

CEQA CONFORMANCE REVIEW
BASED ON THE 1999 NORTH VILLAGE SPECIFIC PLAN
SUBSEQUENT PROGRAM ENVIRONMENTAL IMPACT REPORT
(SCH #99-092082)

**Residence Inn Boutique Hotel By
Marriott Project**

94 and 150 Berner Street

April 2022



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1.0 INTRODUCTION

The Community and Economic Development Department of the Town of Mammoth Lakes (“Town”) has prepared this environmental documentation to address the potential environment impacts of the development project known as the Residence Inn boutique hotel by Marriott project (Tentative Tract Map (TTM) 21-003, Use Permit (UPA) 21-004, and Design Review (DR) 21-004) located at 150 and 94 Berner Street in the North Village Specific Plan (NVSP) area.¹ The project was evaluated against the standards set forth in Public Resources Code §21166 and State California Environmental Quality Act (CEQA) Guidelines §15162.

The proposed Residence Inn boutique hotel by Marriott is a four-story, 101-room condominium hotel comprised of two levels of hotel guest rooms on the third and fourth floor, and understructure parking, lobby and guest amenities located on the first and second floor of the proposed structure. The hotel guest amenities include a bar and lounge, indoor dining area, outdoor patio seating area with fire features, a fourth-floor covered deck with seating and a fire feature, as well as a fitness center and an indoor pool and jacuzzi. Hotel guest parking is provided within the structured parking garage which accommodates 109 parking stalls including five ADA van accessible spaces. The parking configuration provides standard dimensions for vehicle spaces and drive aisles, which enables guests to self-park, and does not require a valet parking service. Four short-term check-in parking spaces are provided in front of the hotel entrance and one tour bus parking space is provided at the south/east side of the porte-cochere (“Project”).

The total density of the project is 101 condominium hotel rooms. The project encompasses two parcels in the North Village Specific Plan (NVSP) area with a combined size of approximately 2.1 acres located at the southeast corner of Berner Street and Forest Trail. Vehicular access is provided from Berner Street and pedestrian access will be encouraged through the addition of sidewalk along the south and west property frontages as well as creation of a pedestrian crosswalk across Berner Street to identify the pedestrian route to The Village. The project, as proposed, is consistent with all applicable development standards of the NVSP and no amendments of the NVSP are being requested.

Following preliminary review of the proposed Residence Inn boutique hotel by Marriott project, the Town determined, in its role as the Lead Agency under CEQA, that the project is in conformance with the previously certified *1999 North Village Specific Plan Subsequent Program Environmental Impact Report* (1999 SPEIR), and therefore, no new environmental document is required.¹ A new environmental document is not required because the project meets the criteria outlined in CEQA Guidelines §15162 for when subsequent environmental compliance documentation is not required. Pursuant to CEQA Guidelines §15168, when no new environmental compliance document is required, the CEQA Guidelines recommend preparation of a document that outlines the evaluation of the site and activity and the subsequent determination that the environmental effects were previously covered in a Program EIR. This report provides the documentation to support the determination that the potential environmental effects of the Residence Inn boutique by Marriott project were previously covered in the certified *1999 North Village Specific Plan Subsequent Program Environmental Impact Report* (1999 SPEIR).

1.1 PRIOR ENVIRONMENTAL DOCUMENTATION

The proposed project is located within the area covered by the North Village Specific Plan (NVSP), which was originally adopted in 1991. The NVSP is a set of land use designations and

¹ The NVSP and the associated 1999 SPEIR cover an area (Specific Plan area) consisting of approximately 64 acres, located in the northwestern portion of the Town in the vicinity of the intersection of Main Street/Lake Mary Road and Minaret Road, and includes the project site.



development standards which facilitates the development of the “North Village” area as a concentrated, pedestrian-oriented commercial and visitor accommodation center. During the development and analysis of the NVSP, the Town analyzed the potential environmental impacts that would result from the required General Plan Amendments and Zoning Code Amendments necessary for implementation of the NVSP and the analysis of the potential environmental impacts are encompassed in the *Final Environmental Impact Report for the North Village Specific Plan* (1991 EIR), dated February 1991. These land use changes were approved by the Town and the 1991 EIR was certified. Since that time, the NVSP has undergone multiple amendments and associated environmental compliance documentation, including the following (refer to [Section 1.3, Incorporation by Reference](#), for a detailed discussion of each of the past environmental analyses conducted for projects in the NVSP area):

- *Final Environmental Impact Report for the North Village Specific Plan* (1991 EIR) – dated February 1991 (SCH #89040321);
- 1994 NVSP Amendment;
- *Addendum to the 1991 North Village Specific Plan Environmental Impact Report* (1994 EIR Addendum) – dated May 1994;
- 1999 NVSP Amendment;
- *Subsequent Program Environmental Impact Report for the 1999 North Village Specific Plan Amendment* (1999 SPEIR) – dated October 2000 (SCH #99-092082);
- 2008 NVSP Amendment;
- 2009 NVSP Amendment (*these amendments were specific to the Mammoth Crossing project*);
- *Final Environmental Impact Report for the Mammoth Crossing Project* (Mammoth Crossing EIR) – dated April 2009 (SCH #2007112002);
- 2014 NVSP Amendment (*these amendments were specific to the Inn at the Village project*);
- *Final Subsequent Environmental Impact Report for the Inn at the Village Project* (Inn at the Village SEIR) – dated September 2014 (SCH #2014032081);
- 2017 NVSP Amendment (*these amendments were specific to the Mammoth Hillside project*); and
- *Addendum to the 1999 Subsequent Program Environmental Impact Report for the Mammoth Hillside Project* (Mammoth Hillside EIR Addendum) – dated April 2017.

1.2 USE OF PROGRAM EIR

According to CEQA Guidelines §15168(c), subsequent activities in the program must be examined in the light of the Program EIR to determine whether an additional environmental document must be prepared. If the lead agency finds that pursuant to Public Resources Code §21166 and CEQA Guidelines §15162, no new effects could occur or no new mitigation measures would be required, then the lead agency can approve the activity as being within the scope of the project covered by the Program EIR (CEQA Guidelines §15168[c][2]). Otherwise, further environmental review would be required if circumstances under Public Resources Code §21166 and CEQA Guidelines §15162 are triggered. The CEQA Guidelines go on to state that where subsequent activities involve site specific operations, the lead agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine



whether the environmental effects of the operation were covered in the Program EIR (CEQA Guidelines §15168[c][4]).

The 1999 Subsequent Program Environmental Impact Report (1999 SPEIR) assesses the overall impacts of the development permitted under the North Village Specific Plan (NVSP), as amended in 1999. The 1999 SPEIR, together with the 1991 EIR and the 1994 EIR Addendum, are incorporated herein by reference, as permitted by CEQA Guidelines §15150. This document has been prepared to show that no new impacts could occur or no new mitigation measures would be required as a result of the proposed Residence Inn boutique hotel by Marriott project, and to incorporate appropriate mitigation measures from the 1999 SPEIR.

1.3 INCORPORATION BY REFERENCE

Pertinent documents relating to this CEQA Conformance Document have been cited in accordance with CEQA Guidelines §15150, which encourages incorporation by reference as a means of reducing redundancy. The following documents are hereby incorporated by reference into this document. Information contained within these documents have been utilized for the preparation of this report. These documents are available for review at the Town of Mammoth Lakes Community and Economic Development Department, located at 437 Old Mammoth Road, Suite 230, Mammoth Lakes, CA 93546 and on the Town's website: www.townofmammothlakes.ca.gov.

- *Town of Mammoth Lakes General Plan (as amended)*. The comprehensive update of the *Town of Mammoth Lakes General Plan* (General Plan) was adopted in August 2007. The General Plan establishes standards, guidelines, and priorities that define the community now and for the future. The General Plan is organized by elements and each element is introduced with an explanation of the intent of the element and then the goals, policies, and actions for that element are outlined. The General Plan contains the following 11 elements:
 - Economy;
 - Arts, Culture, Heritage, and Natural History;
 - Community Design;
 - Neighborhood and District Character;
 - Land Use;
 - Mobility (*updated since the adoption of 2007 General Plan*);
 - Parks, Open Space, and Recreation (*updated since the adoption of 2007 General Plan*);
 - Resource Management and Conservation;
 - Public Health and Safety;
 - Housing (*adopted separately from the rest of the General Plan*); and
 - Noise (*adopted separately from the rest of the General Plan*).

It is noted that the Housing and Noise Elements were not updated as part of the General Plan adopted in 2007. However, updated Housing Elements were adopted in 2010, 2014, and most recently in 2015. Additionally, the Town Council has since amended the Mobility Element in 2016 with updated policies and goals and amended the Parks, Open Space, and Recreation Element in 2012 with the addition of new policies and one additional goal and revoked the 1990 Parks and Recreation Element.



- *Final Program Environmental Impact Report for the Town of Mammoth Lakes 2005 General Plan Update (May 2007)*. The *Final Program Environmental Impact Report (2007 General Plan PEIR)* analyzed the environmental impacts associated with the update of the Town's General Plan. This update provided the Town's long-range comprehensive direction to guide future development and identified the community's environmental, social, and economic goals. The 2007 General Plan PEIR document was prepared as a Program EIR, which is intended to facilitate consideration of broad policy directions, program-level alternatives, and mitigation measures consistent with the level of detail available for the plan. The 2007 General Plan PEIR concluded significant and unavoidable impacts regarding aesthetics, air quality, biological resources, public safety and hazards, noise, public services and utilities, and recreation.
- *Town of Mammoth Municipal Code (as amended)*. The *Town of Mammoth Lakes Municipal Code* (Municipal Code) consists of all regulatory and penal ordinances and administrative ordinances of the Town of Mammoth Lakes. It is the method the Town uses to implement control of land uses, in accordance with the General Plan goals and policies. The Town of Mammoth Lakes Ordinance, Title 17, of the Municipal Code identifies land uses permitted and prohibited according to the zoning category of particular parcels. The Building and Construction Ordinance, Title 15, specifies rules and regulations for construction, alteration, and building for uses of human habitation.
- *North Village Specific Plan (as amended)*. The North Village Specific Plan (NVSP) area consists of approximately 64 acres of land, the majority of which is under multiple ownerships, within the northwest portion of the Town. The NVSP area is primarily comprised of urban development and includes hotels, restaurants, visitor-oriented and general commercial operations, professional offices, condominiums, single-family residential, and community facilities.

The objective of the NVSP is to create a set of land use designations and development standards which would facilitate the development (or renovation) of the NVSP area as a concentrated, pedestrian-oriented commercial and visitor accommodation center with public and private underground parking, amenities, and activities focused around three pedestrian plazas connected by retail, restaurant, and cultural amenities. It is the intent of the NVSP that future development in the North Village be oriented toward year-round uses and visitor activity to strengthen the existing winter visitor market and to improve the Town's attractiveness to year-round resort visitors. Unification of development throughout the NVSP area through the establishment of architectural and landscaping guidelines also strengthen the NVSP area's image as a resort activity node in the Town.

Since the NVSP was approved, several major projects within the NVSP area have been approved, including:

- The Village at Mammoth (Grand Sierra Lodge, White Mountain Lodge, and Lincoln House);
- Village Gondola Building;
- Village Skier Services Building;
- Restaurants and Retail;
- Westin Monache;
- South Hotel (*unbuilt*);
- Vista Pointe (*unbuilt*);
- Hillside at Mammoth (*unbuilt*);
- 8050: Buildings "A", "B", and "C (*now known as Inn at the Village; unbuilt*)"; and



- Yotelpad (unbuilt)

Since the original adoption of the NVSP in 1991, the NVSP has undergone multiple amendments, including the following:

- *1994 NVSP Amendment* (Adopted May 1994): This amendment further refined the design of the North Village Pedestrian Code area and realigned Canyon Boulevard to be a collector street. The design refinement did not alter the concept of the NVSP approved in 1991.
- *1999 NVSP Amendment* (Adopted December 2000): This amendment further refined circulation modifications, parking allocation, height limitations, setback requirements, the design review process, and provisions for housing.
- *2008 NVSP Amendment* (Adopted January 2008): This amendment made changes to the development standards for the three parcels, collectively known as the Dempsey property, located to the northeast of the intersection of Minaret Road and Main Street.² The approved changes were applicable only to the subject parcels and included: (1) an increase in density; (2) an increase in site coverage; (3) an increase in allowable building height; and (4) an allowance for a reduction in setbacks through a use permit process.
- *2009 NVSP Amendment* (Adopted October 2009): This amendment made changes to the development standards for the three parcels, collectively known as the Mammoth Crossing site, located at the northwest, southwest, and southeast corners of the intersection of Minaret Rod and Main Street. The approved changes were applicable only to the subject parcels and included: (1) an increase in density; (2) an increase in height; and (3) a reduction in setbacks.
- *2014 NVSP Amendment* (Adopted December 2014): This amendment made changes to the development standards for the 8050 project site with regards to Building "C". The approved changes were applicable only to the subject site and included: (1) an increase in building height; (2) a reduction in setbacks for building heights above 55 feet; and (3) an increase in density.
- *2017 NVSP Amendment* (Adopted June 2017): This amendment made changes to the development standards for the six parcels, collectively known as the Mammoth Hillside site, located to the west of Canyon Boulevard and to the north of Lake Mary Road. The approved changes were applicable only to the subject parcels and included: (1) an increase in density; and (2) an increase in lot coverage.
- *Final Environmental Impact Report for the North Village Specific Plan - SCH #89040321* (February 1991). The *Final Environmental Impact Report for the North Village Specific Plan* (1991 EIR), dated February 1991, addresses geology, soils, and seismicity; hydrology and water quality; biological resources; land use and planning; jobs/housing relationship; utilities; traffic; air quality; noise; archeological; aesthetics/visual impacts; light and glare; public services/fiscal impacts; energy conservation; as well as other topical areas determined to be less than significant. Where potentially significant environmental impacts were identified, feasible mitigation measures were recommended that would avoid or lessen adverse environmental effects of the NVSP project. The 1991 PEIR concluded that the following significant and unavoidable impacts would occur with implementation of the NVSP:
 - Impacts to school facilities;

² The three parcels that were the subject of this amendment are the same three parcels that comprise the project site that is the subject of this report.



- Existing view impacts (pertaining to proposed gondola feature);
- Land use impacts related to the aesthetics of the proposed gondola feature; and
- Fiscal impacts pertaining to an undetermined net cost to Mono County.

All other impacts were found to be less than significant through the existing standards, regulations, and mitigation measures imposed under the 1991 EIR.

- Addendum to the 1991 North Village Specific Plan Environmental Impact Report (May 1994). In 1994, Zoning Code Amendment 94-1 and General Plan Amendment 94-1 were filed in order to refine the design of the NVSP pedestrian core area and to realign Canyon Boulevard to meet with Millers Siding/Lake Mary Road as a collector street. These proposed design changes did not alter the concept of the NVSP (as approved in 1991). As determined by CEQA Statutes and Guidelines, the lead agency determined that an Addendum was required, as the project would not raise important new issues about the significance of effects on the environment. The *Addendum to the 1991 North Village Specific Plan Environmental Impact Report* (1994 EIR Addendum), dated May 1994, determined that all of the impacts were less than significant through the implementation of the existing standards, regulations, and mitigation measures.
- Subsequent Program Environmental Impact Report for the 1999 North Village Specific Plan Amendment - SCH #99-092082 (October 2000). In 1999, an amendment to the NVSP was proposed (the 1999 NVSP Amendment). This amendment involved modifications to circulation and parking, height limitations and setbacks, as well as alternate development opportunities and housing modifications, when compared to the approved NVSP at the time. As part of the 1999 NVSP Amendment, the Town prepared and certified the *Subsequent Program Environmental Impact Report for the 1999 North Village Specific Plan Amendment* (1999 SPEIR), on October 13, 2000. The purpose of the 1999 SPEIR was to review the existing conditions and conclusions of the 1991 EIR and 1994 EIR Addendum, analyze potential environmental impacts associated with the 1999 NVSP Amendment in comparison to the previous environmental documentation, and identify mitigation measures to reduce potentially significant effects. Mitigation measures from the 1991 PEIR and 1994 PEIR Addendum were incorporated, and in some cases modified, and new mitigation measures were recommended, where necessary, to reduce new potentially significant impacts. Topical areas specifically examined in the 1999 SPEIR included land use and relevant planning; population and housing; aesthetics/light and glare; traffic and parking; air quality; noise; geology, soils, and seismicity; hydrology and drainage; biological resources; public services and utilities; and cultural resources. The 1999 SPEIR concluded that the following additional significant and unavoidable impacts would occur with implementation of the 1999 NVSP Amendment:
 - Air Quality (Threshold exceedances established by the Great Basin Unified Air Pollution Control District and cumulative considerations for air quality).

All other impacts were found to be less than significant through the existing standards, regulations, and mitigation measures (modified as necessary) imposed under the 1991 EIR and 1994 EIR Addendum.

- Final Environmental Impact Report for the Mammoth Crossing Project - SCH #2007112002 (April 2009). The Mammoth Crossing Project (Mammoth Crossing) proposed the redevelopment of three of the four corners that comprise the Main Street/Lake Mary Road and Minaret Road intersection with a combination of resort accommodations, retail uses, and public plazas. Mammoth Crossing is located within the southern portion of the NVSP area and included a series of amendments to the NVSP as well as amendments to the 2007 General Plan. Environmental impacts as a result of



construction of Mammoth Crossing's three development areas were analyzed in a project-level EIR, the *Final Environmental Impact Report Mammoth for the Crossing Project* (Mammoth Crossing EIR), which was certified on September 16, 2009. Overall, Mammoth Crossing proposed the construction of up to 742 condominium/hotel rooms, up to approximately 69,150 sq. ft. of hotel amenities and operations and general retail uses, 40,500 sq. ft. of retail development, and 711 parking spaces and nine spaces for hotel guest check-in. Affordable housing would be required to be provided as part of Mammoth Crossing, some of which would be constructed off-site. Proposed development at the three development areas would involve multiple buildings ranging in height from one to seven stories. The project-level EIR determined that this project would result in the following significant and unavoidable impacts:

- Aesthetics;
 - Air Quality; and
 - Noise.
- *Final Subsequent Environmental Impact Report for the Inn at the Village Project - SCH #2014032081 (September 2014)*. The Inn at the Village project proposed revisions to the 8050 – Building “C” project and included amendments to the NVSP with regards to building height, setbacks, and density. Potential environmental impacts as a result of the project were analyzed in a subsequent EIR, the *Final Subsequent Environmental Impact Report for the Inn at the Village Project* (Inn at the Village SEIR), which was certified on November 19, 2014. The subsequent EIR determined that all significant and unavoidable impacts of the project would be less than significant with the incorporation of mitigation measures.
 - *Addendum to the 1999 Subsequent Program Environmental Impact Report for the Mammoth Hillside Project (April 2017)*. District Zoning Amendment 16-002 proposed revisions to the Mammoth Hillside project with regards to density and lot coverage. As determined by CEQA Statutes and Guidelines, the lead agency determined that an Addendum was required, as the project would not raise new issues about the significance of effects on the environment. The *Addendum to the 1999 Subsequent Program Environmental Impact Report for the Mammoth Hillside Project* (Mammoth Hillside EIR Addendum), dated April 2017, determined that all of the impacts were less than significant through the implementation of the existing standards, regulations, and mitigation measures.
 - *Design Guidelines for the Village at Mammoth (August 2000)*. The *Design Guidelines for the Village at Mammoth* (NVSP Design Guidelines), are intended to provide general and specific design information so that all involved in the development process are able to proceed with a shared basis of information. They are structured to provide a description of the design concept for the NVSP area, supporting objectives of the design components, and a listing of design guidelines that must be followed to achieve the objectives. The main concept of the NVSP Design Guidelines is that the NVSP area should be designed so that it is appropriate to the character of the Mammoth Lakes region, and to be competitive with other high-quality mountain villages in North America.



2.0 PROJECT DESCRIPTION

2.1 PROJECT LOCATION AND EXISTING CONDITIONS

The subject property is located at 94 and 150 Berner Street at the southeast corner of Berner Street and Forest Trail; refer to Exhibit 1, Site Context Map. The project site consists of two parcels with a combined area of 2.1- acres and is located in the “Specialty Lodging” zone of the North Village Specific Plan. The site is currently developed with four commercial/industrial style buildings as well as one unoccupied single-family residence. The developed portion of the site is relatively level along the south and west portions of the site, but the northern portion of the site features a significant slope, with an approximate grade change of 40-feet from the north property line to the south property line. The northern portion of the property features a stand of approximately 100 Jeffrey Pine trees, which the site plan indicates will be preserved.

The property is bounded by Forest Trail on the north side, Berner Street to the south and west, and two Specialty Lodging zoned parcels along the east property line. The two adjacent SL-zoned parcels are developed with the Innsbruck Lodge and the Kitzbuhel Apartments. The area north of the site, across Forest Trail, is the Town-owned Community Center property developed with tennis courts and surface parking. The Berner Street surface parking lot is located on three separate parcels to the west of the site across Berner Street. Properties located south of the site across Berner Street include three Resort General RG-zoned parcels including one vacant parcel and two parcels developed with single-family homes.

2.2 PROJECT CHARACTERISTICS

The application request is for a tentative tract map (TTM 21-003), use permit (UPA 21-004), and design review (DR 21-004) for a 101-room condominium hotel consisting of two levels of hotel guest rooms located on the third and fourth floor, and understructure parking, lobby and guest amenities located on the first and second floors of the building. The hotel guest amenities include a bar and lounge, indoor dining area, outdoor patio seating area with fire feature, a fourth-floor covered deck with seating and a fire feature, as well as a fitness center and an indoor pool and jacuzzi. The understructure parking garage accommodates 109 parking stalls including five ADA van accessible spaces. The parking configuration provides standard dimensions for vehicle spaces and drive aisles, which enables guests to self-park, and does not require a valet parking service. Four short-term check-in parking spaces are provided in front of the hotel entrance and one tour bus parking space is provided at the south/east side of the porte-cochere.

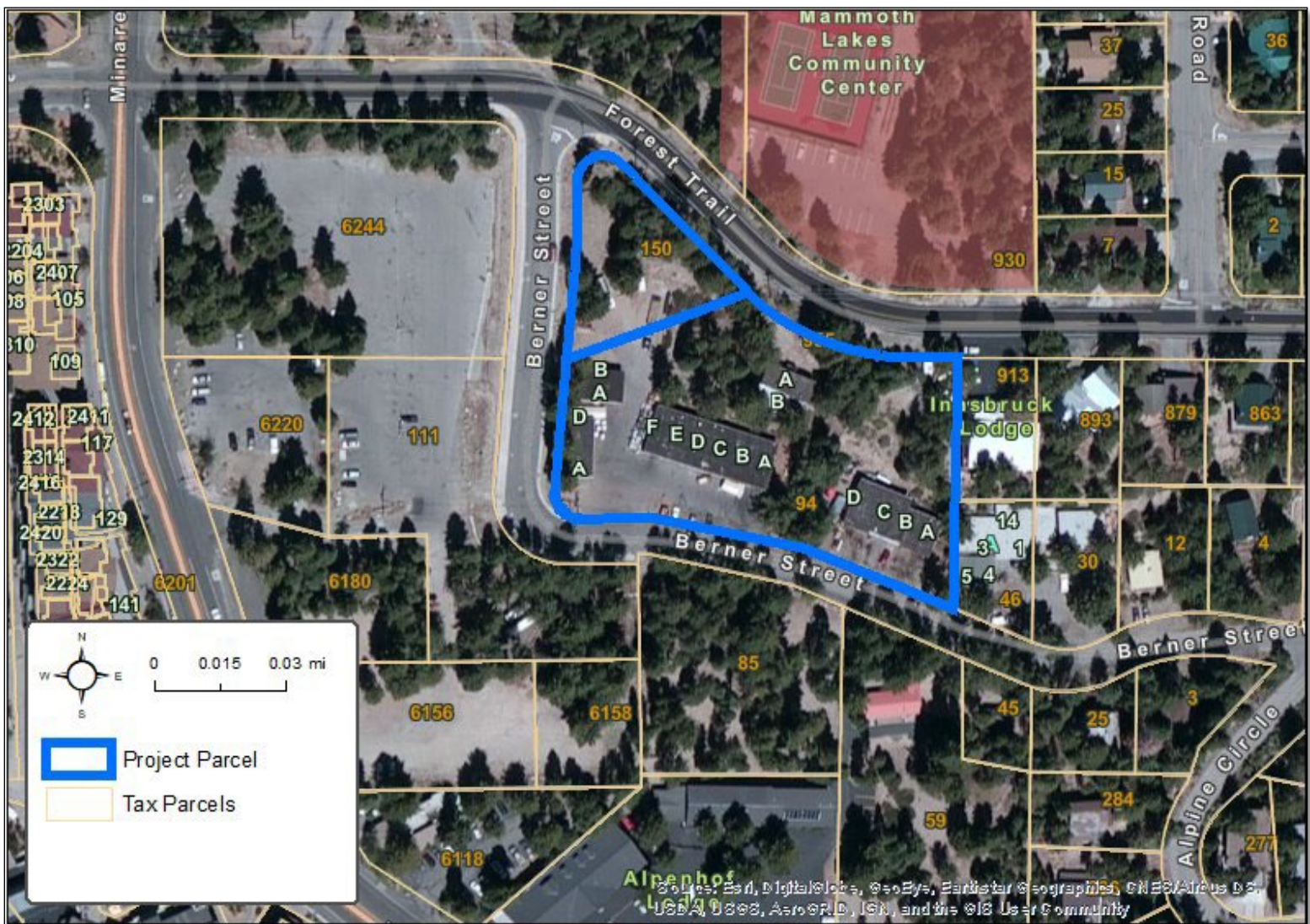
The overall size of the hotel structure is 139,308 sq.ft., which includes 88,838 sq.ft of hotel area and 50,470 sq.ft. of structured parking area. The overall building height is 55 feet from finished grade to the tallest roof ridgeline however, pursuant to the North Village Specific Plan (NVSP Section 5. *Building Heights*), the building height is considered to be 35 feet because the height of the parking garage (up to a maximum of 20 feet) is excluded from the overall building height when all or a portion of the building sits above a parking garage. The project is consistent with all

applicable development standards of the NVSP and no amendments of the specific plan are being requested.

2.3 BACKGROUND

The project site is within the North Village Specific Plan (NVSP), which was originally approved by the Town in 1991. The primary purpose of the NVSP is to provide land use guidelines and development standards for the North Village area, which enables development of a pedestrian-oriented resort activity node with supporting facilities. The NVSP is located in the northwest portion of the Town and is approximately 64 acres in size. More specifically, the NVSP area is located adjacent to Main Street, Lake Mary Road, Canyon Boulevard, and Minaret Road.

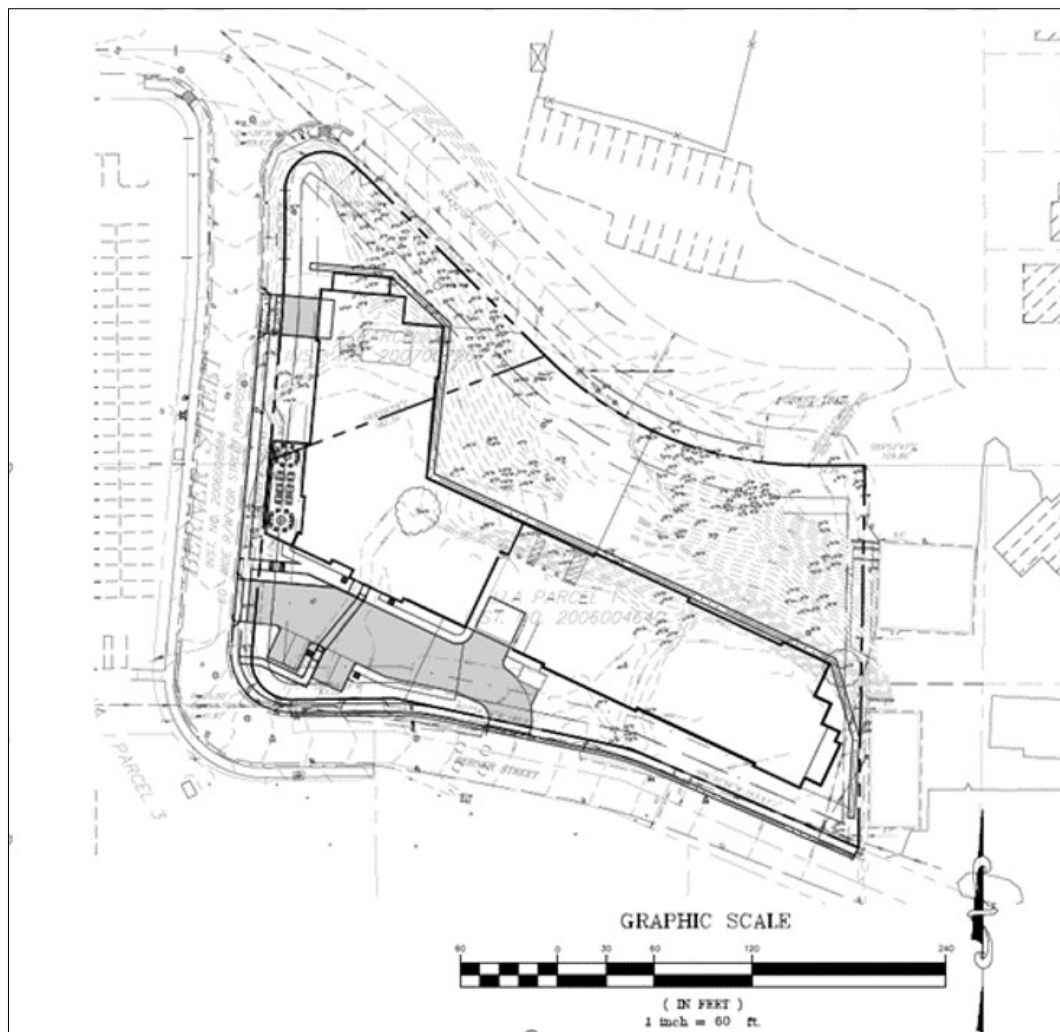
Exhibit 1: Site Context Map



The NVSP identifies the subject property as being located in the Specialty Lodging (SL) zoning designation. The SL zone is intended to accommodate uses such as lodges, bed and breakfast establishments, resort condominiums, European-style inns, and other similar uses. The proposed project is consistent for the NVSP Land Use Element description for the SL zone; it is also consistent with the zoning standards for density, height, setbacks, and other applicable development standards included in the NVSP.

Prior to approval of the 1999 NVSP Amendment, the Town prepared, and the Town Council reviewed and certified, pursuant to CEQA, the Subsequent Program Environmental Impact Report for the 1999 North Village Specific Plan Amendment (1999 SPEIR) (SCH #99-092082). The 1999 SPEIR reviewed and updated the CEQA clearance for the original 1991 Specific Plan (1991 EIR) and the Addendum to the 1991 EIR (1994 EIR Addendum). The project is consistent with the land use and density assumptions that were analyzed in these prior environmental documents.

Exhibit 2: *Conceptual Site Layout*





2.4 PERMITS AND APPROVALS

The Town approvals required for development of the Residence Inn boutique by Marriott project include, but are not limited to:

- CEQA clearance;
- Tentative Tract Map approval for the subdivision of the condominium hotel units;
- Use Permit approval for the subdivision of the condominium-hotel use;
- Design Review approval for the site and building design;
- Engineered Grading Permit for the site work; and
- Building Permit for the construction of the hotel structure



3.0 ENVIRONMENTAL ANALYSIS

The following is a discussion of potential project impacts for each relevant topic area addressed in the 1999 SPEIR.

3.1 AESTHETICS

Section 5.3 of the 1999 SPEIR evaluates the potential impacts to visual character, scenic vistas and resources, and light and glare impacts. The 1999 SPEIR found that with the incorporation of the mitigation measures in the adopted Mitigation Monitoring and Reporting Program (MMRP), the potential impacts to scenic vistas, scenic resources, visual character, and light and glare have been reduced to a less than significant level. The proposed Residence Inn boutique by Marriott project is within the building envelope considered for this site by the 1999 SPEIR and it not requesting any variances or amendments to the NVSP for an increased height, and therefore the impacts of the project on aesthetics and light and glare were covered in the 1999 SPEIR analysis and do not exceed the effects evaluated in the 1999 SPEIR. A number of mitigation measures will be required for the project, and are discussed below in more detail.

The proposed building is not located within the vicinity of a state scenic highway. The Program EIR does not identify any designated scenic vistas within the Specific Plan area, but notes that motorists and pedestrians traveling within the North Village Specific Plan area south along Minaret Road have significant views of the Sherwin Range to the south. Since this project is located over 300 feet east of Minaret Road it would not block or adversely impact any existing views to the Sherwin Range. Furthermore, there are no existing views from Forest Trail to the Sherwin Range that would be blocked by the proposed development.

The proposed hotel structure will change, and could potentially degrade, the existing visual character or quality of the site. The south and west portions of the site are currently developed with several single-story, commercial/industrial-style buildings and an unoccupied residence located on the northern portion of the site. While the proposed structure is located within the developed area of the site, some existing trees will need to be removed, and the character of the site will change with the development of a taller, single building in place of the lower profile existing buildings. The architecture and other design features proposed as part of the project have been reviewed by the Town's Advisory Design Panel (ADP) to ensure that they provide an attractive and harmonious visual appearance with other properties in the North Village and the Town. The new building will include new light sources, including light visible from the building interior that passes through windows as well as new light from exterior sources. This will likely create a new source of light and glare that could potentially impact day or nighttime views in the area. The following mitigation measures from the Program EIR will mitigate any potential impacts to visual character and light and glare to a less than significant level.

The 1999 SPEIR Mitigation Measures identified below, including 5.3-1a through 5.3-1f and 5.3-1j, k, and m, which mitigate impacts on visual character, Mitigation Measures 5.3-2a and b, which mitigate impacts on scenic vistas and resources, and Mitigation Measures 5.3-3a through 5.3-3d, which mitigate impacts on light and glare, remain applicable and will mitigate any potential impacts to visual character and light and glare to a less than significant level.



Mitigation Measures:

- 5.3-1a: To the maximum extent practical, the proposed project shall retain forested areas, and the development shall remain subordinate to the natural character of the site and surrounding landscape.
- 5.3-1b: Prior to final approval of project development plans, the applicant shall submit a tree preservation and replacement plan pursuant to the Municipal Code, Zoning, requirements related to grading and clearing. The Preservation and Replacement Plan, including the type, size, number and location of replacement trees shall be subject to the approval of the Town of Mammoth Lakes Community Development Director.
- 5.3-1c: Contour grading shall be used to blend manufactured slopes into the natural terrain. Grading shall be minimized to preserve existing landform and vegetation to the greatest extent possible.
- 5.3-1d: The landscape design for the site shall maximize the use of existing vegetation, and where new plants are introduced, they shall include, and/or blend with, plants native to the Mammoth Lakes environment. Landscape plans for the site shall be completed by a certified landscape architect.
- 5.3-1e: To the maximum extent practical, native trees and landscaping shall be concentrated around all structures located on the project site.
- 5.3-1f: Grading techniques shall be used which minimize the area of disturbance and shall incorporate such methods as decorative retaining walls rather than slopes to minimize the area of disturbance.
- 5.3-1j: Staging locations shall be indicated on project Building Permit and Grading Plans and shall be subject to review by the Town of Mammoth Lakes Community Development Director in accordance with Municipal Code requirements.
- 5.3-1k: Upon submittal of Final Development Plans to the Town for the development site, the applicant shall demonstrate that long-range views of the Sherwin Range are incorporated into the project design.
- 5.3-1m: The buffer for properties adjacent to the specific plan boundaries shall be defined as a building setback area of not less than 20 feet to buildings up to 35 feet tall. Portions of buildings which exceed 35 feet adjacent to the Specific Plan boundaries shall require an additional setback of generally 1 foot for every two feet of building height beyond the 20 foot minimum setback. Trees shall be maintained within the buffer area, except for required vehicular and pedestrian access.
- 5.3-2a: Adoption of the North Village Specific Plan shall include all provisions for design review stated in the Plan, with all phases and developments proposed within the Specific Plan area undergoing review by a Town-appointed Design Review Committee and/or Planning Commission.
- 5.3-2b: The architectural style for the development shall blend with the site's natural setting. Rooflines shall reflect the slope of the site, and natural "earth tone" colors and materials such as stone and wood shall be emphasized. Conformance shall be assured through the Town's design review procedures.



- 5.3-3a: Low-intensity street lighting and low-intensity exterior lighting shall be used throughout the development to the degree feasible. Lighting fixtures shall use shielding, if necessary, to prevent spill lighting on adjacent off-site uses.
- 5.3-3b: Lighting used for various components of the development plan be reviewed under North Village Specific Plan design guidelines which shall include review of light intensity levels, fixture height, fixture location, and design.
- 5.3-3c: The project shall use minimally reflective glass and all other materials used on exterior buildings and structures shall be selected with attention to minimizing reflective glare.
- 5.3-3d: Vegetative buffers shall be used to reduce light intrusion on residential development and on forested areas located adjacent to the project site.

3.2 AGRICULTURAL RESOURCES

The 1999 SPEIR does not identify any significant impacts to Agricultural Resources since there is no evidence that the site has been used for agricultural production nor are there any agricultural operations within the vicinity. Therefore, project implementation would have no impact to agricultural resources.

No mitigation measures were required by the 1999 SPEIR for the NVSP and since no impacts to agricultural resources have been identified, no mitigation measures are required.

3.3 AIR QUALITY

Section 5.5 of the 1999 SPEIR evaluates the impacts of implementation of the Specific Plan on air quality. The 1999 SPEIR determined that, on a cumulative level, the North Village project would contribute to a current violation of the State and Federal PM₁₀ standards and that this contribution would be significant and unavoidable.³ Since the Residence Inn boutique by Marriott project is within the scope of development that was intended for the site, the impacts of the project were covered in the 1999 SPEIR and project implementation would not increase the impacts beyond those anticipated. Implementation of the project would contribute to the cumulative air quality impacts on some level.

Construction has the potential to create short-term air quality impacts with the use of construction equipment and through vehicle trips generated from construction workers traveling to and from the project site, especially since the project proposes to excavate soil in order to develop a partially subterranean parking structure. Construction and operation of the project would result in an increase in air emissions, such as those associated with construction equipment and vehicle trips, as compared to existing conditions. These impacts would be less than significant with mitigation incorporated. Construction activity associated with the project may generate detectable odors from heavy-duty equipment exhaust. Construction related odors would be short-term in nature and cease upon project completion. With compliance to Mitigation Measure AQ-1 for construction activities, the proposed project is not anticipated to result in significant short-term construction impacts.

Sensitive receptors are defined as facilities or land uses that include members of the populations that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are residences, schools, hospitals, and daycare centers. There are residential condominiums adjacent to the project site to the east;

³ The Town was re-designated by the United State Environmental Protection Agency (EPA) as in attainment for the federal air quality standard for particulate matter less than 10 microns (PM₁₀) in November 2016.



however, the risk of exposure to objectionable odors or pollutants to sensitive receptors or a substantial increase is less than significant with mitigation.

With implementation of the 1999 SPEIR Mitigation Measures identified below, including 5.5-1a and b, which mitigate short-term air quality impacts, and 5.2-2a and b, which mitigates long-term PM₁₀ air quality impacts, the proposed project would not result in any new, different, or potentially adverse air quality impacts not previously considered and addressed in the 1999 SPEIR.

Mitigation Measures:

- 5.5-1a: In order to reduce fugitive dust emissions, each development project shall obtain permits, as needed, from the Town and the State Air Pollution Control District (APCD) and shall implement measures during grading and/or construction of the individual development sites to ensure compliance with permit conditions and applicable Town and APCD requirements.
- a. The individual development projects shall comply with State, APCD, Town, and Uniform Building Code dust control regulations, so as to prevent the soil from being eroded by wind, creating dust, or blowing onto a public road or roads or other public or private property.
 - b. Adequate watering techniques shall be employed on a daily basis to partially mitigate the impact of construction-generated dust particulates.
 - c. Clean-up on construction-related dirt on approach routes to individual development sites/improvements shall be ensured by the application of water and/or chemical dust retardants that solidify loose soils. These measures shall be implemented for construction vehicle access, as directed by the Town Engineer. Measures shall also include covering, watering or otherwise stabilizing all inactive soil piles (left more than 10 days) and inactive graded areas (left more than 10 days).
 - d. Any vegetative ground cover to be utilized on the individual development sites/improvements shall be planted as soon as possible to reduce the amount of open space subject to wind erosion. Irrigation shall be installed as soon as possible to maintain the ground cover.
 - e. All trucks hauling dirt, soil or other loose dirt material shall be covered.
- 5.5-1b: To reduce the potential of spot violations of the CO standards and odors from construction equipment exhaust, unnecessary idling of construction equipment shall be avoided.
- 5.5-2a: In order to reduce emissions associated with both mobile and stationary sources (i.e., wood burning stoves and fireplaces), the project shall adhere to the regulations contained in the Air Quality Management Plan for the Town of Mammoth Lakes and Chapter 8.30, Particulate Emission Regulations, of the Town's Municipal Code. The commercial use tenants throughout the Specific Plan area shall, at a minimum, include the following, as appropriate:
- a. Bicycle racks, lockers or secure storage areas for bicycles;
 - b. Transit access, including bus turnouts;
 - c. Site access design shall avoid queuing in driveways; and
 - d. Mulch, groundcover, and native vegetation to reduce dust
- 5.5-2b: The project shall contribute on a fair share basis to the Town's street sweeping operations in order to reduce emissions and achieve the required Federal standard.



GREENHOUSE GAS EMISSIONS

Although the 1999 SPEIR did not include a greenhouse gas (GHG) analysis, a supplemental environmental analysis of GHG impacts cannot be required absent new information on that issue.⁴ Information on the effect of GHG emissions on climate was known and documented before the Town certified the 1999 SPEIR. Thus, the effect of GHG emissions on climate could have been evaluated when the Town considered the environmental documentation. A challenge to an EIR must be brought within 30 days of the lead agency's notice of approval and no challenges were brought forward regarding the 1999 SPEIR and GHG 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 shifts in favor of the project proponent and against further review.⁵ “[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 the previously certified 1999 SPEIR. Accordingly, the Town finds that GHG impacts and climate change are not “new information” under Public Resources Code Section 21166.

3.4 BIOLOGICAL RESOURCES

Section 5.9 of the 1999 SPEIR evaluates the impacts of implementation of the Specific Plan on Biological Resources. The 1999 SPEIR concludes that no unavoidable significant impacts beyond those previously identified in the 1999 EIR, the 1994 EIR Addendum, and the Town's 2007 General Plan PEIR will occur. The proposed project is consistent with all of the standards of the NVSP, and therefore, the impacts of the project on biological resources were covered in the 1999 SPEIR analysis and do not exceed the effects evaluated in the 1999 SPEIR. Applicable mitigation measures from the 1999 SPEIR will also be applied to the Residence Inn boutique by Marriott project.

The site does not contain any wetlands or riparian habitat, so there are no potential impacts in those areas. Additionally, there are no local or other conservation plans in place for this area. The south and west portions of the project site is currently developed with existing asphalt paving and several industrial-style buildings. The northern portion of the site contains a significant stand of Jeffrey Pine trees and is proposed to be preserved in a natural state. The Program EIR does not identify any plant or animal species of concern as occurring on this site, nor does it identify this site as part of a migration route for deer or any other animals. Therefore, the potential impacts to habitat and migration routes for any plant or animal species is less than significant and does not require mitigation.

As previously mentioned, this site contains a stand of existing Jeffrey Pine trees and approximately 49 trees are proposed to be removed and 132 trees will be preserved.⁶ However, pursuant to the 1999 SPEIR, the forested character of the site is small and fragmented, compared to nearby large forested areas, and therefore, the change from a conifer forest to a developed site is considered to be less than significant. The 1999 SPEIR identified the entire NVSP area as

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

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

⁶ This includes trees that will be removed based on health or overstock conditions within the project site, as recommended by a qualified professional.



being not high-quality habitat due to the fragmentation and its close proximity to developed areas; however, the forested area of the site could potentially be used by nesting birds and other small animals, so there is a potential impact to those species and applicable mitigation measures have been incorporated to reduce those impacts to a less than significant level. The NVSP requires unique natural features, such as rocks, outcroppings, or large trees to be protected to the greatest extent possible. It further requires that all trees greater than 12-inches diameter at breast height (dbh) that are required to be removed, be replaced on a one-to-one basis. These measures should reduce any potential impacts; however, to ensure that all potential impacts to biological resources have been reduced to a less than significant level, the mitigation measures identified below, including 5.9-2a through 5.9-2j, have been carried over from the 1999 SPEIR.

Mitigation Measures

- 5.9-2a: The project shall preserve existing native vegetation to the maximum extent feasible. Landscaping shall emphasize the use of native plants indigenous to the Jeffrey Pine-Fir Forest plant community. Whenever possible, native plants used on-site shall be selected for their replacement habitat value. Site designs shall be subject to the Design Review procedure of the Town.
- 5.9-2b: Landscape materials shall be used that allow for the protection and preservation of existing trees. Native plant species, preferably from seed or cuttings from local plants, shall be used where possible. The Landscape Plan shall be approved by the Planning Director prior to issuance of any construction permits.
- 5.9-2c: Irrigation, fertilization and other landscape management practices shall be designed to minimize effects on existing trees and other vegetation.
- 5.9-2d: To the extent possible, native vegetation shall be retained and protected during construction. A Revegetation Plan, prepared by a qualified Landscape Architect and approved by the Town of Mammoth Lakes, shall be completed prior to the commencement of the project, which will describe in detail the species of trees and shrubs that will be used, where they will be planted and in what numbers, and the methods of planting and maintenance, which will ensure successful growth. It shall include a monitoring program to follow the progress of new plantings and ensure replacement of unsuccessful plants. Landscaping with native species of trees and shrubs shall be undertaken to enhance wildlife use of cleared areas.
- 5.9-2e: Under AB3180, once mitigation plans designed to off-set habitat losses are approved and the specific areas where they will be located are identified, the proponent must provide a program to monitor their progress for a period of time (usually three to five years) deemed sufficient by the Planning Director to assure their successful development. Adequate security shall be deposited with the Town to ensure successful implementation of this measure.
- 5.9-2f: All construction activities, including movement and storage of vehicles and the storage of building and other materials, shall be confined to areas slated for development. Care shall be taken during construction to avoid damage to vegetation and habitats not directly involved in project construction. Any vegetation inadvertently damaged outside of the area slated for development shall be replaced on a one-to-one basis on- or off-site. Off-site replacement shall require the approval of the Town Planning Director.
- 5.9-2g: To prevent erosion and siltation into intermittent creeks, areas cleared of vegetation, fill or other materials shall be stabilized after clearing and grading. Hay bales, silt screens or similar devices shall be used to prevent siltation. To further protect the



drainage system and prevent erosion, all grading and construction shall be completed during the summer months, or after October 15 of each year be in a condition to be stabilized within 48 hours should inclement weather threaten.

- 5.9-2h: A Forest Condition Survey shall be conducted by a professional forester and approved by the Town of Mammoth Lakes, prior to the commencement of each individual development project. All trees greater than 12-inches dbh (diameter at breast height (54 inches above ground)) and significant stands on each project site shall be mapped prior to issuance of grading permits or clearing. A registered forester or arborist shall then determine the age and condition of these trees and whether they should be retained or removed based upon health and visual significance of the trees, except for removal required by approved improvements. Once this determination is made, those trees shall be retained and integrated into the design of each project. A program of specific protection measures shall be prepared by the developer and approved by the Town prior to issuance of any construction permits (e.g., construction fencing, grading controls, grading design, etc.). Any trees removed unavoidable by each final project approval shall be in accordance with Town policies. Off-site replacement shall require approval by the Town's Planning Director.
- 5.9-2i: Slash generated from construction or thinning operations shall be hauled from the site concurrent with the operation to prevent a breeding site for IPS. Logs shall be removed from the site as soon as possible.
- 5.9-2j: Construction and site development, such as grading and trenching, shall be prohibited within the dripline of retained trees. Equipment shall not be stored or driven under trees. Grading shall not cover the ground surface within the dripline of existing trees. Grading limits shall be clearly defined and protected.

3.5 CULTURAL RESOURCES

Section 5.11 of the 1999 SPEIR evaluates the impacts of implementation of the Specific Plan on Cultural Resources. According to the 1999 SPEIR, the site survey of archaeological resources located and recorded four isolates and two sites (Village Site #1 and Village Site #2) within the NVSP area. Of the four isolates, only six obsidian flakes and an obsidian core were found and that number of isolates does not meet the CEQA definition of a significant cultural resource, and therefore, does not require any further archaeological work under the CEQA Guidelines (1991 EIR, Section 4.10, Page 4.10-3). At the two sites, 1,100 obsidian flakes and flake fragments were found. Per the 1991 EIR, Village Site #1 may meet the CEQA criteria to be considered an important site and Village Site #2 appears to be significant. The site, which is located across Forest Trail adjacent to Village Site #1 and Isolate #2, has not been identified as having any known artifacts. Therefore, project implementation would not cause a substantial adverse change in the significance of a historical or archaeological resource.

Nonetheless, ground disturbing activities, such as grading or excavation, could disturb previously unidentified subsurface archaeological or paleontological resources. Compliance with the 1999 SPEIR mitigation measures identified below, including 5.11-1e, which provides instructions in the event a material of potential cultural significance is uncovered and 5.11-2, which mitigates potential impacts on burial sites, will reduce any potential impacts to cultural resources to less than significant levels.



Mitigation Measures

- 5.11-1e: In the event that a material or potential cultural significance is uncovered during grading activities on the project site, all grading in the area of the uncovered material shall cease and the project applicant shall retain a professional archaeologist to evaluate the quality and significance of the material. Grading shall not continue in the area where a material of potential cultural significance is uncovered until resources have been completely removed by the archaeologist and recorded as appropriate.
- 5.11-2: If human remains are discovered, work shall cease and an appropriate representative of Native American Indian Groups and the County Coroner shall both be informed and consulted, as required by State law.

3.6 GEOLOGY, SOILS, AND SEISMICITY

Section 5.7 of the 1999 SPEIR evaluates impacts of implementation of the Specific Plan on Geology, Soils, and Seismicity. The 1999 SPEIR concludes that no unavoidable significant impacts beyond those previously identified in the 1991 EIR and the 1994 EIR Addendum will occur. Since the proposed project is within the scope of development that was anticipated for this site by the 1999 SPEIR, the impacts of the Residence Inn boutique hotel by Marriott project have been covered by the 1999 SPEIR and development of the project will not increase the impacts beyond those already anticipated.

As explained in the 1999 SPEIR, individual projects will be subject to review and approval by the Town Engineer on a project-by-project basis and conditions may be imposed as result of site-specific studies in compliance with applicable Town, State, and Federal codes. Both, a geotechnical report and a soils report are required prior to issuance of a grading permit in order to verify the site-specific conditions and quality of the soil. The 1999 SPEIR concluded that slope instability in the project area is not a factor since there are not naturally occurring steep slopes in the project area and impacts from newly created slopes or cuts would be less than significant with the incorporation of the mitigation measures. Erosion hazards were considered to be less than significant with adherence to the standard specifications outlined in the Erosion and Sediment Control Plan that all projects within the NVSP area are required to adhere to and impacts from manufactured slopes that are constructed to Town codes and standards were considered to be less than significant. The 1991 EIR determined that the entire NVSP area is not subject to known impacts associated with earthquake-induced landsliding, liquefaction, or seiche inundation hazards and project-specific hazards will be reduced to a less than significant level with adherence to the recommendations in the project's geotechnical report. Volcanic hazards are considered to be a hazard for the entire community, but the 1991 EIR concluded that with adherence to the Town's General Plan Safety Element and mitigation measures included in the 2007 General Plan PEIR, impacts associated with volcanism would be reduced to less than significant levels. The 1999 SPEIR did not expand on the conclusions or determinations made in the 1991 EIR.

Compliance with the 1999 SPEIR mitigation measures identified below, including 5.7-1; 5.7-2a, b, and c; 5.7-4; and 5.7-7, will reduce any potential impacts to geology and soils to less than significant levels.

Mitigation Measures

- 5.7-1: Prior to issuance of grading or building permits, geotechnical studies shall be completed and their recommendations shall be incorporated in the project design, as required by the Town's Safety Element.



- 5.7-2a: Soils and foundation analyses shall be approved by Town staff prior to final project design approval, as required by the Town's Safety Element. All measures required by the Town shall be incorporated into final grading and building plans.
- 5.7-2b: The project applicant shall provide grading plans and receive approval from the Town Engineer. Said plans shall also show that new slopes within the project area are designed pursuant to slope requirements set forth within the Specific Plan and the standards of the Town's Municipal Code.
- 5.7-2c: All work shall be overseen by a licensed Civil Engineer (CE), Certified Engineering Geologist (CEG), or similar appropriately qualified professional, who shall report to the Town Engineer in order to ensure the standards of the applicable codes are met.
- 5.7-4: A comprehensive Erosion and Sediment Transport Control Plan shall be prepared by the project applicant and approved by the Town Engineer prior to the issuance of any grading or building permits. The Plan shall be included in the project design, as required by the Town's Safety Element. The Plan shall also meet the requirements of the Regional Water Quality Control Board and the Town Municipal Code.
- 5.7-7: The project operators shall cooperate with the Town in designing and disseminating information to assist citizens and visitors in responding to emergency situations that are likely to arise. All structures shall be designed and built to at least the standards of UBC Seismic Zone 4.

3.7 HAZARDS AND HAZARDOUS MATERIALS

The 1999 SPEIR does not identify any significant impacts related to Hazards or Hazardous Materials. Since the proposed Residence Inn boutique hotel by Marriott project is consistent with the use and building envelope considered for this site by the 1999 SPEIR, no new impacts would result from implementation of this project. The proposed use, a condominium-hotel project, would not be engaged in the production or disposal of hazardous materials nor is it anticipated that the use would result in the creation of health hazards to the public or visitors or residents of the project. The site is not included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, nor is it located within one-quarter mile of a school or within two miles of a public or private airport or airstrip.

The project is required to comply with applicable Mammoth Lakes Fire Protection District codes for emergency vehicle access. In addition, the project would not impede emergency access for adjacent or surrounding properties during construction or operation, because construction staging and activities would be contained on site. Therefore, project implementation would not interfere with the adopted emergency response plan or result in inadequate emergency access and a less than significant impact would occur in this regard.

The Town and surrounding area have been rated as having high fire potential. Thus, implementation of the proposed project could expose people or structures to risk involving wildland fires, as would be true for any development within the Town. The proposed project is subject to compliance with the Uniform Fire Code, which was amended by the Mammoth Lakes Fire Protection District and adopted as the Town Fire Code. Further, the project design and construction would be reviewed by the Mammoth Lakes Fire Protection District, in conjunction with the application for a building permit, in order to ensure the Fire Code regulations are met. Project implementation would result in a less than significant impact regarding the exposure of people or structures to a significant risk involving wildland fires, following compliance with Fire Code and Fire Protection District requirements.



No mitigation measures were required by the 1999 SPEIR for the NVSP and since no impacts to hazards and hazardous materials have been identified, no mitigation measures are required.

3.8 HYDROLOGY AND WATER QUALITY

Section 5.8 of the 1999 SPEIR evaluates impacts of implementation of the Specific Plan on Hydrology and Drainage. The 1999 SPEIR concludes that no unavoidable significant impacts beyond those previously identified in the 1991 EIR and the 1994 EIR Addendum will occur. Since the proposed project is within the scope of development that was anticipated for this site by the 1999 SPEIR, the impacts of the Residence Inn boutique hotel by Marriott project have been covered by the 1999 SPEIR and development of this project will not increase the impacts beyond those already anticipated.

A preliminary drainage study was prepared for the proposed project by Triad/Holmes Associates in August 2021. The report concludes that the drainage facilities, including drop inlets, swales, and grading to direct flows from the proposed structures, would be adequate to handle the required flows and that since the use is consistent with that envisioned by the Town of Mammoth Lakes 2015 Stormwater Master Plan and the 2005 Storm Drain Master Plan, downstream facilities should be adequate. Erosion control and stormwater treatment measures would be placed in areas of possible erosion. Although no significant impacts have been identified, the following mitigation measures, including 5.8-1; 5.8-1b and c; 5.8-2a and b; and 5.8-3, have been carried over from the 1999 SPEIR and help further reduce any potential impacts to hydrology and water quality.

Mitigation Measures

- 5.8-1: All drainage collection, retention, and infiltration facilities on the site shall be constructed and maintained in accordance with the *Mammoth Lakes Storm Drain Master Plan (SDMP)* and shall be designed in accordance with the *Master Plan Design Manual*, to the satisfaction of the Town of Mammoth Lakes Town Engineer, prior to the issuance of grading permits.
- 5.8-1b: A more complete hydrology analysis for design purposes shall be required to be completed to estimate the amounts of runoff, which will be required to be retained on-site for each development. The analysis shall be approved prior to issuance of a grading permit.
- 5.8-1c: The following water conservation procedures shall be incorporated into project elements where feasible: landscape with low water-using plants; install efficient irrigation systems that minimize runoff and evaporation and maximize the water that will reach the plant roots, such as drip irrigation, soil moisture sensors, and automatic irrigation systems; and use pervious paving material whenever feasible.
- 5.8-2a: An Erosion and Sediment Control Plan shall be prepared by the project proponents prior to issuance of grading permits. The Plan shall be reviewed and approved by the Town of Mammoth Lakes and the Lahontan Regional Water Quality Control Board and be in accordance with the erosion control guidelines as contained in the *Mammoth Lakes SDMP* and be in compliance with the Water Quality Control Plan (for the Lahontan Region [Basin Plan]). General grading activities, including those related to demolition and construction, would be regulated by the Uniform Building Code and Town of Mammoth Lakes Grading Ordinance. The required Erosion and Sediment Control Plan shall outline methods that will be implemented to control erosion and



sediment transport from graded or cleared portions of the individual redevelopment/improvement sites.

- 5.8-2c: A Waste Discharge Report (related to soil disturbance) shall be prepared by the project applicant and submitted to the Lahontan Regional Water Quality Control Board not less than 90 days before the intended start of construction activities of a new development to obtain a Waste Discharge Permit or waiver to ensure that proper control measures for the protection of water quality are taken and adhered to during all phases of the development project. A copy of the Waste Discharge Report shall be submitted to the Town of Mammoth Lakes engineering division prior to issuance of a grading permit for the project.
- 5.8-3: Best Management Practices (BMPs) shall be implemented to the satisfaction of the Lahontan Regional Water Quality Control Board and NPDES Program requirements in order to protect the receiving waters from degradation and correct existing problems. BMPs include structural controls such as retention/detention basins, oil-water separators, which could be implemented in the overall design of the proposed drainage facilities for individual development sites.

3.9 LAND USE AND PLANNING

Section 5.1 of the 1999 SPEIR evaluates the impacts of implementation of the Specific Plan relating to Land Use and Relevant Planning. The 1999 SPEIR concludes that no unavoidable significant impacts beyond those previously identified in the 1991 EIR and the 1994 EIR Addendum will occur. Since the proposed project is within the scope of development that was anticipated for the project site and is consistent with the uses envisioned for the site, the impacts of the Residence Inn boutique hotel by Marriott project have been covered by the 1999 SPEIR, and development of the project will not increase the impacts beyond those already anticipated.

The project involves development of a condominium-hotel lodging product, consistent with the use, density, and building envelope specified for the site in the NVSP. The proposed project would redevelop the areas of the site that are currently developed, and would include new pedestrian sidewalk that will improve pedestrian safety and begin to integrate the east village area with The Village core and surrounding neighborhoods. Therefore, the project would not physically divide an established community. Furthermore, the proposed project is consistent with all of the zoning standards of the NVSP for this site and is consistent with both the Town's General Plan and Municipal Code.

No mitigation measures were required by the 1999 SPEIR for the NVSP and since no new impacts to land use and planning have been identified, no mitigation measures are required.

3.10 MINERAL RESOURCES

The 1999 SPEIR does not identify any significant impacts to mineral resources, specifically to mineral resources that would be of value to the region and the residents of the state or to locally important mineral resource recovery sites. Therefore, project implementation would have no impact to mineral resources.

No mitigation measures were required by the 1999 SPEIR for the NVSP and since no impacts to mineral resources have been identified, no mitigation measures are required.



3.11 NOISE

Section 5.6 of the 1999 SPEIR evaluates the noise impacts resulting from implementation of the Specific Plan. The 1999 SPEIR determined that no unavoidable significant impacts beyond those previously identified in the 1991 EIR and the 1994 EIR Addendum would occur as a result of implementation of the Specific Plan. Since the proposed project is consistent with the use and density envisioned for this site by the NVSP, there are no new impacts that would result from project implementation and development of this project will not increase the impacts beyond those already anticipated

Grading and construction may result in temporary noise impacts, including ground-borne noise or vibrations, to nearby noise sensitive receptors. Long-term operations associated with the project, such as loading and unloading, operation of mechanical equipment such as air conditioning units, and guests arriving to and leaving the project, may result in the generation of on-site noise. Compliance with the following mitigation measures, including 5.6-1a, b, and c; 5.6-2a and b; and 5.6-3c and d, which have been carried over from the 1999 SPEIR, will reduce any potential impacts to noise to a less than significant level.

Mitigation Measures

- 5.6-1a: Pursuant to Chapter 8.16.090 of the Town's Noise Ordinance, construction activities shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday and prohibited on Sunday or holidays, or as otherwise permitted by Chapter 8.16.090.
- 5.6-1b: Construction equipment shall be muffled or controlled, if required, to meet Chapter 8.16 requirements for maximum noise generated by construction equipment. Contracts shall specify that engine-driven equipment be fitted with appropriate noise mufflers.
- 5.6-1c: The construction contractor shall provide temporary sound barriers around pile driving sites to the satisfaction of the Town Engineer should such activities take place in areas within 400 feet of existing residential units, if required to meet Chapter 8.16 requirements.
- 5.6-2a: The proposed project shall be located or architecturally designed to reduce the project noise impacts upon properties adjacent to each master planned area or project property line, such that the exterior noise levels will not exceed Town Noise Ordinance requirements for an urban and multiple family setting. Design features could include setbacks, berms, landscaping, and architectural features, adjacent to both arterial and interior streets.
- 5.6-2b: Multi-family buildings shall be located or architecturally designed so the interior noise level will not exceed 45 Ldn. As a minimum, multi-family housing shall comply with Title 24 of the California Code of Regulations.
- 5.6-3c: Outdoor PA systems shall not be permitted to operate between the hours of 10:00 p.m. and 7:00 a.m. and shall not exceed the Town's Noise Ordinance standards at project property lines. Adherence with this measure is subject to periodic site inspections by the Town of Mammoth Lakes.
- 5.6-3d: Directional speakers shall be shielded and/or oriented away from off-site residences to the satisfaction of the Town Building Inspector.



3.12 POPULATION AND HOUSING

Section 5.2 of the 1999 SPEIR evaluates the impacts of implementation of the Specific Plan relating to Population and Housing. The 1999 SPEIR found that with implementation of the housing policies and programs described in the Specific Plan, there would be no significant impacts related to employment, population, and housing. The proposed Residence Inn boutique hotel by Marriott project is consistent with the density permitted for this site by the NVSP. The proposed project will result in 101 new “rooms,” with a room being defined in the NVSP as equating to one hotel room or one bedroom, loft, or sleeping area in residential uses.

The NVSP has been amended several times since the plan was originally adopted. Each time the plan was amended, the Town approved or certified corresponding environmental compliance documentation. In particular, in 1999, the Town amended the NVSP (the “1999 Specific Plan Amendment”) and approved and certified the 1999 NVSP Subsequent Program EIR (“1999 NVSP SPEIR”). The 1999 Specific Plan Amendment further refined provisions for housing within the NVSP to address the lack of affordable housing to serve the extensive service industry employment base associated with the tourism industry, which led to overcrowding of apartment units, and acted as a deterrent to economic development. (1999 NVSP SPEIR, p. 5.2-5.)

To address the issue of affordable housing, the 1999 Specific Plan Amendment established the Affordable Housing Mitigation Regulations (“AHMR”). (NVSP, p. 79; 1999 NVSP SPEIR, pp. 5.2-6, 5.2-19.) The AHMR provide a mitigation strategy to offset the impacts that new development has on affordable housing in the Town. The AHMR requires a developer of new development that results in an increase in the need for employees (including hotel and commercial lodging) to either construct or make available affordable housing for 58.5% of the Full-Time Employee Equivalent (“FTEE”) generated by the new project (0.585 x FTEE). (1999 NVSP SPEIR, pp. 3-36 through 3-37; see also Ordinance No. 00-10, Ex. A, Chapter 17.36.010.A and 17.36.020.)

The 1999 NVSP SPEIR determined that, with implementation of this methodology, along with the affordable housing policies and objectives outlined in the NVSP, the demand for affordable housing caused by new development within the NVSP would be less than significant, and no mitigation measures were required. (1999 NVSP SPEIR, pp. 5.2-18 through 5.2-22.)

In 2000, the Town codified AHMR into the Town’s Zoning Code as Chapter 17.36. In 2009, Chapter 17.36 was superseded by Resolution 09-76, which established an Interim Affordable Housing Mitigation Policy. Later, in 2014, the Town updated its affordable housing ordinance by rescinding the Interim Affordable Housing Mitigation Policy (Resolutions 09-76 and 14-54) and adopting Municipal Code Chapter 17.136. Chapter 17.136 established the Town’s housing impact mitigation fees, including in-lieu fees that were based upon the number of units proposed in the new development.

In 2015, the Town updated its housing ordinance and affordable housing in-lieu fee, modified the Housing Element in the General Plan, and updated Chapter 17.136. The updated Chapter 17.136 offers a menu-based format that allows developers to choose a desired method for housing mitigation (e.g., fee, on-site housing, off-site housing, conveyance of land, or other). (Addendum to Housing Element Update 2014-2019 Negative Declaration, p. 3.)

The proposed Project is consistent with these NVSP objectives and policies because the project applicant will pay an in-lieu affordable housing fee at the Town’s current rates. This fee will be placed in a separate fund of the Town and will be used to administer, subsidize, or develop workforce housing. (Town’s Zoning Code, Chapter 17.136.040.G) Thus, even though Project



implementation will likely result in an overall increase in demand for affordable employee housing, the in-lieu fee will ensure an adequate supply of affordable housing is provided within the Town, and encourage development of employee housing and supporting residential facilities for North Village employees.

Development of the Project will not increase the affordable housing impacts beyond those already anticipated in the 1999 NVSP SPEIR because payment of the in-lieu fee will reduce any impacts associated with the demand for affordable housing. Since the proposed project is within the scope of development that was anticipated for this NVSP site and is consistent with the uses envisioned for this site, including the offset of affordable housing, impacts of the Project would not be greater than what was analyzed in the 1999 NVSP SPEIR.

With respect to the Town's Zoning Code, the project will comply with the Town's affordable housing requirements by paying an in-lieu affordable housing fee. The housing fee calculation will be based on the number of new units in the Project. (Zoning Code, Chapter 17.136.040(C).) This is consistent with the Town's purpose in implementing Chapter 17.136, which is to "[e]ncourage the development and availability of housing that is affordable to a broad range of households with varying income levels within the town," and to "[m]itigate the impacts of market rate residential and non-residential development on the need for workforce housing in the town through the imposition of workforce housing requirements . . ." (Zoning Code, Chapter 17.136.010.) The Project is consistent with the Zoning Code and impacts related to affordable housing would therefore be less than significant. Since no new impacts to population and housing have been identified, no mitigation measures are required.

3.13 PUBLIC SERVICES

Section 5.10 of the 1999 SPEIR evaluates the impacts to public services including fire and police protection, schools, parks, and other public facilities. The 1999 SPEIR found that with mitigation, the impacts will be reduced to a less than significant level. The proposed Residence Inn boutique hotel by Marriott project is consistent with the use and density permitted for this site by the NVSP, and therefore, would not cause new impacts to public services beyond those already identified in the 1999 SPEIR.

Since the project is consistent with the density envisioned by the NVSP and with the density previously analyzed by the 1999 SPEIR, any potential impacts to fire and police protection services will be reduced to a less than significant level through the implementation of the mitigation measures identified in the 1999 SPEIR. While the project could result in a slight increase in emergency calls, the project would not result in development that is unique in the area. Existing service ratios and response times would not be affected by the proposed project and new fire and/or police facilities would not be required. With payment of the development impact fees as required by Town Code, project implementation would not significantly impact fire or police protection services.

The project is required to annex into the existing North Village Benefit Assessment District (BAD), or form a new BAD, to cover snow removal and road maintenance as well as other items including landscaping, street lighting, and pedestrian amenities within the public right-of-way.

Compliance with the following mitigation measures, including 5.10-1b and c; 5.10-3; and 5.10-4a, which have been carried over from the 1999 SPEIR, will reduce any potential impacts to public services to a less than significant level.



Mitigation Measures

- 5.10-1b: Access roads to all structures, and areas of use, shall comply with Mammoth Lakes Fire Protection District Ordinance 98-01 (or any updated version of that ordinance).
- 5.10-1c: An approved water supply system capable of supplying required fire flow for fire protection purposes, as determined by the Fire District, shall be approved.
- 5.10-3: In accordance with A.B. 2926, the developer shall pay Developer Fees for commercial uses and for residential uses (condominiums).
- 5.10-4a: The project proponent shall contribute a fair share financial contribution in accordance with the Town's DIF Mitigation Program established under Resolution 98-06 (or any updated version of that ordinance).

3.14 RECREATION

Section 5.10 of the 1999 SPEIR evaluates the impacts to recreation facilities under the "Public Services and Utilities" section. The proposed project is consistent with the use and density permitted for this site by the NVSP and there are no new impacts beyond those already analyzed in the 1999 SPEIR. The following mitigation measure has been carried over from the 1999 SPEIR and will reduce potential impacts to recreation facilities to a less than significant level.

Mitigation Measures

- 5.10-4a: The project proponent shall contribute a fair share financial contribution in accordance with the Town's DIF Mitigation Program established under Resolution 98-06 (or any updated version of that ordinance).

3.15 TRANSPORTATION AND TRAFFIC

Section 5.4 of the 1999 SPEIR discusses Transportation and Traffic, including impacts resulting from development of the entire NVSP area and cumulative impacts assuming buildout of the rest of the town. The 1999 SPEIR found that project traffic, project plus cumulative traffic, parking, and transit impacts identified in conjunction with development and buildout of the NVSP project, can be mitigated to a less than significant level.

As reported in the December 21, 2021 "Mammoth Hotel - Traffic Evaluation" memorandum prepared by Trames Solutions, Inc., the proposed project will result in a total of 844 trips per day, with 47 trip ends occurring during the AM peak hour, and 60 trip ends occurring during the PM peak hour. The traffic evaluation concludes that the proposed 101 room condominium hotel is not anticipated to generate a large number of trips during peak hours, in that the number of new AM and PM peak hour trips was determined to be fewer than 100, which falls below the threshold for a comprehensive traffic study. The Traffic Evaluation was prepared using the the Institute of Transportation Engineers (ITE) Trip Generation Handbook (10th Edition), and the Land Use Code 310 (Hotel) was utilized as the appropriate use to represent the project.

The proposed Residence Inn boutique hotel by Marriott project is consistent with the permitted density under the NVSP. Therefore, the project generated traffic will not exceed that which was previously evaluated in the 1999 SPEIR and no additional traffic analysis will be required. The project will be responsible for payment of development impact fees to address fair-share contributions to mitigations identified in the 1999 SPEIR and/or the Town's 2007 General Plan PEIR.



The project has been reviewed by the Town Engineering Department and staff conducted a site visit to meet with members of the community regarding traffic concerns. Amy Callanan, Engineering Manager, responded to the concerns that were raised, and confirmed that the Public Works Department could relocate an existing “not a through street” sign for better visibility and remove the flashing lights from the sign. Ms. Callanan also stated that conditions of approval for the project will be included, such as requiring “right turn only” signs to be located at the vehicle exits from the property, to deter cut through traffic on residential streets east of the site (Condition of Approval #119 and 120).

The project will provide emergency access consistent with all of the current Public Works standards for the Town and the Mammoth Lakes Fire Protection District. Proposed parking is also consistent with the parking standards in the NVSP and with Town Standards. Therefore, the impacts of parking and emergency access will be less than significant.

The Town’s General Plan includes a number of goals and policies that relate to “feet first” and focusing on pedestrian connectivity and alternative transportation, such as public transit and bicycles. This project supports those policies by providing a sidewalk along the south and west property frontages and will provide bicycle parking, both short-term and long-term, within the project.

Compliance with the following mitigation measures, including 5.4-5 and 5.4-6, which have been carried over from the 1999 SPEIR, will reduce any potential impacts to transportation and traffic to a less than significant level.

Mitigation Measures

- 5.4-5: The developer shall prepare and provide to the Town Engineer for review and approval, a Traffic Control Officer Monitoring Plan. The Plan shall outline at a minimum, scheduled days of monitoring together with a program to determine additional days of monitoring as may be determined by projected occupancy rates, performance criteria, duration of monitoring, and responsible parties.
- 5.4-6: New development shall participate on a fair share basis in the development and operation of a community-wide winter transit system to achieve the ridership levels assumed in the MTM.

3.16 UTILITIES AND SERVICE SYSTEMS

Section 5.10 of the 1999 SPEIR evaluates the impacts of implementation of the Specific Plan on Public Services and Utilities. The 1999 SPEIR concluded that no unavoidable significant impacts beyond those previously identified in the 1991 EIR and the 1994 EIR Addendum would occur and that impacts would be mitigated to a less than significant level. Project implementation would increase the demand for water and increase the generation of wastewater and solid waste. However, since the proposed project is consistent with the use and density permitted for this site by the NVSP, these impacts are within the scope of those analyzed in the 1999 SPEIR and no new impacts will result from implementation of the project.

Implementation of the project will not result in the need to construct new water or wastewater treatment facilities. New storm water drainage facilities will not be required other than those directly serving the project site.

Compliance with the following mitigation measures, including 5.10-4b and 5.10-9, which have been carried over from the 1999 SPEIR, will reduce any potential impacts to utilities and services systems to a less than significant level.



Mitigation Measures

- 5.10-4b: The project applicant shall pay the appropriate fees to the Mammoth Community Water District (MCWD). All new water and wastewater conveyance facilities shall be located and installed within public rights-of-way or utility easements.
- 5.10-9: Prior to issuance of a building permit, the applicant shall provide an Integrated Solid Waste Management Plan (ISWMP) consistent with the Town's SRRE. The plan shall address, at a minimum, the following measures: construction demolition; recycling; composting; source reduction programs; storage areas for collected recyclable materials, and disposal of hazardous waste materials used on-site.

4.0 DETERMINATION / CONCLUSION

As detailed in the analysis above, this report supports the determination that the potential environmental impacts of the proposed Residence Inn boutique hotel by Marriott project were previously covered in the certified 1999 North Village Specific Plan Subsequent Environmental Impact Report (1999 SPEIR) (SCH #99-092082) since the project, as proposed, is consistent with all applicable development standards of the NVSP and no amendments of the NVSP are being requested, and all of the potential impacts from the development of the NVSP area with the intensity and standards specified in the NVSP were covered in the previous environmental documentation. Therefore, pursuant to CEQA Guidelines §15168[c][2], no new environmental compliance document is required since the scope and intensity of the project was fully covered by the 1999 SPEIR and none of the criteria outlined in CEQA Guidelines §15162 for when a subsequent environmental compliance documentation is required has occurred:

- a. There are no substantial changes to the project from what was analyzed in the 1999 SPEIR that will require revisions to the previous EIR, and therefore, no new significant environmental effects or a substantial increase in the severity of previously identified significant effects will occur. The project is consistent with all applicable NVSP development standards for the Specialty Lodging (SL) zone, including, but not limited to, density, site coverage, building area, building height, setbacks, and parking, and the 1999 SPEIR found that the potential impacts from a project at this site that conforms to all of the development standards would result in less than significant impacts with the incorporation of the mitigation measures imposed under the 1999 EIR and 1994 EIR Addendum.
- b. There are no substantial changes with respect to the circumstances under which the project is being undertaken that will require major revisions to the previous EIR since the project site remains in a similar condition as it was when it was originally analyzed in the 1999 SPEIR and the project, as proposed, is consistent with what was analyzed in the 1999 SPEIR for the site. Additionally, no changes or amendments to the 1999 SPEIR with respect to the project site have occurred. Therefore, since the circumstances under which the project is being undertaken remain unchanged, no new significant environmental effects or a substantial increase in the severity of previously identified significant effects are anticipated to occur.
- c. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, to show that:
 - (1) The project will have one or more significant effects not previously discussed in the IR since, as described in the Residence Inn CEQA Conformance Documentation, no changes have occurred with respect to the intensity of the development that was



- previously analyzed in the 1999 SPEIR and all potential environmental effects were found to be adequately analyzed in the 1999 SPEIR;
- (2) Significant effects previously examined will be substantially more severe than shown in the previous EIR. As discussed in the Residence Inn CEQA Conformance Documentation, only impacts with regard to Air Quality were found to be significant in the previously certified 1999 SPEIR, and the potential impacts with regard to Air Quality from the proposed project were found to have been covered in the 1999 SPEIR since the project is within the scope of development that was intended for the project site;
 - (3) 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. The mitigation measures in the 1999 SPEIR reduce all potential impacts to a less than significant level, with the exception of impacts related to Air Quality, which were found to be significant due to ongoing region-wide violations of the State and Federal PM10 standards and no mitigation measure or alternative would adequately reduce that impact to a less than significant level, and therefore, there are no additional mitigation measures or alternatives that would be feasible that would reduce one or more significant effects of the project; and
 - (4) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR and would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative. The mitigation measures in the 1999 SPEIR reduce all potentially significant impacts to a less than significant level, with the exception of impacts related to Air Quality, which were found to be significant due to ongoing region-wide violations of the State and Federal PM10 standards and no mitigation measure or alternative would adequately reduce that impact to a less than significant level. Therefore, there are no other mitigation measures or alternatives from those analyzed in the 1999 SPEIR which would reduce one or more significant effects on the environment.



5.0 REFERENCES

The following references were utilized during preparation of this CEQA Conformance Document. These documents are available for review at the Town of Mammoth Lakes, 437 Old Mammoth Road, Suite 230, Mammoth Lakes, California 93546.

1. Town of Mammoth Lakes, *Final Environmental Impact Report for the North Village Specific Plan*, February 1991.
2. Town of Mammoth Lakes, *Addendum to the 1991 North Village Specific Plan Environmental Impact Report*, May 1994.
3. Town of Mammoth Lakes, *Subsequent Program Environmental Impact Report for the 1999 North Village Specific Plan Amendment*, October 2000.
4. Town of Mammoth Lakes, *North Village Specific Plan*, December 2000 (amended May 2008, October 2009, December 2014, and June 2017).
5. Town of Mammoth Lakes, *Town of Mammoth Lakes General Plan*, August 2007 (updated most recently in 2016).
6. Town of Mammoth Lakes, *Final Program Environmental Impact Report for the Town of Mammoth Lakes 2005 General Plan Update*, May 2007.
7. Town of Mammoth Lakes, *Town of Mammoth Lakes Municipal Code*, codified through Ordinance No. 14-02 (updated most recently in 2019).
8. Trames Solutions, Inc., *Mammoth Hotel Traffic Evaluation*, December 21, 2021.
9. Trans-Sierran Archaeological Research, *An Archaeological Survey of The North Village Project Area*, February 1990.
10. Triad/Holmes Associates, *Residence Inn Preliminary Drainage Study*, August 2021.
11. Great Basin Unified Air Quality Management District, *Air Quality Management Plan for the Town of Mammoth Lakes*, 1990 (updated November 2016).



APPENDIX A - INVENTORY OF MITIGATION MEASURES

AESTHETICS

- 5.3-1a: To the maximum extent practical, the proposed project shall retain forested areas, and the development shall remain subordinate to the natural character of the site and surrounding landscape.
- 5.3-1b: Prior to final approval of project development plans, the applicant shall submit a tree preservation and replacement plan pursuant to the Municipal Code, Zoning, requirements related to grading and clearing. The Preservation and Replacement Plan, including the type, size, number and location of replacement trees shall be subject to the approval of the Town of Mammoth Lakes Community Development Director.
- 5.3-1c: Contour grading shall be used to blend manufactured slopes into the natural terrain. Grading shall be minimized to preserve existing landform and vegetation to the greatest extent possible.
- 5.3-1d: The landscape design for the site shall maximize the use of existing vegetation, and where new plants are introduced, they shall include, and/or blend with, plants native to the Mammoth Lakes environment. Landscape plans for the site shall be completed by a certified landscape architect.
- 5.3-1e: To the maximum extent practical, native trees and landscaping shall be concentrated around all structures located on the project site.
- 5.3-1f: Grading techniques shall be used which minimize the area of disturbance and shall incorporate such methods as decorative retaining walls rather than slopes to minimize the area of disturbance.
- 5.3-1j: Staging locations shall be indicated on project Building Permit and Grading Plans and shall be subject to review by the Town of Mammoth Lakes Community Development Director in accordance with Municipal Code requirements.
- 5.3-1k: Upon submittal of Final Development Plans to the Town for the development site, the applicant shall demonstrate that long-range views of the Sherwin Range are incorporated into the project design.
- 5.3-1m: The buffer for properties adjacent to the specific plan boundaries shall be defined as a building setback area of not less than 20 feet to buildings up to 35 feet tall. Portions of buildings which exceed 35 feet adjacent to the Specific Plan boundaries shall require an additional setback of generally 1 foot for every two feet of building height beyond the 20 foot minimum setback. Trees shall be maintained within the buffer area, except for required vehicular and pedestrian access.
- 5.3-2a: Adoption of the North Village Specific Plan shall include all provisions for design review stated in the Plan, with all phases and developments proposed within the Specific Plan area undergoing review by a Town-appointed Design Review Committee and/or Planning Commission.
- 5.3-2b: The architectural style for the development shall blend with the site's natural setting. Rooflines shall reflect the slope of the site, and natural "earth tone" colors and materials such as stone and wood shall be emphasized. Conformance shall be assured through the Town's design review procedures.



- 5.3-3a: Low-intensity street lighting and low-intensity exterior lighting shall be used throughout the development to the degree feasible. Lighting fixtures shall use shielding, if necessary, to prevent spill lighting on adjacent off-site uses.
- 5.3-3b: Lighting used for various components of the development plan be reviewed under North Village Specific Plan design guidelines which shall include review of light intensity levels, fixture height, fixture location, and design.
- 5.3-3c: The project shall use minimally reflective glass and all other materials used on exterior buildings and structures shall be selected with attention to minimizing reflective glare.
- 5.3-3d: Vegetative buffers shall be used to reduce light intrusion on residential development and on forested areas located adjacent to the project site.

AIR QUALITY

- 5.5-1a: In order to reduce fugitive dust emissions, each development project shall obtain permits, as needed, from the Town and the State Air Pollution Control District (APCD) and shall implement measures during grading and/or construction of the individual development sites to ensure compliance with permit conditions and applicable Town and APCD requirements.
 - a. The individual development projects shall comply with State, APCD, Town, and Uniform Building Code dust control regulations, so as to prevent the soil from being eroded by wind, creating dust, or blowing onto a public road or roads or other public or private property.
 - b. Adequate watering techniques shall be employed on a daily basis to partially mitigate the impact of construction-generated dust particulates.
 - c. Clean-up on construction-related dirt on approach routes to individual development sites/improvements shall be ensured by the application of water and/or chemical dust retardants that solidify loose soils. These measures shall be implemented for construction vehicle access, as directed by the Town Engineer. Measures shall also include covering, watering or otherwise stabilizing all inactive soil piles (left more than 10 days) and inactive graded areas (left more than 10 days).
 - d. Any vegetative ground cover to be utilized on the individual development sites/improvements shall be planted as soon as possible to reduce the amount of open space subject to wind erosion. Irrigation shall be installed as soon as possible to maintain the ground cover.
 - e. All trucks hauling dirt, soil or other loose dirt material shall be covered.
- 5.5-1b: To reduce the potential of spot violations of the CO standards and odors from construction equipment exhaust, unnecessary idling of construction equipment shall be avoided.
- 5.5-2a: In order to reduce emissions associated with both mobile and stationary sources (i.e., wood burning stoves and fireplaces), the project shall adhere to the regulations contained in the Air Quality Management Plan for the Town of Mammoth Lakes and Chapter 8.30, Particulate Emission Regulations, of the Town's Municipal Code. The commercial use tenants throughout the Specific Plan area shall, at a minimum, include the following, as appropriate:
 - a. Bicycle racks, lockers or secure storage areas for bicycles;
 - b. Transit access, including bus turnouts;



- c. Site access design shall avoid queuing in driveways; and
 - d. Mulch, groundcover, and native vegetation to reduce dust
- 5.5-2b: The project shall contribute on a fair share basis to the Town's street sweeping operations in order to reduce emissions and achieve the required Federal standard.

BIOLOGICAL RESOURCES

- 5.9-2a: The project shall preserve existing native vegetation to the maximum extent feasible. Landscaping shall emphasize the use of native plants indigenous to the Jeffrey Pine-Fir Forest plant community. Whenever possible, native plants used on-site shall be selected for their replacement habitat value. Site designs shall be subject to the Design Review procedure of the Town.
- 5.9-2b: Landscape materials shall be used that allow for the protection and preservation of existing trees. Native plant species, preferably from seed or cuttings from local plants, shall be used where possible. The Landscape Plan shall be approved by the Planning Director prior to issuance of any construction permits.
- 5.9-2c: Irrigation, fertilization and other landscape management practices shall be designed to minimize effects on existing trees and other vegetation.
- 5.9-2d: To the extent possible, native vegetation shall be retained and protected during construction. A Revegetation Plan, prepared by a qualified Landscape Architect and approved by the Town of Mammoth Lakes, shall be completed prior to the commencement of the project, which will describe in detail the species of trees and shrubs that will be used, where they will be planted and in what numbers, and the methods of planting and maintenance, which will ensure successful growth. It shall include a monitoring program to follow the progress of new plantings and ensure replacement of unsuccessful plants. Landscaping with native species of trees and shrubs shall be undertaken to enhance wildlife use of cleared areas.
- 5.9-2e: Under AB3180, once mitigation plans designed to off-set habitat losses are approved and the specific areas where they will be located are identified, the proponent must provide a program to monitor their progress for a period of time (usually three to five years) deemed sufficient by the Planning Director to assure their successful development. Adequate security shall be deposited with the Town to ensure successful implementation of this measure.
- 5.9-2f: All construction activities, including movement and storage of vehicles and the storage of building and other materials, shall be confined to areas slated for development. Care shall be taken during construction to avoid damage to vegetation and habitats not directly involved in project construction. Any vegetation inadvertently damaged outside of the area slated for development shall be replaced on a one-to-one basis on- or off-site. Off-site replacement shall require the approval of the Town Planning Director.
- 5.9-2g: To prevent erosion and siltation into intermittent creeks, areas cleared of vegetation, fill or other materials shall be stabilized after clearing and grading. Hay bales, silt screens or similar devices shall be used to prevent siltation. To further protect the drainage system and prevent erosion, all grading and construction shall be completed during the summer months, or after October 15 of each year be in a condition to be stabilized within 48 hours should inclement weather threaten.



- 5.9-2h: A Forest Condition Survey shall be conducted by a professional forester and approved by the Town of Mammoth Lakes, prior to the commencement of each individual development project. All trees greater than 12-inches dbh (diameter at breast height (54 inches above ground)) and significant stands on each project site shall be mapped prior to issuance of grading permits or clearing. A registered forester or arborist shall then determine the age and condition of these trees and whether they should be retained or removed based upon health and visual significance of the trees, except for removal required by approved improvements. Once this determination is made, those trees shall be retained and integrated into the design of each project. A program of specific protection measures shall be prepared by the developer and approved by the Town prior to issuance of any construction permits (e.g., construction fencing, grading controls, grading design, etc.). Any trees removed unavoidable by each final project approval shall be in accordance with Town policies. Off-site replacement shall require approval by the Town's Planning Director.
- 5.9-2i: Slash generated from construction or thinning operations shall be hauled from the site concurrent with the operation to prevent a breeding site for IPS. Logs shall be removed from the site as soon as possible.
- 5.9-2j: Construction and site development, such as grading and trenching, shall be prohibited within the dripline of retained trees. Equipment shall not be stored or driven under trees. Grading shall not cover the ground surface within the dripline of existing trees. Grading limits shall be clearly defined and protected.

CULTURAL RESOURCES

- 5.11-1e: In the event that a material or potential cultural significance is uncovered during grading activities on the project site, all grading in the area of the uncovered material shall cease and the project applicant shall retain a professional archaeologist to evaluate the quality and significance of the material. Grading shall not continue in the area where a material of potential cultural significance is uncovered until resources have been completely removed by the archaeologist and recorded as appropriate.
- 5.11-2: If human remains are discovered, work shall cease and an appropriate representative of Native American Indian Groups and the County Coroner shall both be informed and consulted, as required by State law.

GEOLOGY AND SOILS

- 5.7-1: Prior to issuance of grading or building permits, geotechnical studies shall be completed and their recommendations shall be incorporated in the project design, as required by the Town's Safety Element.
- 5.7-2a: Soils and foundation analyses shall be approved by Town staff prior to final project design approval, as required by the Town's Safety Element. All measures required by the Town shall be incorporated into final grading and building plans.
- 5.7-2b: The project applicant shall provide grading plans and receive approval from the Town Engineer. Said plans shall also show that new slopes within the project area are designed pursuant to slope requirements set forth within the Specific Plan and the standards of the Town's Municipal Code.



- 5.7-2c: All work shall be overseen by a licensed Civil Engineer (CE), Certified Engineering Geologist (CEG), or similar appropriately qualified professional, who shall report to the Town Engineer in order to ensure the standards of the applicable codes are met.
- 5.7-4: A comprehensive Erosion and Sediment Transport Control Plan shall be prepared by the project applicant and approved by the Town Engineer prior to the issuance of any grading or building permits. The Plan shall be included in the project design, as required by the Town's Safety Element. The Plan shall also meet the requirements of the Regional Water Quality Control Board and the Town Municipal Code.
- 5.7-7: The project operators shall cooperate with the Town in designing and disseminating information to assist citizens and visitors in responding to emergency situations that are likely to arise. All structures shall be designed and built to at least the standards of UBC Seismic Zone 4.

HYDROLOGY AND WATER QUALITY

- 5.8-1: All drainage collection, retention, and infiltration facilities on the site shall be constructed and maintained in accordance with the *Mammoth Lakes Storm Drain Master Plan (SDMP)* and shall be designed in accordance with the *Master Plan Design Manual*, to the satisfaction of the Town of Mammoth Lakes Town Engineer, prior to the issuance of grading permits.
- 5.8-1b: A more complete hydrology analysis for design purposes shall be required to be completed to estimate the amounts of runoff, which will be required to be retained on-site for each development. The analysis shall be approved prior to issuance of a grading permit.
- 5.8-1c: The following water conservation procedures shall be incorporated into project elements where feasible: landscape with low water-using plants; install efficient irrigation systems that minimize runoff and evaporation and maximize the water that will reach the plant roots, such as drip irrigation, soil moisture sensors, and automatic irrigation systems; and use pervious paving material whenever feasible.
- 5.8-2a: An Erosion and Sediment Control Plan shall be prepared by the project proponents prior to issuance of grading permits. The Plan shall be reviewed and approved by the Town of Mammoth Lakes and the Lahontan Regional Water Quality Control Board and be in accordance with the erosion control guidelines as contained in the *Mammoth Lakes SDMP* and be in compliance with the Water Quality Control Plan (for the Lahontan Region [Basin Plan]). General grading activities, including those related to demolition and construction, would be regulated by the Uniform Building Code and Town of Mammoth Lakes Grading Ordinance. The required Erosion and Sediment Control Plan shall outline methods that will be implemented to control erosion and sediment transport from graded or cleared portions of the individual redevelopment/improvement sites.
- 5.8-2c: A Waste Discharge Report (related to soil disturbance) shall be prepared by the project applicant and submitted to the Lahontan Regional Water Quality Control Board not less than 90 days before the intended start of construction activities of a new development to obtain a Waste Discharge Permit or waiver to ensure that proper control measures for the protection of water quality are taken and adhered to during all phases of the development project. A copy of the Waste Discharge Report shall be submitted to the Town of Mammoth Lakes engineering division prior to issuance of a grading permit for the project.



- 5.8-3: Best Management Practices (BMPs) shall be implemented to the satisfaction of the Lahontan Regional Water Quality Control Board and NPDES Program requirements in order to protect the receiving waters from degradation and correct existing problems. BMPs include structural controls such as retention/detention basins, oil-water separators, which could be implemented in the overall design of the proposed drainage facilities for individual development sites.

NOISE

- 5.6-1a: Pursuant to Chapter 8.16.090 of the Town's Noise Ordinance, construction activities shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday and prohibited on Sunday or holidays, or as otherwise permitted by Chapter 8.16.090.
- 5.6-1b: Construction equipment shall be muffled or controlled, if required, to meet Chapter 8.16 requirements for maximum noise generated by construction equipment. Contracts shall specify that engine-driven equipment be fitted with appropriate noise mufflers.
- 5.6-1c: The construction contractor shall provide temporary sound barriers around pile driving sites to the satisfaction of the Town Engineer should such activities take place in areas within 400 feet of existing residential units, if required to meet Chapter 8.16 requirements.
- 5.6-2a: The proposed project shall be located or architecturally designed to reduce the project noise impacts upon properties adjacent to each master planned area or project property line, such that the exterior noise levels will not exceed Town Noise Ordinance requirements for an urban and multiple family setting. Design features could include setbacks, berms, landscaping, and architectural features, adjacent to both arterial and interior streets.
- 5.6-2b: Multi-family buildings shall be located or architecturally designed so the interior noise level will not exceed 45 Ldn. As a minimum, multi-family housing shall comply with Title 24 of the California Code of Regulations.
- 5.6-3c: Outdoor PA systems shall not be permitted to operate between the hours of 10:00 p.m. and 7:00 a.m. and shall not exceed the Town's Noise Ordinance standards at project property lines. Adherence with this measure is subject to periodic site inspections by the Town of Mammoth Lakes.
- 5.6-3d: Directional speakers shall be shielded and/or oriented away from off-site residences to the satisfaction of the Town Building Inspector.

PUBLIC SERVICES / RECREATION

- 5.10-1b: Access roads to all structures, and areas of use, shall comply with Mammoth Lakes Fire Protection District Ordinance 98-01 (or any updated version of that ordinance).
- 5.10-1c: An approved water supply system capable of supplying required fire flow for fire protection purposes, as determined by the Fire District, shall be approved.
- 5.10-3: In accordance with A.B. 2926, the developer shall pay Developer Fees for commercial uses and for residential uses (condominiums).



- 5.10-4a: The project proponent shall contribute a fair share financial contribution in accordance with the Town's DIF Mitigation Program established under Resolution 98-06 (or any updated version of that ordinance).

TRANSPORTATION AND TRAFFIC

- 5.4-5: The developer shall prepare and provide to the Town Engineer for review and approval, a Traffic Control Officer Monitoring Plan. The Plan shall outline at a minimum, scheduled days of monitoring together with a program to determine additional days of monitoring as may be determined by projected occupancy rates, performance criteria, duration of monitoring, and responsible parties.
- 5.4-6: New development shall participate on a fair share basis in the development and operation of a community-wide winter transit system to achieve the ridership levels assumed in the MTM.

UTILITIES AND SERVICE SYSTEMS

- 5.10-4b: The project applicant shall pay the appropriate fees to the Mammoth Community Water District (MCWD). All new water and wastewater conveyance facilities shall be located and installed within public rights-of-way or utility easements.
- 5.10-9: Prior to issuance of a building permit, the applicant shall provide an Integrated Solid Waste Management Plan (ISWMP) consistent with the Town's SRRE. The plan shall address, at a minimum, the following measures: construction demolition; recycling; composting; source reduction programs; storage areas for collected recyclable materials, and disposal of hazardous waste materials used on-site.