

ORDINANCE NO. 2009-

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA, ADOPTING ZONE CODE AMENDMENT 2006-04 AND THE SNOWCREEK MASTER PLAN UPDATE 2007 TO UPDATE THE 1981 SNOWCREEK MASTER PLAN FOR THE SNOWCREEK VIII SITE (APPROXIMATELY 237 ACRES ON THE SOUTHEAST PORTION OF TOWN) AND ALLOW A HOTEL OF UP TO 120 FEET IN HEIGHT, AND MAKING FINDINGS IN SUPPORT THEREOF

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

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

A. The Snowcreek Investment Company, L.P. has requested approval of applications for Zone Code Amendment No. 2006-04 and the Snowcreek Master Plan Update 2007 ("Project"), which includes an update of the 1981 Snowcreek Master Plan for the Snowcreek VIII site (approximately 237 acres on the southeast portion of the Town) and allow a hotel of up to 120 feet in height on the property. The Snowcreek Master Plan Update 2007 is on file in the Office of the Town Clerk and is incorporated herein by this reference as Exhibit 1 to this Ordinance.

B. An Environmental Impact Report (EIR) for the Project including the Draft EIR, Final EIR, Final EIR Addition, and associated technical appendices (collectively, the "Final Environmental Impact Report" or "Final EIR") was prepared to address the environmental effects, mitigation measures, and project alternatives associated with the Project and actions related thereto.

C. The Draft EIR for the Project (State Clearinghouse # 2006112015) was prepared pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines and was transmitted to the State Clearinghouse and circulated from public review during a public comment period from September 6, 2007 to October 22, 2007.

D. The Final EIR for the Project was prepared pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines.

E. The Planning Commission conducted a duly Noticed Public Hearing on the application request on June 10, 2009 which was continued to June 11, 2009, at which times all those desiring to be heard were heard. Following the receipt of all oral and written testimony, the Planning Commission closed the public hearing and adopted Resolution No. 2009-03 recommending certification of the Final EIR and approval of the Project to the Town Council, with conditions.

F. The Planning Commission considered, without limitation, the staff report to the Planning Commission with all attachments and exhibits, the 2007 General Plan, oral and written evidence submitted at the hearing, Final EIR, and all other items listed in Planning Commission Resolution 2009-03.

G. The Town Council conducted a Noticed Public Hearing on the application request on July 1, 2009, at which time all those desiring to be heard were heard. Following the receipt of all oral and written testimony, on July 1, 2009, the Town Council closed the public hearing on the application.

H. In considering its approval of the applications, the Town Council considered, without limitation, the agenda bill with all attachments to the Town Council with exhibits, including the Final EIR.

Section 2. CEQA FINDINGS. The Town Council makes the following findings and takes the following actions pursuant to the requirements of the California Environmental Quality Act (CEQA):

A. The Final EIR, including the Final EIR Addition, was certified as being prepared in compliance with CEQA pursuant to Town Council No. 2009-_____.

B. That the Town Council finds that Minor General Plan Amendment 2009-01 and Zone Code Amendment 2006-04 were part of the project analyzed in the Final EIR for the Project.

C. The Town Council has reviewed and hereby adopts the findings contained in Exhibit 2 to this Ordinance, including but not limited to, the findings related to the compliance of the Final EIR and Final EIR Addition's with the requirements of CEQA and the Project's impact to various environmental resources.

D. That the Town Council has reviewed and hereby adopts the findings contained in Exhibit 3 to this Ordinance, including but not limited to the findings Town Council has reviewed and considered the Draft Environmental Impact Report (DEIR), Final EIR, Final EIR Addition, and associated technical appendices for the Snowcreek VIII, Snowcreek Master Plan Update 2007 ("Final EIR") and all other oral and written evidence in the record prior to acting on the Minor General Plan Amendment and Zone Code Amendment 2006-04.

E. That the Town Council has reviewed and hereby adopts the Findings of Fact and Statement of Overriding Considerations contained in Exhibit 4 to this Ordinance, including but not limited to, a discussion of each project impact, changes or alterations that have been made to avoid or

substantially lessen impacts identified, impacts that are considered significant and unavoidable, determinations as to the infeasibility of each project alternative and statements of overriding consideration as to the impacts that could not be mitigated to less than significant.

F. That the Town Council has reviewed and hereby adopts the findings and the Mitigation Monitoring and Reporting Plan contained in Exhibit 5 to this Ordinance and incorporates the Mitigation Measures listed therein into the project.

Section 3. ADDITIONAL FINDINGS FOR ZONE CODE AMENDMENT 2006-04 AND ADOPTION OF THE SNOWCREEK MASTER PLAN UPDATE.

The Town Council finds that Zone Code Amendment No. 2006-04 and the Snowcreek Master Plan Update 2007 are consistent with the General Plan, based upon the findings contained in Exhibit 6 to this Ordinance.

Section 4: ADOPTION OF ZONE CODE AMENDMENT 2006-04 AND ADOPTION OF THE SNOWCREEK MASTER PLAN UPDATE 2007

Based upon the findings contained in this Ordinance and all other evidence in the record of proceedings in this matter, the Town Council hereby adopts Zone Code Amendment 2006-04 and the Snowcreek Master Plan Update 2007, attached hereto as Exhibit 1 and incorporated herein by this reference, subject to the conditions of approval contained in Exhibit 7, attached hereto and incorporated herein.

Section 5: EFFECTIVE DATE OF ORDINANCE

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

Section 6: POSTING

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

Section 7: SEVERABILITY

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

The foregoing Ordinance was introduced on the 1st day of July 2009, and
PASSED, APPROVED AND ADOPTED on the 15th day of July 2009.

NEIL MCCARROLL, Mayor

ATTEST:

ANITA HATTER, Town Clerk

EXHIBIT 1

Snowcreek Master Plan Update 2007

(Snowcreek Master Plan Update 2007 distributed separately, on file in the Office of the Town Clerk, and incorporated herein by reference)

EXHIBIT 2

FINAL EIR FINDINGS PURSUANT TO CEQA GUIDELINES §15091

SECTION 1: INTRODUCTION

Findings for the Final Environmental Impact Report, State Clearinghouse # 2006112015, are being made pursuant to State CEQA Guidelines §15091.

1.1 Statutory Requirements for Findings

- A. The Town Council, in its independent judgment, hereby finds the Final EIR consisting of the Draft and Final EIR (including Final EIR Addition) is in compliance with State CEQA Guidelines Section 15132 with respect to the contents of the EIR, including but not limited to a table of contents, summary, environmental setting, the project description, a discussion of the affected environment and environmental consequences, mitigation measures, unavoidable adverse impacts, impacts found not to be significant, cumulative impacts, project alternatives and Mitigation and Monitoring Program. The custodian of records for all materials that constitute the record of proceedings on which approval of the Project and certification of the Final EIR are based is Anita Hatter, Town Clerk. Project files may be reviewed at 437 Old Mammoth Road, Suite R, Mammoth Lakes, CA 93546.
- B. Further, the Town Council, in its independent judgment, hereby finds, in compliance with the requirements of CEQA and the Guidelines, that the Final EIR for the Snowcreek VIII, Snowcreek Master Plan Update 2007 Project identifies all potentially significant adverse environmental effects of the Project. The Final EIR also identifies mitigation measures, which will reduce or eliminate these potentially significant effects. The analysis contained in this Final EIR also concludes that after the incorporation of mitigation measures the Project would result in a significant and unavoidable direct impact in the following areas:
- Aesthetics – Public Views and Scenic Vistas;
 - Aesthetics – Visual Character;
 - Aesthetics – Light and Glare; and
 - Air Quality – Construction Generated PM₁₀ Emissions.

In addition, the Final EIR provides that the Project will have a significant cumulative impact in the following areas:

- Aesthetics – Public Views and Scenic Vistas;
- Aesthetics – Visual Character;
- Air Quality – Construction Generated PM₁₀ Emissions; and
- Utilities – Water Supply.

Additionally, the Town Council, in its independent judgment, hereby makes the findings contained in the Findings of Fact and Statement of Overriding Considerations (Exhibit 3 of this Resolution), and is incorporated herein by this reference.

In making these findings, not all of the rationale and data contained in the Final EIR have been repeated. The Final EIR and other source documents referenced therein are incorporated herein by reference as if set forth in full in the Findings of Fact and Statement of Overriding Considerations. Except to the extent they conflict with the findings and determination set forth in this document, the analysis and conclusions of the Final EIR, including responses to comments and any supplemental responses provided by Town of Mammoth Lakes staff and consultants in connection with the proposed Project, are hereby adopted as findings by the Town Council of the Town of Mammoth Lakes. The Town Council further finds that each overriding benefit is severable from any other consideration should one or more consideration be shown or determined to be legally insufficient for any reason.

EXHIBIT 3

FINDINGS IN CONNECTION WITH CERTIFICATION OF THE SNOWCREEK VIII, SNOWCREEK MASTER PLAN UPDATE 2007 FINAL ENVIRONMENTAL IMPACT REPORT

WHEREAS, the Environmental Impact Report (EIR) for the Snowcreek VIII Project was prepared to address the environmental effects, mitigation measures, and project alternatives associated with the Snowcreek VIII, Snowcreek Master Plan Update 2007 Project and actions related thereto; and,

WHEREAS, the EIR for the Snowcreek VIII, Snowcreek Master Plan Update 2007 Project (State Clearinghouse # 2006112015) was prepared pursuant to the California Environmental Quality Act and the State CEQA Guidelines; and,

NOW, THEREFORE, BE IT RESOLVED, that upon consideration of the information contained in the Final Environmental Impact Report and Final EIR Addition ["Final Environmental Impact Report", "Final EIR" or "FEIR") prepared for the Snowcreek VIII, Snowcreek Master Plan Update 2007 Project, the Town Council certifies the Final Environmental Impact Report based upon the following findings:

- a. Preparation of an Environmental Impact Report.

A Final EIR (FEIR) and FEIR Addition have been prepared to address the environmental impacts, mitigation measures, project alternatives, comments and responses to comments associated with the consideration of the Snowcreek VIII, Snowcreek Master Plan Update 2007 Project and related Minor General Plan Amendment and Zone Code Amendment, pursuant to the requirements of the California Environmental Quality Act; and,

- b. Review and Consideration by the Planning Commission and Town Council of the Town of Mammoth Lakes.

Prior to recommending certification of the FEIR, the Planning Commission and Town Council of the Town of Mammoth Lakes have reviewed and considered the above-mentioned FEIR. The Town Council hereby certifies that the FEIR for the Snowcreek VIII, Snowcreek Master Plan Update 2007 Project is complete and adequate in that the FEIR addresses all environmental impacts of the proposed project and fully complies with the requirements of CEQA and the state CEQA Guidelines. For the purposes of CEQA, the record of the proceedings for the certification is comprised of the following:

1. The Draft EIR and Technical Appendices for the Snowcreek VIII, Snowcreek Master Plan Update 2007 Project;
2. The Final EIR, including the Final EIR Addition, for the Snowcreek VIII, Snowcreek Master Plan Update 2007 Project;
3. The proceedings before the Town of Mammoth Lakes Planning Commission and Town Council relating to the subject Project consideration and related actions, including testimony and documentary evidence introduced at the meetings; and,
4. All attachments, documents incorporated and references made in the documents specified in items (1) through (3) above, including the Draft Mitigation Monitoring Program for the Snowcreek VIII, Snowcreek Master Plan Update 2007 Project.

EXHIBIT 4

**FINDINGS OF FACT AND STATEMENT OF OVERRIDING
CONSIDERATIONS**

The text of Exhibit 4 is found as Exhibit 3 of Town Council Resolution 2009-
___ and on file in the Office of the Town Clerk.

EXHIBIT 5

MITIGATION MONITORING PROGRAM

The text of Exhibit 5 is found as Exhibit 4 of Town Council Resolution 2009-
___ and on file in the Office of the Town Clerk.

EXHIBIT 6

FINDINGS FOR ZONE CODE AMENDMENT 2006-04 AND UPDATE TO THE 1981 SNOWCREEK MASTER PLAN

(Municipal Code Section 17.72)

1. The proposed change, the Snowcreek Master Plan Update, is consistent with the goals, objectives and policies of the general plan, any applicable specific plan or adopted master plan of development, and the Zoning Code (Title 17) because:
 - a) The Resort (R) land use designation, which the Snowcreek VIII site currently falls within, allows for commercial mixed uses including visitor lodging, amenities and services, and workforce housing. Resort developments include recreation, meeting spaces, and commercial services that support the resort atmosphere. The base density is six (6) to a maximum of eight (8) residential dwelling units per acre, and twelve (12) to a maximum of sixteen (16) hotel rooms per acre. This designation generally applies to large parcels capable of providing a complete resort experience. The Snowcreek Master Plan Update would allow for uses consistent with the resort atmosphere including visitor lodging, recreational amenities and services, conference/meeting space, some commercial/non-residential uses, and workforce housing. The density would be approximately 6.92 units per acre on the Snowcreek VIII site, which is within the density allowed in the General Plan.
 - b) The General Plan Neighborhood and District Character Element describes the Snowcreek District as not an exclusive development, but as connected to the larger community and providing community access to the project and surrounding public lands. Snowcreek should be designed to be a livable neighborhood, including workforce housing, convenience retail, public amenities, and active/passive recreation facilities. Snowcreek should contribute to the town's overall economy, tourism and mix of recreational amenities while preserving the area's unique features. The Snowcreek Master Plan Update is consistent with this description because through conditions of approval the project would provide connections to the existing Town pedestrian system, and allow public access through the project site to surrounding public lands in coordination with the USFS and the Town. The project includes workforce housing, convenience retail (small market), public amenities (conference/meeting space, spa/wellness center, natural resources interpretive area, and Great Lawn), and active/passive recreation facilities (18-hole championship golf course, golf practice facility, cross-country skiing and snowshoeing, snow play, mini-park, and egress from

the Sherwins). The project would preserve the areas unique features by not developing a structure in the area within and adjacent to the Mammoth Creek Corridor on the north side of Old Mammoth Road.

- c) The project will accomplish the following General Plan goals and policies through the following:
- The project would allow the development of major private facilities that contribute to destination resort visitation including a championship 18-hole golf course, a luxury resort hotel with conference/meeting space and a spa/wellness center, and year round recreation opportunities (Policies E.3.C, L.5.A, L.5.E, and L.5.F).
 - The Snowcreek Master Plan Update is generally consistent with and would implement the Snowcreek Neighborhood District Plan (NDP) Report that recommended an appropriate density and mix of non-residential uses that would complement and be sustainable on the site (Policy C.2.C).
 - The land adjacent to Mammoth Creek would be preserved as open space because no structures would be developed on the north side of Old Mammoth Road. The project would allow that area to be used as an interpretive area (Policies C.2.D and C.4.A, Goal R.3, and 1990 Parks and Recreation Element).
 - The provision of a small market would be consistent with Policy L.3.C, “encourage development of small neighborhood-serving retail and services dispersed through town.”
 - In an effort to reduce automobile dependency, encourage walking, biking and the use of public transportation and minimize impervious surfaces, the proposed parking rates are generally lower than those in the Town’s Zoning Code (Policy M.6.A).
 - The project would provide transit stops, shuttles, multi-use paths and pedestrian paths, and bicycle parking and storage to support feet-first mobility (Policies M.3.B, M.3.D, M.4.B, and M.5.B).
 - The project would provide a publicly accessible trail system through multi-use paths and pedestrian paths. Through the incorporation of conditions of approval the proposed feet-first mobility circulation system would connect to the Town’s existing sidewalks (Policies P.5.B, P.5.C, and M.4.B, and Neighborhood and District Character Element).

- Through the incorporation of conditions of approval, the project will allow for public access through the project site to USFS lands in coordination with the USFS and the Town (Policies P.3.A and P.3.C, and Neighborhood and District Character Element).
 - The proposed height and mass of the buildings are generally consistent with current regulations; however, due to the physical characteristics of the site (i.e. flat, vacant, and minimal to no tree cover) any development would impact the existing character and public views to the surrounding mountains. The proposed hotel's height would be allowed to go up to 120 feet in height, which is considered appropriate due to the backdrop of the Sherwin Range that rises up to 11,728 feet and to achieve an iconic hotel. The proposed Design Guidelines and mitigation measures in the EIR will help to lessen these visual impacts (Policies C.2.J, C.2.V, C.2.W, and C.2.X).
 - Workforce housing is included in the project, which is consistent with the Neighborhood and District Character Element.
 - A condition of approval has been incorporated to achieve consistency with General Plan policies related to energy resources and conservation, green building technology, and reduction of greenhouse gas emissions (Goals R.6, R.7, R.8, and R.11).
 - A Minor General Plan Amendment is part of the proposed project, which would amend the Urban Growth Boundary in Figure 4 of the General Plan to be consistent with Policy L.6.E. Therefore, this Minor GPA is considered to be consistent with the intent of the General Plan (Policies L.6.A, L.6.E, and L.6.F).
 - To maintain Town Level of Service for roads, the project would implement a roundabout at the intersection of Minaret Road and Old Mammoth Road (Policy M.7.A).
- d) The project will modify certain components of the 1981 Snowcreek Master Plan including identifying overall density, uses, and development standards for the project site, reducing the commercial component, incorporating the land exchange properties, and revising the circulation system; however, these changes will still allow for a resort development project that reflects the current conditions in the community, and is still intended to fulfill the vision of the 1981 Snowcreek Master Plan.

- e) Consistent with the evidence contained within the staff report/agenda bill, Final Environmental Impact Report (EIR) and Addition, and provided at the public hearing, the Town Council finds that the proposed Snowcreek Master Plan Update is consistent with the intent of the Town of Mammoth Lakes Municipal Code, but provides site specific development standards that are intended to further General Plan goals and Zoning Code objectives that are less likely to be achieved with current Zoning Standards.
2. Consistent with the evidence contained within the staff report, Final EIR and Addition, and provided at the public hearing, the Town Council finds that the proposed use is consistent with the Vision Statement because:

The proposed Snowcreek Master Plan Update would allow for a luxury destination resort that would provide a high quality experience for our visitors. The high quality experience would include a variety of options for activities, leisure and recreation including but not limited to golf, use of conference/meeting space, spa/wellness center, cross-country skiing and snowshoeing, snow play, restaurants and bars/lounges, and a fitness area and pool. Development of a condo-hotel project will contribute to the Town's goal of becoming a year-round resort by creating conference space and a gathering area (i.e. Great Lawn) that can be host to events during the shoulder seasons.

Development of the site under the Snowcreek Master Plan Update would create new workforce housing that will help to house workers on-site. A mini-park is included that would provide a place for families and friends to gather and play. The project would also support a variety of transportation options by providing four transit stops, shuttles for guests and residents, and providing multi-use paths and pedestrian paths throughout the site.

Lastly, the Design Guidelines proposed would encourage a high quality of design for the project site. The project would preserve the portion of the Mammoth Creek Corridor on-site, which is an important natural resource, as an interpretive open space area.

3. Consistent with the evidence contained within the staff report, Final EIR and Addition, and provided at the public hearing, the Town Council finds that the change is in the interest of or will further the public health, safety, comfort, convenience and welfare because with incorporation of mitigation measures included in the Final EIR, the project has generally mitigated impacts on public health and safety, comfort, convenience and welfare to less than significant.

4. Consistent with the evidence contained within the staff report, Final EIR and Addition, and provided at the public hearing, the Town Council finds that the Snowcreek Master Plan Update will not adversely affect the established character of the surrounding neighborhood nor be detrimental to adjacent properties because the Snowcreek Master Plan has been contemplated for over thirty years, conditions of approval have been incorporated to preserve the character of and prevent harm to the surrounding neighborhood, and mitigation measures were incorporated into the Final EIR and Addition to reduce impacts to the maximum extent feasible.
5. Consistent with the evidence contained within the Staff report, Final EIR and Addition, and provided at the public hearing, the Town Council finds that although development of the project will result in unavoidable impacts to aesthetics, air quality, and utilities the project will result in the community benefits listed in Exhibit 4.
6. Consistent with the evidence contained within the staff report, Final EIR and Addition, and provided at the public hearing, the Town Council finds that the neighborhood infrastructure is adequate or will be modified to accommodate any increase in intensity of land use if such would occur from a change in the zone classification because the proposed mitigation measures proposed in the EIR and implemented through the Mitigation and Monitoring Program will reduce the impacts of the project, and along with conditions of approval, and will require new neighborhood infrastructure including sidewalks, pedestrian connections through the project site, and transit improvements.
7. Consistent with the evidence contained within the staff report, Final EIR and Addition, and provided at the public hearing, the Town Council finds that the Project to be analyzed in and in compliant with the certified Snowcreek VIII, Snowcreek Master Plan Update Final EIR and Final EIR Addition.

EXHIBIT 7

Conditions of Approval

Planning Standard Conditions

1. This approval authorizes the following: Snowcreek Master Plan Update 2007 date received April 23, 2009 ("Snowcreek Master Plan Update"). The Snowcreek Master Plan Update will update the 1981 Snowcreek Master Plan to include land uses, density, and development standards for build out of the Snowcreek VIII site. ZCA 2006-04 would allow for a hotel of up to 120 feet in height. Minor GPA 2009-01 would modify the Urban Growth Boundary (UGB) in Figure 4 of the 2007 General Plan to be consistent with General Plan Policy L.6.E. The Snowcreek Master Plan Update includes modifications to the Sidewalk Master Plan, Trails System Plan (1991), and the 2008 Bikeway Plan.
2. This resolution of approval, as conditioned herein, shall be recorded for the subject properties by the Mono County Recorder's Office to commence the approved use on the properties or the issuance of any building permits for new or remodeled structures.
3. At all times the site shall be maintained in a neat, clean and orderly manner.
4. This action may be appealed to the Town Council within fifteen (15) calendar days from the date of Planning Commission approval in accordance with Municipal Code Chapter 17.68.
5. 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.
6. Where compliance with the conditions of approval or applicant initiated changes to the Snowcreek Master Plan Update require additional staff work, that time shall be billed at the Town's established billing rates.
7. All new improvements constructed on the site shall be in compliance with all local, state and federal laws, statutes, ordinances, regulations, rules, directives, orders, judgments, decrees, permits, approvals and the like requirements applicable thereto and in force at the time thereof ("applicable law"), and as may be legally modified by a development agreement. "Local, state and federal" applicable law shall include, without limitation, the applicable law of the Town of Mammoth Lakes; County of Mono; Mammoth Community Water District; the Mammoth Lakes Fire

Protection District; the CRWQCB Lahontan District; US Army Corps of Engineers; Great Basin Air Pollution Control District; OSHA; State of California; and United States of America.

8. Prior to receipt of a grading or demolition permit, the applicant shall obtain a secondary source permit or letter of exemption from the Great Basin Unified Air Pollution Control District.
9. Storage of construction materials and equipment off-site shall not be permitted without a permit issued by the Community Development Department of the Town. Any public or private property altered without Town approval, damaged or destroyed by site preparation, grading, construction or use shall be restored to its pre-existing condition by the permittee.
10. Throughout all of the various phases of project construction, 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. Trails and/or bike lanes shall be constructed at the same time as any or all adjacent roadway segments are constructed.
11. The applicant shall submit to the Town, within 5 days of Town Council decision, payment of the Environmental Impact Report fee for the Snowcreek VIII, Snowcreek Master Plan Update Environmental Impact Report ("EIR") made out to the County where the filing is made at the time of the Notice of Determination. The EIR fee is \$2,768.25 plus \$50 processing fee for the County (total \$2,818.25).

Engineering Standard Conditions

12. 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.
13. The site grading design and all building construction shall conform to all local, State and federal disabled access regulations.
14. Paved access is required from each parcel being created to a maintained street (public or private). Town street name signs shall meet Manual of Uniform Traffic Control Devices letter size and reflectivity standards and shall be installed indicating street names, public and private.
15. Landscaping and irrigation systems within the public right of way within or adjacent to the project area shall be maintained by property owner, with the exception of benefit assessment district areas. Landscape within the Round a bout will be maintained by the Town funded by the Benefit Assessment District.

16. The applicant shall obtain an easement or letter of permission to grade for all areas requiring off-site grading prior to issuance of a grading permit or a building permit. These areas shall be contour graded.
17. The applicant shall submit to the Town an electronic file of the final map and other project plans for public infrastructure in AutoCAD, Version 2008, or other format as may be approved by the Town Engineer, within 30 days of approval the phase.
18. All easements and dedications shall meet the public works standards in a form and content acceptable to the Public Works Director.
19. This project is protected by the Mammoth Lakes Fire Protection District. Prior to any construction occurring on any parcel, the applicant shall contact the Fire Marshal for verification of current fire protection development requirements.
20. A preliminary soils report shall be filed for each project phase and reviewed by the Town Engineer. The report shall address and make recommendations as to the compacted and un-compacted fills on-site, fills related to any previous mass grading. A note shall be placed on final maps indicating which lots require grading remediation. An "as-graded" soils report shall be provided to the Town upon completion of the grading.
21. This master plan is for a phased project to be developed in multiple phases. Subsequent tentative and final tract maps, grading and improvement plans shall coincide with the phases indicated on the tentative tract map. The conditions of approval shall apply to each phase, unless otherwise indicated. The filing of multiple final maps shall be in accordance with Section 66456.1 of the Subdivision Map Act.
22. Section 17.16.200 of the Subdivision Ordinance requires that undergrounding of utilities shall be mandatory for all subdivisions and all condominium projects.
23. An application for a Floodplain Development Permit shall be prepared by a registered civil engineer and submitted for review and approval by the Engineering Division. A Floodplain Development Permit shall be obtained prior the issuance of a grading permit or a building permit or the approval by staff for work on the north side of Old Mammoth Road.
24. Relinquishment of Abutter's Right of Vehicular Access shall be indicated on final maps for frontage along the south side of Old Mammoth Road except for the two entrances to the project.

25. In the event the applicant fails to acquire the required off-site right of way on the northeast corner, the roundabout may be relocated to the Applicant's property.
26. Rights of way and improvements for the project to transition traffic and drainage flows from proposed to existing shall be required as necessary.
27. All documents that are required to record prior to or concurrent with the recordation of the recorded approvals shall be reviewed and approved by the Town and shall be fully executed, notarized and ready for recordation prior to approval of the final map by town staff. The originals of the executed documents shall be delivered to the Town Engineer together with the final map prior to recordation of approvals.
28. The applicant shall submit applications 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 a final map for each phase by Public Works Director.
29. An application for a grading permit shall be submitted to the engineering services division of the Public Works Department in accordance Chapter 12.08 of the municipal code. No change to the existing conditions of the site, including site grading, drainage interruption, land clearing, etc. shall be commenced until an engineered grading and drainage plan has been approved by the Town Engineer.
30. Street and public improvement plans 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 and extend at least 100 feet beyond work limits.
31. All import and export shall be taken to, and all import shall be taken from a permitted site, which shall be identified at grading permit issuance. The applicant shall prepare a haul route, subject to the approval of the Town Engineer prior to the import or export of material for the site.

Special Conditions

32. The final version of the Snowcreek Master Plan Update shall be modified globally to replace "may" with "is/are intended to" with the exception of the Natural Resources Interpretive Area.
33. The project includes a Resort Hotel that is intended to be operated at a four to five star quality. The hotel use permit shall be reviewed for conformance with the Snowcreek Master Plan Update.

34. Although major re-contouring and reconfiguration of the existing 9-hole golf course is not anticipated, the 18-hole golf course shall be designed by a “top course architect.” The 18-hole golf course shall also be designed to accommodate winter recreational activities, including but not limited to cross country skiing, snowshoeing, snow play, and year round trails for public access (including both egress and ingress).
35. In conjunction with the use permit for the golf course, the applicant shall submit a trails system plan for the golf course, including year round public access and winter trails.
36. When the USFS planning effort for land south and east of the project site (i.e. Sherwin area) is complete and if it is approved or other equivalent authorization is obtained, the project shall provide public access points and public connections from the project site to USFS lands, as generally shown on Figure 5.6 of the Snowcreek Master Plan Update (the Sherwin Range Egress point, identified by an asterisk, shall be moved slightly to the west to achieve appropriate grades for egress), subject to the review and approval of the USFS and the Town. Development that occurs on the project site prior to completion and approval of this USFS planning effort or other equivalent authorization shall be designed in consideration of future public access points and connections to USFS lands. In no event shall the project preclude the perpetual rights of public access through the project site to USFS lands (General Plan Goal P.3, Policies P.3.A, P.3.B, P.3.C, and Parks and Recreation Element Policy 2C-5).
37. An irrevocable offer of dedication or easement to the Town at the Applicant’s election shall be provided for the portion of the Sherwin Trail (The Sherwin Trail Multi-Use Path) within the project limits. This dedication or easement shall connect Old Mammoth Road to the project’s southern boundary with USFS land (this dedication or easement would not authorize access to USFS lands; USFS approval is required for this authorization). The width of the easement shall be sufficient for paved path, shoulders, and slopes. The irrevocable offer of dedication or easement shall be in a standard form acceptable to the Town and will provide for realignment and relocation as the development progresses. The irrevocable offer of dedication or easement to the Town shall take place concurrently with the Planning Commission’s approval of the tentative map.
38. Winter public access shall be provided to allow access from the Sherwin Range (USFS land) across the project site to a designated point with access to Old Mammoth Road. Such internal access may be realigned at the Applicant’s election, consistent with subsequent trail planning referenced in Condition of Approval 35, when transit service to an alternate point is provided.

39. Public access shall be allowed on all multi-use paths, pedestrian paths, and publicly accessible areas of the project, including but not limited to the mini-park.
40. The phasing and/or construction timing for the following shall be reviewed and approved by the Town in conjunction with each use permit or map for the project.
- a. The Old Mammoth Road/Minaret Road roundabout shall be constructed prior to levels of service (LOS) exceeding LOS D. The design of the roundabout shall include safe pedestrian/bicycle crossings, including a crossing to connect the existing Main Path to the west of Minaret Road (Snowcreek VII Project) to the east side of Minaret Road. The Town shall approve the consultant that will be used to prepare these improvement plans prior to the selection of the consultant. The Town shall have reasonable approval rights over the consultant. The Town shall approve the consultant within five (5) business days of the request for approval. The Town's approval shall not be unreasonably withheld. If the Town fails to approve, the consultant shall be deemed approved. The design shall include all components of the facility including lighting, landscape and irrigation.
 - b. The sidewalk connecting the existing sidewalk on the south side of Old Mammoth Road to the proposed multi-use path adjacent to the Resort Entry road (85 foot right of way) shall be constructed in conjunction with the construction of the Resort Entry road, unless other phasing is approved by the Public Works Director. This sidewalk shall be a minimum of six feet wide and five feet clear. A safe pedestrian crossing shall be constructed from the Resort Entry road (south side of Old Mammoth Road) to the north side of Old Mammoth Road. The multi-use path will connect Old Mammoth Road to the public mini-park/market area before looping back to Old Mammoth Road at the Old Mammoth Road/Minaret Road intersection. The new intersection on Old Mammoth Road shall have street lighting in accordance with Town Standards.
 - c. The emergency vehicle access (EVA) road connection to Sherwin Creek Road shall be constructed and available for use prior to construction of the hotel or prior to development of 2/3 of the project's units. If the golf course is constructed prior to the hotel or 2/3 of the project's units, the EVA shall be constructed with the golf course, unless other later phasing is approved by the Mammoth Lakes Fire Protection District and the Town. The EVA also doubles as a road to the golf maintenance facility; therefore, the maintenance road portion of the EVA may be constructed prior to the EVA connection to Sherwin Creek Road.

41. The necessary USFS permits (e.g. road use permit for emergency vehicle use of Sherwin Creek Road) shall be obtained prior to the construction of the EVA.
42. Offers of Right of Way Dedications and Easements to the Town.
 - a. All new streets shall have irrevocable offers of dedication for rights of way, which shall be offered on the final map. These irrevocable offers of dedication for street rights of way will be rejected unless a maintenance district is formed. A statement to this effect shall be written on the cover sheet of the final map.
 - b. An 80-foot dedication of right of way is required to provide a half-width right of way of 40 feet on Old Mammoth Road. An ADA compliant sidewalk shall be installed on Old Mammoth Road from Sherwin Creek Road to the main easterly entrance to the project.
 - c. An irrevocable offer of dedication or sidewalk easement at the Applicant's election shall be provided to the Town for the sidewalk that loops into the project to the neighborhood store and continues to Minaret Road.
43. Any and all land uses proposed on the Covenant property shall be reviewed and approved or denied by the Eastern Sierra Land Trust (ESLT) and the Town in accordance with the Covenant prior to any permits being issued for such uses.
44. The lot line adjustment application shall be reviewed by the Town and the Eastern Sierra Land Trust in accordance with the Covenant. The LLA shall not result in a net decrease of land governed by the Covenant. The LLA shall not fragment the Covenant property.
45. The mitigation of workforce housing shall be addressed through the preparation of a Housing Mitigation Development Plan (HMDP) for each phase of the project that generates full time equivalent employees (FTEEs) per Municipal Code 17.36, unless otherwise specified in an executed development agreement. The HMDP will include a combination of (1) 80 for-sale on-site units; and (2) one or more of the following: (a) housing credits; (b) payment of in-lieu fees; (c) construction of off-site units and/or (d) any alternative mitigation measure approved by the Town and Mammoth Lakes Housing. HMDPs may include a variety of strategies including the payment of in-lieu fees, credits, and/or construction of off-site units. HMDPs shall be reviewed by the Town and Mammoth Lakes Housing, Inc. and approved by the Planning Commission.

46. Prior to the approval of any permit for development outside or partially outside MCWD's current service area/legal boundary and outside the Arcularius/Dempsey Agreements ("Agreements") boundary, at least one of the following shall have occurred:
 - a. MCWD shall have obtained LAFCO approval to extend MCWD's legal boundaries to enclose all lands within the Snowcreek VIII site, including the proposed golf course expansion.
 - b. MCWD and Snowcreek Investment Company, L.P or successor shall have approved an amendment to the Arcularius/Dempsey Agreements ("Agreements") to extend the water and wastewater service commitment contained in the Agreements to those units of future development outside the current Agreements lands, and capping the total units of development to be provided with water and wastewater service per the Agreements based on the Snowcreek Master Plan Update maximum density.
47. The Town and Applicant shall coordinate with MCWD as early in the conceptual development stages as possible to ensure that off-site MCWD infrastructure necessary to provide water (potable and recycled) and wastewater service for the Snowcreek VIII site future development is in place or planned for prior to development as feasible. The applicant shall apply and obtain approvals for water and wastewater service in accordance with MCWD policy.
48. A utility easement shall be reserved for underground utilities from the entrance road near the hotel site to the southeast portion of the project that would serve the area near the proposed propane tanks located on Sherwin Creek for fire hydrants and other underground utilities.
49. The applicant shall submit to the Town a preliminary site grading plan for the project site that will address overall conceptual grading, dirt import, construction management, best management practices, and other grading components for Town's review, and no grading will be permitted until the plan is approved by the Town. The Applicant shall also apply for subsequent phased grading permits for dirt import from other project sites within the Town's jurisdiction to the Snowcreek VIII project site. Subsequent grading permits will be reviewed by the Town for consistency with the approved preliminary grading plan.
50. The grading plans, including preliminary grading and stockpiling, shall be consistent with the EIR, including the mitigation monitoring program.

51. Construction management/staging plans shall be submitted with each grading plan and shall minimize construction impacts to existing neighborhoods, residents and visitors to the maximum extent possible (i.e. providing construction access roads separate from existing residential roads). This may include construction management measures in addition to those mitigation measures identified in the EIR. Construction management/staging plans shall be reviewed and approved by the Town and MLFPD prior to commencement of construction and/or dirt import.
52. The applicant shall use commercially reasonable efforts to efficiently use energy during construction and operation. This may include innovative green building technologies that are developed after the Snowcreek Master Plan Update is adopted. In addition, the project shall implement measures to reduce greenhouse gas emissions to the maximum extent feasible. This shall be reviewed and approved by the Town with each use permit and building permit.
53. The final map shall provide access for public transit using the street network to and from the project. This map condition shall include the bus stops and provide for signage at all stops.
54. Review of the project traffic study and update shall be prepared and submitted for review and approval at each use permit application to evaluate timing of mitigation measures and consistency with the original assumptions in the Snowcreek VIII, Snowcreek Master Plan Update – 2007 FEIR.
55. In consideration of the Town's Vision Statement requiring a de-emphasis of the use of the automobile, occupancy and mode of travel expectations and to mitigate the impacts of the project on air quality as required by CEQA, the applicant and the owners association, if formed, shall execute a transit agreement with the Town prior to recordation of the final map. If no owners' association is formed at that time, the applicant shall demonstrate, subject to review and approval of the Town Attorney, the ability to bind future homeowners to the transit agreement and shall execute the agreement on their behalf. The applicant shall be subject to an annual payment of \$121.00 per residential unit and as adjusted for inflation since inception (the Fiscal Year 2009 - 2010 rate is \$148.11). The annual payment shall be adjusted annually for inflation using the Los Angeles/Riverside Consumer Price Index. The transit service agreement, when executed, shall be recorded in the Official Records of Mono County and shall be referenced in the project CC&Rs, as well as in any disclosure documents required by the California Department of Real Estate for the project. Once recorded, the agreement can be modified only by mutual written agreement of the Town and the owners'

association when formed and the service shall not be discontinued for any reason without an amendment to the agreement.

56. Parking for non-residential uses shall be provided. It is recommended the project prepare a shared parking analysis for the use with each phase that has non-residential parking so the project is not over parked. The parking analysis may use local data that has been collected for shared parking uses on similar projects.
57. The applicant shall apply for a street vacation of the irrevocable offer of dedication for the portion of Minaret Road and Fairway Drive prior to approval of the first final map and after the realigned Minaret Road and Fairway Drive. The new streets shall provide legal access for Snowcreek V. All realigned street right of way and new right of way for the roundabout at Minaret Road and Old Mammoth shall have an irrevocable offer of dedication. The Town will accept all offers of dedications for Old Mammoth Road improvements.
58. Streets within this development shall not be entered into the Town Maintained Street System unless a benefit assessment district for the maintenance of the street right of ways is formed including snow removal. Streets that are not maintained by the Town shall be maintained by the homeowners association.
59. Prior to staff approval of the final map, the Property Owner shall enter into an agreement with the Town to be annexed, nor oppose to be annexed, the property into a Benefit Assessment District as appropriate, for the operation, maintenance and repair, pedestrian snow removal, landscaping and irrigation, street lighting, and other things, of the public improvements along Old Mammoth Road, Minaret Road and Old Mammoth Road round a bout, walkways along the property frontage and connections that serve the property. The Property Owner shall also enter into an agreement with the Town in which the Property Owner shall agree to waive their rights to vote in favor of the dissolution of the Benefit Assessment District. The agreements shall run with the land and shall be binding upon all future owners of the property.
60. Prior to approval of a use permit the property owner shall make application to be part of the Benefit Assessment District for publicly owned facilities including sidewalks, trail, street lights, roundabout, and erosion control/landscaping.
61. A Wildland Fire Urban Interface Hazard Plan (WFUIHP) shall be provided with the first use permit submittal for the Snowcreek VIII site. The WFUIHP shall be reviewed and approved by the MLFPD prior to issuance of a grading permit for that first use permit.

62. The applicant shall submit a story pole plan in conjunction with the use permit application for the hotel. The story pole plan shall be approved by the Town before it may be erected, and shall be used to inform the Town, Planning Commission, and public prior to and during the public hearing on the hotel use permit.
63. The applicant shall submit to the Town, a final, formatted electronic version of the Snowcreek Master Plan Update (“Master Plan”), including all appendices, in .pdf and/or Word format that can be edited by Town Staff for any future Master Plan amendments. The applicant shall also submit ten (10) bound hardcopies of the final Master Plan to the Town. A screen check that includes all required changes shall be reviewed by Town staff prior to submittal of the final bound hardcopies. These copies shall be submitted within 75 days of the Town Council meeting approving the Snowcreek Master Plan Update.
- a. The Master Plan shall be revised to reflect any changes approved by the Planning Commission and/or Town Council.
 - b. The final Snowcreek Master Plan Update shall be revised as follows:
 - i. Insert the following language into section 2.1 – Use and Applicability of Master Plan Update Document, “All exhibits included in the Master Plan Update are for illustrative purposes.”
 - ii. Figure 2.1 (page 2-6), identify conceptual location(s) for public connections to USFS land to the south and east of the project site. Please revise throughout (e.g. Figure 5.1, 5.5, 5.6, 7.6, and 7.7).
 - iii. Global change, please revise public access language to be consistent with the language contained in these conditions of approval.
 - iv. Page 5-3 and throughout, revise statements about use of tertiary water to state that once an agreement between MCWD and Snowcreek Investment Company, L.P. or successor is executed, recycled water shall be used to the maximum extent feasible, in a conjunctive manner with untreated MCWD well water in compliance with such agreement, for the existing and future golf course and landscaped areas in compliance with State and local regulations.

- v. Page 5-15, add that additional parking spaces will be required for the outfitters cabin/public access staging area and non-residential uses within the hotel area, and that the number of required spaces for these uses shall be determined at time of the use permit submittal for the hotel.
- vi. Page 5-16, #7, revise last sentence to state, “Note that a master plan amendment shall not be required if qualifying affordable housing units are placed on-site; however, additional CEQA analysis, including additional water supply analysis, may be required if the maximum development envelope studied in the Project EIR was proposed to be exceeded.”
- vii. Page 5-17 and 5-18 (Tables 5.3 and 5.4), Street Side Yard Setback, please add that development along the multi-use path (MUP) sides of the Neighborhood Road and Neighborhood Connector (60 feet right-of-ways) requires a 15 foot street side yard setback (also revise Figure 7.3).
- viii. Table 5.4, add that bicycle parking and storage requirements will also be provided with use permits for Commercial and Recreation Club (page 5-18).
- ix. Section 5.6, insert that conditions of approval related to public access were included in project approval (page 5-21).
- x. Page 5-21, please insert the revised the language in the Public Access section of the Snowcreek Master Plan Update to state, “One part of the USFS initiated planning process will be to consider access between the Project Site and adjacent National Forest land. Until completion of this planning process, access along the project boundary shall remain open, but undeveloped, other than for closures necessary to protect the public such as closures during construction. Upon completion of the USFS initiated planning process, public and project access will be formalized and improved consistent with type(s) and level of use anticipated and consistent with the trails plan for Snowcreek VIII.”
- xi. Revise Figures 5.5 and 7.6 to show a sidewalk along the south side of Old Mammoth Road connecting the existing sidewalk, which ends near Sherwin Creek Road, to the proposed multi-use path adjacent to the Resort Entry road (85 foot right of way) (pages 5-22 and 7-6).

- xii. Revise Figures 5.5, 7.6, and 7.9 to show that the high use multi-use path that connects the Commercial/Retail Facility (i.e. intersection of Commercial/Retail Facility area with Resort Entry road) to the hotel area would be ten feet wide.
- xiii. Revise Figures 5.5, 7.6, and 7.9 to show the internal pedestrian paths as having a minimum width of six feet and five feet clear of obstructions. Where less than six feet width is proposed, the snow management plan provided to the Town for that phase of development shall include and demonstrate how mechanized equipment will be used for efficient snow management of the pedestrian paths.
- xiv. Figure 7.1, revise the proposed loop road that serves the hotel to be a 60 foot Collector road or other standard acceptable to the MLFPD (page 7-2).
- xv. Page 7-5, insert a note that states, "All roads shall comply with applicable MLFPD Road Standards and Fire Code to ensure adequate public health and safety objectives are achieved."
- xvi. Please insert as last two sentences under "Emergency Access" page 7-8: "The design of the EVA shall be reviewed and approved by the Mammoth Lakes Fire Protection District (MLFPD) prior to construction. In addition, Fire District access will need to be provided into the interior open space corridor of the project."
- xvii. Page 7-13, Solid Waste Disposal, include here that a recycling program will be implemented for the project.
- xviii. Page 7-13, Energy, last sentence, insert "...2007 California Green Building Standards Code or other current adopted standard and will incorporate..."
- xix. Insert the following language into Appendix B – Design Guidelines, "Lighting shall be shielded to the extent feasible to minimize glare."
- xx. Insert the following language into Appendix B – Design Guidelines, "A high level of architectural diversity shall be implemented, including at least six building types throughout the project."

- xxi. Appendix C – Landscape Master Plan, insert that the project will comply with the Town’s Municipal Code version of the State Model Water Efficient Landscape Ordinance (17.38), which includes use of recycled water consistent with the Lahontan Regional Water Quality Control Board regulations.
- xxii. Add adoption date to cover.
- xxiii. Add Ordinance to Appendix D.
- xxiv. Add Mitigation Monitoring Program to Appendix F.
- xxv. Add an appendix that includes all standard and special conditions of approval as approved by the Town Council.
- xxvi. Typos and technical corrections shall be made; see attached list of these corrections.

64. Applicant shall indemnify and defend the Town, its officials, employees and representatives (the "Town Indemnitees") with respect to any legal action or proceeding, including any involving CEQA (the "Litigation") initiated by a third party against the Town's final approval or final conditional approval of the application for the Snowcreek Master Plan Update 2007 (ZCA 2006-04, GPA 2009-01) requesting an update to the 1981 Snowcreek Master Plan and certification of the Snowcreek VIII, Snowcreek Master Plan Update – 2007 Project Environmental Impact Report (the "Project Approvals"); provided, however, that if any Town Indemnatee is involved in bringing the Litigation, this indemnification shall not be applicable to him or her personally. Applicant's obligation to defend and indemnify, as set forth in this condition, shall expire once the applicable statute of limitations for the discretionary and ministerial approvals associated with the Project Approvals has run.

In the event any Litigation is filed, Applicant shall select and retain legal counsel ("Counsel") to represent both the Town and Applicant with respect to the Litigation, and Counsel shall cooperate with Applicant and the Town in the course of defending the Litigation. Applicant anticipates choosing as Counsel to provide the Town's and Applicant's legal defense in any Litigation the law firm of Allen Matkins Leck Gamble Mallory & Natsis LLP, subject to either party's right to change counsel if Counsel does not provide adequate and timely professional services. Applicant shall also pay all filing fees, court costs and similar out-of-pocket expenses required for the Town and Applicant to defend the Litigation. However, if the Town Attorney elects to appear (either in person or by his

designee) in any Litigation, Applicant shall not be responsible for paying any fees, costs, attorneys' fees or expenses resulting from unreasonable actions taken by the Town against the written advice of Counsel. The Town shall cooperate with Counsel's defense of the Litigation, and shall make its records (other than documents privileged from disclosure) and personnel available to Counsel as may be reasonably requested by Counsel in connection with the Litigation.

**Typos and Minor Technical Corrections to the Snowcreek Master Plan
Update
(Special Condition of Approval # 63.b.xxvi)**

1. Page 1-1, footnote, delete “only”
2. Page 2-1, please add a footnote or sentence to clarify that the Town’s Municipal Code uses the term “Development Plan” which is considered to be synonymous with “Master Plan.”
3. Page 2-3, Accessory Dwelling Unit definition, last sentence, please clarify to state, “Accessory Dwelling Units are equal to one unit for the purposes of calculating density.”
4. Page 2-8, 2nd column, 2nd paragraph, correct/add parenthesis.
5. Page 2-11, first column, delete last sentence and change “would” to “will” in second to last sentence (same edit page 5-21).
6. Page 2-13, please revise Section 2.3 to be consistent with the Final EIR Addition for the project.
7. Page 2-10, Covenant, delete “and (3) mini-park and Residents’ Club” because that is not a direct quote from the Covenant.
8. Page 3-4, 2nd column, 1st full paragraph, please revise to reflect that the MCWD’s will-serve letter does not cover the entire project due to the development proposed outside of MCWD’s service area/legal boundary (MCWD letter dated May 12, 2009). Please revise to also include the boundary changes necessary for this project.
9. Section 4.2, please insert the revised public access project objective included in the Final EIR Addition for the project.
10. Page 5-9 and throughout, please correct spa square footage to 12,900 square feet (not 15,900 square feet).
11. Page 5-10, add “Recreational trails” under Recreation Land Uses.
12. Page 5-13, 4th paragraph, delete “the development envelope studied in the Project EIR,” because this is confusing (i.e. 790 units was not the development envelope studied).
13. Pages 5-15 and 5-18, please correct that parking for the Commercial/Retail Facility and Residents’ Club is a total of 20 parking spaces and not 14 spaces.
14. Page 5-16, #6, replace “Town staff, project planner” with “Public Works Director”

15. Page 5-17, please add a footnote stating that 1-bedroom/studio units are not anticipated for LDR.
16. Page 5-21, 2nd paragraph, 5th sentence, please insert “providing access to the south” consistent with the Final EIR Addition for the project.
17. Page 5-23, Figure 5.6, please include the pedestrian path on the west/southwest side of the hotel loop road as a winter maintained walking path (also revise Figure 7.7 on page 7-7 for consistency).
18. Page 6-1, last paragraph, please revise last sentence to state, “The Project’s housing mitigation development plan will include a combination of (1) 80 for-sale on-site units; and (2) one or more of the following: (a) housing credits; (b) payment of in-lieu fees; and/or (c) any alternative mitigation measure approved by the Town and Mammoth Lakes Housing.” Please include the same language in Section 8.1.4 (page 8-6).
19. Page 7-3, Figure 7.2, revise note under figure title to state, “This illustration also shows the Collector Neighborhood Road (60 feet) condition when the intermittent median is present (refer to Figure 5.1 – Illustrative Master Plan drawing)”
20. Page 7-6, please identify that MUPs and pedestrian paths will be publicly accessible.
21. Page 7-10 (Section 7.2.3 Water) and 7-12 (Domestic Water Service), please revise to be consistent with the language included in the Final EIR Addition for the project, including the required boundary changes needed for the project.
22. Page 7-12, 5th sentence, please add to end of sentence “or as otherwise specific and/or required in the Project’s EIR.”
23. Page 7-12, 2nd column, last paragraph, move “Sanitary Service” to header and change to header font.
24. Page 8-1, Section 8.1.2 (Processing), first two sentences, please revise to state, “Permits for development shall be required in conformance with the Master Plan Update. A series of tract maps, use or administrative permits and design reviews will be necessary to entitle the Project as required by the Town’s Municipal Code.”
25. Pages 8-3 and 8-5, please clarify the empty rows (e.g. add footnote).
26. Pages B-25 and B-30, please eliminate use of wood shakes and shingles as they have been removed from consideration based upon local ordinance 08-01. If shake and shingle aesthetic is desired, consider replacing with “*imitation* wood shakes and shingles.”