lands. Incorporated in 1984, Mammoth Lakes is the largest population center in Mono County. Access to Mammoth Lakes is provided by State Route 203, which meets U.S. Highway 395 approximately two miles east of the Town. U.S. Highway 395 is the major north-south thoroughfare of the Eastern Sierra, providing access to Reno (180 miles north) and Los Angeles (300 miles south).

Mammoth Lakes is renowned for its many varied outdoor recreational opportunities, particularly the alpine skiing opportunities of MMSA. Located immediately west of Mammoth Lakes on National Forest lands, MMSA offers more than 3,000 acres of skiable terrain and draws more than 1.5 million skier visits to Mammoth Lakes each year.

Mammoth Lakes and the Eastern Sierra are also well known for the many summer recreational opportunities offered by the vast acreage of the Inyo National Forest surrounding the town.

As a consequence of its excellent recreational opportunities, the overwhelmingly dominant component of the town's economy is tourism. With the recent change in ownership at MMSA and the anticipated development in the town, the number of visitors to Mammoth Lakes is expected to grow.

### 2.2 The Clearwater Specific Plan Area

The area covered by The Clearwater Specific Plan is in the Eastern Sierra, in the southern portion of Mono County, within the limits of the Town of Mammoth Lakes. The site fronts Old Mammoth Road and is surrounded on the remaining three sides by Sierra Nevada Road, Laurel Mountain Road, and the Mammoth Mall and Krystal Villa East condominiums (see [Figure B, Site Context](#)). The gross area of the Clearwater site is 6.09 acres. For a description of the parcels composing the Specific Plan area, see Section 3.0.

### 2.3 Existing Site Conditions

Current uses on the Clearwater Specific Plan area include a ~~motel~~[hotel](#) (Sierra Nevada ~~Rodeway Inn~~[Resort](#)) and ~~two three former~~ restaurants (~~Igor's and Ocean Harvest~~[Rafters, Jimmy's Taverna, and Red Lantern](#)) (see [Figure B, Site Context](#)).

The majority of the existing site is covered with parking lots, a ~~motel~~[hotel](#), ~~closed~~ restaurants, various concrete areas, ~~former tennis courts~~[miniature golf course](#), and other man-made surfaces. Most of the buildings on the site were constructed in the late 1960's.

The Sierra Nevada ~~Rodeway Inn~~[Resort is situated at the northwest corner of the project site and has 154 hotel rooms, 159 bedrooms, consisting of 16 studio-like 1-bedroom units with kitchens, 116 hotel-style 1-bedroom units, and eight 3-bedroom units with kitchens. There are also 3 bedroom areas above the existing office which have been used as employee housing for the maintenance manager, relief manager, and shift manager. There is no hotel-operated shuttle service currently, nor is there a restaurant. Food machines are available and a](#)

## The Clearwater Specific Plan

~~complimentary continental breakfast is served.~~ Additionally, four detached buildings that are owned and used by the hotel are located along the eastern side of the hotel's main building and along the northern property line. Rafters Restaurant and Lounge, which reopened in December 2009 after being vacant for several years, is located at the central east side of the site. Red Lantern (opened November 2011) and Jimmy's Taverna (opened December 2012), are located within a two-story wood building at the southeastern corner of the site. With recent renovations of the project site, existing vegetation has been reduced from 48 trees to 33 trees on-site.

~~Over the years, the two restaurants have generated substantial traffic. Existing parking lots are not striped and may not comply with disabled parking and signage standards.~~

Traffic enters the site at several locations and is largely uncontrolled once on the premises; thus, the site as presently operated is not always pedestrian safe. The site is currently used by the community as a venue for outdoor events and a cut-through route for local pedestrians and students to and from school.

## 2.4 Surrounding Uses

Land to the north, east and immediate west of the Specific Plan area ~~is zoned CG in the Municipal Code and~~ has a land use designation of C-2 under the Town of Mammoth Lakes 2007 General Plan. Land to the east and west of the Specific Plan area is zoned OMR and land to the north of the Specific Plan area is zoned OMR and D. Land to the south of the Specific Plan area is zoned RMF-2, and is designated HDR-2 under the 2007 General Plan.

The Sierra Manors condominiums are east of the Specific Plan area across Old Mammoth Road and have 150 units. Many of the units are occupied by year-round residents. The units are privately owned, and the project is governed by an association of unit owners.

Sierra Park Villas condominiums are to the south of the Specific Plan area across Sierra Nevada Road and have 100 units. This project was built in the 1970's. Most of the units are second homes. The units are privately owned, and the project is governed by an association of unit owners. Some parking for Sierra Park Villas is provided on-street along Sierra Nevada Road as front-in parking.

The Laurel Mountain Professional Center, a relatively new structure housing several businesses, is west of the Specific Plan area across Laurel Mountain Road. Also to the west is an un-named, smaller, apartment building, and the Sierra Park Apartments, which has 19 units.

The Mammoth Mall is adjacent to the Clearwater site to the north. The Mammoth Mall contains a large, two-story L-shaped building, housing business, offices, and retail establishments. The Chart House restaurant is in a separate structure at the northeast corner of the mall.

The Krystal Villa East condominium project, which has 56 units, also abuts the north side of the Clearwater site. This project consists of several adjoined buildings containing the condominium units. None of the units face toward the Clearwater site; however, the southern edge of the buildings is approximately 10 feet from the property line. Units are privately owned, and the project is governed by an association of unit owners.

### The Clearwater Specific Plan

### 3.0 Project Description

The Clearwater Specific Plan provides for a mix of uses on the site, including hotel or condominium hotel, workforce housing, retail and restaurant facilities, and a plaza/outdoor recreation area. The entire Specific Plan area consists of Parcel 1 (A.P.N. 35-230-05, currently the Sierra Nevada ~~Rodeway Inn site~~ [Resort](#)), Parcel 2 (A.P.N. 35-230-06, currently ~~Igor's Rafters~~ restaurant site) and Parcel 3 (A.P.N. 35-230-07, currently ~~Ocean Harvest~~ [Jimmy's Taverna and Red Lantern](#) site) of Parcel Map 36-47 per Parcel Map Book 2 Page 5. The gross site area is 6.09 acres.

#### 3.1 Conceptual Plan

The Conceptual Plan for the Clearwater site is based on three different land use areas: retail/mixed-use (Land Use Areas 1A and 1B), condominium hotel use and workforce housing (Land Use Area 2), and plaza/outdoor recreation (Land Use Area 3). Conference/meeting space is also permitted by the Clearwater Specific Plan, in Land Use Areas 1 and 2. For the portions of the Clearwater site proposed for each of these land use areas, see Figure C: *Land Use Diagram*. Standards for development in the land use areas are detailed in Section 5.2 of this document.

#### 3.2 Design Objectives

The following is a list of objectives for development under the Specific Plan, followed by the policies and standards that shall be used to meet these objectives.

Objective 3.2.1: To create an attractive, pedestrian-friendly, mixed use area

*Policies and Standards:*

- Final design should include pedestrian-friendly streetscapes along Old Mammoth Road.
- Any site plan should utilize pathways that streamline pedestrian connectivity. At least one east-west and one north-south pedestrian connector may be included in the site design of any new development.
- Commercial spaces should be sited along Old Mammoth Road to create a sense of vitality.
- All pedestrian facilities, including plazas, pathways, and other areas, shall have adequate lighting, visible signage, and markings for pedestrian safety.
- All development should provide pedestrian oriented facilities, outdoor seating, plazas, weather protection, transit waiting areas, and other streetscape improvements.
- Landscaping, signage, public art, street enhancements, and building design shall result in a more hospitable and attractive pedestrian environment.

Objective 3.2.2: To discourage the use of personal vehicles for transportation around Mammoth Lakes and encourage guests to park their vehicles for the duration of their stays and walk, bike, and use public transit facilities and/or hotel shuttles

*Policies and Standards:*

- Guests shall be provided information on the local transit systems.
- Guests shall have easy access to the local transit stop in front of the site.

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- Any project developer shall improve the existing Town of Mammoth Lakes transit stop on Old Mammoth Road in front of the site, which shall consist of construction of a bus shelter built to Town of Mammoth Lakes standards.
- The condominium hotel shall operate a separate shuttle service to MMSA, the airport, the golf courses, Vons (or other major grocery store), and other areas of Mammoth Lakes, in addition to a taxi-call service. Operational details for the shuttle service shall be submitted with a use permit application.
- 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. If the Town of Mammoth Lakes adopts Town-wide bicycle parking requirements prior to submittal of a use permit for this site, whichever requirements are stricter will apply to development within the Clearwater Specific Plan area. 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. Workforce housing bicycle parking rates are established in section 7.3 of this plan.
- 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 exact configuration and operational details of the changing rooms shall be determined with approval of a use permit.

**Objective 3.2.3:** Encourage a successful commercial environment in Mammoth Lakes

*Policies and Standards:*

- A project shall provide guests with a variety of information about the skiing, hiking, golfing, and fishing areas, as well as restaurant and commercial facilities available throughout the Town of Mammoth Lakes and the larger community.

**Objective 3.2.4:** To design building massing so that it is considerate of neighbors and the pedestrian environment

*Policies and Standards:*

- 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.

### 3.3 Sustainability Guidelines

All development proposed on the Clearwater site shall incorporate sustainable design features throughout its architectural design and construction to reduce its impact on the environment. Development shall utilize integrated site design and green building features. After completion, any project shall provide green maintenance standards that will also reduce the long-term energy demands and reduce waste from the project (see below).

Sustainable features incorporated into the design include, but are not limited to, the following:

- Redevelopment of a mostly impervious infill site along the historic Old Mammoth Road Corridor.

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- Utilization of pervious material, where feasible, to reduce storm water runoff.
- Utilization of native, drought-tolerant plants to reduce water requirements.
- The exact provisions of green maintenance standards shall be established by a Green Project and Landscape Maintenance Plan to be submitted and approved with any project's conditional use permit.
- All appliances throughout any project shall be Energy Star or similar energy efficient appliances. In instances where Energy Star rated appliances are not used, the developer shall provide documentation of the level of energy efficiency of proposed appliances.
- Design with reduced thermal bridging on exterior elements to increase energy efficiency.
- Low-E thermally efficient glass. A plan that identifies where low-e glass will be used shall be submitted with the use permit application.
- Ample daylight and passive solar gain in units with south facing windows that are not shaded by other buildings to reduce the need for artificial light and related energy use.
- Comprehensive recycling storage facilities and a recycling program throughout any project site (see 8.2.1.3).
- Low VOC paints, carpets, caulks and adhesives.
- Reuse or recycling of materials from the existing structures on-site shall be evaluated and provided for, to the extent feasible, with a demolition plan to be submitted with the use permit for any project. This plan should identify which materials are intended to be reused or recycled, and if materials are not proposed to be reused or recycled, it should identify the reason.
- Use of energy efficient HVAC systems.
- Use ventilation systems to reduce air conditioning demand.
- Energy efficient lighting, roofing, and window systems.
- All development shall explore the option of LEED certification or use of LEED construction practices. Evidence of this research and findings shall be submitted to the Town of Mammoth Lakes with a use permit application.
- The developer for all new projects shall consult with the High Sierra Energy Foundation (HSEF), or successor organization, and Edison's Savings by Design (SBD) program and shall provide evidence of these consultations with the use permit submittal. The developer shall provide a report with the use permit application, which identifies the recommendations from HSEF and SBD and illustrates how these recommendations have been responded to in the project design. If recommendations have not been incorporated into the project design, the report should state the reason.

### 3.4 Operations

Operations of a project and its related uses under the Clearwater Specific Plan shall be subject to terms of a conditional use permit, where applicable.

Although individual units will be privately owned, any project will operate like a hotel. There will be a lobby area for check-in, housekeeping service, laundry facilities, and transient occupancy.

Transient occupancy taxes will be remitted to the Town of Mammoth Lakes. The operator will manage the areas typically under the control of and per the level of "quality hotel management." A homeowner association will own and maintain the remaining common areas (see also Section 9.5).

The operation of the hotel or condominium hotel shall include the following services and amenities:

- Reception area with 24-hour supervised front desk and key disbursement.
- A central switchboard connecting to all units.
- Space for a rental management operation.
- The condominium hotel management entity shall have at least five years experience in the hotel management business and shall ensure that all portions of the condominium hotel are maintained and operated in accordance with a quality hotel standard.
- Units will be sold fully furnished with standardized furniture, fixtures and equipment at the time of initial sale.
- Daily housekeeping and linen service.
- Ski and luggage storage.
- Participation in any future Town central reservation and booking system.
- An in-place reservation system.
- Food and beverage operations on the site (restaurant or room service).
- Meeting/conference and/or performance facility, which shall include the following features:
  - a. Commercial food and beverage support and prep area for public space. The size of this space shall be based upon the current industry standards for the size of the space to be serviced. These standards shall be provided by the applicant and agreed upon by the Town of Mammoth Lakes.
  - b. Divisible and flexible configuration, so that more than one function can be accommodated at the same time.
  - c. Pre-function space for registration area/reception area.
  - d. Current industry standards for audiovisual, internet and wireless infrastructure, and teleconferencing.
  - e. Cooperative booking and management with Town of Mammoth Lakes.
  - f. Available for community use and designed to accommodate meetings and/or small performances.
  - g. On-site (or access anytime to) A/V equipment (LCD projectors, overheads, etc).
  - h. Complement or have the ability to be used in conjunction with the outdoor plaza space.
- Concierge/Guest Services on-site (reservations for restaurants/activities).
- Participation in joint marketing and promotional activities that include the Town of Mammoth Lakes' current marketing, promotional and informational programs.
- Participation in Destination Marketing Organization (membership and/or support).
- Hotel-operated shuttle service.
- Room configuration shall complement the proposed uses for the hotel.

### 3.5 Public Improvements and Circulation

#### 3.5.1 Traffic Mitigation

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 (see Section 10.1).

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.

The developer and/or completed projects shall financially participate in the Town of Mammoth Lakes' annual traffic monitoring program.

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.

### **3.5.2 Site Access**

Main access to the site may be taken from one of two places: at or near the northeast corner of the site or off Sierra Nevada Road. If access is proposed to be taken at the northeast corner of the site via a mid-block connector, main access to underground parking shall also be taken from this vehicular connector. Access is only permitted to be taken from Sierra Nevada Road if access to the parking garage is also taken from this location and cars do not need to go back onto the street in order to access the parking garage. Access to the site is not permitted to be taken from Old Mammoth Road at or near the southeast corner of the site.

Driveways on Sierra Nevada Road located between 75 feet and 100 feet from the southeast corner of the site shall be right-in only. Additional driveways on Sierra Nevada Road located greater than 100' from the southeast corner of the site shall be permitted to be full-access driveways provided that the eastbound left-turn 95<sup>th</sup> percentile queue at the intersection of Old Mammoth Road and Sierra Nevada Road does not exceed the distance between the southeast corner of the site and any full-access driveway, as specified in the Traffic Impact Analysis.

### **3.5.3 Transit Improvements**

A transit stop turnout shall be provided with the improvements to Old Mammoth Road to replace the existing stop at the east side of the Clearwater site. A transit shelter shall be included consistent with the Town of Mammoth Lakes' standards and guidelines.

For all transient uses (condo/hotel units), the developer and the owners' association, if formed, shall execute a transit agreement with the Town of Mammoth Lakes prior to recordation of the final map. If no owners' association is formed at that time, the developer shall demonstrate, subject to review and approval of the Town of Mammoth Lakes Attorney, the ability to bind future homeowners to the transit agreement and shall execute the agreement on their behalf. The developer shall be subject to an annual payment per residential unit, or an amount as adjusted for inflation. The annual payment shall be adjusted annually for inflation using the Los

## **The Clearwater Specific Plan**

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 of Mammoth Lakes and the owners' association when formed and the service shall not be discontinued for any reason without an amendment to the agreement.

### 3.5.4 Street Improvements

At a minimum, the applicant shall be required to make street and/or sidewalk improvements consistent with the standards of the Public Works Department in place at the time of submittal of a use permit. Any additional improvements that the applicant wishes to make shall be consistent with the descriptions in this section.

All street improvements shall be consistent with the street sections approved as Appendix IV to this plan, unless otherwise approved by the Public Works Director. Additional requirements related to improvements are below.

The west side of Old Mammoth Road shall be improved to include on-street parking, a transit turnout, a bike lane, one through lane in each direction and a center turn lane. Landscaping, streetlights, and sidewalk shall be included. Easements shall be granted for any additional sidewalk right-of-way required. Dimensions of all improvements shall be consistent with the Town of Mammoth Lakes' street sections. The right-of-way along the west side of Old Mammoth Road shall be expanded to 40 feet to the centerline, to allow the upgrade of the artery to a "complete street".

The Specific Plan area side of Sierra Nevada Road and Laurel Mountain Road shall be improved to include a curb and gutter with 8-10 foot sidewalks (minimum 6-foot clear), 9-foot parallel parking bay, 5-foot bike lane, and an 11-foot travel lane. Easements shall be granted for any space needed to accommodate the required public sidewalks.

The property currently is within the Old Mammoth Road benefit assessment district for maintenance and snow removal along Old Mammoth Road. The limits of the maintenance district shall be expanded to include the frontages along Sierra Nevada Road and Laurel Mountain Road.

Two east-west connectors shall be constructed from Old Mammoth Road to Laurel Mountain Road: one vehicular, one pedestrian. A north-south pedestrian connector shall be provided from Sierra Nevada Road to the northern property boundary. The vehicular connector shall provide for internal vehicular and pedestrian circulation, tour busses, and delivery vehicles. Pedestrian access through the site shall be made available to the general public by way of a public access easement, but shall be maintained by the hotel operator. Pedestrian connectors shall have a minimum clear width of 8 feet, or 26 feet if the connector is required by MLFPD to be used for fire access.

The vehicular connector shall include a sidewalk and shall have a 40-foot right-of-way that will be offered to the Town of Mammoth Lakes via an irrevocable offer of

dedication (IOD) for use as a public road. The road shall be named, and the name shall be approved by the Town of Mammoth Lakes and the MLFPD. The vehicular connector shall be improved to include a curb and gutter on both sides and shall have 6 – 10-foot sidewalks (minimum 6-foot clear) on the Specific Plan area side of the road. The road shall be a one-way westbound road, but it may be two-way from Laurel Mountain Road to the entrance of the parking structure. Heat tracing or an alternative suitable automatic method of ice removal, that shall be approved by the Public Works Director, shall be provided for all pedestrian and vehicular travelways that receive less than two hours of mid-day sun for more than a week, have a slope of 10% or greater, and/or ice prevalent areas of the street and sidewalks, as deemed necessary by the Public Works Director. The street may be accepted by the Town of Mammoth Lakes for maintenance provided there is a maintenance district formed for funding these activities.

Where one-way, the vehicular connector shall be constructed with a 10-foot parallel parking/loading/unloading/bus parking lane and one 14-foot travel lane (see Appendix III). If two-way, the road shall have two drive lanes of at least 11 feet with 5-foot shoulders.

Deviation from the above requirements may be acceptable upon approval by the Public Works Director.

### **3.5.5 Storm Drainage**

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 a project creates any additional runoff.

The drainage improvements for any project shall include drainage improvements that provide positive drainage from the intersection of Sierra Nevada Road and Laurel Mountain Road, and Old Mammoth Road and Sierra Nevada Road, and increase the capacity of the inlets at Old Mammoth Road and Main Street.

All new development shall comply with the requirements and standards of the Regional Water Quality Control Board, Lahontan District, for the retention and treatment of storm water, including meeting the infiltration requirements of the Board.

### **3.5.6 Sewer and Water**

Sufficient sewer and water infrastructure is in place to meet the demands of development. Laterals shall be extended to the site to serve a project's needs.

### 3.5.7 Dry Utilities

All existing, on-site overhead utilities serving the property and all existing overhead utilities within the property and along the property frontage shall be placed underground. All necessary permits shall be obtained from the Town of Mammoth Lakes and other agencies prior to any work commencing.

### 3.5.8 Phasing

A phasing plan for the construction of the public improvements shall be prepared by the developer and evaluated by the Community Development and Public Works Department staff with a tentative map or use permit application for the first phase of development for any project. All public and private improvements shall be constructed as necessary as development occurs.

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.

### 3.5.9 Public Facilities

Public facilities and infrastructure (restrooms, drinking fountains, etc.) shall be provided with the capacity to serve events in the plaza area. Capacity for the plaza shall be determined by the Tourism and Recreation Department during the use permit phase, and the facilities and infrastructure provided shall be based on the current industry standard at the time of use permit submittal.

## 3.6 Community Benefits

The Clearwater Specific Plan may provide numerous benefits to the community, which may include, but are not limited to the following:

- A plaza/outdoor recreation space for public events, fairs, etc.
- A vibrant pedestrian streetscape/retail experience.
- Transit stop and shelter improvements shall be made by any project developer, consistent with Town of Mammoth Lakes standards.
- Site design should include east-west and north-south pedestrian connections.
- Site design should include at least one east-west vehicular connection with a sidewalk.
- Conference space.
- Street widening, new sidewalks, bike lanes, and other improvements to the Laurel Mountain Road, Sierra Nevada Road, and Old Mammoth Road frontages shall be included in projects under the Clearwater Specific Plan to contribute to establishing “complete streets”.

The above-mentioned community benefits are optional and the applicant may choose to include some or all of them as part of a future use permit proposal with the intent of achieving density of more than 40 hotel rooms per acre (see also 5.2.3).

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### 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:~~

For the Old Mammoth Place project only, as that project was approved by Vesting Tentative Tract Map 16-001, Use Permit 16-001, Design Review 16-004, and District Zoning Amendment 15-002, the portion of the project that qualifies as community benefits are as follows:

- Outdoor plazas and public open spaces (Old Mammoth Square, Market Commons, and The Grove, ~~and Cascade Park~~ but excluding the River Terrace).
- Mid-block connector and widening of Old Mammoth Road.
- Retail/Restaurant Space (~~32,000~~29,000 of the total ~~40,000~~37,000 square feet of such area is regarded as a community benefit.)
- Meeting/Conference Space (~~6,400~~11,250 of the total ~~9,500~~14,350 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, and 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.~~For the Old Mammoth Place project only, as that project was approved by Vesting Tentative Tract Map 16-001, Use Permit 16-001, Design Review 16-004, and District Zoning Amendment 15-002, the amount of the fee or requirement shall be based upon the formulas as prescribed by ordinance in effect at the time of a building permit application submittal.

## 4.0 Relationship to Other Planning Documents

### 4.1 Consistency with the Town of Mammoth Lakes 2007 General Plan

Development in Mammoth Lakes is presently regulated by the Town of Mammoth Lakes 2007 General Plan. The Clearwater Specific Plan is ~~proposed to be~~ consistent with this plan. ~~However, a~~ General Plan Amendment [2008-02](#) and District Zoning Amendment [2006-03](#) ~~will be required to change~~ [changed](#) the zoning and land use designations from CG and C-2 to Clearwater Specific Plan [\(CSP\)](#).

The Town of Mammoth Lakes 2007 General Plan 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” (p. 24). The Clearwater Specific Plan lays the groundwork for this type of environment, with guidelines and standards for commercial lodging, workforce housing, and possible retail/mixed-use, conference center, and plaza/outdoor recreation space along Old Mammoth Road.

The Town of Mammoth Lakes 2007 General Plan further directs that “uses should be mixed to allow offices, residential housing and visitor accommodations above ground floor retail” (p.24). The Clearwater Specific Plan establishes retail/mixed-use along Old Mammoth Road and places condominium hotel uses above and around the ground floor commercial.

The Town of Mammoth Lakes 2007 General Plan also portrays the Old Mammoth Road corridor as a “mixed-use ‘Main Street’ development pattern” (p. 25). The Clearwater Specific Plan enacts this vision. The conceptual land use plan orients ground-floor retail and mixed-uses along Old Mammoth Road, creating a “Main Street” area. The Clearwater Specific Plan also establishes lodging ~~and workforce housing~~ uses at a pedestrian-oriented scale and density [and requirements for workforce housing that are consistent with the Housing Element of the General Plan](#).

### 4.2 Consistency with North Old Mammoth Road District Special Study (NOMRDSS)

The NOMRDSS establishes guidelines for development along and surrounding the North Old Mammoth Road corridor, including the Clearwater site. The development standards set forth in the Clearwater Specific Plan are consistent with the guidelines suggested in the NOMRDSS.

The Clearwater Specific Plan establishes a framework for development that is consistent with the form and context recommended under the NOMRDSS. The Specific Plan helps to enhance the economic vitality of the district by orienting retail/mixed uses along Old Mammoth Road. The Clearwater Specific Plan also emphasizes the creation of a pedestrian-orientated project, and this location will become an integral and key connective element to the Old Mammoth Road Commercial District with its pedestrian friendly atmosphere and streetscapes.

The Clearwater Specific Plan also follows the planning standards set forth by the NOMRDSS for building setbacks and step backs, massing, and building height. The Clearwater Specific Plan conforms to the height step backs recommended in the NOMRDSS. The Clearwater Specific Plan maximum height zones are well within the step backs established under the NOMRDSS. In addition, the Clearwater Specific Plan concentrates building heights to the center of the site, and ensures that heights along the perimeter of the Clearwater site do not

#### The Clearwater Specific Plan

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exceed 35 feet, [except along Laurel Mountain Road, where a height of 45 feet is allowed, but requires consistency with the adjacent Old Mammoth Road Zoning District standards.](#)

### 4.3 Consistency with Town of Mammoth Lakes Municipal Code

The development standards set forth in the Clearwater Specific Plan are consistent with the Town of Mammoth Lakes Municipal Code's standards for development zoned Commercial General, with the exception of maximum allowable height, maximum site coverage, and the required parking. The discrepancies and rationale are explained below.

#### *Height*

Municipal Code Section 17.20.040.G sets maximum height at 35 feet, with a possible allowance of up to ten additional feet for understructure parking. Under the Clearwater Specific Plan, sections of the site are permitted additional height to ~~55~~-65 feet, with architectural appurtenances permitted to an additional two feet. The additional height allows for an increase in amenity areas, such as outdoor plazas, pedestrian walkways, and/or landscaping. The higher zones are set to the center of the site to minimize impacts on surrounding properties.

#### *Site Coverage*

The Municipal Code sets maximum site coverage for all developed impervious surfaces at 70%, where site coverage is defined as "the area of a lot covered by all structures and impervious surfaces, including decks, driveways, walkways and parking areas" for land designated CG. The Clearwater Specific Plan also proposes maximum site coverage of 70%, but site coverage is defined as "the percent of lot area that may be covered by buildings or structures. Subterranean or podium structures topped by landscaped open areas (of at least a minimum dimension of 10' x 10' x 4' deep) shall not be considered structures for purposes of calculating lot coverage." This allows for building massing to be consistent with the intent of the Municipal Code, but permits more urban improvements that would otherwise count toward site coverage, such as pedestrian connectors and plazas to be constructed. The Specific Plan also requires infiltration to mitigate stormwater runoff.

#### *Parking*

The Clearwater Specific Plan requires parking to be provided at a rate consistent with the existing Municipal Code for condominium hotel uses, however, it allows the developer the ability to negotiate a lower parking rate during the use permit phase provided that the site is annexed into a parking district. Additionally, this plan establishes a consistent parking rate for all commercial uses, with the exception of full-service restaurant, which will allow maximum flexibility for future commercial uses on this site. Parking requirements of the Clearwater Specific Plan are discussed in Section 5.2.9 of this document.

## 5.0 Land Use

The purpose of this section is to describe the proposed land uses for the Clearwater Specific Plan area, to identify the objectives and policies for those land uses, and to establish the land use standards for development.

### 5.1 Land Use Objectives, Policies and Standards

This section defines the objectives of the land uses in the Clearwater Specific Plan, followed by the policies and standards proposed to support those objectives.

Objective 5.1.1: To support the needs of the Town of Mammoth Lakes as a premier destination resort community

*Policies and Standards:*

- A project shall provide additional “hot beds” for tourists.
- A project shall provide additional transient occupancy options to the Town of Mammoth Lakes.

Objective 5.1.2: To improve the efficiency of land use on the site

*Policies and Standards:*

- Underground parking shall minimize the amount of surface level parking, while still maintaining more than adequate parking on the site.
- All residential parking shall be underground.

Objective 5.1.3: To improve the visual quality of the streetscape along Old Mammoth Road

*Policies and Standards:*

- A project should replace current deteriorated and scattered buildings, and parking area, with street-front pedestrian-friendly mixed-uses.

Objective 5.1.4: To enhance the pedestrian experience along Old Mammoth Road and throughout the area

*Policies and Standards:*

- A project shall serve as a transition zone along Old Mammoth Road between Meridian and Main Street, increasing a pedestrian’s sense of connectedness.
- A project shall provide pedestrian-oriented, mixed-use residential units, and may provide commercial uses for guests and residents.

Objective 5.1.5: To improve both vehicular and pedestrian circulation patterns and foster use of public transportation

*Policies and Standards:*

- A project shall provide convenient access to ESTA and MMSA transit stops.
- A project may be designed with a minimum of two pedestrian pathway connections through the site, one east-west and one north-south.
- A project may provide a minimum of one east-west vehicular mid-block connector with a sidewalk.

Objective 5.1.6: To provide housing for employees

*Policies and Standards:*

- Developer shall comply with the Town of Mammoth Lakes' ~~Workforce~~-Housing ~~Mitigation~~ Ordinance (see 7.0, Housing).

Objective 5.1.7: To bring more jobs and housing to the North Old Mammoth Road District

*Policies and Standards:*

- Required workforce housing shall be provided on-site or in a manner consistent with the Town's Housing Ordinance.
- Retail/commercial and hotel uses should provide new jobs.

Objective 5.1.8: To contribute to the overall revitalization of the Old Mammoth Road corridor

*Policies and Standards:*

- A project shall orient retail uses toward Old Mammoth Road.
- A project shall attract visitors, shoppers, and diners to Old Mammoth Road to help support local businesses.
- A project shall enhance the connections to and between recreation amenities as identified by the Mammoth Lakes Trails and Public Access (MLTPA) GIS Inventory Contract (GIC) points (see Appendix VI) and other recreation destinations so as to maximize the integration of residential, commercial, and recreational uses.

## 5.2 Development Standards

All development within the Clearwater Specific Plan boundaries shall be subject to the following requirements and standards. Except as specified herein, all requirements of the Town of Mammoth Lakes Municipal Code shall apply.

### 5.2.1 Land Use Designations

There are three land use designations under The Clearwater Specific Plan:

- Land Use Area 1: Retail/Mixed-Use: Retail and residential uses are permitted in this area.
- Land Use Area 2: Residential: A building or combination of buildings that function as a hotel with privately-held condominium hotel units or traditional hotel units

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~~and a building or buildings and related appurtenances for housing workers serving the community.~~

- Land Use Area 3: Plaza/outdoor recreation: Paved, open-air events venue with a central/southeastern location on the project site; possible site for outdoor recreation uses.

Additionally, conference space may be provided in either the retail/mixed use area, the condominium hotel area, or some combination of these areas. The land uses permitted by the Clearwater Specific Plan and the various elements of the site are illustrated in *Figure C, Land Use Diagram*.

### 5.2.2 Permitted Uses

The following is a discussion of the uses permitted within each land use area of the Specific Plan area:

Land Use Area 1 – Retail/Mixed Use: This designation allows for retail commercial uses, with the option of including condominium hotel or other commercial uses above the retail.

Land Use Area 2 – Residential: This designation allows for visitor-oriented, major lodging activities and accessory activities, including retail shops, restaurants, bars, recreational facilities, pools, and spas. This land use area also permits workforce housing units that may be either for rent or for sale and accessory uses.

Land Use Area 3 – Plaza/outdoor recreation: This designation allows for open-air, paved areas for use in public events and other community functions. Recreational uses will be also permitted within this designation, and may include an ice rink or snow play area.

*Table 1: Permitted Uses by Land Use Area*

- P – Permitted use
- A – Administrative permit required
- U – Use permit required
- S – Administrative permit for events required (through Tourism and Recreation Department)
- – Not permitted

	Land Use Areas		
	1	2	3
<b>Office and Related Uses</b>			
Administrative, real estate, clerical, leasing and sales, and professional services	P	-	-
Financial institutions	P	-	-
Live/work spaces	P	-	-
Medical, dental and related health service for humans including laboratories, clinics, physical therapy and massage; only the sale of articles clearly incidental to the services shall be permitted.	P	-	-
Property management offices	P	U*	-

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	Land Use Areas		
	1	2	3
<b>General Commercial Uses</b>			
Public utility service offices	P	-	-
Studios for professional work or teaching	A	-	-
Amusement arcades, bowling alleys, and billiard halls	U	-	-
Art galleries	P	-	-
Art studios or workshops	A	-	-
ATM	P	-	-
Bakeries, retail	P	-	-
Barber and beauty shops, salons, and spas	P	-	-
Bicycle sales, rental and service	P	-	-
Blueprint and photocopy services	P	-	-
Catering establishments	P	-	-
Cocktail lounges, bars, or taverns	A	-	-
Convenience markets, neighborhood grocery stores	P	-	-
Dance studios	P	-	-
Delicatessen	P	-	-
Drug stores and pharmacies	A	-	-
Furniture stores, repair and upholstery	A	-	-
Hotels	U	U	-
Laundry pickup and delivery agencies and self-service laundries	A	-	-
Liquor sales	A	-	-
Nightclubs/dancing	A	-	-
Outdoor food vendors	A	-	A
Photography studios	A	-	-
Printing shops and publishing	P	-	-
Restaurants, full service	A	-	-
Restaurants, indoor dining only	P	-	-
Restaurants, outdoor dining permitted	A	-	-
Restaurants, take-out	P	-	-
Retail	P	-	-
Seasonal outdoor retail	A	-	-
Specialty foods, fewer than 20 seats	P	-	-
Supermarkets (10,000 square feet, minimum)	U	-	-
Theaters	U	U	-
<b>Residential</b>			
Condominium Hotel	U	U	-
Deed restricted apartments for rent	U	U	-
Deed restricted condominiums	U	U	-

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	Land Use Areas		
	1	2	3
<b>Public and Quasi-Public Uses</b>			
Conference/meeting facilities	U	U	-
Cultural center	P	-	-
Day nurseries and nursery schools	A**	A	-
Governmental offices and facilities	P	-	-
Public parks	U	U	U
Public plaza	U	U	U
<b>Utilities and communication</b>			
Cell tower or antennae	U	U	-
Radio/TV station	U	-	-
Solar panels	P	P	-
Other alternative energy generators	U	U	-
<b>Accessory Uses</b>			
Bar or lounge, within a hotel	-	U	-
Bus parking, loading/unloading	-	U	-
Hotel lobby	U	U	-
Kitchen/prep area	-	A	A
Parking facilities, underground	U	U	U
Parking, surface	-	U	-
Pool/spa	-	A	A
Recreational facilities for hotel guests	-	A	A
Restaurant, within a hotel	-	A	-
Retail, within a hotel	-	A	-
Snow removal equipment within a fully enclosed building	-	U	-
Other accessory commercial uses within a hotel	-	U	-
<b>Recreational Uses</b>			
Ice rink	-	-	U
Snow play area	-	-	U
<b>Temporary Uses</b>			
Farmer's market	-	-	A
Outdoor food vendors	-	-	A
Special Events and activities (also see Municipal Code Section 17.32.075)	-	-	S
<b>Other Uses</b>			
Other commercial uses as may be determined by the Community Development Director or staff to be similar to and no more detrimental than existing permitted uses in any commercial zone.			

\*For workforce housing only

\*\* Not permitted to front onto Old Mammoth Road

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Land use area boundaries are permitted to overlap up to 50 feet in order to permit flexible site design.

### 5.2.3 Density

The base density shall be 40 hotel rooms per acre. At the time of adoption of this Specific Plan, the Town Council intended to adopt policies regarding “population at one time (PAOT)” and “community benefits and incentive zoning,” consistent with the goals and policies set forth in the 2007 General Plan. Policy L.5.G of the General Plan reads as follows:

*In the C-1 and C-2 Designations, density may be increased to no more than twice the density for hotel, motel, and similar transient lodging projects that specifically enhance the tourism, community, and environmental objectives of the Town of Mammoth Lakes. This enhancement must be through the provision of amenities, services, and/or environmental benefits above and beyond those required to meet the incremental demands of the project. These amenities, services, and environmental benefits include, but are not limited to those listed under “Community Character” on page 24 of this General Plan. Any such increase shall further the Community Vision, shall be consistent with the discussion of “Build-out” on page 37 of this General Plan, shall be consistent with approved District Plans, and shall be subject to such rules, processes, and findings as may be adopted by the Town Council in its sole discretion.*

This Specific Plan shall allow existing and future policies to be applied through the use permit application process to justify a density of more than 40 hotel rooms per acre. Density above the base density, up to a maximum of 80 hotel rooms per acre, may be granted based upon criteria established by the Town Council pursuant to any “PAOT” and/or “Community Benefits and Incentive Zoning” policy. For the purpose of considering increased density up to 80 units per acre, this Specific Plan contemplates the community benefits listed below to be among those that may be determined to be desired by the Town of Mammoth Lakes and may be appropriate for the site. The final community benefits will be determined pursuant to future policy and will be applied during use permit application.

- 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.

All workforce housing that meets the requirements of the Town of Mammoth Lakes and Mammoth Lakes Housing shall be exempt from density calculations.

Other non-residential uses are permitted in the 6.09 acre Clearwater Specific Plan area (see 5.2.2: Permitted Uses), and do not count toward overall density.

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.~~ For the Old Mammoth Place project only, as that project was approved by Vesting Tentative Tract Map 16-001, Use Permit 16-001, Design Review 16-004, and District Zoning Amendment 15-002, the amount of the fee or requirement shall be based upon the formulas as prescribed by ordinance in effect at the time of a building permit application submittal.

#### 5.2.4 Site Coverage

Site coverage is defined as: the percent of lot area that may be covered by buildings or structures. Subterranean or podium structures topped by landscaped open areas (of at least a minimum dimension of 10' x 10' x 4' deep) shall not be considered structures for purposes of calculating lot coverage.

Maximum site coverage for all developed impervious surfaces shall not exceed 70%.

Sufficient area(s) shall be set aside for storm water infiltration to meet the requirements of the State Water Quality Control Board, Lahontan District.

#### 5.2.5 Building Separation

Building separations shall be in accordance with the ~~2007~~ California Building Code for all land use areas. These separations shall be based on occupancy, building type, and other considerations.

If increased separation is required per the Mammoth Lakes Fire Protection District or other agencies, these standards shall take precedence.

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## 5.2.6 Building Height

The maximum allowable building height is established through assigned Building Height Zones (see [Figure D, Maximum Building Height Zones](#)). The maximum allowable heights for these zones are defined in [Table 2](#), below. All height that exceeds 35 feet is discretionary, and shall be approved by the Town of Mammoth Lakes Planning Commission.

Architectural appurtenances are permitted to extend an additional 2 feet beyond stated maximum height in any zone.

*Table 2: Maximum Allowable Building Height by Zone*

<b>Height Zone</b>	<b>Maximum Allowable Height</b>
<del>Zone 1</del>	<del>Maximum 55 feet</del>
<del>Zone 2</del>	<del>Maximum 45 feet</del>
<del>Zone 3</del>	<del>Maximum 35 feet. Building heights along street frontages shall be varied to allow for architectural interest within the pedestrian realm.</del>

<b>Height Zone</b>	<b>Maximum Allowable Height</b>
<a href="#">Zone 1</a>	<a href="#">Maximum 65 feet</a>
<a href="#">Zone 2</a>	<a href="#">Maximum 55 feet</a>
<a href="#">Zone 3</a>	<a href="#">Maximum 45 feet<sup>1</sup></a>
<a href="#">Zone 4</a>	<a href="#">Maximum 35 feet</a>

<sup>1</sup> [The maximum building height at the setback line along Laurel Mountain Road shall be 45 feet for a maximum of 20% of the building face length. The remainder of the building face length at the setback line shall have a maximum height of 35 feet. Along the Laurel Mountain Road frontage at a minimum distance of 10 feet back from the setback line \(i.e., 20 feet from the property line\), the maximum building heights shall be as specified in Table 2-3.](#)

## 5.2.7 Setbacks

Setbacks shall be in accordance with the North Old Mammoth Road District Special Study. Street improvements may necessitate the dedication of right-of-way; setbacks are then measured from the ultimate right-of-way, unless otherwise stated.

Driveway surfaces may be built within building setback areas.

*Table 3: Setbacks*

<b>Setback from</b>	<b>Minimum setback distance from right-of-way (unless otherwise stated)</b>
Old Mammoth Road	Maximum range from 0 – 5 feet from

## The Clearwater Specific Plan

	sidewalk*
Sierra Nevada Road	10 feet
Laurel Mountain Road	10 feet
Other properties	10 feet

\*Outdoor dining is permitted on the sidewalk pursuant to Section 5.2.2 and if there is a minimum 6-foot clearance for sidewalks from all objects.

## 5.2.8 Parking

The Clearwater Specific Plan requires that parking be provided for uses at a minimum of the following rates:

*Table 4: Parking Provision Rate by Use*

Land Use	Minimum rate of parking provision
Condominium Hotel	One space for every guest room
	Guest parking: One space per 20 rooms
	Management parking: Two spaces
Workforce Housing	One space per studio or 1-bedroom unit
	Two spaces per 2-3 bedroom unit
	.5 guest spaces per unit – 1 <sup>st</sup> 12 units
	.25 guest spaces per unit – 13 <sup>th</sup> -48 <sup>th</sup> units
Retail and Commercial	One space per 250 square feet
Restaurant (full service only)	One space per 150 square feet
Conference	No on-site parking requirement (see below)
Plaza/outdoor recreation space	No on-site parking requirement (see below)

A tandem parking configuration will be permitted for spaces in the understructure facility. In cases where a tandem parking plan is implemented, parking shall be provided through a central, valet-operated system. Under this system, valet staff will park guests' and visitors' vehicles in the understructure parking garage.

Additional Parking Standards:

- Maximum gradients for private driveways, ramps, and aisles within the parking structure shall not exceed 10 percent.
- Any valet parking, tandem parking, or lift stacked parking requires a use permit and Planning Commission approval in accordance with the Municipal Code. All spaces assigned for retail uses shall not be valet parked.
- On-site parking requirements for the Specific Plan area may be reduced if the developer requests and is annexed into a parking district and pays all required in-lieu fees. Reduction of parking requirements shall require approval of a use permit.

- Parking spaces may be shared among conference, restaurant, and retail uses, as necessary, to accommodate shifts in demand among these uses throughout the day. A shared parking plan shall be submitted and approved with a use permit with a study identifying how shared parking will operate.
- Parking for public use of conference center space and/or plaza/outdoor recreation space may be accommodated through shared parking and/or through off-site parking if an event management plan is submitted with a use permit, which includes the following information about the anticipated types of events that may take place in these venues: a description of the events, the proposed hours of use, the estimated total attendance, and estimated number of vehicles. A parking management plan citing locations to be used for event parking (shared on-site parking and/or off-site parking), which may include use of the public parking facility located on Old Mammoth Road and Tavern Road, shall be included with the parking management plan.
- Where the application of the off-street parking requirements results in a fractional number of spaces, a fraction of one-half or greater shall be resolved to the next higher whole number.
- The Clearwater Specific Plan area shall include a bus loading and drop-off facility and overnight parking with electrical plug-ins for at least two busses.
- Facilities shall be provided for service and delivery vehicles related to the Clearwater Specific Plan area's permitted uses, and shall be designed in accordance with requirements of the Town of Mammoth Lakes Municipal Code and applicable ~~2007~~ California Building Code standards. Delivery vehicles and unloading activity shall not impede traffic flow at any time. A delivery management plan will be required to be approved with a use permit.
- The site shall be designed with at least one truck loading bay built to a minimum length of 65 feet from the back of the sidewalk to the dock. Any second truck loading bay shall be a minimum of 40 feet long from the back of the sidewalk to the dock. If no dock is proposed for either bay, then an additional 5 feet shall be included for loading/unloading at the rear of the truck.
- Handicap parking and its relationship to the retail and other amenities needs to be taken into consideration.
- Surface parking should be time-limited to prevent guests of the local residents or of visitors to the site from parking this area for extended periods.

### 5.2.9 Snow Storage and Removal

Any areas designated as snow storage are to be a minimum of ten feet wide and deep at the smallest dimension, and shall be readily accessible and usable. The areas are to be unpaved, and be substantially free and clear of obstructions (trees, tanks, boulders, and utilities). All development shall design buildings so that snow shed, ice shed, and snowmelt are not a hazard to people and property.

## The Clearwater Specific Plan

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A snow management plan is required to show snow storage areas, snow melt areas, and how snow shall be removed from the site. This plan shall propose methods that will minimize environmental damage while optimizing road and pedestrian safety. It shall also show how any new development provides sufficient snow storage areas consistent with the Town of Mammoth Lakes Municipal Code for commercial zones.

#### **5.2.10 Signage**

Regulations governing the establishment and display of signs within the Clearwater Specific Plan shall be in accordance with the Town of Mammoth Lakes Municipal Code. Additionally, a master sign plan for the Specific Plan area is required to be submitted to and approved by the Town of Mammoth Lakes before any signs are installed, and all signage shall be in accordance with that plan and shall coordinate with Town of Mammoth Lakes' wayfinding signage.

#### **5.2.11 Lighting**

All projects developed under the Clearwater Specific Plan shall comply with the Town of Mammoth Lakes lighting ordinance and lighting policies established by the 2007 Town of Mammoth Lakes General Plan.

#### **5.2.12 Public Art**

The developer shall be required to use some portion of the required Public Art Fee to provide art on-site. Art should be incorporated into the design of public spaces such as the plaza and the streetscape.

The developer should consider the possibility of a utilitarian function of on-site public art. This could include integration into paver designs, sidewalk murals, benches, drinking fountains, manhole covers, etc. The developer should work with the Public Arts Commission (PAC) to ensure that proposed art is consistent with the PAC's goals for public art in Mammoth Lakes.

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~~

### **The Clearwater Specific Plan**

~~on April 21, 2011.~~ For the Old Mammoth Place project only, as that project was approved by Vesting Tentative Tract Map 16-001, Use Permit 16-001, Design Review 16-004, and District Zoning Amendment 15-002, the amount of the fee or requirement shall be based upon the formulas as prescribed by ordinance in effect at the time of a building permit application submittal.

### 5.2.13 Additional Standards and Requirements

Development of all properties shall conform to the Mammoth Lakes Municipal Code and other standards, except as otherwise specified in this Specific Plan.

## 6.0 Design Guidelines

The Clearwater Specific Plan shall follow the Town of Mammoth Lakes Design Guidelines for all architectural and landscape design of any project.

All development shall incorporate the highest quality of architecture and thoughtful site design and planning, especially in commercial mixed-use areas. Building materials shall be of high quality and shall reflect Mammoth Lakes' character and mountain setting. All development shall include unique, authentic, and diverse design that conveys innovation and creativity and discourages architectural monotony.

## 7.0 Housing

The State of California and the Town of Mammoth Lakes 2007 General Plan require the development of a balanced residential environment with provision of suitable housing for all people regardless of age, race, status, or income. Any development within the Clearwater Specific Plan area shall ~~provide housing for the employees generated by the proposed development, in accordance with the Town of Mammoth Lakes' Workforce Housing Mitigation Ordinance~~ mitigate housing in accordance with the Town's Housing Ordinance.

### 7.1 Housing Objectives

Objective 7.1.1: To provide on-site workforce housing or housing alternatives consistent with the Town's Housing Ordinance.

*Policies and Standards:*

- All development shall provide required workforce housing on-site (also see 7.2.1) or in a manner consistent with the Town's Housing Ordinance.
- All development shall comply with the Town of Mammoth Lakes' housing mitigation standards in place at the time of an application submittal.

### 7.2 Housing Mitigation Plan

A Workforce Housing Mitigation Plan is required of any project built under the Clearwater Specific Plan. ~~Exact unit numbers and types of workforce housing to be provided shall be agreed upon between the developer, the Town of Mammoth Lakes, and Mammoth Lakes Housing, and shall be calculated prior to and during the use permit application submittal and review.~~ The mitigation shall be consistent with the Town's Housing Ordinance.

The exact housing requirement shall be determined pursuant to the Town's Housing Ordinance in effect at the time of building permit submittal per Table 17.36.030-1 of the Town of Mammoth Lakes Municipal Code, or other applicable housing standard in place at the time of an application submittal. Full Time Equivalent Employee (FTEE) generation for any project will be subtracted from the employee generation of current uses on the Clearwater site (see 7.2.4).

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 & Economic Development 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~~

## The Clearwater Specific Plan

~~and requirements applicable to the development shall be based upon the formula in effect on April 24, 2011. For the Old Mammoth Place project only, as that project was approved by Vesting Tentative Tract Map 16-001, Use Permit 16-001, Design Review 16-004, and District Zoning Amendment 15-002, the amount of the fee or requirement shall be based upon the formulas as prescribed by ordinance in effect at the time of a building permit application submittal.~~

### 7.2.1 Methods by Which Housing is to be Mitigated

- All required housing mitigation shall be provided on-site or in a manner consistent with the Town's Housing Ordinance.
- ~~▪ If the developer cannot provide workforce housing on-site, because it is undesirable for the community or infeasible, an alternate housing mitigation plan may be proposed for consideration by the Planning Commission. The alternate housing mitigation plan shall comply with the standards and findings required by the Municipal Code. Additionally, this plan shall address the impact to the permitted density based on workforce housing being exempt from on-site density and its relationship to the total on-site density.~~

### 7.2.2 Timetable for Mitigation

Housing mitigation shall be satisfied prior to issuance of a building permit or if applicable, the workforce housing units shall be constructed contemporaneously with the condominium hotel. Certificates of occupancy for the required workforce housing units must be obtained before or simultaneously with the first certificates of occupancy for the hotel or condominium hotel units.

### 7.2.3 Description of Type, Number & Size of Workforce Units

If on-site workforce housing is proposed, the developer shall work with the Town of Mammoth Lakes and Mammoth Lakes Housing to determine the current needs of the workforce community prior to the time of submittal to determine unit number and size, income levels, and whether the units shall be for rent, for sale, or a combination of both. This determination shall be based on the Mammoth Lakes Housing wait list, needs assessment, and/or housing element. Deed restrictions shall be subject to the standard requirements of Mammoth Lakes Housing.

Total number of workforce housing units required of any project under the Clearwater Specific Plan shall be a factor of FTEEs that project is projected to generate. FTEE generation of existing uses on the Specific Plan site shall be credited to that project and shall be subtracted from that of a proposed project.

The FTEE generation of current uses on the Clearwater Specific Plan site is as follows:

Transient uses:	74,250 sq. ft. x 0.0005 FTEE/sq. ft. =	37 FTEE
Commercial uses:	11,948 sq. ft. x 0.00042 FTEE/sq. ft. =	5 FTEE
	TOTAL =	42 FTEE

## The Clearwater 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 & [Economic Development](#) 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.~~ [For the Old Mammoth Place project only, as that project was approved by Vesting Tentative Tract Map 16-001, Use Permit 16-001, Design Review 16-004, and District Zoning Amendment 15-002, the amount of the fee or requirement shall be based upon the formulas as prescribed by ordinance in effect at the time of a building permit application submittal.](#)

### 7.3 Workforce Housing On-Site Amenities

[If on-site workforce housing is provided, it shall be consistent with the livability standard identified in the Town's Housing Ordinance.](#) ~~All workforce housing developments shall provide a minimum of one hundred fifty square feet of on-site common area/recreation area per unit. Said area may include recreation rooms, swimming/spa facilities, tennis courts, play areas, etc. This area shall be for use by occupants of the workforce housing units.~~

[If on-site workforce housing is provided,](#) ~~B~~icycle storage shall be provided for residents on-site. Storage spaces shall be provided at a minimum rate of at least 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 of outdoor bicycle parking provided. If the Town of Mammoth Lakes adopts Town-wide bicycle parking requirements prior to submittal of a use permit for this site, whichever requirements are stricter will apply to development within the Clearwater Specific Plan area.

[If on-site workforce housing is provided,](#) ~~S~~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.

## 8.0 Additional Specific Plan Standards

### 8.1 Recreation

The Specific Plan area shall serve as a destination for those who seek to participate in a full array of Mammoth's recreational opportunities, including skiing, golf, hiking, fishing, biking, shopping, and dining. The following section describes the general objectives, policies, and standards for recreation established by the Clearwater Specific Plan. Additional standards required by the Town of Mammoth Lakes Municipal Code or the State of California ~~2007 California~~-Building Code may apply.

#### 8.1.1 Timetable for Mitigation

Objective 8.1.1.1: To provide guests with access to recreational opportunities both on-site and throughout the Town of Mammoth Lakes

*Policies and Standards:*

- A project shall provide guests with access to public transit for dining, shopping, and recreation.
- A 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). A wayfinding plan shall be submitted with a use permit to identify specific details regarding how wayfinding information may be displayed and distributed.
- Pathways to transit and shuttle connections shall be cleared and maintained year-round.
- A project shall provide guests with shuttle service to key community recreational opportunities.
- On-site leisure/recreation opportunities may include dining, a possible ice rink or snow play area, and various outdoor events in the plaza/outdoor recreation area.

### 8.2 Conservation and Open Space

The Clearwater Specific Plan covers an already developed site and thus development on this site will not remove existing open space. By concentrating density, the Specific Plan discourages sprawled development that would take up natural open space. The Clearwater Specific Plan area constitutes a primarily urban development, therefore, "urban-type" open space areas (i.e. plazas and pathways) shall be included throughout a project to enhance aesthetics and provide opportunities for pedestrians to relax, shop, and interact.

#### 8.2.1 Conservation and Open Space Objectives

Objective 8.2.1.1: To develop a high-density urban infill project that includes newly revitalized urban open space areas throughout

*Policies and Standards:*

- Development takes place on an existing developed site.
- Development of a project may create a plaza/outdoor recreation space in site-specific design.
- A project design shall incorporate the preservation of existing trees to the fullest extent feasible (see Figure E).
- A project design shall be sensitive to the preservation of view corridors.
- All projects shall include some natural open space area on-site, which may include retention of existing trees and landscaped areas.

Objective 8.2.1.2: To conserve energy resources

*Policies and Standards:*

- All residential structures shall be designed to comply with State energy conservation standards to reduce the need for fossil fuels and wood burning for heating.
- Per the Town of Mammoth Lakes 2007 General Plan, wood burning appliances shall not be permitted.
- See section 3.3 Sustainability Guidelines for additional sustainable design features.

Objective 8.2.1.3: To maintain air quality, reduce waste, and conserve and protect natural resources and wildlife

*Policies and Standards:*

- 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. A comprehensive recycling program shall be developed and approved for any project as a part of the use permit.
- Application for all new development shall include a conceptual tree replacement plan to be approved by the Planning Commission during the design review and/or use permit process. A final tree removal and replacement plan shall be approved with a grading permit. Tree replacement shall be on a value for value basis, by providing an equivalent diameter of trees.
- Landscaping shall utilize native and/or climate-adapted, drought-resistant species to reduce irrigation water demands. Landscaping shall include aggressive replanting with native trees and other compatible species.
- Use of turf over root zones of native trees shall be limited in order to avoid or minimize adverse impacts of excessive water to native trees.
- Environmentally sensitive land management practices shall be utilized. Details of these practices shall be outlined in the Green Project and Landscape Maintenance Plan, to be submitted and approved with a use permit application.
- Water conservation devices shall be installed in all residential and commercial structures.

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- Any parking garage shall have oil/water separators sufficient to serve the garage. Oil or other petroleum contaminants shall not be discharged to the TMLSSS. Any parking garage shall also have facilities in place to separate silt from storm water.
- Infiltrators shall be used for groundwater recharge.
- Construction Management Plans shall be required for all phases of construction.
- The reuse or recycling of materials from the existing structures on-site shall be consistent with the requirements of 3.3 of this plan.
- All trash enclosures, receptacles, and food storage areas on-site shall be animal resistant.
- All development shall be wildlife friendly by minimizing possible denning sites and minimizing exterior lighting.

### 8.3 Noise

The following section describes the general objectives, policies, and standards for noise established by the Clearwater Specific Plan. Additional standards required by the Town of Mammoth Lakes or ~~2007 the~~ California Building Code may apply.

#### 8.3.1 Noise Objectives

Objective 8.3.1.1: To minimize inappropriate noise levels through a project to provide a setting conducive to a high quality destination experience

*Policies and Standards:*

- Appropriate noise attenuation features shall be included in the design of all facilities.
- All construction and maintenance equipment shall be properly equipped and operated to minimize noise disturbance.
- Construction equipment shall be operated in accordance with Town of Mammoth Lakes regulations. Improperly equipped vehicles shall not be permitted to operate.
- Construction activities shall be in accordance with Town of Mammoth Lakes regulations.
- Construction hours shall be limited to those hours typically permitted by the Town of Mammoth Lakes. Construction is prohibited on Sundays.
- All development shall comply with all noise related mitigation measures established by the EIR.
- 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.
- Hours of operation and limits for noise levels for outdoor uses will be established during the use permit phase of any project under the Clearwater Specific Plan.
- An administrative permit for events shall be obtained from the Tourism and Recreation Department for all outdoor events.

## 8.4 Safety

The following section describes the general objectives, policies, and standards for safety established by the Clearwater Specific Plan. Additional standards required by the Town of Mammoth Lakes or the ~~2007~~ California Building Code may apply.

### 8.4.1 Safety Objectives

Objective 8.4.1.1: To construct and operate development under the Clearwater Specific Plan in a manner that minimizes potential hazards to human life, safety and property and promotes sound safety practices

*Policies and Standards:*

- 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).
- A project shall adopt all traffic mitigation measures recommended in Traffic Analysis (see Appendix III).
- Reasonable speed limits and adequate lighting shall be approved by the Town of Mammoth Lakes along project roads and parking areas to increase safety. New roadway lighting shall be installed that eliminates glare without compromising safety.
- Throughout the Clearwater Specific Plan area, a system of hydrants and storage tanks shall be developed in accordance with MLFPD regulations.
- Prior to construction of any proposed projects within the Clearwater Specific Plan area, construction plans shall be reviewed by the Fire Chief to determine that a project implements sufficient fire safety practices.
- All structures shall be designed and constructed in accordance with the ~~2007~~ California Building Code incorporating lateral force requirements for the appropriate seismic zone.
- A lateral force (seismic) analysis shall be prepared by a licensed structural or civil engineer for all building structures. The analysis must analyze lateral forces under maximum snow load conditions.
- 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.

### 8.4.2 MLFPD Requirements

The Fire District will require access to the internal fire lanes to be a minimum of 26 feet wide (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.

If an ice rink is proposed as part of a use permit, or if it is substituted with some other facility, the Fire District reserves the right to further comment on this area.

The width of the access road on the north side of the property will be determined by degree of roadside parking, if any. This could change the dimensions in the street section included in appendix III.

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.

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.

All development shall comply with current State and local fire code requirements in place at the time of an application submittal.

## 9.0 Implementation

The purpose of this section is to identify implementation measures developed in the Clearwater Specific Plan for snow storage and removal, and maintenance. For implementation measures related to site grading and drainage, site utilities, project implementation and financing, phasing plan, and operations, see Appendix I.

### 9.1 Maintenance

Public improvements to the Clearwater Specific Plan area are to be maintained by a “benefit assessment district” paid by special assessments on property tax bills. Private (common area) improvements are to be maintained by a Home Owners’ Association of Clearwater property owners, and paid for through HOA dues.

### 9.2 Construction and Grading

#### 9.2.1 Site Grading and Drainage

In an effort to reduce impacts to pedestrian circulation, acceptable public pedestrian access around the site, consistent with Sections 3306.1 and 3306.2 of the ~~2007~~ California Building Code, shall be provided and approved by the Public Works Director and the Building Official. Said pedestrian access shall be included as part of the grading permit and shall be phased appropriately. All grading or construction activity shall comply with the mitigation measures that are established by the EIR and a copy of said mitigation measures shall be posted on-site at all times during grading and construction activities.

Demolition is to be done on the entire site, all structures, pavement, and utilities. Proper dust control measures are to be followed, as well as proper disposal of demolished materials.

The existing site generally slopes from the west to the east. Site elevations range between 7,863 feet at the northwest corner to 7,844 at the northeast of the site. The slope of the site varies, with an average slope of approximately 2-3%. Currently, storm water runoff from the site and its tributary area flows, via sheet flow or through piping, through the property and enters the Town of Mammoth Lakes Storm Sewer System (“TMLSS”).

Once the existing structures and materials are removed from the site, construction will consist of the underground parking structure, the slab and the ground level buildings, drives, parking, and landscaped areas. Grading during this process shall be managed to avoid environmental and/or physical damage to adjacent non-graded areas, and to minimize or eliminate any impacts on adjacent or nearby properties and streets. One method of ensuring this is to utilize proper dust control measures during the construction process, ensuring proper storage and disposal of materials on the site. All trees to remain shall be protected from demolition, grading and construction operations with temporary construction fencing at or beyond the dripline that shall stay in place throughout the entirety of construction activities. Also, shoring shall be implemented wherever necessary to protect existing trees, utilities, adjacent roadways, sidewalks, and adjacent property.

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On-site storm drainage systems shall be designed in conformance with the TOML Storm Drain Master Plan and the TOML Storm Drainage and Erosion Control Design Manual. Additionally, the storm drainage system shall be constructed to include retention/infiltration systems to conform to the Lahontan RWQCB, Section 4.8, Specific Policy and Guidelines for Mammoth Lakes Area.

The developer for any new project within the Specific Plan area shall also be required to submit a Notice of Intent (“NOI”) to the State Water Quality Control Board (“SWQCB”) to be included in the National Pollution Discharge Elimination System for Small Construction Projects in California, NPDES CAS 000002. This will also require preparation of a Storm Water Pollution Prevention Plan (“SWPPP”).

The area of ponding which occurs at the southeast corner of the existing site shall be designed to ensure that drainage flows into the existing cross gutter and the inlet at Sierra Nevada Road, which enters into the TMLSSS, and shall include extension of storm drain lines where necessary.

On-site drainage facilities shall be designed to collect and transport the on-site runoff through the site to retention facilities. Underground parking structure may encompass the majority of the site, and if retention facilities are located under the parking structure, they shall be designed by a mechanical engineer, structural engineer, and architect. The retention facility shall be designed to retain storm water runoff generated from the site for a Lahontan 20-year 1-hour intensity storm. Overflow from the facility shall be directed to drop inlets located at the lower elevations of the site (one at the southeast and one at the northeast) where the overflow can then enter the TMLSSS. The overflow shall be pumped, and it should also be designed to ensure that that water from the facility does not back up into the garage. Runoff in excess of what is collected by the on-site retention system shall be conveyed to the storm drain in Old Mammoth Road.

### **9.2.2 Site Utilities**

The site is located within the Mammoth Community Water District (“MCWD”). The on-site water system shall be installed as part of any development, and MCWD may require off-site main line improvements. Any required off-site water system improvements shall be constructed prior to occupancy.

There is an existing main water line, an 8” ductile pipe, located in Old Mammoth Road that serves the existing site.

Water lines and facilities shall be designed and constructed in conformance with MCWD standards, specifications and requirements. Appropriate connection fees shall be paid to the MCWD.

Sanitary sewer system is provided by MCWD. The sewer system installed as part of any development shall include any required off-site improvements. Any needed off-site improvements shall be constructed prior to occupancy and shall meet the requirements of MCWD.

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## **The Clearwater Specific Plan**

Sanitary sewer lines and facilities shall be designed and constructed in conformance with the MCWD standards, specifications, and requirements. Appropriate connection fees shall be paid to the MCWD.

Dry utilities including electric (Southern California Edison, "SCE"), television (~~Cablevision~~), propane, and telephone (Verizon) exist in Old Mammoth Road. On-site, dry utilities shall be placed in common utility trenches. For propane, electricity, phone, and cable television, the developer shall install main line and lateral conduits, transformer pads, utility pads, and pull boxes. The propane supplier shall install propane lines, laterals, and valves within the common utility trench.

## 10.0 ADMINISTRATIVE PROCEDURES

### 10.1 Process for All Projects

Development plans shall be submitted along with all necessary applications and fees to the Town of Mammoth Lakes for review by appropriate departments. All development projects shall comply with the submittal and processing requirements of the Town of Mammoth Lakes, and shall be required to submit, at a minimum, applications for a use permit and design review, which will require review and approval by the Planning Commission. Following adoption of the Specific Plan by the Town Council, developers may submit development plans for review.

### 10.2 Process for Projects that do not Conform with the Clearwater Specific Plan

Individual projects that do not conform to the standards established by The Clearwater Specific Plan cannot be approved without an amendment to the Specific Plan and other documents, as appropriate.

### 10.3 Adjustments

Pursuant to Municipal Code Section 17.76, *Adjustments*, minor modifications or adjustments to certain requirements of this specific plan may be considered. In granting an adjustment, the Community Development Director may consider one additional finding: a strong design rationale (such as enhanced relationship to the street frontage; enhanced retail environment; enhanced pedestrian spaces; enhanced tree and landscaping provisions; offsetting building heights; and setbacks in the vicinity improved building scale and massing; and other design factors).

### 10.4 CEQA (California Environmental Quality Act)

All projects shall be subject to environmental review procedures pursuant to CEQA (the California Environmental Quality Act).

### 10.5 Payment of Fees

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~~

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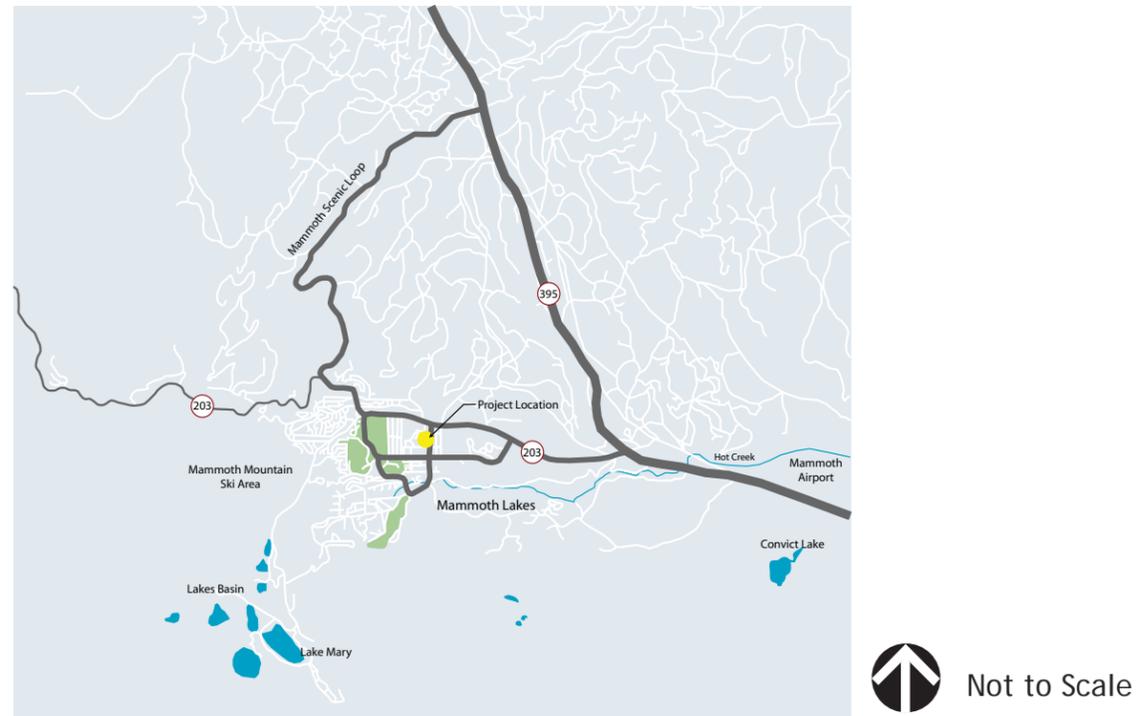
~~shall be based upon the formulas in effect on April 21, 2011.~~ For the Old Mammoth Place project only, as that project was approved by Vesting Tentative Tract Map 16-001, Use Permit 16-001, Design Review 16-004, and District Zoning Amendment 15-002, the amount of the fee or requirement shall be based upon the formulas as prescribed by ordinance in effect at the time of a building permit application submittal.

## The Clearwater Specific Plan

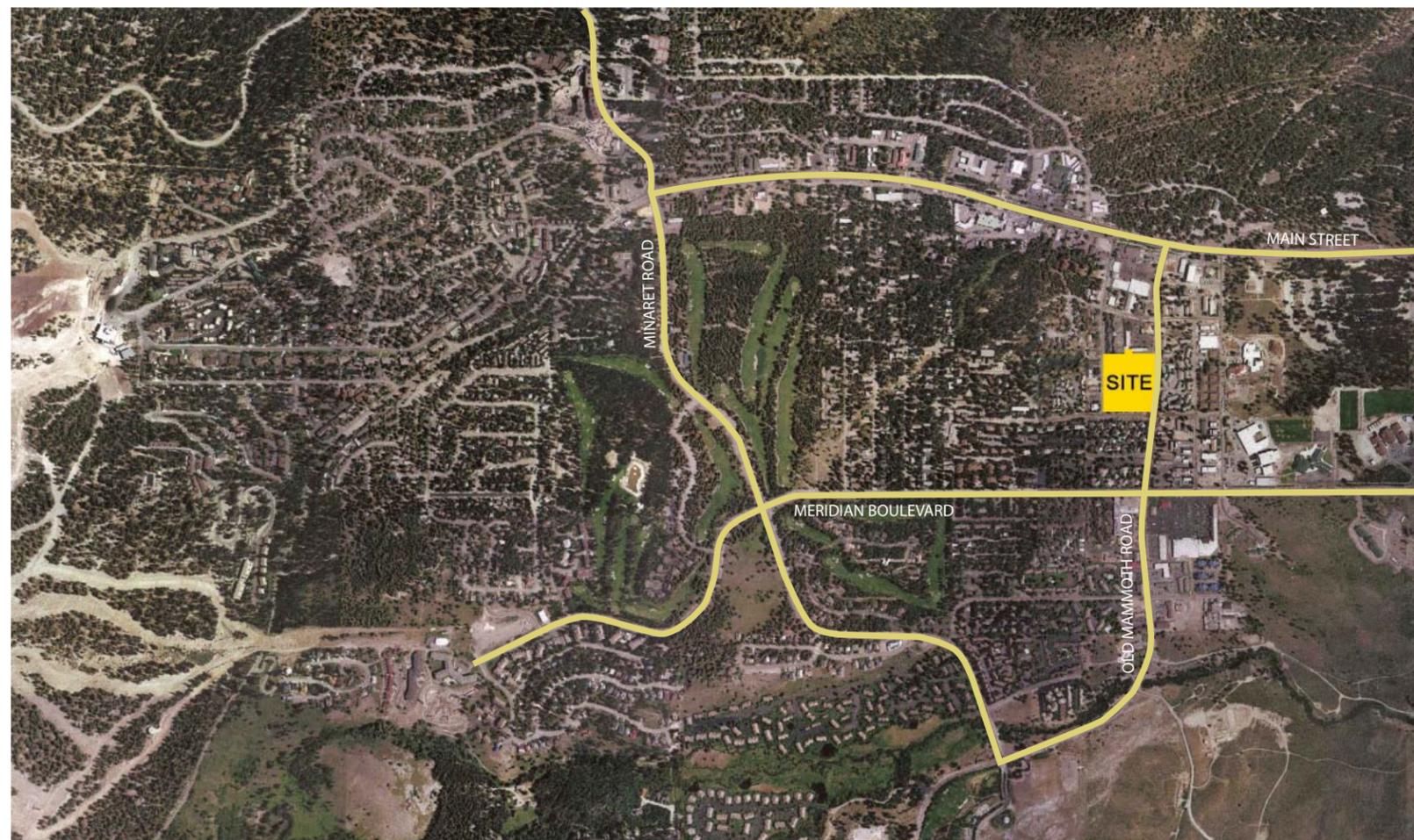
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4/7/09 ~~updated~~ revised 4/21/10; [Month]/[Day]/16  
(DZA 09-001, DZA 10-002, DZA 15-002)

# Vicinity Map



# Site Location Map



Note: North is oriented upward in these figures. In other figures in the Clearwater Specific Plan, North is oriented to the right.

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## The Clearwater Specific Plan

April 7, 2009

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### Figure A Vicinity and Location Map

Legend

Town of Mammoth Lakes Zoning Designation

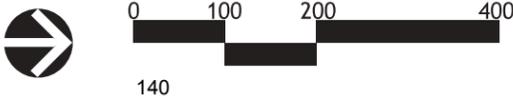
- Old Mammoth Road (OMR)
- Downtown (D)
- Residential Multi-family (RMF-2)

Note: properties surrounding the Clearwater site on the East, North, and directly West are given the land use designation C-2 and properties to the South, HDR-2, under the 2007 Town of Mammoth Lakes General Plan (Town of Mammoth Lakes 2007 General Plan Figure 5: Land Use Diagram, p. 35)

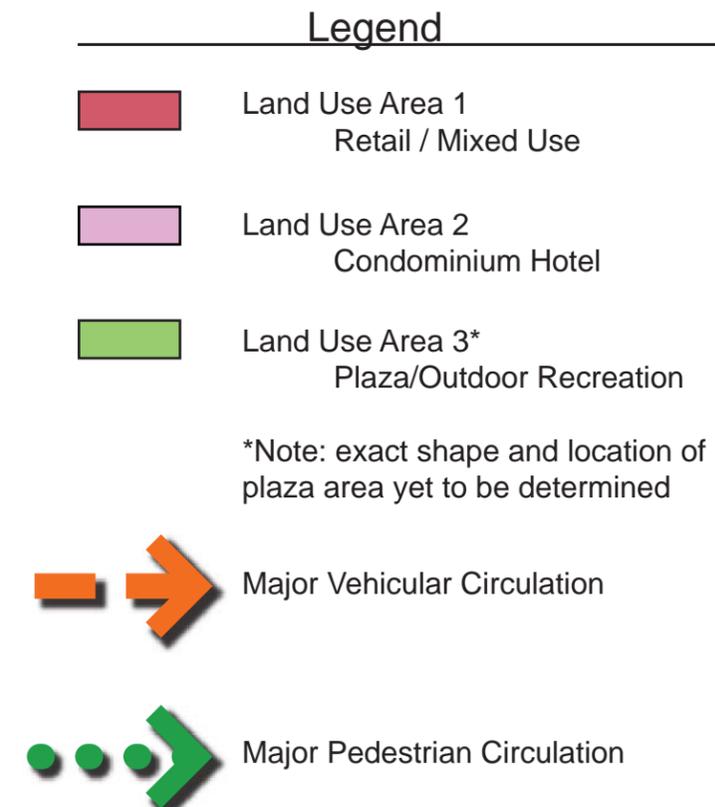
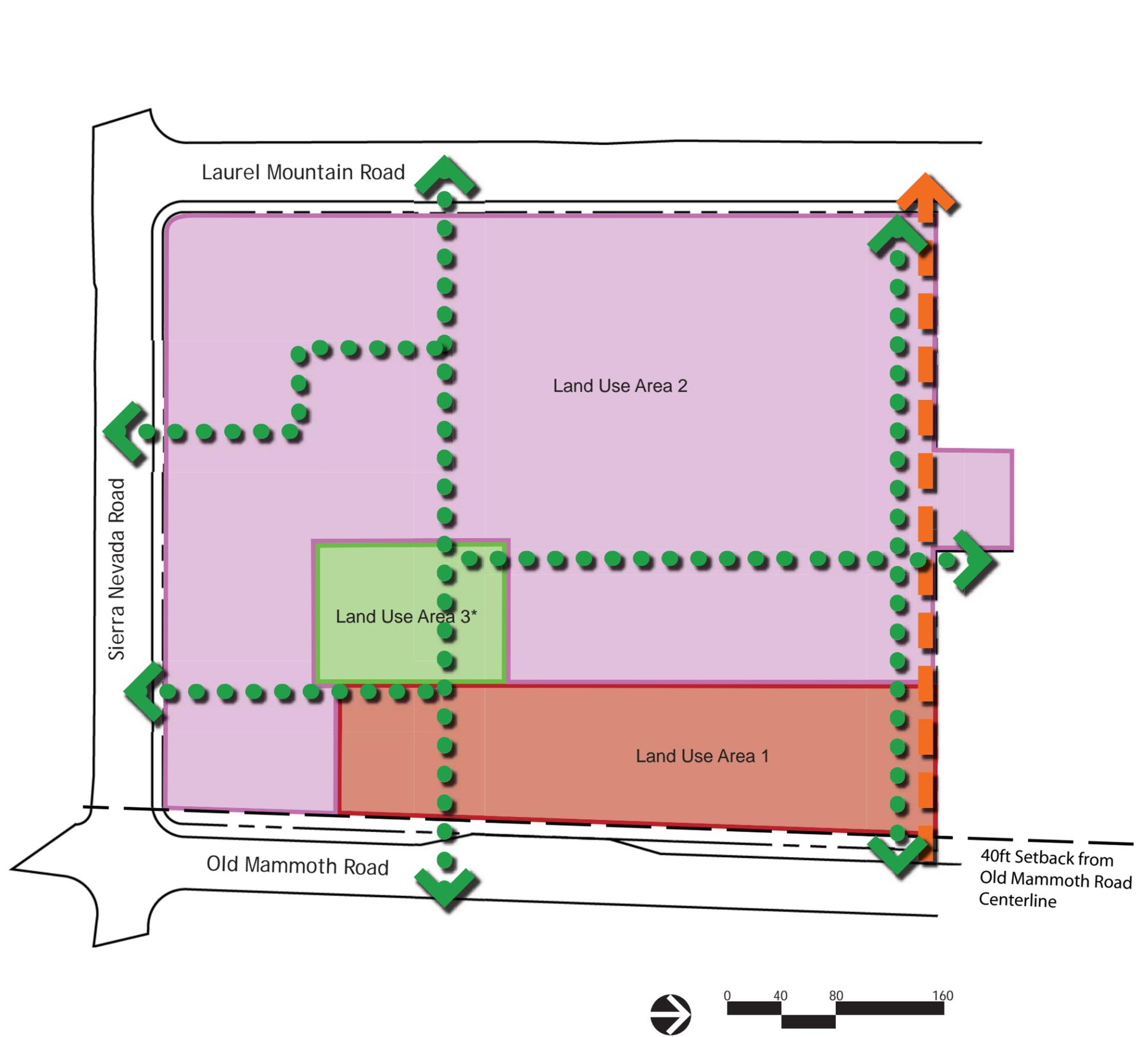


The Clearwater Specific Plan

June 15, 2016



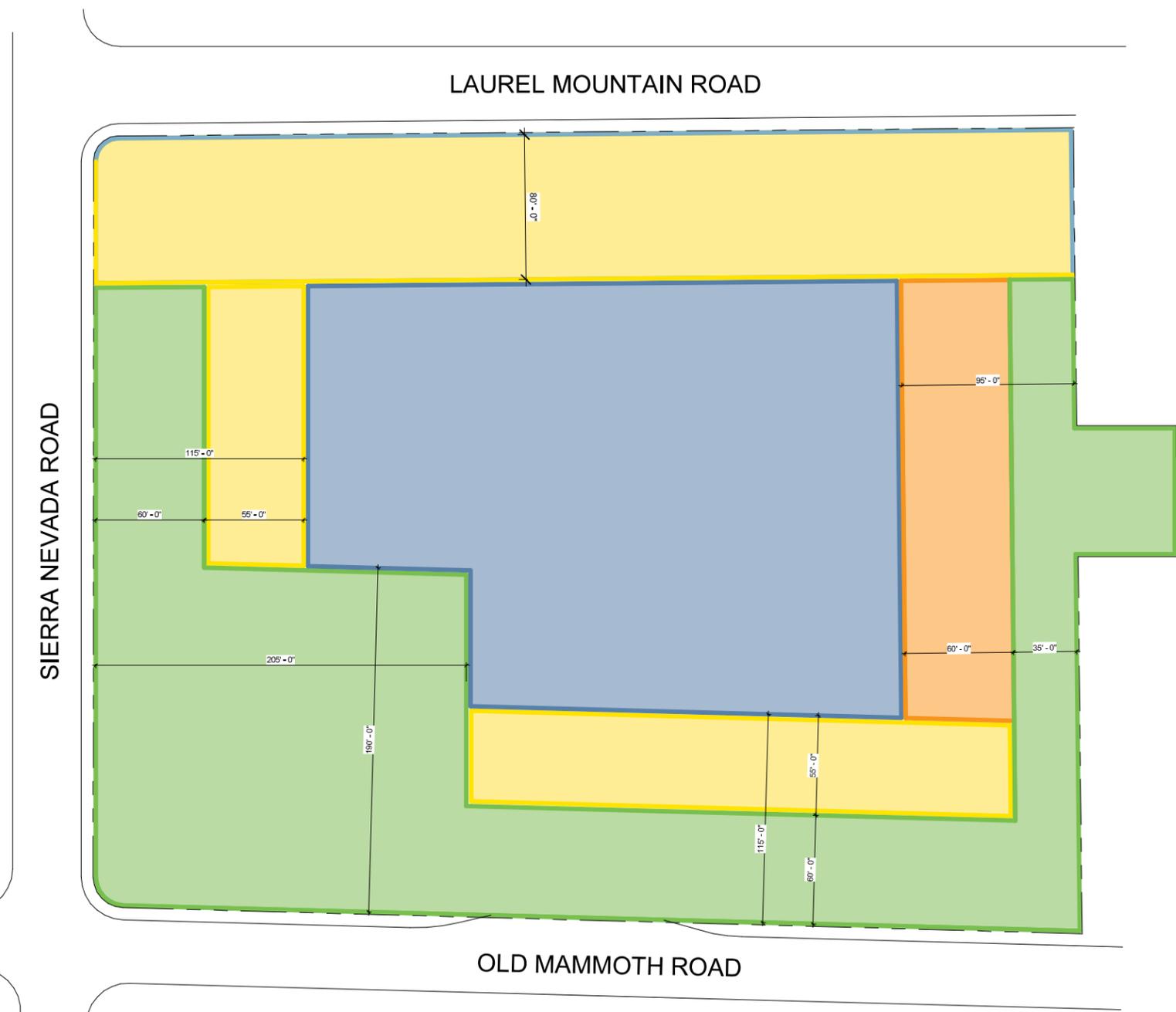
**Figure B**  
**Site Context**



**The Clearwater Specific Plan**

April 7, 2009

**Figure C**  
**Conceptual**  
**Land Use Diagram**



LEGEND

	ZONE 1: 65' MAXIMUM BUILDING HEIGHT
	ZONE 2: 55' MAXIMUM BUILDING HEIGHT
	ZONE 3: 45' MAXIMUM BUILDING HEIGHT
	ZONE 4: 35' MAXIMUM BUILDING HEIGHT

The maximum building height at the setback line along Laurel Mountain Road shall be 45 feet for a maximum of 20% of the building face length. The remainder of the building face length at the setback line shall have a maximum height of 35 feet. Along the Laurel Mountain Road frontage at a minimum distance of 10 feet back from the setback line (i.e., 20 feet from the property line), the maximum building heights shall be as specified in Table 2-3.

**The Clearwater Specific Plan**

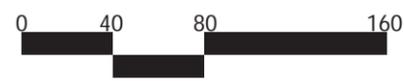
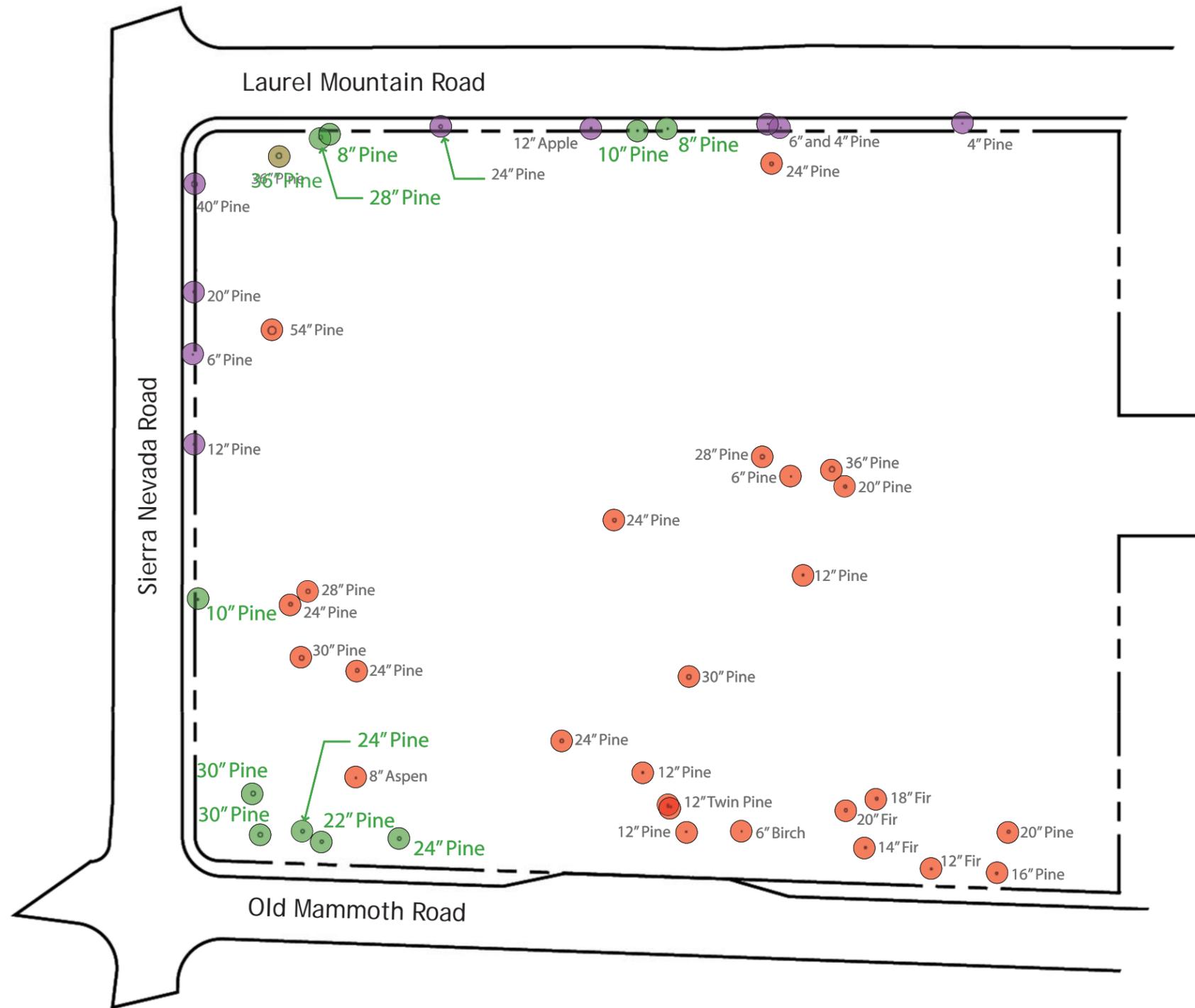
June 15, 2016

**Figure D**  
**Maximum Building Height Zones**



Legend

- Existing Tree To Remain
- Existing Tree To Be Removed (per Specific Plan development)
- Existing Tree That May Be Removed (per public improvements/sidewalks required by Town). Sidewalk design may be modified in an effort to save existing trees. Any modifications shall be approved by the Public Works Director.



The Clearwater Specific Plan

April 7, 2009

**Figure E**  
**Existing Trees to Remain**



Conceptual Site Plan by The Landau Partnership Architects

Note: this conceptual site plan is only one possible configuration under the standards of the Clearwater Specific Plan. Final configuration of buildings and uses may differ.

**The Clearwater Specific Plan**

April 7, 2009

**Figure F**  
**Conceptual Site Plan**

## **Appendices**

**Appendix I: Glossary of Terms**

**Appendix II: The Clearwater Specific Plan Environmental Impact Report  
Mitigation Monitoring and Reporting Program**

**Appendix III: Submittal Requirements**

**Appendix IV: North Old Mammoth Road District Special Study Typical  
Road Sections**

**Appendix V: Proposed Project**

**Appendix VI: Geographic Information Contract (GIC) Point Information  
North Old Mammoth Road District**

No Changes to the Appendices are Proposed by DZA 15-002

See Page(s) 53-95 in the adopted CSP for the Appendices pages

<http://www.townofmammothlakes.ca.gov/DocumentCenter/Home/View/1518>

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### **EXHIBIT 3**

**Resolution No. PEDC-2016-\_\_\_\_**  
**Case No. DZA 15-002, VTTM 16-001, UPA 16-001, DR 16-004**

#### **PLANNING DIVISION CONDITIONS**

##### **STANDARD PLANNING CONDITIONS**

1. This approval authorizes the following: The recommendation to the Town Council to amend the Clearwater Specific Plan and approve the Old Mammoth Place Amendment Project. If approved by Town Council, this approval will supersede the Old Mammoth Place entitlement (Tentative Tract Map 09-003, Use Permit 09-003, and Design Review 09-005; Planning Commission Resolution 2010-05).
2. This permit and all rights hereunder shall automatically terminate unless the business operation, site preparation or construction has been commenced within two years after the issuance of this permit and such work is diligently carried on until completion, or an extension of time has been granted in accordance with Municipal Code Section 17.64.060.B.
3. All new improvements constructed on the site shall be in compliance with all Town of Mammoth Lakes, County of Mono, Mammoth Community Water District, the Mammoth Lakes Fire Protection District, the CRWQCB Lahontan District, Great Basin Air Pollution Control District, OSHA, State of California and United States of America laws, statutes, ordinances, regulations, directives, orders, and the like applicable thereto and in force at the time thereof. Any violation of the above may constitute grounds for revocation of the use permit under Chapter 17.128 of the Mammoth Lakes Municipal Code.
4. This resolution of approval, as conditioned herein, shall be recorded for the subject property by the Mono County Recorder's Office to commence the approved use on the property or the issuance of any building permits for new or remodeled structures.
5. The site shall be maintained in a neat, clean and orderly manner. All improvements shall be maintained in a condition of good repair and appearance. Outdoor storage of equipment and other materials is prohibited. Non-operating vehicles, equipment and materials inappropriate to the site and its use shall not be stored within outdoor areas on the site.
6. Storage of construction materials and equipment off-site shall not be permitted without a permit issued by the Community and Economic Development Department of the Town and shall be consistent with the approved construction management plan. Any public or private property altered, damaged or destroyed by site preparation, grading, construction or use shall be restored to its pre-existing condition by the permittee.
7. All conditions of this use permit shall be met or secured prior to final occupancy approval of any tenant improvements or new structures.

8. All uses are subject to review by the Building Official of the Town of Mammoth Lakes and must conform to occupancy ratings of the structures to obtain occupancy.
9. Town staff shall have the right to enter the subject property to verify compliance with these conditions. The holder of any permit associated with this project shall make the premises available to Town staff during regular business and shall, upon request, make records and documents available to Town staff as necessary to evidence compliance with the terms and conditions of the permit.
10. Prior to the issuance of a building permit, the applicant shall pay Development Impact Fees as prescribed by ordinance and/or resolution and pay any fees due on this project processing account.
11. Where compliance with the conditions of approval or applicant initiated changes to the plans require additional staff review, that review time shall be billed at the Town's established billing rates. Prior to the issuance of a building or grading permit, the applicant shall pay all outstanding costs for the processing of this application.
12. The approved site and building plans shall be adhered to and maintained for the duration of the permit.
13. This action may be appealed to the Town Council within fifteen (15) calendar days from the date of Planning and Economic Development Commission approval in accordance with Municipal Code Chapter 17.104.
14. Prior to receipt of a grading or building permit, the applicant shall obtain a secondary source permit or letter of exemption from the Great Basin Unified Air Pollution Control District.
15. Pursuant to Government Code Section 66474.9 the subdivider shall defend, indemnify, and hold harmless the Town and its agents, officers, and employees from any claim, action, or proceeding against the Town and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the Town, advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Government Code Section 66499.37. The Town shall promptly notify the subdivider of any claim, action, or proceeding and shall cooperate fully in the defense.
16. In consideration of the Town's Vision Statement requiring a de-emphasis of the use of the automobile, occupancy and mode of travel expectations and to mitigate the impacts of the project on air quality as required by CEQA, the applicant and the owners association, if formed, shall submit a petition to be annexed into the Transit and Transportation Fee Community Facility District (CFD 2013-03) and pay all fees associated with the annexation process prior to final map approval by staff. CFD 2013-03 shall be referenced in the project CC&Rs, as well as in any disclosure documents required by the California Department of Real Estate for the project.
17. 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.

18. The property owner shall execute a hold harmless agreement waiving any liability on the part of the Town for damage from snow removal or other standard street maintenance functions.
19. Water and sewer improvements require a construction permit from Mammoth Community Water District. Prior to the Town authorizing any construction, the applicant shall obtain water and sewer permits from Mammoth Community Water district and pay applicable fees to the District.
20. New or changed improvements, exterior illumination, elevations, designs, materials, or colors shall conform to the adopted Design Guidelines of the Town of Mammoth Lakes and will require review and approval from the Town of Mammoth Lakes Community and Economic Development Department or Planning and Economic Development Commission pursuant to Municipal Code Chapter 17.88.
21. A certificate of occupancy is required for all future tenant improvements within the subject structure. Tenant improvements shall identify occupancy separation requirements, disabled access requirements and compliance with all applicable building, electrical, plumbing, and fire code requirements.
22. Zoning entitlement conditions of approval shall be printed verbatim on all of the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the index.
23. Roof vents, exhaust, pipes and flues shall be combined and/or collected together on slopes of roof out of public view to the greatest extent possible.
24. Public trails and bike lanes must be maintained in a safe and usable condition during construction. Trails or bike lanes that are to be relocated must be relocated prior to removal of the existing facility.
25. Developers of residential properties shall include a disclosure statement indicating that Mammoth Lakes is an area of habitat for mountain lions, which indicates a potential risk, particularly to small children and pets. (General Plan Mitigation Measure 4.3-1)
26. Pursuant to the Federal Migratory Bird Treaty Act and California Fish and Game Code Sections 3503 and 3503.5, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird or bird-of-prey, except as otherwise provided by the Fish and Game Code or any regulation made pursuant thereto. Completion of a nesting bird survey by a biologist with relevant qualifications within three days of initiation if site disturbance is recommended for projects that have the potential to disturb suitable nesting habitat, which may include riparian vegetation, mature trees, snags, and structures.
27. The project shall comply with all applicable mitigation measures of the Clearwater Specific Plan EIR, as included in Exhibit 4.

## **SPECIAL CONDITIONS**

### Land use and Operation

28. 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.
29. An administrative permit for events shall be obtained from the Tourism and Recreation Department for all outdoor events.

### Mobility

30. Bicycle racks and parking shall be provided at a rate consistent with the Clearwater Specific Plan. 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.
31. 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.
32. 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.
33. 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).
34. 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.
35. 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.
36. 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.

37. 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.
38. The project shall satisfy the parking demand of the project and shall supply no fewer than 597 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. Parking spaces for patrons of the retail uses shall also be designated and shall be “self-park” within the on-site parking structure.
39. 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.
40. 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.
41. 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.
42. 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.
43. 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.
44. 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. 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.

45. A bus loading and drop-off facility and overnight parking with electrical plug-ins for at least two busses shall be provided on-site.
46. 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.
47. 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.
48. 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.
49. 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.
50. 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.
51. The garage entrance ramp shall be heat melted.

### Design

52. 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.
53. 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.
54. 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.

55. 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."
56. 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.
57. All proposed outdoor trash and recycling receptacles shall be bear proof and meet the standards of the Public Works Department.
58. 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

59. 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.
60. Pathways to transit and shuttle connections shall be cleared and maintained year-round.

#### Landscape / Irrigation

61. The project shall meet the requirements of Municipal Code Section 17.40 (Water Efficient Landscape Regulations) and the CA Model Water Efficient Landscape Ordinance (MWELo) 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.
62. 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.
63. Tree sizes shall include container or gallon size in addition to specified height.
64. 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.

65. 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.
66. 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.
67. 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.
68. 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.
69. 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.
70. 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.
71. 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.
72. 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

73. All exterior lighting shall comply with Chapter 17.36.030 of the Town of Mammoth Lakes Municipal Code, Exterior Lighting. Exterior light fixtures having a total of over 400 lumens of output shall be equipped with shields that extend below the horizontal plane of the light source to direct the light downward onto the structure or surrounding grounds.

74. 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.
75. All project lighting within the right-of-way will require an encroachment permit.

#### Signs

76. 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

77. Appropriate noise attenuation features shall be included in the design of all facilities.
78. All construction and maintenance equipment shall be properly equipped and operated to minimize noise disturbance.
79. Construction equipment shall be operated in accordance with Town of Mammoth Lakes regulations. Improperly equipped vehicles shall not be permitted to operate.
80. All development shall comply with all noise related mitigation measures established by the EIR.
81. 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

82. The affordable housing requirements for this project shall be mitigated through compliance with the Housing Ordinance in effect at the time of building permit submittal.
83. Notwithstanding any other possible configurations or calculations, for purposes of calculating Owner’s affordable housing in-lieu fee obligations, the Project shall be assumed to comprise 244 “keys” or separately lockable units or portions of units of base density, and the remaining “keys” or separately lockable units or portions of units constructed shall be considered incentive density.

## Development Impact Fees

84. Notwithstanding any other possible calculations, for purposes of calculating Owner's DIF obligations, the Project shall be assumed to comprise 244 "keys" or separately lockable units or portions of units of base density and, the remaining "keys" or separately lockable units or portions of units constructed shall be considered incentive density.

## Trash / Recycling

85. 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.
86. 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

87. 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.
88. 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.
89. All pedestrian facilities, including plazas, pathways, and other areas, shall have adequate lighting, visible signage, and markings for pedestrian safety.
90. 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.
91. All development shall comply with current State and local fire code requirements in place at the time of an application submittal.
92. All delivery truck areas and tour bus parking areas shall be completely contained on-site and shall not block or occupy any portions of the sidewalk and/or adjacent roadway.
93. A snow cornice/icicle management plan shall be reviewed and approved by the Mammoth Lakes Fire Protection District and the Town prior to building permit issuance.

94. Access to and circulation through the project site for emergency vehicles shall comply with all Mammoth Lakes Fire Protection District and Town requirements. Access for emergency vehicles shall be provided to all areas of the site including, but not limited to the “Market Commons” and “River Terrace” pool area. All circulation/access roadways, bridges, etc. shall be constructed to support the weight of emergency vehicles pursuant to the Mammoth Lakes Fire Protection District requirements.
95. Old Mammoth Place road shall be a minimum of 24-feet wide from edge of asphalt with curbs and gutters outside this dimension. One-way roads that have only one-lane shall be a minimum width of 14-feet wide from edge of asphalt with curbs and gutters outside this dimension.
96. Fire lanes/emergency vehicle parking locations shall be provided on Old Mammoth Road, Sierra Nevada Road, and Laurel Mountain Roads in accordance with Mammoth Lakes Fire Protection District and Town requirements. The final locations shall be determined in conjunction with the Fire District and the Town. These locations can be shared with the transit system bus stops.
97. The parking garage shall comply with all applicable building and fire codes including, but not limited to egress requirements and fire sprinkler requirements dependent on the use and occupancy classification of the parking garage.
98. Fire hydrants shall be provided in accordance with Mammoth Lakes Fire Protection District requirements.
99. Fire department connection’s (FDCs) shall be provided in accordance with Mammoth Lakes Fire Protection District requirements. At a minimum, the FDC sites shall have a parking location outside of the roadway large enough for a large capacity fire engine and be located within 50-feet of a fire hydrant.
100. A fire control room with exterior access in the vicinity of the primary Fire Department Connection (FDC) shall be provided. The final location and size shall be determined in conjunction with the Mammoth Lakes Fire Protection District.
101. The parking garage, all mid- and high-rise structures, and the “Festival Marketplace” shall all be equipped with a standpipe system, and may require a yard pipe system upon further evaluation of the building plans.
102. The Mammoth Lakes Fire Protection District reserves the right, at the owner’s expense, to require the installation of a radio transceiver whenever a structure is constructed which inhibits standard portable two-way emergency radio communications.
103. For any portion of the structure(s) where the floor elevation is 55-feet above the lowest level of fire department building access (i.e., ground level), those portions of the structure(s) shall be classified as a high-rise and are required to comply with all high-rise building and fire code requirements. For any high-rise portions of the structure(s), a fire pump and a secondary water source for fire protection shall be required and the Mammoth Lake Fire Protection District will require verification of a minimum fire flow on any high-rise roof area of 100 gallons per minute for a five minute period of time, prior to issuance of a final certificate of occupancy. Additionally, if the structure is

classified as a high-rise, a fire department equipment room that complies with the requirements of the Mammoth Lakes Fire Protection District shall be located on the fourth floor of the high-rise portion of the structure.

104. The project shall comply with all Wildland Urban Interface requirements including, but not limited to construction techniques, materials, and vegetation requirements.
105. Roof access shall be in accordance with all Mammoth Lakes Fire Protection District requirements.
106. Atriums shall be constructed and managed per the requirements of the applicable Building and Fire Codes.
107. The skylight material and translucent roof panels shall comply with all Mammoth Lakes Fire Protection District requirements for ventilation.
108. Propane lines serving the project site shall meet all fire and building code requirements and shall be equipped with a readily available 90-degree shut-off isolation valve on the exterior of the project and an excess flow valve designed into the system.
109. All structures shall be designed and constructed in accordance with the current California Building Code incorporating lateral force requirements for the appropriate seismic zone.
110. 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.
111. 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

112. 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.
113. A stormwater operations plan shall be approved prior to the first certificate of occupancy.

#### Construction Management

114. 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.

115. Construction activities shall be in accordance with Town of Mammoth Lakes regulations.
116. Construction hours shall be limited to those hours typically permitted by the Town of Mammoth Lakes. Construction is prohibited outdoors on Sundays.
117. Phasing and demolition shall be consistent with the phasing plan approved as part of the use permit application.
118. 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.
119. Safe pedestrian access around the site shall be maintained at all times during construction.
120. 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

121. 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.

#### Geology and Soils

122. 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.

#### Assessment Districts

123. 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.
124. 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.

Street and Driveway Improvements

125. 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.
126. 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.
127. 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.

128. 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.
129. 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.
130. 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.
131. 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.
132. 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

133. 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.
134. 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.
135. 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.
136. 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.

137. 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.
138. Water conservation devices shall be installed in all residential and commercial structures.

#### Water Resources

139. 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.

### **ENGINEERING DIVISION CONDITIONS**

#### **STANDARD CONDITIONS / GENERAL REQUIREMENTS:**

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

141. Copies of all exceptions, easements, restrictions and encumbrances listed in the preliminary title report together with a copy of the current grant deed and a current title report, a copy of each record map for the subject property shown within the tentative map boundary, and a copy of each and every adjacent map, deed or other document as necessary that establish, or were used for the survey of, and for the retracement of the subdivision boundary shall be submitted with the initial submittal of the final map. A subdivision guarantee shall be issued and dated within 30 days prior to final map approval by the Planning and Economic Development Commission.
142. The maintenance of graded slopes and landscaped areas shall be the responsibility of the developer until the transfer to individual ownership or until the maintenance is officially assumed by an approved maintenance district or property owners association.
143. Slope rights adjacent to public rights of way shall be dedicated on the final map where necessary.
144. All new utility lines within, adjacent to or serving the site shall be placed underground.
145. The site grading design and all building construction shall conform to State and federal disabled access regulations.
146. Paved access is required to a maintained street. Street and traffic signs shall meet the California Manual of Uniform Traffic Control Devices (MUTCD).
147. Landscaping and irrigation systems within the public right of way, adjacent to the project area and within the project shall be maintained by property owner, with the exception of benefit assessment district areas.
148. 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.
149. The applicant shall submit to the Town an electronic file of the final map in AutoCAD, or other format as may be approved by the Public Works Director, within 30 days of approval of the final map.
150. All easements and dedications shall be in a form and content acceptable to the Public Works Director.
151. Nothing in the approval of this tentative tract map shall be construed to allow for the deviation, adjustment, variance or non-conformance of any Municipal Code or ordinance, or of any local, State or federal standard, policy, regulation or law, unless specifically provided for herein.
152. All grading and public improvements shall be consistent with the Town Of Mammoth Standard Plans for Public Works.

153. Any off-site improvements required, such as installation of roads, sewers, water lines, or drainage improvements, which are of benefit to land other than the land located within the subdivision, shall be subject to an approved agreement between the Town and the subdivider to reimburse him in whole or in part for the use of the improvement by lands other than those developed by the subdivider, pursuant to Section 17.16.190 of the subdivision ordinance.

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

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

155. A preliminary soils report shall be filed with and reviewed by the Public Works Director. The report shall address and make recommendations as to the compacted and un-compacted fills on-site. A note shall be placed on the final map indicating which lots require grading remediation. An “as-graded” soils report shall be provided to the Town upon completion of the grading.

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

157. A form of security listed in Government Code Section 66499(a) shall be posted with the Town in a form acceptable to the Town Surveyor for any deferred final monumentation for the final map. The estimated amount of the surety shall be prepared by the licensed land surveyor preparing the final map and shall be approved by the Town Surveyor.

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

159. All easements as shown on the tentative map shall be granted on the final map, or recorded by separate document prior to or concurrent with recordation of the final map in a form and in content acceptable to the Town. Easements to be recorded by separate document shall be submitted to the Town for review and approval. The fully executed documents shall be submitted to the Public Works Director prior to approval of the final map. Easements shown on the tentative map to be granted or dedicated shall indicate the beneficiary of the easement(s).

160. Easements shown on the tentative map to the benefit of an agency other than the Town or to other parties shall be shown on the final map as "Easements Reserved". The owners statement on the parcel map shall reserve said easements unto themselves, their heirs and assigns.
161. All documents that are required to record prior to or concurrent with the recordation of the final map shall be reviewed and approved by the Town and shall be fully executed, notarized and ready for recordation prior to approval of the final map by town staff. The originals of the executed documents shall be delivered to the Public Works Director together with the final map prior to approval of the final map.
162. Monumentation of the subdivision shall be installed in accordance with the Subdivision Ordinance of the Town, Ordinance 84-10.
163. A snow removal/storage plan shall be submitted by the applicant and approved by the Community and Economic Development Department. This plan and provisions for maintenance of private driveways and drainage facilities shall be included in the CC&Rs prior to final map approval by Town staff.
164. 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.
165. Existing CC&Rs, if any, encumbering the property shall be amended as necessary for the proposed development of this project.
166. 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.
167. For condominium projects the following statement shall appear on the signature sheet of the final map: "THIS SUBDIVISION IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 6542 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA, CONTAINING A MAXIMUM OF 488 BEDROOMS WITHIN 343 UNITS AND 80 COMMERCIAL UNITS AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT."
168. Prior to approval of the final map by staff, the applicant shall provide evidence to the Town that the property taxes have been pre-paid to Mono County Tax Collector or their payment has been secured by the filing of a surety bond or other cash-equivalent security acceptable to the County.
169. As required by the Town's Subdivision Ordinance Section 17.08.035 and Council Resolution 14-28, the applicant shall pay a fee for each unit, parcel or lot, including lettered lots and parcels and common area lots or parcels, created to the Community and Economic Development Department for long range planning reimbursement prior to approval by staff of the final map.

170. If the subdivider elects to file multiple final maps, then prior to submittal of the first final map for the project, the applicant shall submit a development schedule of phasing and improvements for review and approval by the engineering and planning divisions of the town. The Town may impose additional conditions relative to phasing and the filing of multiple maps in accordance with Section 66456.1 of the Subdivision Map Act. Phasing may only be permitted if discontinuous right-of-ways and substandard lots are not created by the phasing.

171. A public access easement shall be provided to the Town for public plazas, access to the public plazas, and mid block connectors.

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

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

173. 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 Public Works Director.

174. If the project would disturb more than one acre, a National Pollutant Discharge Elimination System (NPDES) permit is required. The NPDES permit shall be approved by the State Water Resources Control Board and Waste Discharger Identification (WDID) number issued prior to the issuance of a Town grading permit.

175. A grading permit for the project shall not be issued prior to approval of the landscaping and irrigation plans per Municipal Code 17.40.

176. A grading permit for the project shall not be issued prior to submission of a complete application for a building permit to the building division of the Community and Economic Development Department or a restoration bond for the site has been posted, which has also been reviewed and approved by the Public Works Director or designee. The building official shall make the determination as to whether or not the application is complete.

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

178. 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.
179. 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.
180. Street profile grades shall not be less than 0.5% unless the engineer of work at the time of submittal of the improvement plans provides justification to the satisfaction of the Public Works Director confirming the adequacy of the grade and provided that drainage can be adequately maintained.
181. Final grading and improvement plans and profiles shall indicate the location of any existing utility facility that would affect construction. All existing utilities shall be shown on the improvement plans and relocated as necessary without cost to the Town. Existing overhead utilities requiring relocation shall be converted to underground.
182. Prior to approval of the improvement plans, the applicant shall contract with a soils testing engineer. Any proposed grading within the street right-of-way shall be done under the direction of the soils testing engineer. Compaction tests of embankment construction, trench backfill, and all sub-grades shall be performed at no cost to the Town. Prior to placement of any base materials, and/or paving, a written report shall be submitted by the soils testing engineer to the Public Works Director for review and approval.
183. A geotechnical report is required that confirms that the proposed infiltrator locations will not be subject to groundwater entering the drywell or cause leaching through an adjacent slope face. A sediment and oil water separator shall be installed in conjunction with the infiltrator, substantially in conformance with water quality Phase 2 requirements.
184. Slope stability tests are required for all cuts greater than 2:1 or fills greater than 3:1 (H:V).
185. A thorough evaluation of the structural street section, to include parkway improvements, from a qualified civil and/or geotechnical engineer, shall be submitted to the engineering services division.
186. All driveways shall be constructed in accordance with the driveway standards of the Town.
187. In addition to the drainage, traffic related, or other requirements stated herein, other "on-site" or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to the Public Works Director.

188. 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.
189. Drainage across the property shall be maintained. The design of the grading and drainage facilities shall not create concentrated discharges to adjacent properties and/or public rights of way in excess of historical flows. A registered civil engineer shall investigate existing facilities and design adequate drainage facilities to intercept and conduct the drainage flows around or through the site in a manner that will not adversely affect adjacent or downstream properties. The Engineer shall verify that downstream facilities, and drainage channels accepting site flows are not adversely affected by an increase in runoff from this development. If the project does create concentrated or sheet flows off-site that are greater than historical, the applicant shall demonstrate that the downstream facilities can accommodate the increased flows; otherwise, the applicant shall provide on-site detention for excess flows.
190. A final hydrology and hydraulics study is required and shall be submitted with the grading and improvement plans for the project. The study shall be prepared in accordance with the grading chapter of the municipal code and the adopted Storm Drain Master Plan of the Town and shall be prepared by a registered civil engineer. The study shall include runoff from the entire site and shall also include runoff that enters the property from all upstream sources, and shall include all storm drains, drywells, infiltrators and surface flows. The study shall indicate the method of conveying surface and underground runoff and shall address drainage conveyances downstream to the extent they exit to an existing facility or natural drainage course. All existing drainage facilities on-site and tributary to the site shall be identified and shown on the grading plans. The hydraulic calculations shall include all pipe flows, velocities and head loss calculations sufficient to show the adequacy of all conveyance systems. Q100 and V100 and the hydraulic grade line for all public storm drains and all facilities with an equivalent diameter of 18 inches or greater shall be shown on the approved grading and improvement plans. The drainage study for the project and the final design of the storm drain system shall be approved prior to approval by staff of the grading and improvement plans and the final map. Infiltrators and storm water pollution prevention facilities are to be designed to accept the "first flush" levels of runoff. The capacity of these facilities shall not be assumed to reduce storm water flows of other drainage facilities that may be required for the project.
191. Temporary and permanent erosion control plans shall be included with the grading, improvement, and building plans. Continuous water spraying or other approved methods shall be used during grading operations to control fugitive dust. Drop inlet filters and other temporary Best Management Practices shall be employed to filter nuisance water from storm drain inlets affected by construction, on-site and off-site. Groundwater pollution from urban run-off water generated by the project shall be mitigated using best management practices (BMPs), per the requirements of the California Regional Water Quality Control Board, Lahontan District, and as indicated in the "New Development and Redevelopment Guidelines". The applicant shall apply for and obtain all required permits, written clearances or exemptions from the Lahontan District prior to any grading. All BMPs shall be shown on the erosion control plans. If the Town inspector determines that the BMPs in place are not adequate, then additional BMPs shall be

installed at the discretion of the Town inspector or a revised erosion control plan shall be prepared for approval by the engineering services division. Gravel bags shall be used in lieu of sand bags. All permanent erosion control measures shall be irrigated for at least one season. Permanent BMPs shall include sediment traps upstream of infiltrators and oil water separators for parking areas consistent with the General Plan.

192. A Construction Staging and Management Plan shall be submitted to, and approved by the Public Works Director prior to grading or building permit issuance. Said plan shall include provisions related to the parking of construction worker vehicles, construction equipment, construction materials, and specific limitations restricting access into non-developed portions of the site and the storage of materials within these areas. The staging plan and the final access roadway improvements shall all be approved by the Mammoth Lakes Fire Protection District prior to grading permit issuance. An approved copy of the plan shall be maintained on-site at all times and available to all contractors, subcontractors, their employees and the Town. The staging plan shall address hours of work, special approval for work outside hours allowed. The plan shall also contain provisions for interrupting utility services to neighboring properties and sufficient noticing to affected residents and property owners.
193. On the cover sheet of the grading plans and in a very conspicuous location place the following note: "The conditions of approval for the approved tentative tract map, TTM 16-001, use permit, UPA 16-001, and design review, DR 16-004, and all mitigation measures within the Mitigation Monitoring and Reporting Program, contained in the resolution recorded at the County's Recorder's Office of Mono County as Document No. 2016xxxxx, 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.
194. 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.
195. Existing Town streets and multi-use paths that require construction or reconstruction, shall remain open for traffic at all times, with adequate detours and traffic control, during actual construction. A form of security listed in Government Code Section 66499(a) and acceptable to the Town shall be posted to cover the cost of grading and paving prior to approval by staff of the map.
196. The grading plan and building permit plans shall indicate all snow storage areas and drainage facilities.
197. All easements shall be shown on the grading and building permit plans.
198. All export shall be taken to, and all import shall be taken from a permitted site, which shall be identified at grading permit issuance. The applicant shall prepare a haul route, subject to the approval of the Public Works Director prior to the import or export of material for the site.

199. A tree removal plan shall be approved prior to any land disturbance and the issuance of a grading or building permit. A pre-construction meeting shall be held on-site prior to any land disturbance to inspect clearing limit fencing. The applicant shall obtain the necessary Timber Harvest Permit prior to any tree removal.
200. The grading plan shall include tree protection measures to address how construction can occur without disturbing the drip-line of retained trees. The drip-line areas shall be “fenced” off with barriers to prevent disturbance during site grading. Additionally, finish grading shall not disturb existing understory vegetation or retained trees. Grading operations shall not commence until all erosion control measures and tree protection measures are in place as shown on the approved plans, and as required by the Town.

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

201. Recordation of the final map. The applicant shall provide evidence to the Town that the map has recorded prior to issuance of the first building permit for the project. Evidence shall consist of the recording information of the final map.
202. For all retaining and screening walls, the applicant shall submit plans to and obtain a building permit from the building division.

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

203. All required landscaping and irrigation improvements shall be constructed prior to the first temporary, conditional or final certificate of occupancy for the project. A form of security listed in Government Code Section 66499(a) and acceptable to the Town shall be posted with the Town to the satisfaction of the Community and Economic Development Department for any required landscaping and irrigation improvements to be deferred and a schedule shall be submitted to the town for the construction of the deferred improvements. Deferral of the construction of any landscaping and irrigation improvements shall be at the sole discretion of the director of the Community and Economic Development Department.
204. 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.
205. 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.

206. Construction of private streets and private facilities and related drainage improvements shall be inspected and certified by the Public Works Director and/or designee.
207. All required grading, public and private street and drainage improvements shall be completed, all “punchlist” items completed to the satisfaction of the Public Works Director, the as-built plans submitted, reviewed and approved and the required warranty security posted prior the issuance of the first certificate of occupancy for the project.
208. Projects subject to a building permit shall have all required on and off-site improvements completed and approved prior to final inspection of any buildings or structures. The installation of any on or off-site improvements shall be sufficiently completed so as to assure protection from storm or drainage run off, a safe and drivable access for fire and safety, and the ordinary and intended use of buildings or structures. The Building Official, with the concurrence of the Public Works Director, may approve any plan or approve a change to an approved plan, which complies with the intent of this policy.
209. 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.

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## **EXHIBIT 4**

### **Resolution No. PEDC-2016-\_\_\_\_ Case No. DZA 15-002, VTTM 16-001, UPA 16-001, DR 16-004**

#### **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 and Economic Development 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 and Economic 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 and Economic 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 Planning and Economic Development 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 17.48 of the Town's Municipal Code, the Clearwater Specific Plan, and the Clearwater Landscape Design Guidelines as established and adopted hereafter by the Planning and Economic Development Commission.

- AES-7 Landscape design shall be consistent with Municipal Code Chapter 17.40 and the California Model Water Efficiency Landscape Ordinance (MWELo), 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. 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 (Section 17.34.030, Exterior Lighting, of the Municipal Code) to the Community and Economic 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 and Economic 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 Community and Economic Development Director and the Public Works Director 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 or the project is annexed into a parking district and all required in-lieu fees are paid as allowed by the Clearwater Specific Plan.

## **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 Great Basin Unified Air Pollution Control District (GBUAPCD) Rule 401, excessive fugitive dust emissions shall be controlled by regular watering or other dust preventive measures, as specified in the GBUAPCD Rules and Regulations. In addition, GBUAPCD 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 GBUAPCD 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 GBUAPCD 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 GBUAPCD 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's Community and Economic 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's Community and Economic 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 Section 8.16.090 (Prohibited Acts) 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 Mammoth Community Water District (MCWD) standards and specifications, to the satisfaction of the Town of Mammoth Lakes.