

Recording Requested by and
When Recorded Mail To:

Town of Mammoth Lakes
Community & Economic Development Department
P.O. Box 1609
Mammoth Lakes, CA 93546

Recordation fee exempt per Government Code §27383
Space Above for Recorder's Use

RESOLUTION NO. 21-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA APPROVING USE PERMIT 20-003 FOR A 100% DENSITY BONUS AND DESIGN REVIEW 20-005 TO ALLOW FOR DEVELOPMENT OF PHASE 1 OF THE PARCEL AFFORDABLE HOUSING PROJECT LOCATED AT 1699 TAVERN ROAD AND 33 CENTER STREET, CONSISTENT WITH DISTRICT ZONING AMENDMENT 20-001 (THE 2021 PARCEL MASTER PLAN) AND MAKING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO STATE CEQA GUIDELINES SECTION 15183.3

(APNs: 035-010-020-000 and 035-100-003-000)

WHEREAS, a request for consideration of a District Zoning Amendment to adopt the 2021 Parcel Master Plan, a Zoning Code Amendment to repeal the Affordable Housing Overlay Zone, a Use Permit to grant a density bonus to allow up to 580 units, and a Design Review for Phase 1 of the 2021 Parcel Master Plan was filed by The Pacific Companies, in accordance with Chapters 17.120, 17.112, 17.68 and 17.88 of the Town of Mammoth Lakes Municipal Code, for property located within the RMF-1 and AH zoning districts; and

WHEREAS, the Planning and Economic Development Commission conducted a noticed public hearing on the application request on December 9, 2020, at which time all those desiring to be heard were heard; and

WHEREAS, following the receipt of all oral and written testimony, the Planning and Economic Development Commission closed the public hearing on December 9, 2020 and adopted Resolution No. PEDC 2020-07 recommending adoption of required CEQA findings and approval of DZA 20-001, ZCA 20-005, UPA 20-003 and DR 20-005 to the Town Council, with conditions; and

WHEREAS, the Town Council conducted a noticed public hearing on the application request on January 6, 2021, at which time the public hearing was opened and all those desiring to be heard were heard, and the public hearing for Use Permit (UPA 20-003) and Design Review (DR 20-005) applications associated with the Phase 1 of The Parcel development was subsequently continued to the February 3, 2021 regular Town Council meeting; and;

5. The Town Council approves Use Permit 20-003 and Design Review 20-005, subject to the conditions attached hereto as Exhibit "B."
6. Pursuant to the requirements of the California Environmental Quality Act (CEQA), the Town Council directs staff to file a Notice of Determination.
7. The documents and other materials that constitute the record of proceedings upon which the Town Council's decision is based are located in the Town Offices of the Town of Mammoth Lakes, at 437 Old Mammoth Road, Suite 230, Mammoth Lakes, California 93546 and the Town Clerk is hereby designated as the custodian of these records.

APPROVED AND ADOPTED THIS 3rd day of February, 2021



LYNDA SALCIDO, Mayor Pro Tem

ATTEST:



JAMIE GRAY, Town Clerk

WHEREAS, the Town Council considered, without limitation:

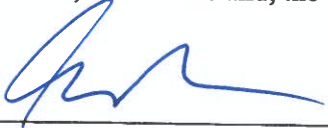
1. The Staff Report to Town Council dated February 3, 2021 with all attachments and exhibits;
2. The Staff Report to Planning and Economic Development Commission dated December 9, 2020 with all attachments and exhibits;
3. The 2007 General Plan and Municipal Code;
4. The 2021 Parcel Master Plan;
5. Oral evidence submitted at the hearing;
6. Written evidence submitted at the hearing;
7. The Major Permit Planning Application for District Zoning Amendment (DZA) 20-001, Zoning Code Amendment (ZCA) 20-005, Use Permit (UPA) 20-003 and Design Review (DR) 20-005 submitted on November 16, 2020, including the 2021 Parcel Master Plan dated December 5, 2020 and "Design Review 20-005" Project Plans and Project Narrative dated November 16, 2020; and
8. The Infill Environmental Checklist for The Parcel dated December 2020.

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

1. That the Town Council finds the above recitations true and correct.
2. The Town Council incorporates by reference all exhibits and attachments cited in this Resolution.
3. Pursuant to the requirements of the California Environmental Quality Act (CEQA), and after reviewing the entirety of the record of proceedings, including a Infill Environmental Checklist (Checklist) prepared for The Parcel project, the Town Council finds and determines that The Parcel project qualifies for the streamlining procedures prescribed under State CEQA Guidelines section 15183.3. The Town Council additionally makes the findings contained in Exhibit "A" attached hereto, which establish that State CEQA Guidelines section 15183.3 applies to The Parcel project and that no additional environmental review is required for The Parcel project. As set forth in the findings contained in Exhibit "A" and evidenced by the Checklist attached as Exhibit "C," the Town has analyzed The Parcel project in light of previously certified EIRs relating to the project, and it has determined that The Parcel project will not cause any effects that require additional environmental review under CEQA.
4. Pursuant to the requirements of the Town of Mammoth Lakes Municipal Code, the Town Council makes the findings contained in Exhibit "A" attached hereto.

APPLICANT:

I, Caleb Roope, on behalf of The Pacific Companies, the applicant, do hereby attest that I have read, and understand, the conditions of approval stipulated within this Resolution.



Caleb Roope
(Notary Required)

Date: 2/16/21

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

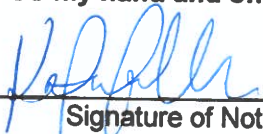
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of ~~California~~ Idaho
County of ~~Mono~~ Ada }

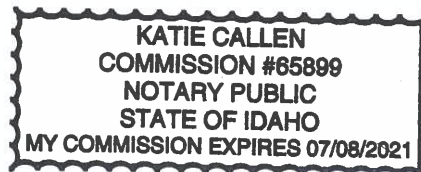
On Feb 16, 2021 before me, Katie Callen, notary public
personally appeared Caleb Roope
who proved to me on the basis of satisfactory evidence to be the persons whose name(s) is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity (ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Idaho I certify under PENALTY OF PERJURY under the laws of the State of
~~California~~ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature of Notary



OWNER:

I, Daniel C. Holler, represent the Town of Mammoth Lakes, the property owner for this project request and I do hereby attest that I have read, and agree to, the conditions of approval stipulated within this Resolution.

Daniel C. Holler

Daniel C. Holler
Town of Mammoth Lakes
(Notary Required)

2-11-2021

Date

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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

State of California
County of Mono }

On Feb. 11, 2021 before me, Kari Orr Notary Public
personally appeared Daniel C. Holler
who proved to me on the basis of satisfactory evidence to be the persons whose name(s) is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity (ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Kari Orr

Signature of Notary



EXHIBIT "A"
Resolution No. 21-10
Case No. UPA 20-003 and DR 20-005

FINDINGS.

1. **CEQA** (Streamlining - California Environmental Quality Act Guidelines Section 15183.3)

a. ***The Project is located in an urban area and is adjoined by existing qualified urban uses in its entirety.***

For the purpose of State CEQA Guidelines section 15183.3, an "urban area" includes an incorporated city such as the Town. (See Pub. Resources Code, Section 21094.5, subd. (e)(5).) Additionally, more than 75 percent of the project's perimeter is surrounded by qualified urban uses. CEQA defines a "qualified urban use" as "any residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses." (Pub. Resources Code, Section 21072.) Based on aerial maps, virtually all parcels surrounding the project site include qualified urban uses. Therefore, the proposed project meets this first criteria to utilize the Infill Streamlining Provision under State CEQA Guidelines section 15183.3.

b. ***The Project is a small walkable community project.***

For the purposes of CEQA's Infill Streamlining provisions, a small walkable community project is a project that is all of the following:

i. **In an incorporated city that is not within the boundary of metropolitan planning organization;**

The Town is an incorporated city and is not located within the boundaries of a metropolitan planning organization.

ii. **Within an area of approximately one-quarter mile diameter of contiguous land that includes a residential area adjacent to a retail downtown area and that is designated by the city for infill development consisting of residential and commercial uses. A city may designate such an area within its general plan, zoning code, or by any legislative act creating such a designation, and may make such designation concurrently with project approval; and**

The General Plan evaluates the project site in conjunction with Main Street and Old Mammoth Road and collectively defines this area as a vibrant mix of retail, commercial, and workforce housing and envisions the residential development on the project site as a catalyst for continued commercial development in the surrounding area. (General Plan, pp. D-3, D-4.) Both the Main Street Corridor and Old Mammoth

Road Corridor included Zoning of “Downtown” per the Town’s Zoning Map (updated January 2015). As such, the Main Street Corridor adjoins the project site to the north, and the Old Mammoth Road Corridor adjoins the project site to the east. Further, existing multi-family and single-family residential uses are present to the south and west of the project site. Downtown (D) District is intended to provide a thriving mix of residential, non-residential, and lodging uses and a distinctive gateway entry into town, with a focus on ground-level commercial uses and active frontages. The development standards are intended to concentrate development along Main Street with a focus on shop front buildings that frame the street and provide an animated, pedestrian-friendly environment with high visual quality. Therefore, the Town has already designated the project site and surrounding area for infill development consisting of residential and commercial uses.

- iii. Either a residential project that has a density of at least eight units to the acre or a commercial project with a floor area ratio of at least 0.5, or both.

The proposed project would have a density of 16-23 units per acre (gross).

The proposed project meets each of these criteria, discussed as above. As such, the proposed project meets the definition of a small walkable community project.

- c. ***The project is not inconsistent with any applicable provisions of Appendix M.***

Qualifying residential projects located outside the boundaries of a metropolitan planning organization, such as the Town, are only required to implement the project features described in Section III of Appendix M of the State CEQA Guidelines. Specifically, Section III includes three provisions:

- i. Is the project a non-residential infill project that includes a renewable energy feature?

The proposed project is primarily a residential project, although a small number of other uses are contemplated. Therefore, this provision is not applicable to the project.

- ii. Is the project site included on any list compiled pursuant to Section 65962.5 of the Government Code?

The project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code.

- iii. Does the infill project include residential units located within 500 feet, or such distance that the local agency or local air district has determined is appropriate based on local conditions, of a high volume roadway or other significant source of air pollution, as defined in Appendix M?
Unless more specifically defined by an air district, city or county, Appendix M defines a “high-volume roadway” to mean freeways, highways, urban roads with 100,000 vehicles per day, or rural roads with 50,000 vehicles per day. No streets surrounding the project site meet this definition of a “high-volume roadway.” Similarly, no land uses surrounding the project site constitute a significant source of air pollution. Therefore, no measures are required to be implemented to comply with this provision of Appendix M.

No other Appendix M criteria are applicable to the project.

- d. The Project would not have a significant effect on the environment that either has not already been analyzed in a prior EIR or that is more significant than previously analyzed. The Project was analyzed in the Final Program Environmental Impact Report for the Town of Mammoth Lakes 2005 General Plan Update (State Clearinghouse No. 2003042155, dated May 2007) and Town of Mammoth Lakes General Plan Land Use Element/Zoning Code Amendments and Mobility Element Update Draft Environmental Impact Report (State Clearinghouse No. 2015052072, dated June 2016) (Prior EIR) and the Project will have no new specific effects. The Town has prepared an Infill Environmental Checklist (“Checklist”) (Exhibit C) which documents consistency with the previous environmental documents.
- e. Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen any potential significant environmental effects of the Project, as set forth in the Checklist and the Prior EIR. The Checklist found that no new mitigation measures are required for the Project, and the mitigation measures relating to the Project as set forth in the Prior EIR remain in effect. The mitigation measures applicable to the Project are binding on the Project based on the previously certified EIR and the efficacy and impacts of such measures have been analyzed in the Prior EIR. Town Council Resolution 16-68 includes the findings for the Prior EIR which are incorporated by reference and included as Exhibit D.
- i. Though the Project would not have a significant effect on the environment that either has not already been analyzed in a prior EIR or that is more significant than previously analyzed, the project will nonetheless be required to comply with all uniformly applicable development policies or standards that apply to the project, including but not limited to compliance with the Migratory Bird Treaty Act (MBTA), as well as the following 2005 General Plan Update policies:

1. I.1.B.d.4: Future development projects with the potential to significantly impact animal or plant habitats shall assess site-specific resource values and potential impacts where the habitats of special status plant and animals species are known to exist and provide a method of protecting, monitoring, replacing, or otherwise mitigating the impacts of development in and around these sensitive habitats, as required by CDFG and Department of Fish and Game.
 2. I.1.B.c.3: All feasible project modifications shall be considered to avoid wetland disturbance. Direct or indirect losses of wetlands and/or riparian vegetation associated with discretionary application approval shall be compensated by replacement, rehabilitation, or creation of wetlands habitat mitigation as approved by appropriate State and Federal agencies.
 3. I.1.B.d.1: The Town of Mammoth Lakes shall coordinate with the State Department of Fish and Game, U.S. Fish and Wildlife Service, and other appropriate agencies and maintain an up-to-date inventory of all Special Status Wildlife Species and Special Status Plants and Plant Communities within the Planning Area.
 4. I.1.B.d.3: The Town shall maximize the protection of primary wildlife habitats through public and/or private management programs, which may include: 1) the construction of active and passive recreation and development areas away from the habitat, and 2) use of fences, or other barriers and buffer zones.
- g. The custodian and location of the documents and other material which constitute the record of proceedings upon which this decision is based is the Town Clerk at the Town of Mammoth Lakes Offices, 437 Old Mammoth Road, Suite 230, Mammoth Lakes, California 93546.

FINDINGS FOR USE PERMIT (Municipal Code Section 17.88.060 and 17.138.060)

A. That the proposed use is consistent with all applicable sections of the General Plan and Title 17 and is consistent with any applicable specific plan or master plan;

The Parcel project site is within the High-Density Residential 1 (HDR-1) and Commercial -1 (C-1) General Plan land use designations. The HDR-1 designation allows a density of up to 12 units per acre. General Plan Policy L.2.D. allows up to 24 units per acre if all units within the project are deed restricted for workforce housing. Use Permit (UPA) 20-003 requests a 100% density bonus through the Town's Density Bonus Program to allow for up to 580 affordable housing units to be constructed in phases on the 25-acre Parcel site. This request is consistent with the General Plan density bonus provision in that all units will be deed-restricted affordable housing for individuals and families working in the region. Approval of the Use Permit request (UPA 20-003) and Design Review for Phase 1 (DR 20-005) will meet all applicable Title 17 and General Plan requirements for the proposed project.

In addition, the Density Bonus request is consistent with the 2021 Parcel Master Plan adopted by the Town Council on January 20, 2021, which anticipates 400 to 580 affordable housing units to be constructed on the site in up to 6 phases. The requested Density Bonus is required in order to implement the approved Master Plan.

B. That the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health and safety nor materially injurious to properties or improvements in the vicinity; and

The combined Master Plan and Disposition and Development Agreement (DDA) assures that Town Council will be able to control development on The Parcel. The DDA and the Master Plan require the Town of Mammoth Lakes and The Pacific Companies to work together to design and finance the desired housing for The Parcel until the last phase of development is approved by the PEDC and the last piece of Town-owned land is sold or leased for development. At buildout, the Town's continued role in the management and redevelopment of housing on The Parcel is perpetually guaranteed by the Town's investment in the development through the sale or lease of the land. Much like it has with the existing projects in the Town, The Pacific Companies' continued role in the management and development of The Parcel is assured by its commitment to retain control of the ownership and management of the rental units for a period of at least 15 years after each phase is constructed and the managed transition of control of the home-ownership common areas to the future homeowners' association. These measures ensure that that the proposed use and conditions under which it will be operated

and maintained will not be detrimental to the public health and safety nor materially injurious to properties or improvements in the vicinity.

- C. The Commission shall make such other findings as deemed necessary to support approval or denial of the proposed use.**

No additional findings were deemed necessary by the Commission to support approval of the proposed use.

Required Density Bonus Findings:

- D. The proposed project will generate a sufficient number of Eligibility Points required for the bonus amount requested.**

The foundation of the Town Density Bonus Program is that projects will earn points through the provision of deed restricted workforce housing units and the amount of points required for the desired density bonus is based on the size of the density bonus requested. In this case, the required number of points is as follows: $((280)/(300)) \times 100 = 93.3$ Points required (rounded up to **95 points**).

The project exceeds the deed restriction requirements for the requested number of points in that a minimum of 85% of all units shall be deed-restricted rental units for families earning no more than 120% of the Mono County AMI (62.5% is the minimum requirement) and all affordable units (roughly 97% of total units including property manager units) will be reserved for local residents via Municipal Code "Workforce Housing" provisions (85% is the minimum requirement). Either one of these requirements would be enough to qualify for the requested density bonus on its own, so the project achieves nearly double the number of eligibility points required.

- E. The proposed project is compatible with the surrounding neighborhood with regards to building scale, form, materials, and street orientation.**

The proposed project meets the maximum building heights described in the 2019 Preferred Plan as well as the Development Objective of providing a transition in building scale and type from the adjacent higher intensity commercial areas to neighboring residential areas. In terms of building form and materials, the proposed Master Plan, which will regulate development of the 580 units requested through the Use Permit, includes detailed design standards to ensure that development is consistent with the desired character of Mammoth Lakes and established Town Design Guidelines. Overall, the proposed project is consistent with the surrounding neighborhoods and will also act as a catalyst to spur development in the adjacent commercial areas. Future redevelopment along adjacent commercial corridors will serve to enhance the project's compatibility with those areas.

- F. The incentive or concession is required in order to make the project feasible and the incentive or concession requested is the minimum departure from**

the requirements of this Zoning Code necessary to make the housing project feasible.

Not applicable, as the project is not requesting any concessions through the Town Density Bonus Program. Rather, adoption of the 2021 Parcel Master Plan would update and replace the 1991 Shady Rest Master Plan and amend the Zoning Map to provide new site-specific zoning and affordability requirements for The Parcel.

FINDINGS FOR DESIGN REVIEW PERMIT (Municipal Code Section 17.88.060)

- a. The project is consistent with the applicable standards and requirements of the Municipal Code.**

The Phase 1 Design Review was developed concurrently with the proposed 2021 Parcel Master Plan, and meets all of the development standards contained therein. Because the proposed Master Plan would replace and update existing zoning standards applicable to the site and the Phase 1 Design Review is consistent with the proposed Master Plan, staff finds that the Design Review Application demonstrates consistency with the applicable standards and requirements of the Municipal Code.

- b. The project is consistent with the General Plan and any applicable specific plan or master plan.**

The project's consistency with the 2007 General Plan is described in the Use Permit findings above. The 2021 Parcel Master Plan replaces and updates existing zoning standards applicable to the site, and the Phase 1 Design Review is consistent with the development standards included in the approved Master Plan. Therefore, staff finds that the Design Review Application demonstrates consistency with the applicable standards and requirements of the Code, the General Plan and approved Master Plan.

- c. The project is consistent with the Town of Mammoth Lakes Design Guidelines.**

The 2021 Parcel Master Plan provides detailed design guidelines for the development that are intended to "promote high-quality and thoughtful site and building design; visually interesting, appropriate, well-crafted and maintained buildings and landscaping; the use of durable high-quality, and natural materials that reflect Mammoth Lakes' character and mountain setting; and attention to the design and execution of building details and amenities" in accordance with the purpose of the Town Design Guidelines pursuant to Section 17.88.030 of the Municipal Code. Therefore, staff finds that the Phase 1 Design Review is consistent with the Town Design Guidelines by virtue of its consistency with the approved Master Plan design guidelines.

- A. The site design and building design elements including the architectural style, size, design quality, use of building materials, and similar elements, combine together in an attractive and visually cohesive manner that is compatible with and complements the desired architectural and/or aesthetic character of the area and a mountain resort community, encourages increased pedestrian activity, and promotes compatibility among neighboring land uses.**

Building A1 is 52'3" in height and includes 66 apartment units built over podium parking as well as first-floor space for a 7,500 sq. ft. of first floor space to include a Daycare Facility and Community Center facing the public park. A covered pedestrian promenade that doubles as emergency vehicle access extends along the frontage facing the park, with breaks and changes in roof planes creating a series of interconnected pavilions that serve to break up the massing and roof forms of the building into elements of relatable and pedestrian scale. Material and plane variations that carry across both buildings serve to break down the length of Building A1 while visually tying the buildings together as a singular residential project.

Building B-1, which includes 15 units, is 52'7" in height and is oriented north-south fronting Center Street. Building B is located at a roadway entry point to the development and therefore serves as a type of gateway feature. Two primary pedestrian entrances face Center Street to create pedestrian activity, and the building includes parapet roof structures on each corner to create "entry towers" which are visually connected by a walkway canopy above the building entrances.

The material palette consists of a mix of fiber cement siding products, corrugated metal paneling, prefinished sheet metal, textured concrete, and wood / composite wood timber elements. Beyond the natural finishes of concrete, weathered metal, and wood elements, the color palette is a selection of earthen pigments inspired by the natural features of the eastern Sierra; burnt umber, copper red, almond ochre, bronze, and iron ore shades. The application of the colors corresponds to specific material placement of the various fiber cement siding, panel, and trim products.

Overall, based on the above characteristics staff finds that the site design and building design elements including the architectural style, size, design quality, use of building materials, and similar elements, combine together in an attractive and visually cohesive manner that is compatible with and complements the desired architectural and aesthetic character of the area and a mountain resort community, encourages increased pedestrian activity, and promotes compatibility among neighboring land uses.

B. The design of streetscapes, including street trees, lighting, and pedestrian furniture, is consistent with the character of commercial districts and nearby residential neighborhoods.

The design of streetscapes within the project is consistent with, and improves upon, the character of nearby commercial and residential areas. The circulation network within The Parcel incorporates “complete street” infrastructure meant to facilitate multi-modal transportation options for residents of The Parcel and neighbors living nearby. The circulation network is made up of a variety of street types, trails, and multi-use paths for drivers as well as pedestrians and cyclists. The network maximizes connections to surrounding neighborhoods to provide a variety of route options and to minimize the distance that residents of The Parcel would need to walk to access nearby amenities and destinations.

Attention to solar orientation, efficient block form, and traffic calming strategies are balanced in the street alignment design. Strict north-south and east-west orientation of streets is minimized through the use of an angled street grid pattern that maximizes beneficial solar exposure.

C. Parking areas are located, designed and developed to foster and implement the planned mobility system for the area; buffer surrounding land uses; minimize visibility; prevent conflicts between vehicles and pedestrians and cyclists; minimize stormwater run-off and the heat-island effect; and achieve a safe, efficient, and harmonious development.

There are 70 covered podium parking spaces and 23 surface spaces proposed as part of phase 1. An additional 22-25 on street parking spaces are planned for Center Street and Tavern Street. With the exception of some marked spots for the commercial use, the parking will not be reserved but will be on a first come first served bases. The podium spaces will be integrated into the buildings and will therefore be fully screened from view and will not contribute to additional impervious surface coverage. The surface spaces are located behind the buildings and will be screened from adjacent properties by the Mill Ditch open space. A single curb cut on Center Street will provide access to the parking in both buildings, thereby minimizing conflicts between vehicles and pedestrians/bicyclists. On-street parking will have sidewalk access to each of the buildings. Overall, the proposed parking is arranged in a safe, harmonious and efficient manner consistent with the intent of the Master Plan.

D. Down-directed and shielded lighting and lighting fixtures are designed to complement buildings, be of appropriate scale, provide adequate light over walkways and parking areas to create a sense of pedestrian safety, minimize light pollution and trespass, and avoid creating glare.

All Lighting shall be required to comply with Municipal Code Section 17.36.030, *Exterior Lighting*. A final lighting plan will be required at time of building permit.

E. Landscaping is designed to conserve water resources, promotes a natural aesthetic, and be compatible with and enhance the architectural character and features of the buildings on site, and help relate the building to the surrounding landscape.

Landscaping design in Phase 1 is fundamentally about preservation of the existing pine forest environment. This minimalist approach will utilize native and adaptive new plant material where required to blend in with natural environment. Emphasis has been made to maintain existing trees with a commitment to maintain all heritage trees within the project area. The entire site layout as well as site amenities have been designed to avoid impact to heritage trees, which remain at the core of outdoor activity areas. A fenced day care and community playground benefit from the proximity of the most prominent trees. The play area has a natural feel with climbing rocks and logs as primary points of interaction. Enhanced paving has been used to create plaza areas specific to the community building, day care, and primary entrance lobby as well as serving required fire access. A fully automatic, point source irrigation system will be monitored by 'smart' weather sensors tuned to local weather data and the State's water efficient landscape ordinance. Overall, staff finds that the proposed landscaping is designed to conserve water resources and promote a natural aesthetic, and will be compatible with and enhance the architectural character and features of the buildings on site while helping to relate the buildings to the surrounding landscape.

EXHIBIT “B”
Resolution No. 21-10
Case No. UPA 20-003 and DR 20-005

CONDITIONS OF APPROVAL.

STANDARD PLANNING CONDITIONS

1. This Resolution approves: Design Review 20-005 for the first phase (Development Area 1) of the 2021 Parcel Master Plan, which includes construction of 81 units (80 affordable multi-family housing units and 1 caretaker unit) along with space for a daycare facility and community center and a public park. A Density Bonus is approved through Use Permit 20-003 to allow for up to 580 affordable housing units to be developed in phases across the Parcel site in accordance with the development standards set forth in the 2021 Parcel Master Plan. For the purposes of these Conditions of Approval, both “on-site” and “off-site” improvements refer to improvements on the 33 Center St and 1699 Tavern Rd Parcels, also referred to as the “Master Planning Area.” Conditions 2 through 84 apply to the first phase of the development only (DR 20-005). This approval is not effective until Ordinance 21-01, adopting District Zoning Amendment 20-001 and Zoning Code Amendment 20-005, is effective.
2. The approved site and building plans, including all sheets contained within “Design Review 20-005 for Town of Mammoth Lakes – The Parcel - Phase 1 Development” dated received by the Town of Mammoth Lakes November 16, 2020, including Sheet G1.0; Sheets C2.0, 2.1, 3.0 & 3.3; Sheet L1; and Sheets A1.0, 2.0, 2.1 to 2.8, 3.0, 3.1 to 3.5, 4.0 & 5.0 shall be adhered to and maintained for the duration of the permit.
3. This entitlement and all rights hereunder shall automatically terminate unless the site preparation or construction has been commenced within two years after the issuance of this entitlement and such work is diligently carried on until completion, or an extension of time has been granted in accordance with Municipal Code §17.60.060.B.
4. All new improvements constructed on the site shall be in compliance with all Town of Mammoth Lakes, County of Mono, Mammoth Community Water District, the Mammoth Lakes Fire Protection District, the CRWQCB Lahontan District, Great Basin Air Pollution Control District, OSHA, State of California and United States of America laws, statutes, ordinances, regulations, directives, orders, and the like applicable thereto and in force at the time thereof. Any violation of the above may constitute grounds for revocation under Chapter 17.128 of the Mammoth Lakes Municipal Code.
5. This resolution of approval, as conditioned herein, shall be recorded for the subject

property by the Mono County Recorder's Office prior to commencing the approved use on the property or the issuance of any building permits for new or remodeled structures.

6. The site shall be maintained in a neat, clean and orderly manner. All improvements shall be maintained in a condition of good repair and appearance. Outdoor storage of equipment and other materials, except for firewood, is prohibited. Non-operating vehicles, equipment and materials inappropriate to the site and its use shall not be stored within outdoor areas on the site.
7. Storage of construction materials and equipment off-site shall not be permitted without a permit issued by the Community and Economic Development Department of the Town. Any public or private property altered, damaged or destroyed by site preparation, grading, construction or use shall be restored to its pre-existing condition by the permittee.
8. All conditions of this permit shall be met or secured prior to final occupancy approval of any tenant improvements or new structures.
9. All uses are subject to review by the Building Official of the Town of Mammoth Lakes and must conform to occupancy ratings of the structures to obtain occupancy.
10. Town staff shall have the right to enter the subject property to verify compliance with these conditions. The holder of any permit associated with this project shall make the premises available to Town staff during regular business hours and shall, upon request, make records and documents available to Town staff as necessary to evidence compliance with the terms and conditions of the permit.
11. Prior to the issuance of a building or grading permit, the applicant shall pay all applicable fees as prescribed by ordinance and/or resolution and pay any fees due on the project processing account.
12. Where compliance with the conditions of approval or applicant initiated changes to the plans require additional staff review, that review time shall be billed at the Town's established billing rates. Prior to the issuance of a building or grading permit, the applicant shall pay all outstanding costs for the processing of this application.
13. Prior to issuance of a grading or building permit, the applicant shall obtain a secondary source permit or letter of exemption from the Great Basin Unified Air Pollution Control District.
14. The applicant shall defend, indemnify, and hold harmless the Town and its agents, officers, and employees from any claim, action, or proceeding against the Town and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the Town, advisory agency, appeal board, or legislative body concerning this

approval. The Town shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense.

15. All exterior lighting shall comply with Chapter 17.36.030 of the Town of Mammoth Lakes Municipal Code, Exterior Lighting. Exterior light fixtures having a total of over 400 lumens of output shall be equipped with shields that extend below the horizontal plane of the light source to direct the light downward onto the structure or surrounding grounds. Accent lighting is permitted as described in Municipal Code Section 17.36.030.F.6. This shall be verified prior to issuance of a certificate of occupancy.
16. The final landscape plan shall be submitted to the Planning Division for approval prior to issuance of a Building Permit and shall substantially conform to the preliminary "Master Landscape Plan" dated November 16, 2020, approved by the Planning and Economic Development Commission. . Trees used for revegetation and landscaping shall be a minimum size of 2-inch caliper. Shrubs used for revegetation and landscaping purposes shall be a minimum 2-gallon container size. Completion of all landscape improvements and revegetation of fill slopes and disturbed areas shall occur prior to issuance of the first Certificate of Occupancy.

If the aggregate landscaped area exceeds 500 sq. ft., a landscape documentation package shall be required prior to issuance of a certificate of occupancy. Said landscape documentation package shall conform with the requirements identified in Municipal Code Chapter 17.40 (Water Efficient Landscape Regulations). The aggregate landscape area is defined as the total horizontal surface area dedicated to plant installation and irrigation plus the wet surface of any decorative water features. The landscape area for shrubs and trees shall be determined using the shrub/tree mature growth diameter or drip line. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, or other pervious or non-pervious hardscapes outside of planted areas. Landscape area does not include undisturbed areas with established non-irrigated vegetation, or landscaping that is exempt pursuant to Municipal Code Section 17.40.020.D.
17. The project shall comply with the Guidelines for Erosion Control in the Mammoth Lakes area. This shall include submittal of a Report of Waste Discharge, if applicable.
18. A valid building permit and a permit from the Mammoth Lakes Fire Protection District are required before any building can begin on-site.
19. Proposed water and sewer connections require a Connection Permit from Mammoth Community Water District. Prior to the Town authorizing any construction, the applicant shall obtain water and sewer permits from Mammoth Community Water district and pay applicable fees to the District.
20. New or changed improvements, exterior illumination, elevations, designs,

materials, or colors shall conform to the adopted 2021 Parcel Master Plan and will require review and approval from the Town of Mammoth Lakes Community and Economic Development Department or Planning and Economic Development Commission pursuant to Municipal Code Chapter 17.88.

21. A certificate of occupancy is required for all future tenant improvements within the subject structures. Tenant improvements shall identify occupancy separation requirements, disabled access requirements and compliance with all applicable building, electrical, plumbing, and fire code requirements.
22. All conditions of approval shall be printed verbatim on all of the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the index.
23. Developers of residential properties shall include a disclosure statement indicating that Mammoth Lakes is an area of habitat for Mountain Lions, which indicates potential risk, particularly to small children and pets. (General Plan Mitigation Measure 4.3-1)

SPECIAL PLANNING CONDITIONS

24. The Mitigation Monitoring and Reporting Program (MMRP) established by the Town of Mammoth Lakes 2005 General Plan Update (State Clearinghouse No. 2003042155, dated May 2007) and Town of Mammoth Lakes General Plan Land Use Element/Zoning Code Amendments and Mobility Element Update Draft Environmental Impact Report (2016 Update EIR) shall be adhered to in the implementation of the proposed development and is incorporated herein by reference. Applicable Mitigation Measures have been compiled and included as Appendix J of the Infill Environmental Checklist and are incorporated by reference.
25. If required, the applicant shall submit Homeowner's Association CC&Rs for the maintenance and control of common area for review and approval by the Community and Economic Development Director prior to issuance of the first Certificate of Occupancy. The CC&Rs shall contain provisions granting rights of access and parking, as necessary, to the owners, tenants, and their guests, of the units.
26. All retaining walls visible from off-site shall be made of split face block, faced with rock, or similarly treated to be compatible with the design of the project. (MC Section 17.36.040.C.)
27. Roof vents, exhaust, pipes, and flues shall be combined and/or collected together

on slopes of roof out of public view to the greatest extent possible.

28. The required trash enclosure shall be improved with a concrete slab and enclosure constructed of materials compatible with that of the buildings. Adequate space for recyclable materials shall be provided within the enclosure. All trash enclosures, and receptacles shall be animal resistant. The enclosure is not required to be gated. The final alignment of the trash enclosure shall be reviewed by Mammoth Disposal, the Public Works Department and the Community and Economic Development Department and shall comply with Municipal Code section 17.36.130. The trash enclosure shall be installed prior to issuance of the final Certificate of Occupancy unless an alternative method of trash collection service is available (e.g. individual trash cart service) and the use of which has been approved by the Town.
29. All tree removal activities shall adhere to the Federal Migratory Bird Treaty Act and California Fish and Wildlife Code Sections 3503 and 3503.5, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird or bird-of-prey, except as otherwise provided by FGC or any regulation made pursuant thereto. Completion of a nesting bird survey by a biologist with relevant qualifications within three days of initiation of site disturbance is recommended for projects that have the potential to disturb suitable nesting habitat, which may include riparian vegetation, mature trees, snags, and structures.
30. No snow shall shed or be deposited onto adjacent properties or Town right-of-way. This shall include snow that is removed from any portion of the property, including, but not limited to, the structure, driveway, and/or common areas. All interim snow storage areas shall be on the subject property. The property owner shall be subject to fines pursuant to Municipal Code §12.16.030 (*Snow Removal – Violation/Penalty*) if found to be in violation of this condition.
31. A key box shall be provided with an individual master key that provides access to each unit. This shall be reviewed and approved by the Mammoth Lakes Fire Protection District prior to building permit issuance.
32. All exterior wood products shall comply with the Wildland Urban Interface (WUI) construction materials requirements certified by the State Fire Marshal's Office and be in compliance with Chapter 7A of the current California Building Code. Plywood or OSB sheeting shall be a minimum of one-half inch thickness with approved siding material placed over top.
33. All eave and crawl space ventilation shall resist the intrusion of flame and burning embers and comply with Chapter 7A of the California Building Code and local modifications.
34. The structure shall comply with NFPA 13R automatic fire sprinkler requirements as required by Section 903.2.8 and 903.3 of the California Fire Code. A deferred

submittal for sprinkler plans and calculations will be acceptable.

35. Before a certificate of occupancy is issued for a project, the applicant shall certify to the Director that the Eligibility Points upon which the project's residential density bonus was based have been achieved. To satisfy this condition, evidence shall be provided that a Workforce Housing Agreement consistent with Section 17.138.090 has been recorded against the property and that the required number of deed restrictions at the agreed upon affordability level have been recorded against the property. The Town shall be named as a party in the Workforce Housing Agreement and shall have the right to enforce all subsequent deed restrictions.

ENGINEERING DIVISION CONDITIONS

STANDARD CONDITIONS / GENERAL REQUIREMENTS:

36. The maintenance of graded slopes and landscaped areas shall be the responsibility of the developer until the transfer to individual ownership or until the maintenance is officially assumed by an appropriate district or property owners' association.
37. Slope rights adjacent to public rights of way shall be dedicated to the Town where necessary.
38. All new utility lines within, adjacent to, or serving the site shall be placed underground.
39. The site grading design and all building construction shall conform to State and federal disabled access regulations.
40. Paved access is required from the project to a maintained street.
41. Street and traffic signs shall meet the California Manual of Uniform Traffic Control Devices (MUTCD).
42. Private landscaping and irrigation systems within the project and adjacent to the project area within the public right of way shall be maintained by property owner, with the exception of benefit assessment district areas.
43. All easements and dedications shall be in a form and content acceptable to the Public Works Director.
44. Nothing in the approval of this entitlement shall be construed to allow for the deviation, adjustment, variance or non-conformance of any Municipal Code or ordinance, or of any local, State or federal standard, policy, regulation or law, unless specifically provided for herein.

45. All grading and public improvements shall be consistent with the Town of Mammoth Lakes Standard Plans for Public Works.

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

46. The applicant shall obtain an encroachment permit, easement or letter of permission to grade all areas requiring off-site grading prior to issuance of a grading permit or a building permit. These areas shall be contour graded.
47. A preliminary soils report shall be filed with and reviewed by the Public Works Director. The report shall address and make recommendations as to the compacted and un-compacted fills on-site. A note shall be placed on the final grading plans indicating which areas require grading remediation. An "as-graded" soils report shall be provided to the Town upon completion of the grading.
48. Construction of water and sewer improvements shall require water and sewer permits from the Mammoth Community Water District. Grading plans shall be submitted to the Town for review and approval and a grading permit in accordance with the Municipal Code shall be obtained from the Town and all mitigating measures and best management practices to prevent erosion and to protect existing trees shall be constructed prior to work commencing for any and all water and sewer improvements.
49. An application for an engineered grading permit shall be submitted to the Engineering Services Division of the Public Works Department in accordance with Chapter 12.08 of the Municipal Code. No change to the existing conditions of the site, including site grading, drainage interruption, land clearing, etc. shall be commenced until grading and drainage plans have been approved by the Public Works Director.
50. An engineered grading permit for the project shall not be issued unless one of the following has occurred:
- a. Submission of a complete application for a building permit to the building division of the Community and Economic Development Department. The building official shall make the determination as to whether or not the application is complete; or
 - b. A form of security listed in Government Code Section 66499(a) and acceptable to the Town shall be posted to secure restoration of the site. Construction cost estimates for all required sureties shall be prepared and signed by a registered civil engineer. The estimates shall be made at prevailing

wage rates and shall include 20% for construction contingencies and 20% for administrative costs, and shall be reviewed and approved by the Public Works Director or designee prior to execution.

51. An encroachment permit or a letter of exemption shall be obtained from the Engineering Services Division of the Town prior to construction within the public right of way in accordance Chapter 12.04 of the Municipal Code.
52. No work within Town right of way shall be commenced until a traffic control plan has been approved by the Engineering Services Division of the Town.
53. Improvement plans for streets, sidewalks, drainage, and other public/private infrastructure shall be prepared by a registered civil engineer and submitted to the Town for review and approval. Existing topography and proposed grading with sufficient contour intervals (not to exceed two (2) feet) shall be prepared by a registered civil engineer or a licensed land surveyor.
54. Final grading and improvement plans and profiles shall indicate the location of any existing utility facility that would affect construction. All existing utilities shall be shown on the improvement plans and relocated as necessary without cost to the Town. All existing overhead utilities shall be converted to underground.
55. Prior to approval of the improvement plans, the applicant shall contract with a soils testing engineer. Any proposed grading within the street right-of-way shall be done under the direction of the soils testing engineer. Compaction tests of embankment construction, trench backfill, and all sub-grades shall be performed at no cost to the Town. Prior to placement of any base materials, and/or paving, a written report shall be submitted by the soils testing engineer to the Public Works Director for review and approval.
56. A geotechnical report is required that confirms that the proposed stormwater retention system locations will not be subject to groundwater entering the system or cause leaching through an adjacent slope face. A sediment and oil water separator may be required to be installed in conjunction with the system in conformance with the General Plan.
57. Slope stability tests are required for all cuts greater than 2:1 or fills greater than 3:1 (H:V).
58. A thorough evaluation of the structural street section from a qualified civil and/or geotechnical engineer, shall be submitted to the Engineering Services Division of the Town.
59. All driveways shall be constructed in accordance with the commercial driveway standards of the Town Standards.

60. In addition to the drainage, traffic related, or other requirements stated herein, other "on-site" or "off-site" improvements may be required which cannot be determined from the plans submitted at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to the Public Works Director.
61. Drainage across the property shall be maintained. The design of the grading and drainage facilities shall not create concentrated discharges to adjacent properties and/or public rights of way in excess of historical flows. A registered civil engineer shall investigate existing facilities and design adequate drainage facilities to intercept and conduct the drainage flows around or through the site in a manner that will not adversely affect adjacent or downstream properties. The Engineer shall verify that downstream facilities, and drainage channels accepting site flows are not adversely affected by an increase in runoff from this development. If the project does create concentrated or sheet flows off-site that are greater than historical, the applicant shall demonstrate that the downstream facilities can accommodate the increased flows; otherwise, the applicant shall provide on-site detention for excess flows.
62. A final hydrology and hydraulics study is required and shall be submitted with the grading and improvement plans for the project. The study shall be prepared in accordance with the grading chapter of the municipal code and the adopted Storm Drain Master Plan of the Town and shall be prepared by a registered civil engineer. The study shall include runoff from the entire site and shall also include runoff that enters the property from all upstream sources, and shall include all storm drains, drywells, infiltrators and surface flows. The study shall indicate the method of conveying surface and underground runoff and shall address drainage conveyances downstream to the extent they exit to an existing facility or natural drainage course. All existing drainage facilities on-site and tributary to the site shall be identified and shown on the grading plans. The hydraulic calculations shall include all pipe flows, velocities and head loss calculations sufficient to show the adequacy of all conveyance systems. Q100 and V100 and the hydraulic grade line for all public storm drains and all facilities with an equivalent diameter of 18 inches or greater shall be shown on the approved grading and improvement plans. The drainage study for the project and the final design of the storm drain system shall be approved prior to approval by staff of the grading and improvement plans and the final map. Infiltrators and storm water pollution prevention facilities are to be designed to accept the "first flush" levels of runoff. The capacity of these facilities shall not be assumed to reduce storm water flows of other drainage facilities that may be required for the project.
63. Temporary and permanent erosion control plans shall be included with the grading, improvement, and building plans. Continuous water spraying or other approved methods shall be used during grading operations to control fugitive dust. Drop inlet filters and other temporary Best Management Practices shall be employed to filter nuisance water from storm drain inlets affected by construction, on-site and off-site.

Groundwater pollution from urban run-off water generated by the project shall be mitigated using best management practices (BMPs), per the requirements of the California Regional Water Quality Control Board, Lahontan District, and as indicated in the "New Development and Redevelopment Guidelines". The applicant shall apply for and obtain all required permits, written clearances or exemptions from the Lahontan District prior to any grading. All BMPs shall be shown on the erosion control plans. If the Town inspector determines that the BMPs in place are not adequate, then additional BMPs shall be installed at the discretion of the Town inspector or a revised erosion control plan shall be prepared for approval by the engineering services division. Gravel bags shall be used in lieu of sand bags. All permanent erosion control measures shall be irrigated for at least one season. Permanent BMPs shall include sediment traps upstream of infiltrators and oil water separators for parking areas consistent with the General Plan.

64. A Construction Staging and Management Plan shall be submitted to and approved by the Public Works Director prior to grading or building permit issuance. Said plan shall include provisions related to the parking of construction worker vehicles, construction equipment, construction materials, and specific limitations restricting access into non-developed portions of the site and the storage of materials within these areas. The staging plan and the final access roadway improvements shall all be approved by the Mammoth Lakes Fire Protection District prior to grading permit issuance. An approved copy of the plan shall be maintained on-site at all times and available to all contractors, subcontractors, their employees and the Town. The staging plan shall address hours of work, and special approval for work outside hours allowed. The plan shall also contain provisions for interrupting utility services to neighboring properties and sufficient noticing to affected residents and property owners.
65. On the cover sheet of the grading plans and in a very conspicuous location place the following note: "The conditions of approval for the approved Design Review DR 20-005 and Use Permit UPA 20-003 contained in the resolution recorded at the County Recorder's Office of Mono County as Document No. 2021xxxxx, shall be made a part of these plans and the grading permit and all conditions and requirements therein shall be adhered to by the contractor, his sub-contractors and any person performing any work on the project." This note shall also be included within the construction staging and management plan.
66. Prior to combustible materials being placed on-site, an all-weather access road shall be constructed serving all exterior portions of the structure to the satisfaction of MLFPD.
67. The grading plan and building permit plans shall indicate all snow storage areas and drainage facilities.

68. Driveway slopes shall be reviewed and approved by the Town's Public Works Director prior to approval of the grading plan.
69. All easements shall be shown on the grading and building permit plans.
70. All export shall be taken to, and all import shall be taken from a permitted site, which shall be identified at grading permit issuance. The applicant shall prepare a haul route, subject to the approval of the Public Works Director prior to the import or export of material for the site.
71. The grading plans shall include a tree removal and protection plan, which shall be approved prior to any land disturbance and the issuance of a grading or building permit, to address how construction can occur without disturbing the drip-line of retained trees. The drip-line areas shall be "fenced" off with barriers to prevent disturbance during site grading. Additionally, finish grading shall not disturb existing understory vegetation or retained trees. The applicant shall obtain any necessary Timber Harvest Permit prior to any tree removal.
72. A pre-construction meeting shall be held on-site prior to any land disturbance to inspect clearing limit fencing and tree protection measures, BMPs, and elements of the Construction Staging and Management Plan.
73. A snow removal/storage management plan for the hauling of snow in accordance with Municipal Code Section 17.36.110.B(3)(a) shall be submitted by the applicant and approved by the Community and Economic Development Department and Public Works Department prior to first building permit issuance. The plan shall be in the form of a recorded document mutually agreed to between the property owner and the Town and shall describe features such as, but not limited to, location of snow storage areas, the method of snow hauling, frequency of pick-ups, pick-up areas, haul routes, hours of hauling operations, and snow deposit areas. The plan shall also include methods to address potential cornice and ice falling onto pedestrian and vehicular areas and methods to address hazardous snow and ice build-up on pedestrian pathways and sidewalks. Approved methods to address hazardous snow and ice build-up include plowing, application of cindering, and potential of heat-traced pavement. This plan and provisions for maintenance of private driveways and drainage facilities shall be included in the project CC&Rs.

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

74. All easements as shown on the approved plans and as required as part of any land transfer or conveyance shall be recorded by separate document in a form and in content acceptable to the Town. Easements to be recorded by separate document shall be submitted to the Town for review and approval prior to recording. The fully executed documents shall then be submitted to the Public Works Director. Easements shown on the grading plans to be granted or dedicated shall indicate the beneficiary of the easement(s).
75. The applicant shall submit to the Town electronic files of the as-built grading plans in PDF and AutoCAD formats or other format as may be approved by the Public Works Director.
76. Monumentation of the subdivision shall be installed in accordance with the Subdivision Ordinance of the Town, Ordinance 84-10.
77. All required landscaping and irrigation improvements shall be constructed, or a form of security listed in Government Code Section 66499(a) and acceptable to the Town shall be posted to the satisfaction of the Community and Economic Development Department for any required landscaping and irrigation improvements to be deferred and a schedule shall be submitted to the Town for the construction of the deferred improvements. Deferral of the construction of any landscaping and irrigation improvements shall be at the sole discretion of the director of the Community and Economic Development Department.
78. Address numbers shall be placed on all new and existing structures in such a manner as to be plainly visible and legible from the access roadway or street, consistent with Municipal Code Chapter 16.32.
79. All required grading, public and private street and drainage improvements shall be completed, all "punchlist" items completed to the satisfaction of the Public Works Director, the as-built plans submitted, reviewed and approved and the required warranty security posted prior the issuance of a certificate of occupancy for the project.
80. A form of security listed in Government Code Section 66499(a) shall be posted with the Town in a form acceptable to the Town Public Works Department for any deferred final monumentation for the project. The estimated amount of the surety shall be prepared by the licensed land surveyor and shall be approved by the Town Public Works Department.

SPECIAL ENGINEERING CONDITIONS

81. The applicant shall submit a request for unit, building and street addressing to the Town for approval concurrently with application for Building Permit.
82. Site improvements consisting of public streets, on-street parking, sidewalks and multi-use paths, rights of way, stormwater infrastructure, and transit shelters shall be constructed to the benefit of the Town in general conformance to the plans approved with this entitlement and at the direction of the Public Works Director. Improvements shall be designed and constructed to Town Standards and to the satisfaction of the Public Works Director. Requirements include but are not limited to:
 - a. In order to accommodate adequate snow storage or to convey stormwater, sidewalks and multi-use paths shall generally be separated from the street by a 9ft landscape strip or bioswale, however the landscape strip may be locally reduced to a minimum of 6ft or the sidewalk may locally be located directly adjacent to street curb with no landscape strip between street and sidewalk.
 - b. In locations where the separation between street and sidewalk or MUP is designed as a bioswale to detain or convey stormwater, curb and gutter may be eliminated.
 - c. Multi-use Paths shall be constructed of asphalt, and shall generally meander in alignment to provide character and to preserve trees. Path width may be locally reduced from the standard to accommodate such variation.
 - d. Pedestrian ramps shall be designed to converge at corners in order to eliminate "snow islands" or other impediments to sight distance.
 - e. Transit stops shall include a bus shelter.
 - f. On-street parking shall be either parallel or perpendicular.
 - g. Trenches for all utilities and other associated utility infrastructure shall be located in the street and shall generally not be located in landscape strips or bioswales.
 - h. Underground propane lines connecting to the Amerigas franchise system shall be installed and stubbed out to each building
 - i. Underground fiber optic lines connecting to the Inyo Networks/Digital 395 broadband system shall be installed and stubbed out to each building.
 - j. Stormwater infrastructure to manage runoff from public rights of way shall be designed and constructed in order to minimize impact to downstream facilities to the satisfaction of the Public Works Director.
 - k. In general, a 10ft non-exclusive easement beyond each side of public rights of way shall be dedicated to the benefit of the Town for snow storage

purposes. The width of this easement may be locally reduced in consideration of other snow management constraints and opportunities.

- l. A 20ft non-exclusive easement on the south and east sides of the Park shall be dedicated to the benefit of the Town for snow storage purposes.
 - m. Above-ground utility equipment, such as electrical transformers and pedestals, shall not be located in or adjacent to public open space.
 - n. Trees which have been identified by "The Parcel Tree Survey" map by Triad/Holmes Associates dated 7/31/2020 and the associated "The Parcel Tree Survey Report" by High Mountain Arborist dated 8/1/2020 as "Heritage", "Habitat", "Unique", or part of a "Subpopulation of Mature Jeffrey Pine" trees, as well as other trees greater than 12" DBH, shall be protected and preserved to the greatest extent possible. Such preservation may involve deviation from Town Standards at the discretion of the Public Works Director.
83. Improvements to upstream or downstream stormwater infrastructure facilities may be required at the direction of the Public Works Director.
84. Applicant will be responsible and required to provide multi-modal connectivity from inside the Master Plan area to existing infrastructure outside the Master Plan area. The Public Works Department reserves the right to modify these conditions to meet the intent of providing connectivity while managing the unknown constraints associated with the described improvements. Specifically, for proposed Phase 1, the following improvements at Center Street and Tavern Road connections shall be made:
- a. At minimum a 6' sidewalk with curb and gutter shall be constructed to TOML standards on the southerly side of Center Street from the intersection of Center Place heading easterly towards Main street. The sidewalk will incorporate as necessary provisions for driveway access and head in parking to accommodate existing conditions and businesses. Crosswalks and curb ramps necessary to traverse the Frontage Road will be incorporated. Drainage improvements will be incorporated and will include removal of the existing slotted drain and installation of drop inlets and underground storm drain to connect to existing storm drain infrastructure. Street lighting and Municipal or trail wayfinding will be incorporated as required by existing or amended plans or as directed by the Public Works Director.
 - b. A sidewalk or MUP connection to the existing sidewalk on Tavern Road will be constructed. This may require providing ADA compliant and similarly designed curb ramps at the intersection of Tavern and Laurel Mountain in order to safely transfer pedestrian from one side of the road to

the other. Applicant will provide a pedestrian activated crosswalk beacon and advance warning signage on unsignalized portion of Laurel Mountain Blvd. Signage will be the same make and model as found at the intersection of Tavern Road and Old Mammoth Road. Street lighting and Municipal or trail wayfinding will be incorporated as required by existing or amended plans or as directed by the Public Works Director.

85. Prior to the issuance of the first Certificate of Occupancy for a housing unit, the developer shall provide a parking management plan for final approval by the Town Council that demonstrates how alternative modes of transportation will reduce the parking needs for the project with consideration for the entire master planned area. Identified solutions shall be primarily derived from the Town's mobility planning efforts, including both accepted and adopted documents and should be in place prior to the issuance of the first Certificate of Occupancy. The parking management plan, that will be developed in coordination with the Town, should include clear metrics and triggers that allow additional parking to be provided for the project, with consideration for the master planned area, if the management plan does not achieve its goal.

EXHIBIT "C"
Resolution No. 21-10
Case No. UPA 20-003 and DR 20-005
INFILL ENVIRONMENTAL CHECKLIST

The Parcel

Lead Agency:



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1.0 INTRODUCTION

This document is an Infill Environmental Checklist to evaluate potential environmental effects resulting from implementation of The Parcel (project). The project is subject to the guidelines and regulations of the California Environmental Quality Act (CEQA). Therefore, this document has been prepared in compliance with the relevant provisions of CEQA and the State CEQA Guidelines as implemented by the Town of Mammoth Lakes (Town). This Infill Environmental Checklist evaluates the potential direct, indirect, and cumulative environmental effects associated with the project and demonstrates that such effects have been previously and adequately analyzed in the *Final Program Environmental Impact Report for the Town of Mammoth Lakes 2005 General Plan Update* (State Clearinghouse No. 2003042155, dated May 2007) (2007 General Plan EIR); where applicable, in the *Town of Mammoth Lakes General Plan Land Use Element/Zoning Code Amendments and Mobility Element Update Draft Environmental Impact Report* (2016 Update EIR); and/or impacts would be less than significant.

1.1 STREAMLINING PER CEQA GUIDELINES SECTION 15183.3

Under CEQA (Public Resources Code Section 21000, et. seq.) and the State CEQA Guidelines, the Town of Mammoth Lakes as lead agency is generally required to analyze the potential environmental impacts of a project. Senate Bill 226 (SB 226), signed into law in 2011, made changes to the CEQA review process for infill projects. Specifically, SB 226 called for establishing streamlined CEQA provisions for infill projects. These provisions are implemented through CEQA Guidelines Section 15183.3, which states that to be eligible for streamlining procedures, an infill project must:

- 1) Be located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least 75% of the site's perimeter;
- 2) Satisfy performance standards in Appendix M of the CEQA Guidelines; and
- 3) Be consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy or, alternatively, for a project proposed outside of the boundaries of a metropolitan planning organization the project must qualify as a small walkable community project.

For eligible infill projects, CEQA Guidelines Section 15183.3 state that:

“CEQA does not apply to the effects of an eligible infill project under two circumstances. First, if an effect was addressed as a significant effect in a prior EIR for a planning level decision, then, with some exceptions, that effect need not be analyzed again for an individual infill project even when that effect was not reduced to a less than significant level in the prior EIR. Second, an effect need not be analyzed, even if it was not analyzed in a prior EIR or is more significant than previously analyzed, if the lead agency makes a finding that uniformly applicable development policies or standards, adopted by the lead agency or a city or county, apply to the infill project and would substantially mitigate that effect. Depending on the effects addressed in the prior EIR and the availability of uniformly applicable development policies or standards that apply to the eligible infill project, streamlining under this section will range from a complete exemption to an obligation to prepare a narrowed, project-specific environmental document.”



Section 15183.3 is consistent with the directive in SB 226 that CEQA analysis of infill projects “shall be limited” to effects that were not analyzed in a prior EIR or are more significant than previously analyzed.

1.2 PROJECT LOCATION

The Parcel (project) is located within the Town of Mammoth Lakes (Town), in the southwest portion of Mono County, on the eastern side of the Sierra Nevada mountain range; refer to Exhibit 1, Regional Vicinity. The project site is approximately 25.19 acres and is comprised of Assessor’s Parcel Numbers (APNs) 035-010-020-000 and -100-003-000. Specifically, the site is located at the west end of Tavern Road, north end of Chaparral Road, and south of Center Street; refer to Exhibit 2, Site Vicinity. Regional access to the site is provided via Main Street, while primary local access to the project site is provided via Center Street, Tavern Road, and Chaparral Road.

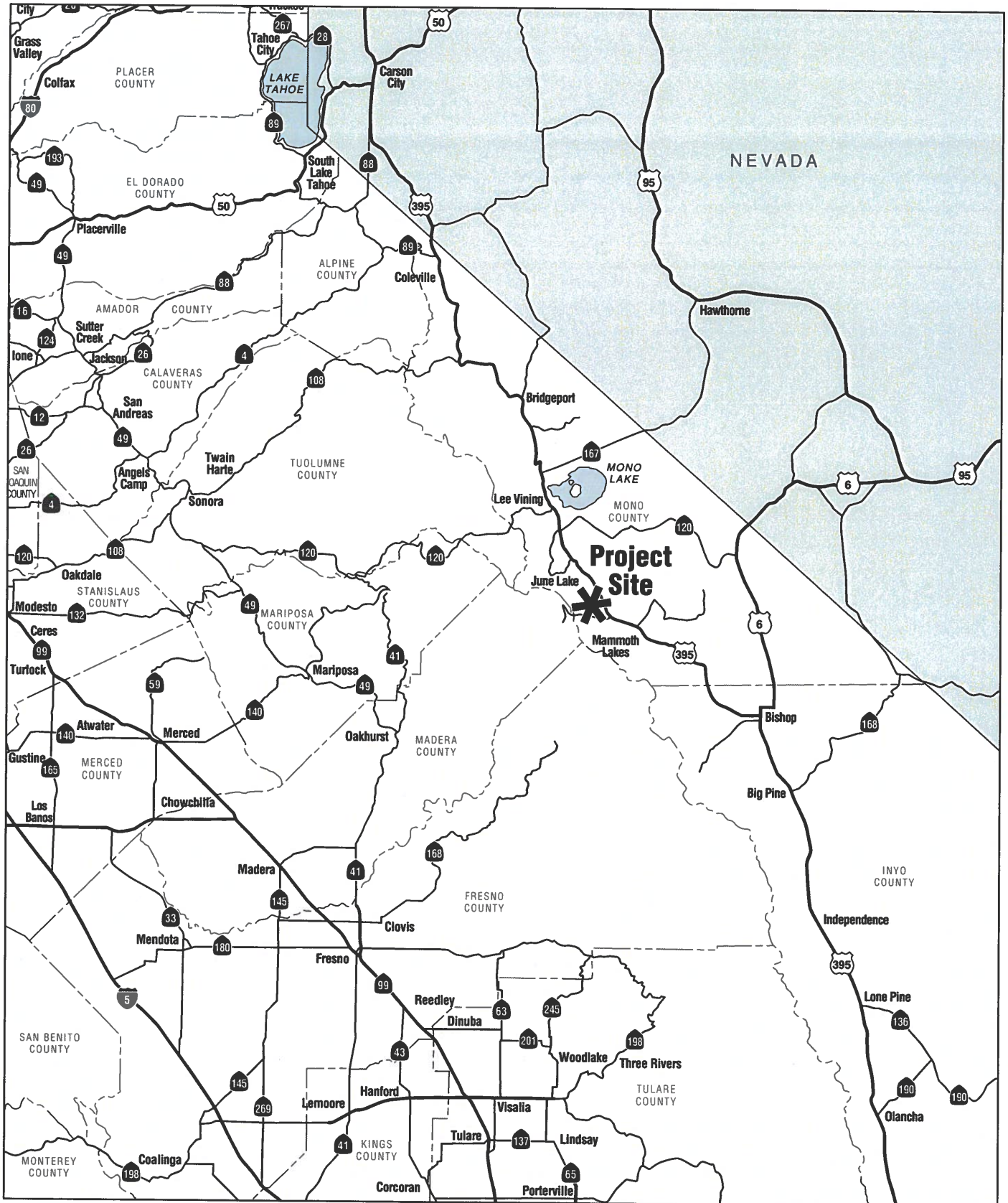
1.2.1 ENVIRONMENTAL SETTING

The project site is a vacant, forested site that is surrounded by commercial and residential development on all sides and was formerly used as cabins (the Shady Rest Summer House Tract) that were owned by the United States (U.S.) Forest Service and used for summer cabins in the 1920s. By 1983, these summer cabins were either removed or relocated off-site (to the south) as part of a land exchange and the site currently remains vacant.

The project site is relatively flat, gently sloping down-grade in a north-northeastern direction. The project site accepts run-off from surrounding properties to the west which flows through the site in a streambed that generally flows in a northeastern direction. A wetland is associated with the main on-site drainage feature. Other vegetation communities present on-site include aspen groves, Booth’s willow Geyer’s willow – yellow willow thickets, Jeffery pine forest and woodland, and montane meadow.

Based on the *Town of Mammoth Lakes General Plan 2007* (General Plan) Land Use Map, the project site is designated High-Density Residential 1 (HDR-1), which allows a density of up to 12 units per acre. General Plan Policy L.2.D. allows up to 24 units per gross acre if all units within the project are deed restricted for workforce housing. The increase in density permitted pursuant to L.2.D is in addition any allowed State Density Bonus. It is acknowledged that one on-site property (33 Center Street) is designated C-2 and would be used for roadway right-of-way purposes.

Based on the Town’s Zoning Map, the project site is zoned Residential Multi-Family 1 (RMF-1) with an Affordable Housing Overlay zone. The RMF-1 zone allows a maximum density of 12 units per acre in addition to any allowed State Density Bonus. The Affordable Housing Overlay has only been applied to the project site and is intended to facilitate the development of lower income units for the purpose of workforce housing. Per this overlay, all units must be affordable to households with incomes ranging from very low-income up to moderate-income. It is acknowledged that one on-site property (33 Center Street) is zoned Downtown (D) and would be used for roadway right-of-way purposes.



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THE PARCEL PROJECT INFILL ENVIRONMENTAL CHECKLIST

Regional Vicinity

Exhibit 1



Source: Google Earth Pro, August, 2020.

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PROJECT SITE

THE PARCEL PROJECT
INFILL ENVIRONMENTAL CHECKLIST

Site Vicinity

Exhibit 2



SURROUNDING LAND USES

Land uses surrounding the project site include commercial, retail, and office uses along Center Street and Lauren Mountain Road, as well as multi-family residential and single-family residential uses. Specifically, surrounding uses include the following:

- North: Center Street and commercial/retail/office uses (e.g., Mammoth Lakes Nursery, Cinnamon Bear Inn, Mammoth Real Estate, and a Shell gas station) bound the project site to the north. Frontage Road and Main Street (SR-203) are located further north. These land uses are designated Commercial 2 (C-2) and zoned Downtown.
- East: Forest land, single-family residential, commercial/retail uses (e.g., De Resort Hotels & Management, Green Mammoth cannabis store, and Country Liquor and Deli), and Laurel Mountain Road bound the project site to the east. Multi-family residential uses and Shady Rest Road are also located to the east of the project site. These areas are designated C-2 and Low-Density Residential 2 (LDR-2), respectively, and zoned Downtown and Residential Single-Family, respectively.
- South: Single-family residential and multi-family residential uses (e.g., Sherwin View Park Apartments, Wildflower Condominiums, and Timberline Condominiums) are located to the south and southeast of the project site. These areas are designated HDR-1 and High Density Residential 2 (HDR-2) and zoned Residential Multi-Family 1 and Residential Multi-Family 2.
- West: Single-family residential and multi-family residential uses bound the project site to the west. This area is designated HDR-1 and zoned Residential Multi-Family 1.

1.3 PROJECT BACKGROUND

1.3.1 2007 General Plan EIR

The *Final Program Environmental Impact Report for the Town of Mammoth Lakes 2005 General Plan Update* (2007 General Plan EIR) analyzed the environmental impacts associated with the update of the Town's General Plan in 2005 (2005 General Plan Update), including development of the project site as High Density Residential 1 (HDR-1). The HDR-1 designation is intended primarily to provide areas for development of multi-family housing at a maximum density of 12 dwelling units per acre. These densities would accommodate townhouses, condominiums, and apartments. Density may be increased pursuant to state law or up to double for housing projects where all units are deed restricted for workforce housing pursuant to the provisions of the Housing Element in the General Plan. This designation includes standards that ensure compatibility with adjacent properties; provide adequate recreation space, snow storage, and building separation; and generally provide for well-designed livable developments. Setbacks and lot coverage also provide for preservation of existing trees. The HDR-1 designation preserves areas of town for resident housing by prohibiting hotels, motels, timeshares, or other transient occupancies. The project site is specifically designated for workforce housing.



The proposed project was specifically analyzed in the 2007 General Plan EIR as part of the “Main Street, Old Mammoth Road, and Shady Rest District”. Page 24 of the General Plan states that the Main Street, Old Mammoth Road, and Shady Rest areas should invite pedestrian activity and provide gathering places and opportunities for interaction in a vibrant mix of retail, commercial, and workforce housing. Development should be attractive with a high level of detail and active storefront uses resulting in a pleasing pedestrian-oriented streetscape. Commercial corridors should be walkable year-round, vibrant, colorful, and accessible. Uses should be mixed to allow offices, residential housing and visitor accommodations above ground floor retail. Buildings should have distinctive mountain architecture and varied roof forms with accentuating physical landmarks at intersections, street corners, and other appropriate locations. The streetscape should be safe and designed for the pedestrian with the inclusion of street furniture, trees, flowers and planters, interesting sidewalk surfaces and public art. New development should improve connectivity and circulation with bike and pedestrian paths, sidewalks and roads. Specifically, the Shady Rest area (the project site) should include the following characteristics:

1. A livable in-town neighborhood for the workforce:
 - a. Not fractional, not second homes
 - b. Mechanisms to ensure units remain at determined rates in perpetuity
 - c. Variety of unit size and scale
2. Preservation and restoration of unique site features, including wetlands
3. A community-oriented design:
 - a. Neighborhood context and connections:
 - (1) Pedestrian and auto connections to adjoining areas and neighborhoods (e.g., Sierra Valley District, Tavern Road, Main Street, and Center Street)
 - (2) Traffic calming and management with adjoining neighborhoods
 - (3) Trail and pedestrian emphasis
 - (4) Transit accessible
 - b. Integrated site planning and architectural design:
 - (1) Accessible wetlands and community park(s) connected to the community
 - (2) Significant tree preservation
 - (3) Unobtrusive, articulated buildings
 - (4) Minimum paving, maximum permeable surface
 - (5) High quality materials
 - (6) Parking
 - (7) Energy efficient design
 - (8) Innovative snow management
4. A future catalyst to surrounding commercial areas
5. Developed in phases:



- a. High quality of living throughout (no disparity, grouping or phasing by income)
 - b. Reasonable product absorption rate
- 6. Long-term affordability:
 - a. Durability of materials and design
 - b. Designed for low operating and maintenance costs and energy efficiency
 - c. Transit accessibility
- 7. Provision of key resident amenities such as:
 - a. Child care
 - b. Active and passive recreation

Further, the proposed project is specifically identified in the High-Density Residential 1 (HDR-1) designation for the project site (as the Shady Rest Tract), as follows:

“High-Density Residential 1 (HDR-1) This designation allows residential multi-unit townhouses, condominiums and apartments at a density of six (6) to a maximum of twelve (12) dwelling units per acre. This designation applies to the Sierra Valley District, the Shady Rest Tract, and portions of the Old Mammoth District. The Shady Rest Tract is intended primarily for workforce housing. The HDR-1 designation is intended to preserve existing housing and allow for additional high quality housing opportunities. Development standards ensure compatibility with adjacent properties, building separation, adequate on-site recreation space, and well-designed livable development.”

Last, the 2007 General Plan included Appendix C, *Physical Development Concept*, which included a description of the proposed project, as follows:

“The Physical Development Concept organizes and describes the most important ideas that can guide the future evolution of the community. This diagram is focused on the areas that are expected to undergo the most change. The following are the major ideas: ...

- 2. Workforce housing is essential to the community by providing affordable living for people who live and work in Mammoth Lakes. Existing and future mixed use neighborhoods, such as the large undeveloped Shady Rest site, have great potential to be locals’ workforce neighborhoods.”

The 2007 General Plan EIR, which considered future development of workforce housing at the project site (referenced as the Shady Rest site) concluded significant and unavoidable impacts regarding aesthetics/light and glare, air quality, biological resources, hazards and hazardous materials, noise, and public services and recreation. The following is a summary of the findings made:



Less Than Significant Impact

- Geology and Soils;
- Hydrology and Water Quality;
- Land Use and Relevant Planning; and
- Population and Housing.

Less Than Significant Impact With Mitigation Incorporated

- Mineral Resources;
- Transportation;
- Utilities and Service Systems; and
- Cultural Resources.

Significant and Unavoidable

- Aesthetics/Light and Glare;
- Air Quality – construction, operational, and cumulative air emissions;
- Biological Resources;
- Hazards and Hazardous Materials [Wildland Fires];
- Noise; and
- Public Services and Recreation [Libraries, Hospitals, and Parkland].

At the time of approval of the 2007 General Plan EIR, a Mitigation Monitoring and Reporting Program (2007 MMRP) was adopted by Town Council. The 2007 MMRP is binding and applies to all future development in the Town of Mammoth Lakes.

1.3.2 2016 Update EIR

During the Town's Zoning Code Update, a proposal was made to use floor area ratio (FAR) to regulate the intensity of development in the Town's commercial zoning districts. As part of this process, the General Plan was also amended to update boundaries of commercially designated land in the Land Use Element; changing land use element policy and text associated with regulating population growth from a People At One Time (PAOT) approach to an impact assessment based approach, and a change in the buildout methodology; and deleting Land Use Element Community Benefits Incentive Zoning (CBIZ) and modifying Transfer of Development Rights (TDR) policies. In addition, the Town proposed to adopt and implement a Mobility Element Update. The Mobility Element Update addresses the two key concepts that are a focus of the 2007 General Plan: the triple-bottom line, which is the community's social, economic, and natural capital, and "feet-first" transportation, which emphasizes and prioritizes non-motorized travel first, public transportation second, and vehicle last.

In response, the *Town of Mammoth Lakes General Plan Land Use Element/Zoning Code Amendments and Mobility Element Update Draft Environmental Impact Report* (2016 Update EIR) analyzed the impact of implementing a FAR standard with no unit or room density limitations within the Town's commercial areas. In addition to the Zoning Code Update, the 2016 Update EIR also analyzed impacts of the



associated General Plan Land Use Element Amendments and a Mobility Element Update, all of which collectively known as the Land Use Element/Zoning Code Amendments and Mobility Element Update (the 2016 Update). The 2016 Update EIR included more recent buildout assumptions that are consistent with these updates for the 2016 General Plan Update. The 2016 Update EIR concluded significant and unavoidable impacts regarding air quality and public services. The following is a summary of the findings made:

Less Than Significant Impact

- Agricultural and Forestry Resources;
- Geology and Soils;
- Greenhouse Gas Emissions;
- Hazards and Hazardous Materials;
- Hydrology and Water Quality;
- Land Use and Relevant Planning;
- Mineral Resources;
- Population and Housing; and
- Utilities and Service Systems.

Less Than Significant Impact With Mitigation Incorporated

- Aesthetics/Light and Glare;
- Biological Resources;
- Cultural Resources; and
- Noise.

Significant and Unavoidable

- Air Quality – construction, operational, and cumulative air emissions;
- Public Services and Recreation – Parks and other recreational facilities; and
- Transportation – Level of service at various intersections.

At the time of approval of the 2016 Update EIR, an updated Mitigation Monitoring and Reporting Program (2016 MMRP) was adopted by Town Council. As the 2016 Update EIR was a tiering document from the 2007 General Plan EIR and the as well as Trails System Master Plan Environmental Impact Report (EIR), the 2016 MMRP documents, the applicable/modified 2007 General Plan EIR Mitigation Measures, the applicable/modified Trails System Master Plan EIR Mitigation Measures, as well as necessary new Mitigation Measures identified for the purposes of the 2016 Update. The 2016 MMRP is binding and applies to all future development in the Town of Mammoth Lakes (as applicable). Where the 2016 MMRP measures are not applicable, the Town relies on the 2007 MMRP.



1.3.3 Master Plan

The Shady Rest Master Plan (1991 Shady Rest Master Plan) was adopted in 1991 to provide affordable housing development through a land exchange with the Federal Government. The Shady Rest Master Plan allows up to 172 units with a mix of 120 low and very low income and 52 moderate income units (i.e., up to 120 percent Area Median Income [AMI] for Mono County¹). An Affordable Housing Overlay zone was placed on site as part of the U.S. Forest Service for the land exchange.

Since adoption of the Town's General Plan in 2007, various concept plans have been prepared for the project site. These include:

- The Shady Rest Site Development Concept as part of the Downtown Neighborhood District Plan (Town of Mammoth Lakes, 2010);
- Hart Howerton Concept (Mammoth Mountain Ski Area, 2016); and
- Dahlin Concept Plan (Mammoth Lakes Housing, Inc., 2016).

None of these previous concept plans have resulted in amendments to the 1991 Shady Rest Master Plan. In 2018, the Town of Mammoth Lakes purchased the project site with the intent to construct an affordable housing community on-site. The Preferred Conceptual Land Use Plan (Preferred Plan) for the project site was prepared based on extensive community outreach and participation. The purpose of the Preferred Plan is to document the community's aspirations for The Parcel and provide conceptual design guidance to facilitate development. The Preferred Plan is not a regulatory document, and flexibility from the design, key features, and development program is expected to accommodate changes to the affordable housing development landscape over time, unique developer proposals, and new ideas, approaches, and strategies as build-out progresses. The Preferred Plan was accepted by Town Council in December 2019.

1.4 DOCUMENTS INCORPORATED BY REFERENCE

The following documents were utilized during preparation of this Infill Environmental Checklist and are incorporated into this document by reference. These documents are available on the Town's website: <http://www.townofmammothlakes.ca.gov>.

- *Town of Mammoth Lakes General Plan 2007*. The Town of Mammoth Lakes Council adopted the *Town of Mammoth Lakes General Plan 2007* (General Plan) on August 15, 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. Each element is introduced with an explanation of the intent of the goals, policies, and actions within that element. The General Plan contains the following elements:
 - Economy;
 - Arts, Culture, Heritage, and Natural History;

¹ Area Median Income (AMI) is determined annually by the State for each County and varies by household size. In Mono County, the 2019 AMI for a 4-person household is \$81,200. AMI would be used in calculating Very Low Income (less than or equal to 50 percent AMI), Low Income (between 51 and 60 percent, or 61 to 80 percent AMI), and Moderate Income (81 to 120 percent AMI) levels for each household.



Infill Environmental Checklist
The Parcel

- Community Design;
 - Neighborhood and District Character;
 - Land Use;
 - Mobility (updated in 2016);
 - Parks, Open Space and Recreation (updated in 2012);
 - Resource Management and Conservation;
 - Public Health and Safety
 - Housing (updated in 2015); and
 - Noise (1997).
- Final Program Environmental Impact Report for the Town of Mammoth Lakes 2005 General Plan Update (State Clearinghouse No. 2003042155, dated May 2007). The *Final Program Environmental Impact Report for the Town of Mammoth Lakes 2005 General Plan Update* (2007 General Plan EIR) analyzed the environmental impacts associated with the update of the Town's General Plan (2005 General Plan Update), as discussed above.
 - Town of Mammoth Lakes General Plan Land Use Element/Zoning Code Amendments and Mobility Element Update Draft Environmental Impact Report (State Clearinghouse No. 2015052072, dated June 2016). During the Town's Zoning Code Update, a proposal was made to use floor area ratio (FAR) to regulate the intensity of development in the Town's commercial zoning districts. In response, the *Town of Mammoth Lakes General Plan Land Use Element/Zoning Code Amendments and Mobility Element Update Draft Environmental Impact Report* (2016 Update EIR) analyzed the impact of implementing a FAR standard with no unit or room density limitations within the Town's commercial areas, as discussed above.
 - Mammoth Lakes Municipal Code (codified through Ordinance No. 19-02, adopted March 6, 2019). The *Mammoth Lakes Municipal Code* (Municipal Code) consists of all the 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 General Plan goals and policies. The *Mammoth Lakes Zoning Ordinance*, Title 17, of the Municipal Code identifies land uses permitted and prohibited according to the zoning category of particular parcels. Municipal Code Title 15, *Buildings and Construction*, specifies rules and regulations for construction, alteration, and building for uses of human habitation.
 - Town of Mammoth Lakes Parks and Recreation Master Plan (adopted February 2012). The Town of Mammoth Lakes Council adopted the *Town of Mammoth Lakes Parks and Recreation Master Plan* (Parks and Recreation Master Plan) on February 1, 2012, which assesses the Town's recreation needs for the future and establishes goals and policies that would guide park improvements. The Parks and Recreation Master Plan contains an analysis of the supply, demand, and needs for park and recreation facilities and services within the Town and includes a comprehensive assessment of public and private facilities available in and around Mammoth Lakes. It also recommends implementation strategies to help meet the challenges of providing parks and recreation facilities and a vision for developing parks and recreation within Mammoth Lakes for the next 17 years.



1.5 PROJECT DESCRIPTION

The proposed project involves implementation and adoption *The 2021 Parcel Master Plan* (proposed Master Plan), to construct a variety of affordable housing types with associated streets, community space/amenities, new bus stops, open spaces/parks, parking, and necessary utility infrastructure. The proposed Master Plan would replace the existing adopted 1991 Shady Rest Master Plan and would act as the regulatory document for the site. The Master Plan builds on the principals, recommendations, and strategies detailed in the Preferred Plan and provides site specific zoning and detailed regulatory guidance regulating land use; architectural design standards including building mass and articulation, roofs, materials, colors and height; development site standards including density, lot coverage, setbacks, open space and snow storage; parking requirements; signage; infrastructure including utilities, solid waste and stormwater; and circulation and mobility including sidewalks and pathways, the street network, and transit facilities. These standards are intended to be prescriptive in nature to allow for phased development proposals to be submitted to the Town through the major design review process pursuant to *Mammoth Lakes Municipal Code* (Municipal Code) Section 17.88. The Master Plan sets forth the specific development parameter for the project site, while providing flexibility to accommodate unique development phasing needs and changes to the affordable housing development landscape over time.

Implementation of the proposed Master Plan would result in the development of 400 to 580 residential units, which equates to 16 to 23 dwelling units per acre (gross) at the project site; refer to Exhibit 3, Development Areas and Perimeter Building Heights. The units would range in sizes from approximately 400 square feet for studio units to a minimum of 1,200 to 2,500 square feet for four-bedroom units. Depending on the building type, units would be available for rental or ownership. Specifically, 85 percent of all units would be rental units for households with incomes at or below 120 percent AMI, and up to 15 percent of the units (or up to 87 units) would be rental or ownership units reserved for households working in the region with income more than 120 percent AMI but below 200 percent AMI. All units would be restricted to individuals and households working in the region for the purpose of workforce housing.

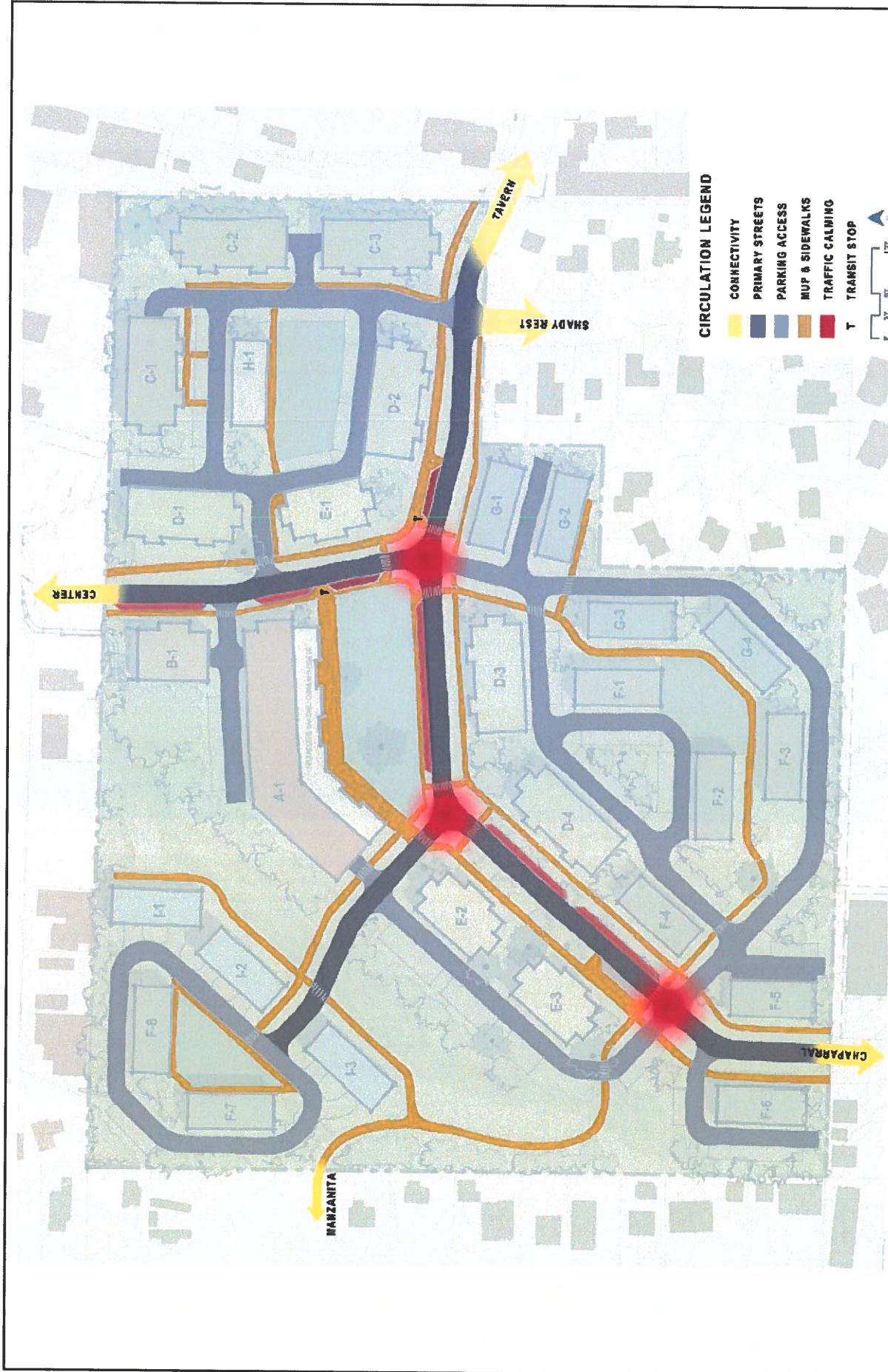
In addition to residential units, the project also proposes to construct at least one community-serving facility (e.g., a childcare center, community center, or supportive service) to support a high quality of life for residents and strengthen neighborhood stability.

Development would be compatible with the surrounding context (existing and anticipated) by providing a transition in height and intensity to match the height allowed in adjacent neighborhoods and commercial areas. Proposed building heights would range two to four stories in height; refer to Exhibit 3. Proposed heights would transition from lower buildings (up to two stories) near lower density single-family residential housing to the east, to three story buildings closer to existing multi-family residential uses, and up to four stories in height abutting commercial development to the north.

Transportation System and Parking

The project proposes an on-site circulation network of neighborhood streets, at least two transit stops, and sidewalks and multi-use paths (MUPs). Exhibit 4, Proposed Circulation Network, depicts the proposed roadway rights-of-way, MUPs, and sidewalks. The proposed MUPs would be paved with





THE PARCEL PROJECT
INFILL ENVIRONMENTAL CHECKLIST

Proposed Circulation Network

Exhibit 4

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Infill Environmental Checklist
The Parcel

asphalt. MUPs would be buffered by planting areas to provide space for snow storage. All street design includes the following features:

- Pedestrian facilities on both sides of the street when feasible;
- 13-foot drive lanes;
- Bioswales or planting strips for pedestrian separation and snow storage, where feasible; and
- Deciduous street trees to provide shade in summer and solar exposure in winter.

Paths for pedestrians would be added to Tavern Road between The Parcel and Laurel Mountain Road, and to Center Street between The Parcel and Main Street where adequate rights of way exist. The project also proposes two on-site bus stops (which include one stop in each direction of travel) that would be centrally located. The bus stops would include appropriate shelters as well.

The project would require all parking to be developed using the parking rates listed on [Table 1, *Proposed Parking Reduction*](#), and would be provided as “tuck-under” parking, podium parking, or surface parking. The proposed project would construct podium parking to accommodate the majority of residents’ parking needs. The “podium” configuration satisfies a variety of performance needs including substantially reduced snow removal (including storage and trucking), year-round availability, protection from the weather for the convenience and safety of residents, and efficient use of land. In addition to resident parking spaces that correspond to units in the building where the spaces are located, a minimum of 25 additional on-street parking spaces are provided. These on-street spaces could be utilized for visitor parking or parking for community amenities such as parks. Availability of on-street parking during winter months would be subject to weather conditions and snow removal situations. Parking for adjacent commercial uses would be provided under the proposed Master Plan at a rate of one space per 1,000 square feet gross leasable area, unless alternative parking provisions apply.

Table 1
Proposed Parking Reduction

Unit Types	Master Plan Requirement	Municipal Code Requirement	Percent Reduction
Studio	0.5 spaces	1 space	50%
1-Bedroom	1 space	1 space	0%
2-3 Bedroom	1.5 spaces	2 space	25%
4+ Bedroom	2 spaces	3 space	33%

Trails/Open Space/Parkland

According to the Master Plan Figure 8, *Open Space*, the project proposes approximately 3.1 acres of open spaces for recreational purposes; refer to [Exhibit 5, *Proposed Open Space*](#). These spaces include an



THE PARCEL PROJECT
INFILL ENVIRONMENTAL CHECKLIST

Proposed Open Space

Exhibit 5

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at least 0.5-acre central park that anchors the neighborhood, along with smaller pocket parks that serve as open space for the community. The open spaces are meant to provide public gathering spaces, which could be used for community performances, picnicking, celebrations (e.g., birthdays), outdoor kids play activities and yoga or exercise classes, horseshoes and cornhole, and other outdoor activities. The project would also construct informal open spaces such as bioswales, planting strips, and open spaces within and adjacent to development blocks intended to provide snow storage capacity during winter, and could be used for additional purposes when clear of snow, such as recreation and habitat for native flora and fauna.

The project proposes to maintain the existing wetland habitat (identified as Mill Ditch Linear Open Space) and would construct a MUP along Mill Ditch. The project also proposes a bridge over the Mill Ditch as part of the final phase of the project (refer to *Phasing and Construction*, below for a discussion on project phases), as shown on Exhibit 5. It is noted that footing of the proposed bridge would be located outside of the existing wetland. Should any future improvements require filling/dredging of wetlands, these activities would be subject to a separate environmental review process.

Master Plan

The proposed project would remove the existing Affordable Housing Overlay and replace these regulations with the proposed Master Plan. However, in areas where this Master Plan is silent as to a specific development standard found in the Municipal Code, the standards for the underlying zone district (RMF-1) would apply.

Phasing and Construction

It is acknowledged that construction of the proposed project is subject to market fluctuations, evolving funding sources and programs, and changes based on future developer(s) proposals. Notwithstanding, for the purposes of this analysis, it is anticipated that project would be constructed in six phases; refer to Exhibit 3. The phases are generally grouped by similar building types and reflect funding program thresholds, specifically low-income housing tax credits (LIHTC), and delineate infrastructure improvements anticipated in each phase. These phase boundaries and unit mixes may be adjusted based on future developer(s) proposals. For the purposes of this analysis, each phase is anticipated to take approximately 28 months to construct, with Phase 1 starting in summer 2021 and Phase 6 completing in Summer (July) 2028.

1.6 DISCRETIONARY ACTIONS

The Town of Mammoth Lakes is the Lead Agency under CEQA and has discretionary authority over the proposed project. The project would be subject to various Town permits and approvals, including, but not limited to:

- CEQA Clearance;
- Master Plan Adoption;
- Use Permits;
- Design Review; and



- Issuance of applicable grading and building permits.

Other discretionary actions that may be required for the proposed project could include the following:

- Army Corps of Engineers – Section 404 Permit;
- Lahontan Regional Water Quality Control Board;
 - Section 401 certification;
 - Waste Discharge Requirements (WDR);
 - NPDES Construction General Permit;
- California Department of Fish and Wildlife – Section 1602 Lake or Streambed Alteration Agreement (or other approval in-lieu of a formal agreement such as an Operation-by-Law letter); and
- Great Basin Unified Air Pollution Control District – Construction Permit.

1.7 CHANGES COMPARED TO THE PREVIOUSLY ADOPTED ENVIRONMENTAL DOCUMENTATION

The 2007 General Plan EIR was a programmatic level analysis for the Town and included all potential future developments anticipated under the Town's land use designations, as shown on the Town's Land Use Map (Figure 3-4 on page 3-10 of the 2007 General Plan EIR). As such, the 2007 General Plan EIR considered development of the project site for the purposes of workforce housing as part of the "Buildout Analysis" assumptions. Per these assumptions, buildout of the project site included development of approximately 25 acres of land, and construction of 12 dwelling units per acre (up to 300 units). It is acknowledged that the General Plan and Zoning Code allows the granting of double density for deed-restricted workforce housing (for a maximum additional 300 units). The 2007 General Plan EIR also assumed a population increase of 1,638 persons at the project site at buildout. This calculation was based on the base density of maximum allowance of 300 units plus an additional 172 units for the density bonus program, for a total of 472 units at the project site [at a ratio of 3.47 person per unit]).

The project proposes 16 to 23 dwelling units per acre (gross) (or 400 to 580 residential units) and an increase in population of up to 2,013 persons. Based on these and the Town's buildout model assumptions, the proposed project could result in a net increase of up to 108 units and an increase of up to 375 persons at the project site, compared to the General Plan and 2016 Update buildout assumptions.

It is acknowledged that the 1991 Shady Rest Master Plan allows for development of 172 units at the project site. The proposed project would replace the 1991 Shady Rest Master Plan with the proposed Master Plan, increasing the allowed units to 580 units. This represents an increase of 408 units compared to the 1991 Shady Rest Master Plan assumptions.



2.0 INFILL ENVIRONMENTAL CHECKLIST

2.1 BACKGROUND

1.	Project Title: The Parcel
2.	Lead Agency Name and Address: Town of Mammoth Lakes 437 Old Mammoth Road, Suite 230 Mammoth Lakes, California 93546
3.	Contact Person and Phone Number: Ms. Sandra Moberly Community and Economic Development Director 760.965.3630
4.	Project Location: The project site is approximately 25.19 acres and is comprised of Assessor's Parcel Numbers (APNs) 035-010-020-000 and -100-003-000. Specifically, the site is located at the west end of Tavern Road, north end of Chaparral Road, and south of Center Street; refer to <u>Exhibit 2</u> . The property addresses are listed as 1699 Tavern Road and 33 Center Street.
5.	Project Sponsor's Name and Address: Town of Mammoth Lakes Sandra Moberly, Community and Economic Development Director 437 Old Mammoth Road, Suite 230 Mammoth Lakes, California 93546
6.	General Plan Designation: High-Density Residential 1 (HDR-1)
7.	Zoning: Residential Multi-Family 1 (RMF-1) with an Affordable Housing Overlay
8.	Prior environmental Document(s) Analyzing the Effects of the Infill project (including State Clearinghouse Number if assigned): <i>Final Program Environmental Impact Report for the Town of Mammoth Lakes 2005 General Plan Update</i> (State Clearinghouse No. 2003042155, dated May 2007) and <i>Town of Mammoth Lakes General Plan Land Use Element/ Zoning Code Amendments and Mobility Element Update Draft Environmental Impact Report</i> (State Clearinghouse No. 2015052072, dated June 2016).
9.	Location of Prior Environmental Document(s) Analyzing the Effects of the Infill Project: Town of Mammoth Lakes, California.
10.	Description of Project: The proposed project includes adaptation and implementation of the proposed Master Plan to construct a variety of affordable housing types with associated streets, community space/amenities, new bus stops, open spaces/parks, parking, and necessary utility infrastructure; refer to <u>Exhibit 3</u> . The development would include 400 to 580 residential units, which equate to 16 to 23 dwelling units per acre (gross). The units would range in sizes from approximately 400 square feet for studio units to minimum of 2,500 square feet for four-bedroom units. Depending on the building type, units would be available for rental or ownership. Specifically, 85 percent of all units would be rental units reserved for households with incomes at or below 120 percent AMI, and up to 15 percent of the units (or up to 87 units) would be rental or ownership units reserved for households working in the region with income more than 120 percent AMI but below 200 percent AMI. All units would be restricted to individuals and households working in the region for the purpose of workforce housing. In addition to residential units, the project also proposes to construct



Infill Environmental Checklist
The Parcel

	at least one community-serving facility (e.g., a childcare center, community center, or supportive service) to support a high quality of life for residents and strengthen neighborhood stability. As such, this Infill Environmental Checklist analyzes the incremental environmental impacts associated with the proposed project, compared to those analyzed in the 2007 General Plan EIR and 2016 Update EIR.
11.	Surrounding Land Uses and Setting (Briefly describe the project's surroundings, including any prior uses of the project site, or if vacant, describe the urban uses that exist on at least 75 percent of the project's perimeter): Surrounding land uses include commercial, retail, and office uses along Center Street and Lauren Mountain Road, as well as multi-family residential and single-family residential uses; refer to <u>Section 1.2.1, Environmental Setting</u> .
12.	Other public agencies whose approval is required (e.g., permits, financing approval or participation agreement). <ul style="list-style-type: none"> • Army Corps of Engineers; • Lahontan Regional Water Quality Control Board; • California Department of Fish and Wildlife; and • Great Basin Unified Air Pollution Control District.
13.	Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.? As documented in this Infill Environmental Checklist, the project would not be subjected to CEQA and therefore, would not be subject to the AB 52 process; refer to <u>Section 3.18, Tribal Cultural Resources</u> .

2.2 APPENDIX M PERFORMANCE STANDARDS

For a project to qualify under CEQA Guidelines Section 15183.3, they must:

- Be located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least seventy-five percent of the site's perimeter. For the purpose of this subdivision "adjoin" means the infill project is immediately adjacent to qualified urban uses, or is only separated from such uses by an improved public right-of-way;
- Be consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in a sustainable communities strategy *or* meet the definition of a small walkable community project; and
- Satisfy the performance standards provided in Appendix M to the CEQA Guidelines.

(CEQA Guidelines, Section 15183.3, subd. (b)(1)-(3).)

As discussed further below, the project meets each of these eligibility requirements.



- a) ***The Project is located in an urban area and is adjoined by existing qualified urban uses in its entirety?***

For the purpose of CEQA Guidelines section 15183.3, an “urban area” includes an incorporated city such as the Town. (See Pub. Resources Code, Section 21094.5, subd. (e)(5).)

Additionally, more than 75 percent of the project’s perimeter is surrounded by qualified urban uses. CEQA defines a “qualified urban use” as “any residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.” (Pub. Resources Code, Section 21072.) Based on aerial maps (see, e.g., Exhibit 2), virtually all parcels surrounding the project site include qualified urban uses. Therefore, the proposed project meets this first criteria to utilize the Infill Streamlining Provision.

- b) ***The Project is a small walkable community project.***

For the purposes of CEQA’s Infill Streamlining provisions, a small walkable community project is a project that is all of the following:

- (A) In an incorporated city that is not within the boundary of metropolitan planning organization;**

The Town is an incorporated city and is not located within the boundaries of a metropolitan planning organization.

- (B) Within an area of approximately one-quarter mile diameter of contiguous land that includes a residential area adjacent to a retail downtown area and that is designated by the city for infill development consisting of residential and commercial uses. A city may designate such an area within its general plan, zoning code, or by any legislative act creating such a designation, and may make such designation concurrently with project approval; and**

The General Plan evaluates the project site in conjunction with Main Street and Old Mammoth Road and collectively defines this area as a vibrant mix of retail, commercial, and workforce housing and envisions the residential development on the project site as a catalyst for continued commercial development in the surrounding area. (General Plan, pp. D-3, D-4.) Both the Main Street Corridor and Old Mammoth Road Corridor included Zoning of “Downtown” per the Town’s Zoning Map (updated January 2015). As such, the Main Street Corridor adjoins the project site to the north, and the Old Mammoth Road Corridor adjoins the project site to the east. Further, existing multi-family and single-family residential uses are present to the south and west of the project site. Downtown (D) District is intended to provide a thriving mix of residential, non-residential, and lodging uses and a distinctive gateway entry into town, with a focus on ground-level commercial uses and active frontages. The development standards are intended to concentrate development along Main Street with a focus on shop front buildings that frame the street and provide an animated, pedestrian-friendly environment with high visual quality.



Therefore, the Town has already designated the project site and surrounding area for infill development consisting of residential and commercial uses.

- (C) Either a residential project that has a density of at least eight units to the acre or a commercial project with a floor area ratio of at least 0.5, or both.**

The proposed project would have a density of 16 to 23 units per acre (gross).

(CEQA Guidelines, Section 15183.3, subd. (f)(5).)

The proposed project meets each of these criteria, discussed as above. As such, the proposed project meets the definition of a small walkable community project.

- c) *The project is not inconsistent with any applicable provisions of Appendix M.***

Qualifying residential projects located outside the boundaries of a metropolitan planning organization, such as the Town, are only required to implement the project features described in Section III of Appendix M. Specifically, Section III includes three provisions:

- 1. Is the project a non-residential infill project that includes a renewable energy feature?**

The proposed project is a residential project. Therefore, this provision is not applicable to the project.

- 2. Is the project site included on any list compiled pursuant to Section 65962.5 of the Government Code?**

The project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code.

- 3. Does the infill project include residential units located within 500 feet, or such distance that the local agency or local air district has determined is appropriate based on local conditions, of a high volume roadway or other significant source of air pollution, as defined in Appendix M?**

Unless more specifically defined by an air district, city or county, Appendix M defines a "high-volume roadway" to mean freeways, highways, urban roads with 100,000 vehicles per day, or rural roads with 50,000 vehicles per day. No streets surrounding the project site meet this definition of a "high-volume roadway." Similarly, no land uses surrounding the project site constitute a significant source of air pollution. Therefore, no measures are required to be implemented to comply with this provision of Appendix M.

- 4. Does the project achieve below average regional per capita vehicle miles travelled (VMT)?**



As discussed in Section 3.17, Transportation, Response (b), based on the Town's VMT Calculator, current average trip lengths for multifamily (mid-rise) residential uses average 21.9 miles.² The Town's VMT thresholds of significance for residential projects in the Town are a 15 percent reduction of the average trip length, which would be 18.6 miles. Given the project's 580 maximum dwelling units, the project would result in average trip lengths well below 10.0 miles (this is due to the project being an infill development project). As such, the project would achieve well below the average regional per capita VMT.

No other Appendix M criteria are applicable to the project.

2.3 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The infill project could potentially result in one or more of the following environmental effects; refer to Appendix A, Infill Environmental Checklist.

	Aesthetics		Mineral Resources
	Agriculture and Forestry Resources		Noise
	Air Quality		Population and Housing
	Biological Resources		Public Services
	Cultural Resources		Recreation
	Energy		Transportation
	Geology and Soils		Tribal Cultural Resources
	Greenhouse Gas Emissions		Utilities and Service Systems
	Hazards and Hazardous Materials		Wildfire
	Hydrology and Water Quality		Mandatory Findings of Significance
	Land Use and Planning		

² Correspondence from Haislip Hayes, Town of Mammoth Lakes Public Works Director, on November 9, 2020.



2.4 LEAD AGENCY DETERMINATION

On the basis of this initial evaluation:

I find that the proposed infill project WOULD NOT have a significant effect on the environment that either have not already been analyzed in a prior EIR or that are more significant than previously analyzed, or that uniformly applicable development policies would not substantially mitigate. Pursuant to Public Resources Code Section 21094.5, CEQA does not apply to such effects. A Notice of Determination (Section 15094) will be filed.

✓

I find that the proposed infill project will have effects that either have not been analyzed in a prior EIR, or are more significant than described in the prior EIR, and that no uniformly applicable development policies would substantially mitigate such effects. With respect to those effects that are subject to CEQA, I find that such effects WOULD NOT be significant and a NEGATIVE DECLARATION, or if the project is a Transit Priority Project a SUSTAINABLE COMMUNITIES ENVIRONMENTAL ASSESSMENT, will be prepared.

I find that the proposed infill project will have effects that either have not been analyzed in a prior EIR, or are more significant than described in the prior EIR, and that no uniformly applicable development policies would substantially mitigate such effects. I find that although those effects could be significant, there will not be a significant effect in this case because revisions in the infill project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION, or if the project is a Transit Priority Project a SUSTAINABLE COMMUNITIES ENVIRONMENTAL ASSESSMENT, will be prepared.

I find that the proposed infill project would have effects that either have not been analyzed in a prior EIR, or are more significant than described in the prior EIR, and that no uniformly applicable development policies would substantially mitigate such effects. I find that those effects WOULD be significant, and an infill ENVIRONMENTAL IMPACT REPORT is required to analyze those effects that are subject to CEQA.

Sandra Moberly

Town of Mammoth Lakes

Signature

Agency

Sandra Moberly, AICP

December 3, 2020

Printed Name

Date



2.5 EVALUATION OF ENVIRONMENTAL IMPACTS OF INFILL PROJECTS

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone. A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) For the purposes of this checklist, “prior EIR” means the environmental impact report certified for a planning level decision, as supplemented by any subsequent or supplemental environmental impact reports, negative declarations, or addenda to those documents. “Planning level decision” means the enactment or amendment of a general plan, community plan, specific plan, or zoning code. (Section 15183.3[e].)
- 4) Once the lead agency has determined that a particular physical impact may occur as a result of an infill project, then the checklist answers must indicate whether that impact has already been analyzed in a prior EIR. If the effect of the infill project is not more significant than what has already been analyzed, that effect of the infill project is not subject to CEQA. The brief explanation accompanying this determination should include page and section references to the portions of the prior EIR containing the analysis of that effect. The brief explanation shall also indicate whether the prior EIR included any mitigation measures to substantially lessen that effect and whether those measures have been incorporated into the infill project.
- 5) If the infill project would cause a significant adverse effect that either is specific to the project or project site and was not analyzed in a prior EIR, or is more significant than what was analyzed in a prior EIR, the lead agency must determine whether uniformly applicable development policies or standards that have been adopted by the lead agency, or city or county, would substantially mitigate that effect. If so, the checklist shall explain how the infill project’s implementation of the uniformly applicable development policies will substantially mitigate that effect. That effect of the infill project is not subject to CEQA if the lead agency makes a finding, based upon substantial evidence, that the development policies or standards will substantially mitigate that effect.
- 6) If all effects of an infill project were either analyzed in a prior EIR or are substantially mitigated by uniformly applicable development policies or standards, CEQA does not apply to the project, and the lead agency shall file a Notice of Determination.
- 7) Effects of an infill project that either have not been analyzed in a prior EIR, or that uniformly applicable development policies or standards do not substantially mitigate, are subject to CEQA. With respect to those effects of the infill project that are subject to CEQA, the checklist shall



indicate whether those effects are significant, less than significant with mitigation, or less than significant. If there are one or more “Significant Impact” entries when the determination is made, an infill EIR is required. The infill EIR should be limited to analysis of those effects determined to be significant. (Sections 15128, 15183[d].)

- 8) “Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures will reduce an effect of an infill project that is subject to CEQA from “Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how those measures reduce the effect to a less than significant level. If the effects of an infill project that are subject to CEQA are less than significant with mitigation incorporated, the lead agency may prepare a Mitigated Negative Declaration. If all of the effects of the infill project that are subject to CEQA are less than significant, the lead agency may prepare a negative Declaration.
- 9) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to an infill project’s environmental effects in whatever format is selected.
- 10) The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significance.



3.0 ENVIRONMENTAL ANALYSIS

3.1 AESTHETICS

This section corresponds with 2007 General Plan EIR Section 4.1, *Aesthetics*.

Except as provided in Public Resources Code Section 21099, would the project:

a) Have a substantial adverse effect on a scenic vista?

As detailed on page 4-3 of the 2007 General Plan EIR, included among the important viewpoints within the Town are Mammoth Crest, Crystal Crag, Lake Mary Road, the ski slopes on Mammoth Mountain, Lincoln Mountain, Sherwin Mountain (Range), State Route (SR) 203 (Main Street) east of Old Mammoth Road, U.S. Highway 395 along its entire length in the Planning Area of the Town, the White Mountains, Old Mammoth Road south of Mammoth Creek, and many other striking features. Mammoth Mountain and portions of the Sierra Nevada mountain range and White Mountains can be seen from nearly all points within the Town. As discussed on page 4-12 of the 2007 General Plan EIR, continued development within the Town's Urban Growth Boundary (UGB; defined as the geographic area in which growth could occur) would permanently replace some existing views and scenic vistas with more intensive urban type uses. The primary areas of visual impact would be Snowcreek Meadow (proposed resort development) and the vicinity of North Village (Specific Plan area with visitor-oriented commercial and visitor lodging uses).

As detailed on page 4-15 of the 2007 General Plan EIR, all major development projects would undergo environmental and design review on a site-specific basis, per CEQA, the Town's Municipal Code and all applicable regulatory requirements to ensure that facilities and structures would be sited in a way that would not have substantial adverse effects to scenic vistas. In addition, policies and several implementation measures contained in the 2005 General Plan Update would ensure that no new development is permitted on prominent ridgelines and bluffs (I.5.B.b.4), building heights would remain below average tree tops in the forested portions of the community (I.5.B.b.5), and new construction is determined through the development review process to ensure that the scale is appropriate and appropriate with adjacent land uses, including preservation of existing views, light and solar access (VI.4.B.a.2). Further, Implementation Measure VI.1.A.c would allow exemptions to height limitations for development projects; any such exemption would be subject to rigorous visual analysis acceptable to the Town, showing that the exception is warranted in light of other community goals and benefits and does not significantly impact views (page 4-14 of the 2007 General Plan EIR). The maintenance of the existing UGB would further assist in limiting development from additional areas of the Town that could have an effect on a scenic vista (page 4-14 of the 2007 General Plan EIR). Therefore, the 2007 General Plan EIR concluded that the 2005 General Plan's policies and implementation measures, along with project-specific environmental and design review by the City, would reduce impacts to scenic vistas to a less than significant level.

The project site is located to the south of Main Street, and to the west of Old Mammoth Road. Main Street serves as the main (commercial) corridor for motorists, pedestrians, and bicyclists in the Town. The most notable views from Main Street are of the Sherwin Range and Mammoth Rock to the south



and the natural topography of Mammoth Mountain to the west. Views of Mammoth Mountain to the west are available from most locations along Main Street (Figures 4.1-5 through 4.1-7 of the 2016 Update EIR). However, in many instances, intervening buildings, trees, and high drifts of snow during the winter obstruct full views of Sherwin Range and Mammoth Rock from mid-block areas along Main Street. Old Mammoth Road is a primary commercial corridor in the Town for motorists and pedestrians. Compared to Main Street, Old Mammoth Road has a more pedestrian-oriented environment, with a narrower street width, continuous sidewalks, and more buildings located closer to the street edge. Notable views viable along Old Mammoth Road include the Knolls to the north and Sherwin Range and Mammoth Rock to the south (Figures 4.1-5 through 4.1-7 of the 2016 Update EIR).

Full views of the Sherwin Range and Mammoth Rock to the south of the project site are currently largely obstructed by intervening buildings, trees, and high drifts of snow during the winter. The project proposes transition in height and intensity of development to match the height allowed in adjacent neighborhoods and commercial areas; refer to Exhibit 3. As such, the northern portion of the project site would include development with proposed heights up to four stories (55 feet) whereas the areas nearby off-site single family would be up to two stories (35 feet). It is acknowledged that some existing on-site and surrounding mature pine trees exceed 55 feet; as such, proposed building heights would remain below average tree tops. Due to the location of the project site (set back from Main Street and Old Mammoth Road), the orientation of the project site from these scenic views, and the existing presence of structures and mature trees, project implementation would not result in a significant increase in view blockage of visual resources, as seen from public views along Main Street toward the Knolls to the north and Old Mammoth Road toward the Sherwin Range and Mammoth Rock to the south.

Overall, the proposed project would result in less than significant impacts on designated public views within the project area and would not result in any new specific effects or more significant effects than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?*

As detailed on page 4-4 of the 2007 General Plan EIR, SR 203 is eligible for designation as a scenic highway in its entirety but has not been formally established as one. The current conditions on SR 203 within the UGB limit the views of the landscape because of the localized topography, tree canopy and existing development. As stated on page 4-16 of the 2007 General Plan EIR, policies and implementation measures contained in the 2005 General Plan Update would require the Town's site plan review to make every feasible effort to save large specimen trees (I.1.B.d.1), to cluster development so as to retain and preserve existing trees and open space (I.2.A.a.4), that no new



development is permitted on prominent ridgelines and bluffs (I.5.B.b.4), building heights remain below average tree tops in the forested portions of the community (I.5.B.b.5) and for the Town to work with Caltrans to implement Scenic Highway status for US 395 and State Route 203 Corridors (VII.3.C.a.1). Additionally, the 2007 General Plan EIR included Mitigation Measures 4.1-1, 4.1-2, and 4.1-3 that would enforce the existing setback requirements along Mammoth Creek, include standards in the Design Review Guidelines to assure an attractive face in the vicinity of the Main Street (SR 203) and Old Mammoth Road intersection, and ensure that development at the Mammoth Yosemite Airport that is visible from Highway 395 is consistent with State scenic highway regulations. As such, the 2007 General Plan EIR concluded that implementation of the Town design review requirements, along with the 2005 General Plan's implementation measures and mitigation measures, would reduce impacts to scenic resources, including views from SR 203, and local trees and rock outcrops to a less than significant level.

SR 203 (Main Street), trending in an east/west direction approximately 180-feet north of the project site, is eligible to be designated as a State Scenic Highway. As discussed in Response 3.1(a) above, the proposed project would not result in increased view blockage of visual resources as seen from Main Street, and proposed improvements do not front Main Street. As such, no increased impacts would result in this regard. Further, the project proposed the adaptation of a Master Plan for the project site, which includes design standards (page 11 of the Master Plan) to address issues such as building height and massing, tree preservation, and lighting. These standards are specifically designed for the site in accordance to the previously approved (and binding) Mitigation Measure 4.1-2 from the 2007 General Plan EIR to ensure that development in proximity to SR 203 would not detract from scenic resource. Additionally, views of the project site are not afforded from Highway 395 due to intervening topography, structures, and vegetation. Overall, the proposed project would result in less than significant impacts on scenic resources and would not result in any new specific effects or more significant effects than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: Previously certified environmental documents include mitigation measures to reduce potential impacts associated with implementation of the General Plan.

- 4.1-2 The Town shall amend the Design Review Guidelines to include standards to assure that public and private facilities in the vicinity of the Main Street (SR203) and the Old Mammoth Road intersection shall be designed to present an attractive face to the road. The standards shall address such issues as building height and massing, tree preservation, and lighting to ensure that public and private development in proximity to SR203, which is eligible for designation as a scenic highway, do not detract from scenic resources. (2007 General Plan EIR Mitigation Measure 4.1-2)

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact With Previously Approved Mitigation Measures.



- c) *Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

This impact threshold was modified since the 2007 General Plan EIR was prepared and corresponds to the analyses under *Issue 4.1-3* (page 4-18) of the 2007 General Plan EIR.

Concerning short-term impacts to visual character and quality, temporary exposed graded surfaces, construction debris, the presence of construction equipment, construction cranes, truck traffic, and stockpiled equipment resulting from future construction may impact views of individual sites from surrounding uses and roadways (page 4-18 of the 2007 General Plan EIR). However, these impacts are short term and would cease upon completion of an individual project.

Concerning long-term impacts, new development would result in the construction of structures that are consistent with the designs and materials that have been previously determined appropriate to Mammoth Lakes, its setting, and history through the previously adopted Design Guidelines (page 4-18 of the 2007 General Plan EIR). As new development would be subject to design review requirements of the Town, the new development or redevelopment would result in a quality of development that is consistent with the community character. The 2005 General Plan Update proposes the adoption of policies and implementation measures to reduce potential impacts regarding the visual quality and character of the Town; refer to page 4-18 of the 2007 General Plan EIR for a list of relevant policies and implementation measures. Although these policies and implementation measures would ensure that new development would be consistent with the existing character of the Town, development associated with implementation of the 2005 General Plan Update would involve the replacement of undeveloped vacant areas with building structures, landscaping, fuel modification zones, etc. The replacement of undeveloped areas with urbanized uses would result in impacts to the visual character and/or quality of the Town (page 4-20 of the 2007 General Plan EIR). Despite that all future development projects would be subject to project-specific environmental and design review, and the applicable policies and implementation measures would be implemented, the existing visual character of the Town would still be permanently changed with implementation of the 2005. Thus, due to the permanent change in visual character of newly developed areas of the Town, the 2007 General Plan EIR concluded that impacts to the Town's visual character and quality are significant and unavoidable (page 4-20 of the 2007 General Plan EIR).

The project site is surrounded by commercial, retail, and office uses along Center Street and Laurel Mountain Road, as well as multi-family residential and single-family residential uses. The proposed development would not conflict with the General Plan or Municipal Code policies concerning long-term impacts to visual character/quality upon adaptation of the proposed Master Plan; refer to Section 3.11, Land Use and Planning. Per the General Plan, the "Community Vision" for Mammoth Lakes embodies important values and principles that recognize the uniqueness of the natural surroundings and the Town's character as a village in the trees. Building heights are encouraged to be kept within the tree canopy. To maintain a community of cohesive residential neighborhoods in a unique mountain environment, natural beauty, critical environmental areas and open space are protected. As such, standards for design and development that complement and are appropriate to the Eastern Sierra



Nevada mountain setting and the Town's sense of a "village in the trees" with small town charm have been included in the Town's Municipal Code requirements.

The proposed project would remove the existing Affordable Housing Overlay and replace these regulations with the proposed Master Plan. However, in areas where this Master Plan is silent as to a specific development standard found in the Municipal Code, the standards for the underlying zone district (RMF-1) would apply. The project would result in the construction of 400 to 580 residential units (16 to 23 dwelling units per gross acre). In addition to residential units, the project also proposes to construct at least one community-serving facility (e.g., a childcare center, community center, or supportive service) to support a high quality of life for residents and strengthen neighborhood stability. Development would be compatible with the surrounding context (existing and anticipated) by providing transition in height and intensity to match the height allowed in adjacent neighborhoods and commercial areas. Proposed building heights would range two to four stories in height; refer to Exhibit 3. Proposed heights would transition from lower buildings (up to two stories [or 35 feet]) near lower density single-family residential housing to the east, to three story buildings (or 45 feet) closer to existing multi-family residential uses, and up to four stories (or 55 feet) in height abutting commercial development to the north. It is acknowledged that some existing on-site and surrounding mature pine trees exceed 55 feet; as such, proposed building heights would remain below average tree tops.

The proposed project would be required to comply with Municipal Code requirements regarding scenic quality, such as requirements for future development to undergo the Town's Design Review process (Municipal Code Chapter 17.88, *Design Review*). The design review process, would ensure that the project would:

- Implement the goals, policies and objectives of the General Plan related to community design and character;
- Promote excellence in site planning and design and the harmonious appearance of buildings and sites and ensure the man-made environment is designed to complement, not dominate, the natural environment;
- Regulate the design, coloration, materials, illumination, and landscaping of new construction, and renovations within the town in order to maintain and enhance the image, attractiveness, and environmental qualities of the town as a mountain resort community;
- Ensure that new landscaping provides a visually pleasing setting for structures on the site and within the public right-of way and to prevent indiscriminate destruction of trees and natural vegetation, excessive or unsightly grading, indiscriminate clearing of property, and destruction of natural significant landforms;
- Ensure that the architectural design of structures and their materials and colors are appropriate to the function of the project and the high-elevation climate of Mammoth Lakes and are visually harmonious with surrounding development and natural landforms, trees, and vegetation; and



- Supplement other Town regulations and standards in order to ensure control of aspects of design that are not otherwise addressed.

The proposed project would also be required to comply with the requirements for tree removal, in accordance with Municipal Code Section 17.36.140, *Tree Removal and Protection*. This section includes provisions to protect and to regulate the removal of certain trees, based on the important environmental, aesthetic, and health benefits that trees provide to Mammoth Lakes residents and visitors, and the contribution of such benefits to public health, safety and welfare. These benefits include, but are not limited to, enhancement of the character and beauty of the community as a "Village in the Trees," protection of property values, provision of wildlife habitat, reduction of soil erosion, noise buffering, wind protection, and visual screening for development. As such, the proposed project would be required to obtain appropriate tree removal permit(s) and/or a tree removal and protection plan, and, as such, would be subject to all requirements set forth accordingly (Municipal Code Section 17.36.140). In accordance with Municipal Code Section 17.36.140(I), *Mitigation for tree removal*, if required by the Director either in conjunction with a tree removal permit, construction-related tree removal, or as penalty for tree removal performed without a permit, replacement planting may occur in areas suitable for tree replacement with species identified in the Town of Mammoth Lakes' Recommended Plant List. The replacement ratio would be determined by the Director. If required, the minimum replacement tree size would be seven gallons. Replacement requirements may also be determined based on the valuation of the tree as determined by a Registered Professional Forester (RPF) or arborist.

As such, with compliance with the Town's Municipal Code requirements, including the design review process and tree removal and protection regulations, the proposed development would be consistent with the Town's "Village in the Trees" character and would be complementary to the visible massing of the existing buildings in the surrounding area. Further, as discussed, the 2007 General Plan EIR was a programmatic level analysis for the Town and included all potential future developments anticipated under the Town's land use designations, as shown on the Town's Land Use Map (Figure 3-4 on page 3-10 of the 2007 General Plan EIR). As such, potential aesthetic impacts associated with the proposed high density residential workforce housing on the project site (per General Plan Land Use designation of HDR-1) have been considered in the 2007 General Plan EIR. The project's long-term impacts pertaining to the scenic resources would be less than significant levels.

Overall, the proposed project would result in less than significant impacts on scenic resources and would not result in any new specific effects or more significant effects than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

- d) *Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?*



As detailed on page 4-20 of the 2007 General Plan EIR, given the isolated mountain setting, some fugitive light and glare impacts already exist in the Planning Area due to existing developments and land uses that do not meet the current requirements of the Town's Lighting Ordinance (currently Municipal Code Section 17.36.030, *Exterior Lighting*). These impacts reduce the quality of star-gazing for residents and visitors, and the intensification of development under the 2005 General Plan Update would incrementally contribute to the existing built environment. The 2005 General Plan Update proposes the adoption of several implementation measures to reduce potential light and glare impacts; refer to page 20 of the 2007 General Plan EIR for a list of relevant policies and implementation measures. As discussed on page 4-21 of the 2007 General Plan EIR, development projects would be subject to environmental and design review on a site-specific basis to ensure that light and glare impacts do not substantially increase the amount and intensity of nighttime lighting nor cause light spillover onto adjoining properties, do not reduce night sky visibility, and do not increase the potential for glare onto adjacent areas including the Highway 395 Scenic Corridor. Additionally, all new development would be required to comply with the requirements of the Town's Lighting Ordinance (currently Municipal Code Section 17.36.030). Further, the 2007 General Plan EIR included Mitigation Measure 4.1-4, which requires revision of the Lighting Ordinance to project views of the night sky and to ensure that the intent of the Lighting Ordinance is met.

While the Town has policies and regulations regarding lighting and was planned to review the Lighting Ordinance in accordance with Mitigation Measure 4.1-4, given the increase in development that would occur under the 2005 General Plan Update compared with existing conditions, the 2007 General Plan EIR determined that the 2005 General Plan Update would result in an increase in lights at night which would impact the night sky (page 4-21 of the 2007 General Plan EIR). As such, the 2007 General Plan concluded that a significant and unavoidable impact with regard to night lighting and a reduction in the quality of star-gazing for residents and visitors would occur.

The 2007 General Plan EIR was a programmatic level analysis for the Town and included all potential future developments anticipated under the Town's land use designations, as shown on the Town's Land Use Map (Figure 3-4 on page 3-10 of the 2007 General Plan EIR). As such, potential environmental impacts associated with the proposed high density residential workforce housing on the project site (per General Plan Land Use designation of HDR-1) have been considered in the 2007 General Plan EIR.

The project is located near the commercial areas of the Town. The proposed project would comply with the allowable construction hours and exterior lighting requirements identified in the Town's Municipal Code. Specifically, Section 12.08.260, *Hours of Work*, of the Municipal Code limits grading operations to between 7:00 a.m. and 8:00 p.m. Monday through Saturday, with Sunday construction permitted between 9:00 a.m. and 5:00 p.m. upon the approval of the Town's Public Works Director (or designee) for construction within 500 feet of residential or commercial occupancies. Further, Section 17.36.030, *Exterior Lighting*, of the Municipal Code provides rules and regulations for outdoor lighting within the Town. Additionally, the project would be subject to environmental and design review in accordance with Chapter 17.88, *Design Review*, of the Municipal Code, which would ensure that project-generated illumination would not exceed the standards set forth in Chapter 17.88 of the Municipal Code. As such, although the project would result in an increase in lights at night in the region, impacts in this regard would be less than significant with compliance with all applicable



same reasons. Therefore, the 2007 General Plan EIR concluded that the 2005 General Plan Update would not impact agricultural resources.

According to the California Department of Conservation, the project site is not located within areas identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.³ Thus, similar to the 2005 General Plan, no impacts would occur in this regard and the proposed project would not result in any new specific effects or more significant effects than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

Refer to Response 3.2(a) above for a discussion on potential agricultural impacts associated with 2005 General Plan Update as discussed in the 2007 General Plan EIR.

The project site is zoned RMF-1 and is not covered under a Williamson Act contract. Therefore, development of the proposed project would not conflict with existing zoning for agricultural use or a Williamson Act contract, and the proposed project would not result in any new specific effects or greater impacts than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

c) *Conflict with existing zoning for, or cause rezoning, of forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

Refer to Response 3.2(a) above for a discussion on potential forest land impacts associated with 2005 General Plan Update as discussed in the 2007 General Plan EIR.

The project site is zone RMF-1 with an Affordable Housing Overlay. Although the project site is located within an area of known forest habitat, the project site is not zoned for forest land, timberland, or timberland zoned Timberland Production. Therefore, the proposed project would not conflict

³ California Department of Conservation, *California Important Farmland Finder*, <https://maps.conservation.ca.gov/DLRP/CIFF/>, accessed October 13, 2020.



with such zoning and would not result in any new specific effects or greater impacts than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

d) *Result in the loss of forest land or conversion of forest land to non-forest use?*

Refer to Response 3.2(a) above for a discussion on potential forest land impacts associated with 2005 General Plan Update as discussed in the 2007 General Plan EIR.

Although the project site is located within an area of known forest habitat and the project would involve the removal of trees, the project site is not located on National Forest land and no known forestry operations currently occur at the project site or in the project vicinity. Based on the site's General Plan land use designation of HDR-1 and zoning of RMF-1 with an Affordable Housing Overlay, the site has always been intended for residential purposes by the Town. Additionally, the project site is surrounded by existing development on all sides. As such, implementation of the proposed project would not result in any new specific effects or greater impacts than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

e) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use?*

Refer to Responses 3.2(a) through 3.2(d). Implementation of the proposed project would not result in any new specific effects or greater impacts than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.



3.3 AIR QUALITY

This section corresponds with 2007 General Plan EIR Section 4.2 *Air Quality*, as well as Section 6.0(D), *Significant And Unavoidable Environmental Impacts*.

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

This impact threshold corresponds to the analysis under *Issue 4.2-1* (page 4-35) of the 2007 General Plan EIR.

The Town is located within the Great Basin Valleys Air Basin (Basin), which is governed by the Great Basin Unified Air Pollution Control District (GBUAPCD). The currently applicable GBUAPCD air quality plans are the *Air Quality Maintenance Plan and PM₁₀ Redesignation Request for the Town of Mammoth Lakes* (2014 AQMP) (dated November 6, 2013) and the *Town of Mammoth Lakes Air Quality Management Plan 2014-2016 Triennial Progress Report* (2017 AQMP) (dated December 2017), an update to the 2014 AQMP. The modeling analysis included in the 2017 AQMP is based on growth projections and vehicle miles traveled (VMT) from the buildout of the General Plan.

The 2007 General Plan EIR discussed the potential air quality impacts associated with the Town's 2004 condition as well as for the buildout year (2024) condition, and analyzed the potential conflict with the *Air Quality Management Plan for the Town of Mammoth Lakes* (1990 AQMP), adopted by the Town Council and GBUAPCD in November and December 1990 (2007 General Plan EIR page 4-24). The 2007 General Plan EIR determined that implementation of the 2005 General Plan Update would potentially result in development that would exceed the 1990 AQMP vehicle miles traveled (VMT) cap (2007 General Plan EIR page 4-35), which could subsequently result in an exceedance of coarse particulate matter (PM₁₀).

As discussed in the 2007 General Plan EIR, the 2005 General Plan Update incorporates implementation measures that either directly or indirectly reduce PM₁₀ emissions. Specifically, several implementation measures would encourage higher density residential and mixed-use development adjacent to commercial centers, mountain portals and transit corridors, which would inherently reduce the number of vehicle trips, VMT, and encourage alternative modes of transportation (2007 General Plan EIR page 4-38). The 2007 General Plan EIR also included Mitigation Measure 4.2-1, which would limit the total Town VMT to the level specified in Municipal Code Section 8.30.110, *Road Dust Reduction Measures*. Mitigation Measure 4.2-1 also require specific projects that would result in 500 daily vehicle trips to have a VMT analysis incorporated into the AQMP model for the project. As stated on page 4-39 of the 2007 General Plan EIR, the Town would not grant approval to any project which would cause peak VMT to exceed the maximum VMT level as specified in the Town's Municipal Code Section 8.30.110. However, if it could be determined that a higher VMT level as the result of a project may be sustained without exceeding the National Ambient Air Quality Standards (NAAQs), then appropriate amendments to the Town's Municipal Code and 1990 AQMP may be considered. With adaptation of the implementation measures and implementation of Mitigation Measure 4.2-1, the 2007 General Plan EIR concluded that less than significant impacts would occur as a result of the 2005 General Plan.



Municipal Code provisions, and would not result in any new specific effects or more significant effects than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

3.2 AGRICULTURE AND FORESTRY RESOURCES

This section corresponds with 2007 General Plan EIR Section 4.7, *Land Use*, and Section 6.0, *Other CEQA Considerations*.

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- a) *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

As discussed on page 6-5 of the 2007 General Plan EIR, there are no prime or unique farmlands or other agricultural operations within the UGB or the Municipal Boundary of the Town. However, the United States Forest Service (USFS) has issued grazing leasehold permits to a number of cattle and sheep operations, several of which enter into the Planning Area. The USFS indicated that there have been some land use conflicts stemming primarily from recreational uses with respect to lease hold activities in the vicinity of the Visitor Center/Shady Rest Park, and in the vicinity of the Sherwin Gravel Pit. As detailed on page 4-196 of the 2007 General Plan EIR, the Inyo National Forest Land and Resource Management Plan places an emphasis on cultural resources, ski facility development, fish resources, geology research, land exchanges, visual resource, wildlife resources, water resources and also encourages recreation use of the Inyo National Forest lands (page 4-196 of the 2007 General Plan EIR). As such, the 2007 General Plan EIR determined that the increase in population as a result of the implementation of the 2005 General Plan Update would not conflict with the USFS Plan, even though the plan originally intended for these sites for grazing/agricultural uses. In addition, the 2005 General Plan Update would not lead to a conflict with existing zoning for agricultural uses or a Williamson Act contract nor would it result in conversion of farmland to non-agricultural uses for the



The 2007 General Plan EIR was a programmatic level analysis for the Town and included all potential future developments anticipated under the Town's land use designations, as shown on the Town's Land Use Map (Figure 3-4 on page 3-10 of the 2007 General Plan EIR). As such, potential air quality impacts associated with the proposed project (constructing high density residential workforce housing per General Plan Land Use designation of HDR-1, Shady Rest Tract) have been considered in the 2007 General Plan EIR.

As discussed under Impact Section 3.3(b) below, the proposed project's construction and operational emissions would not exceed the adopted Mojave Desert Air Quality Management District (MDAQMD) thresholds with implementation of the required GBUAPCD Rules and Regulations, consistent with the methodology highlighted in the 2016 Update EIR (i.e., the MDAQMD's regional thresholds of significance are used per guidance from the GBUAPCD). The 2016 Update EIR methodology was adopted as the 2007 General Plan EIR did not include a project level threshold. Furthermore, 100 percent of the project's units would be affordable housing, the project would include bike lanes and an on-site bus stop, and would connect residential development to Main Street (a commercial center as well as transit corridor), which would help reduce VMT, and also exempts the project from having to complete a VMT analysis. Therefore, the project would be consistent with the analysis in the 2007 General Plan EIR and would not add an additional impact.

The project would also be required to comply with all applicable GBUAPCD Rules and Regulations. Lastly, the project would be required to comply with all applicable General Plan policies, as described in the 2007 General Plan EIR and 2016 Update EIR, which would further reduce impacts associated with plan consistency to a less than significant level with mitigation measures.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

b) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?*

This impact threshold was modified since the 2007 General Plan was prepared, and corresponds to the analysis under *Issues 4.2-2* (page 4-39) and *4.2-3* (page 4-44) of the 2007 General Plan EIR.

As discussed above, the 2007 General Plan EIR was a programmatic level analysis for the Town and included all potential future developments anticipated under the Town's land use designations (Figure 3-4 of the 2007 General Plan EIR). As such, the 2007 General Plan EIR considered potential air quality impacts associated with the proposed high density residential workforce housing on the project site, which is designated as HDR-1 (Shady Rest Tract).



As stated on pages 4-39 and 4-44 of the 2007 General Plan EIR, the Mammoth Lakes portion of the Basin is designated as nonattainment for O₃ (State standard only), and that the Town is considered to be in nonattainment of the federal 24-hour PM₁₀ standard. The 2007 General Plan EIR noted that the O₃ impact is primarily the result of pollution generated in San Joaquin Valley, and that exceedances of the O₃ standard would likely occur without any contribution of emissions of O₃ precursors (nitrogen oxides and hydrocarbons) from Town activity (page 4-39 of the 2007 General Plan EIR). Nevertheless, as shown on Table 4.2-2 of the 2007 General Plan EIR, exceedances of the federal 24-hour PM₁₀ standard on road dust dominated days is anticipated as a result of implementation of the 2005 General Plan. It is also noted on Table 4.2-3 of the 2007 General Plan EIR that the increase in emissions at full buildout of the Town (including the anticipated high density residential development on the project site) represents a one percent increase for both PM₁₀, among increases in other criteria pollutants.

The 2007 General Plan EIR included implementation measures from *Issue 4.2-1* as well as Mitigation Measure 4.2-2 to reduce potential impacts associated with 24-hour PM₁₀ and one-hour O₃ standards. Mitigation Measure 4.2-2 would require the Town to evaluate PM₁₀ level on an annual basis using the AQMP model established for the 2007 General Plan EIR, and restrict future development as necessary to manage Town-wide VMT at levels that ensure compliance with federal PM₁₀ NAAQS. Implementation of implementation measures outlined under *Issues 4.2-2* and *4.2-2* and Mitigation Measure 4.2-2 would be expected to ensure that the future development in accordance with the 2005 General Plan Update would meet the federal PM₁₀ standard (page 4-47 of the 2007 General Plan EIR). Nevertheless, the 2007 General Plan EIR concluded that even with implementation of Mitigation Measure 4.2-2, attainment of the State standard for PM₁₀ and one-hour standard for O₃ are not expected, and the impact remains significant and unavoidable (page 4-43 of the 2007 General Plan EIR).

It is noted that the 2005 General Plan Update is a long-range plan guiding future growth in the Town and does not contain project level details (page 4-43 of the 2007 General Plan EIR). Thus, the individual project-level construction emissions for the proposed was analyzed below to determine if a project-level impact would occur.

Short-Term Construction Impacts

The proposed project's construction emissions were modeled within the California Emission Estimator Model Version 2016.3.2 (CalEEMod). Construction assumptions were provided by the Town; refer to Section 1.5, Project Description. The maximum buildout potential of 580 residential units, along with 660 parking spaces, and a half-acre central park was modeled. It was conservatively assumed that most of these parking spaces would be podium or tuck-under style. The project would be built in six phases, with construction starting in summer 2021 and ending in summer 2028. In total, the project would have 29,522 cubic yards of cut and 15,734 cubic yards of fill, with 13,788 cubic yards of soil export. The 2007 General Plan EIR did not adopt a significance threshold that would be applicable to the project; thus, consistent with the 2016 Update EIR and GBUAPCD recommendations, the MDAQMD numerical air quality significance thresholds were adopted. Table 2, Maximum Daily Construction Emissions, describes the project's maximum daily construction emissions, as modeled in CalEEMod. As seen in Table 2, the proposed maximum buildout of the project would not exceed the established MDAQMD numerical air quality thresholds for direct and indirect sources.



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Table 2
Maximum Daily Construction Emissions

Construction Phase (Year)	Daily Maximum Pollutant Emissions (lbs/day) ^{1,2}					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Summer Emissions						
2021	5.7	48.23	43.68	0.09	5.68	3.32
2022	9.13	62.55	69.18	0.15	8.48	4.41
2023	39.7	57.02	66.56	0.15	8.62	4.29
2024	40.44	70.92	89.64	0.21	10.92	5.17
2025	39.89	64.18	87.29	0.21	10.54	4.81
2026	38.61	47.7	62.02	0.14	8.13	3.83
2027	35.43	34.61	46.07	0.12	5.72	2.28
2028	32.44	17.21	22.6	0.06	2.86	1.14
Maximum Daily Emissions	40.44	70.92	89.64	0.21	10.92	5.17
<i>Significance Threshold³</i>	137	137	548	137	82	65
Emissions Exceed Thresholds?	No	No	No	No	No	No
Winter Emissions						
2021	5.17	48.22	43.43	0.09	5.68	3.32
2022	8.16	62.63	68.73	0.15	8.48	4.41
2023	39.15	57.07	66.2	0.15	8.62	4.28
2024	39.51	71.05	89.13	0.2	10.92	5.17
2025	39.01	64.31	86.8	0.21	10.54	4.81
2026	38.15	47.77	61.7	0.15	8.13	3.83
2027	35.02	34.75	45.77	0.12	5.72	2.28
2028	32.38	17.28	22.45	0.06	2.86	1.14
Maximum Daily Emissions	39.51	71.05	89.13	0.21	10.92	5.17
<i>Significance Threshold³</i>	137	137	548	137	82	65
Emissions Exceed Thresholds?	No	No	No	No	No	No
ROG = reactive organic compounds; NO _x = nitrogen oxides; CO = carbon monoxide; SO _x = sulfur oxides; PM ₁₀ = particulate matter smaller than 10 microns; PM _{2.5} = particulate matter smaller than 2.5 microns Notes: 1. Emissions were calculated using CalEEMod version 2016.3.2. 2. The reduction/credits for construction emission mitigations are based on mitigation included in CalEEMod. The mitigation includes complying with MM AIR-1 and MM AIR-2, which requires the following: properly maintain mobile and other construction equipment; replace ground cover in disturbed areas quickly; water exposed surfaces three times daily; cover stock piles with tarps; water all haul roads three times daily; limit speeds on unpaved roads to 15 miles per hour; and use CARB certified engines. In addition, the project's architectural coatings would comply with the ROG limits listed in the 2019 CALGreen Code Section 4.50. 3. Regional daily construction thresholds are based on the MDAQMD significance thresholds. Refer to Appendix B, Air Quality, Energy, and Greenhouse Gas Data, for assumptions used in this analysis.						

As shown in Table 2, the project would not exceed the adopted MDAQMD thresholds with implementation of the required GBUAPCD Rule 401 and Rule 402. The Mitigation Measures from the 2007 General Plan EIR would not be applicable to the project site, as they are of a programmatic level and relate to VMT, which the project is exempt from as an affordable housing project. Thus, with compliance of the GBUAPCD Rules 401 and 402, the proposed project would have a less than significant short-term construction impact.

Long-Term Operational Impacts



Infill Environmental Checklist
The Parcel

The proposed project's operational emissions were modeled with CalEEMod and the California Air Resources Board (CARB) 2017 Emission FACtor Model (EMFAC2017). Table 3, Long-Term Operational Air Emissions, highlights the proposed project's operational emissions from area, energy, and mobile sources. According to *The Parcel Buildout Transportation Analysis* (Transportation Analysis), prepared by LSC Transportation Consultants, Inc., dated December 3, 2020, the project would generate 3,184 daily trips during weekdays and 3,541 daily trips during Saturdays and Sundays.

Table 3
Long-Term Operational Air Emissions

Emissions Source	Pollutant (pounds/day) ^{1,3}					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Summer Emissions⁴						
Area	12.87	10.34	52.04	0.07	1.06	10.6
Energy	0.10	0.87	0.37	<0.01	0.07	0.07
Mobile	8.71	16.51	53.78	0.18	18.59	5.08
Total Summer Emissions⁵	21.68	27.71	106.18	0.25	19.71	6.21
<i>Significance Threshold²</i>	137	137	548	137	82	65
<i>Is Threshold Exceeded? (Significant Impact?)</i>	No	No	No	No	No	No
Winter Emissions⁴						
Area	12.87	10.34	52.04	0.07	1.06	1.06
Energy	0.10	0.87	0.37	<0.01	0.07	0.07
Mobile	10.58	17.18	54.28	0.18	18.59	5.08
Total Winter Emissions⁵	23.55	28.38	106.68	0.25	19.71	6.21
<i>Significance Threshold²</i>	137	137	548	137	82	65
<i>Is Threshold Exceeded? (Significant Impact?)</i>	No	No	No	No	No	No
ROG = reactive organic compounds; NO _x = nitrogen oxides; CO = carbon monoxide; SO _x = sulfur oxides; PM ₁₀ = particulate matter smaller than 10 microns; PM _{2.5} = particulate matter smaller than 2.5 microns Notes: 1. Based on CalEEMod version 2016.3.2 and EMFAC2017 modeling results, worst-case seasonal emissions for area and mobile emissions have been modeled. 2. Regional daily thresholds are based on the MDAQMD significance thresholds. 3. Refer to <u>Appendix B, Air Quality, Energy, and Greenhouse Gas Data</u> , for assumptions used in this analysis. 4. Mitigation includes compliance with MM AIR-3. The project architectural coatings would comply with the ROG limits listed in the 2019 CALGreen Code Section 4.50.						

As seen in Table 3, the majority of the project's operational emissions would be from mobile sources, consistent with the 2007 General Plan EIR. Furthermore, the project's total operational emission would be below the MDAQMD thresholds. As an 100 percent affordable housing project, the project would include design features that which would help reduce the project's total VMT, and help lower mobile source emissions. Thus, the proposed project would have a less than significant operational impact.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.



Level of Significance: Less Than Significant Impact.

c) *Expose sensitive receptors to substantial pollutant concentrations?*

This impact threshold corresponds to the analysis under *Issue 4.2-4* (page 4-47) of the 2007 General Plan EIR.

A project could have the potential to expose sensitive receptors to elevated pollutant concentrations if it would cause or contribute substantially to elevated pollutant concentration levels or place the project in an area with elevated pollutant concentrations. As detailed in the 2007 General Plan EIR, construction and operational activities associated with the implementation of the 2005 General Plan Update would not result in an exceedance of the federal PM₁₀ standard; however, sensitive receptors would still likely be exposed to exceedances of the State PM₁₀ and ozone (O₃) standards (page 4-47 of the 2007 General Plan EIR). As such, the 2007 General Plan EIR concluded that implementation of the implementation measures and Mitigation Measures 4.2-1 and 4.2-2 outlined under *Issues 4.2-1* and *4.2-2* would be expected to ensure that the 2005 General Plan Update would not expose sensitive receptors to PM₁₀ concentrations that would exceed the federal standard. However, sensitive receptors could be exposed to substantial pollutant concentration associated with implementation of the 2005 General Plan and increasing the total population within the Town would likely lead to some increase in exposure of sensitive receptors to substantial pollutant concentration (page 4-48 of the 2007 General Plan EIR). Although it is noted that exceedances of the O₃ standard would likely occur without any contribution of emissions of O₃ precursors from Town activities, the 2007 General Plan EIR concluded that the 2005 General Plan Update would result in significant and unavoidable impacts in this regard due to the existing substantial pollutant concentration.

It is noted that the 2005 General Plan Update is a long-range plan guiding future growth in the Town and does not contain project level details (page 4-43 of the 2007 General Plan EIR). Thus, the individual project-level construction emissions for the proposed was analyzed below to determine if a project-level impact would occur.

Construction Activities

The GBUAPCD has developed a permitting process prior to the construction of any development within the Basin to ensure that construction activities would not result in exceedances of the National Ambient Air Quality Standards (NAAQS). The GBUAPCD emphasizes the use of control measures during construction activities. As stated in Impact Section 3.3(b), the project would comply with all applicable GBUAPCD rules and regulations, which would reduce impacts associated with construction by demonstrating that the appropriate control measures would be utilized during construction activities. Additionally, as described in Impact Section 3.3(b), the proposed project would not exceed the established MDAQMD air emission thresholds for construction emissions. Construction of the project would occur in six phases, with grading, building construction, paving, and architectural coatings occurring during all six phases. While some of the phases would have overlap, construction activities would be spread out over the entire project site and not concentrated to a single area near sensitive receptors. Therefore, sensitive receptors in the area would not be exposed to substantial pollution concentrations during the construction of the proposed project.

Operational Activities



The proposed project would include residential uses, as well as parking and open space. These land uses do not have the potential to emit large amounts of toxic air contaminants (TACs) during operation. Operational equipment that have the potential to emit TACs (emergency generators, boilers, etc.) would be required to go through the GBUAPCD permitting process prior to installation. Thus, the proposed project would not expose sensitive receptors to substantial pollution concentrations during operations and a less than significant impact would occur.

Carbon Monoxide Hotspot

The 2007 General Plan EIR did not analyze a Carbon Monoxide Hotspot for the project site. As described in the 2016 Update EIR, the 2016 Update would not create a CO hotspot impact. As discussed in Impact Section 3.3(b), the proposed project would not include construction or operational CO air emissions that would exceed established MDAQMD thresholds. Furthermore, the project site is located within a basin that is unclassified or in attainment for CO ambient air quality standards.⁴ Thus, the proposed project would also have a less than significant CO hotspot impact.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?

This impact threshold corresponds to the analysis under *Issue 4.2-5* (page 4-48) of the 2007 General Plan EIR.

As stated previously, the 2005 General Plan Update is a long-range plan guiding future growth in the Town and does not contain project level details (page 4-43 of the 2007 General Plan EIR). As such no specific sources of objectionable odors could be identified in the 2007 General Plan EIR (page 4-48 of the 2007 General Plan EIR). Nevertheless, the 2007 General Plan EIR discussed applicable standards to reduce potential odor impacts from future development, including Town policies prohibiting installation of wood-burning stoves in new construction under Municipal Code Section 8.30.030, *Standards For Regulation of Solid Fuel Burning Appliances*. In addition, objectionable odors are considered air contaminants by the GBUAPCD (Rule 109.B.2) and compliance with GBUAPCD Rule 402 prohibits the discharge of air contaminants that cause injury, detriment, nuisance, or annoyance to any considerable number of people (page 4-48 of the 2007 General Plan EIR). As such, the 2007 General Plan EIR concluded that less than significant impacts would occur in this regard.

⁴ California Air Resources Board, *Area Designations for State Ambient Air Quality Standards Carbon Monoxide*, https://ww3.arb.ca.gov/desig/adm/2019/state_co.pdf?_ga=2.12416243.693936443.1606846592-1237135880.1551377444, accessed by December 2, 2020.



The 2007 General Plan EIR analyzed the potential odor impacts from the 2005 General Plan Update and the project site (Shady Rest Tract/HDR-1) and concluded a less than significant impact. The proposed project involves the construction of 580 affordable housing units, along with necessary parking, and open space uses. Implementation of the project would not result in any new specific effects or greater impacts to other emissions (such as those leading to odors adversely affecting a substantial number of people) beyond those analyzed in the 2007 General Plan EIR. Furthermore, compliance with all applicable GBUAPCD rules and regulations would help reduce odors from heavy-duty equipment exhaust. Therefore, a less than significant impact would occur.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

3.4 BIOLOGICAL RESOURCES

This section corresponds with 2007 General Plan EIR Section 4.3, *Biological Resources*. Site-specific information is based primarily on the following documents; refer to Appendix C, *Biological Resources Assessment and Delineation Report*.

- *The Parcel, Town of Mammoth Lakes, California, Biological Resources Assessment Report* (Biological Resources Assessment), prepared by Michael Baker International, dated June 2020; and
- *The Parcel, Town of Mammoth Lakes, California, Delineation of State and Federal Jurisdictional Waters* (Delineation Report), prepared by Michael Baker International, dated June 2020.

Would the project:

- a) ***Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?***

The 2007 General Plan EIR analyzed the potential for encountering species identified as a candidate, sensitive, or special status species for all future developments within the Town. Overall, the 2007 General Plan EIR concluded that development associated with implementation of the Updated Plan would involve the redevelopment of land or the development of vacant lands within the UGB (page 4-80 of the 2007 General Plan EIR). The policies and implementation measures on page 4-79 of the 2007 General Plan EIR would ensure that a current inventory of candidate, sensitive, or special status species would be maintained (I.1.B.d.1) and that the protection of sensitive sites would be maximized through public and private management programs (I.1.B.d.3). In addition, Implementation Measure I.1.B.d.4 would require a biological assessment for development projects. The measure also requires the provision of protection or replacement of identified species that would be impacted so as to mitigate potential impacts. Therefore, with implementation of the implementation measures identified in the 2005 General Plan, the 2007 General Plan EIR concluded that impacts attributable to land



New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

As discussed on page 4-83 of the 2007 General Plan EIR, development associated with implementation of the 2005 General Plan Update would involve the redevelopment of land or the development of vacant lands within the UGB. The policies and implementation measures on page 4-82 of the 2007 General Plan EIR would serve to establish a framework for addressing impacts to riparian habitat or other sensitive natural community. Implementation Measure I.1.B.c.3 requires that if riparian vegetation were to be impacted that replacement, rehabilitation or the creation of such vegetation be provided subject to the approval by state and federal agencies. Implementation Measure I.1.B.d.2 would ensure the preservation of existing habitats and other sensitive natural communities through preservation and conservation strategies. In addition, Implementation Measure I.1.B.d.4 requires that an assessment of site-specific resource values be conducted for future development projects. The measure also requires the provision of protection, monitoring, replacing, or otherwise mitigating potential impacts in and around sensitive habitats. As such, with implementation of the above implementation measures contained in the 2005 General Plan, the 2007 General Plan EIR concluded that impacts to riparian habitats or other sensitive natural community due to development within the UGB would be reduced to a less than significant level (page 4-84 of the 2007 General Plan EIR).

According to the Biological Resources Assessment, four vegetation communities were observed and mapped within the boundaries of the project site during the field survey: aspen groves, Booth's willow – Geyer's willow – yellow willow thickets (mixed willow riparian scrub), Jeffery pine forest and woodland, and montane meadow. As stated, mixed willow riparian scrub and montane wet meadow are considered special-status riparian vegetations/habitats.

A Delineation Report was prepared to document all aquatic and other hydrological features within the project site that are potentially subject to the jurisdiction of the ACOE pursuant to Section 404 of the Federal Clean Water Act (CWA), the local Regional Water Quality Control Board (RWQCB) pursuant to Section 401 of the CWA and/or Section 13263 of the California Porter-Cologne Water Quality Control Act (Porter-Cologne Act), and CDFW pursuant to Sections 1600 et seq. of the California Fish and Game Code (CFGF); refer to Appendix C. State jurisdictional features observed within the project site consisted of unnamed drainages (Drainage 1, Drainage 2, and Drainage 3). Lahontan RWQCB jurisdiction totaled 1.19 acres (0.13 acre non-wetland waters and 1.06 acre wetland waters of the State) and 1,382 linear feet. CDFW jurisdictional area totaled 1.19 acres of riparian vegetated streambed and 1,373 linear feet. No ACOE jurisdictional area was documented within the project site; refer to Table ES-1, Summary of Jurisdictional Areas Within the Project Site, of the Delineation Report (Appendix C). According to the Delineation Report, the riparian habitats on-site is captured within the on-site wetland (Mill Ditch), as illustrated on Figure 5, *CDFW Jurisdictional Map*, of the Delineation Report; refer to Appendix C.



As discussed in Section 1.5 and shown on Exhibit 5, the project proposes a bridge over the on-site wetland (Mill Ditch), potentially impacting areas where the on-site riparian vegetations occur. As such, a new specific effect would result in this regard. The project would be required to comply all uniformly applicable development policies or standards would be applied to the project, including compliance with the Migratory Bird Treaty Act (MBTA), as well as the following 2005 General Plan Update policies:

- I.1.B.c.3: All feasible project modifications shall be considered to avoid wetland disturbance. Direct or indirect losses of wetlands and/or riparian vegetation associated with discretionary application approval shall be compensated by replacement, rehabilitation, or creation of wetlands habitat mitigation as approved by appropriate State and Federal agencies.
- I.1.B.d.1: The Town of Mammoth Lakes shall coordinate with the State Department of Fish and Game, U.S. Fish and Wildlife Service, and other appropriate agencies and maintain an up-to-date inventory of all Special Status Wildlife Species and Special Status Plants and Plant Communities within the Planning Area.
- I.1.B.d.3: The Town shall maximize the protection of primary wildlife habitats through public and/or private management programs, which may include: 1) the construction of active and passive recreation and development areas away from the habitat, and 2) use of fences, or other barriers and buffer zones.

The project proposes to maintain the existing wetland habitat (identified as Mill Ditch Linear Open Space). The project would be required to comply with all existing Federal, State, and local laws and regulations governing wetlands and riparian habitat. Should any future improvements require filling/dredging of wetlands, these activities would be subject to a separate environmental review process. With compliance with these uniformly applicable development policies or standards on the project, project's impact to riparian habitat or other sensitive natural community would be reduced to less than significant levels.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

- c) *Have a substantial adverse effect on State or Federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

As detailed on page 4-84 of the 2007 General Plan EIR, development that would occur under the 2005 General Plan Update could directly and indirectly impact wetlands and other jurisdictional waters of the U.S. On a local level, Section 12.08.050 of the Municipal Code prohibits the filling or draining of any wetland area without obtaining a permit from the appropriate agency. Implementation Measure



I.1.B.c.3 requires that direct or indirect losses of wetlands and/or riparian vegetation associated with discretionary applications shall be compensated by replacement, rehabilitation, or creation of wetland habitat as mitigation as approved by appropriate agencies. Any development located within the wetlands areas regulated by the U.S. Army Corps of Engineers, California Regional Water Quality Control Board, and California Department of Fish and Game would be subject to review by those agencies and would require the approval of those agencies, such as a Lake and Streambed Alteration Agreement (I.1.B.c.2). Therefore, with implementation of the measures identified in the 2005 General Plan Update (page 4-85 of the 2007 General Plan EIR), impacts to federally protected wetlands would be reduced to a less than significant level.

Refer to Response 3.4(b) above. The project proposes a bridge over the on-site wetland (Mill Ditch) as part of the final phase of the project. It is noted that footing of the proposed bridge would be located outside of the existing wetland, which would be considered a new specific effect. The uniformly applicable development policy (2005 General Plan Update Policy I.1.B.c.2) would ensure impacts in this regard are less than significant.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

As discussed on page 4-88 of the 2007 General Plan EIR, the introduction of new population associated with development could potentially impact wildlife species or established wildlife corridors. Specifically, there are 11 known special status animal species within the Municipal Boundary as listed on Table 4.3-1 of the 2007 General Plan EIR, along with the sage grouse which is listed as outside the Municipal Boundary but within the Planning Area. In addition, mountain lions and black bears have also been found to travel into the UGB. As discussed on page 4-52 of the 2007 General Plan EIR, the migratory route nearest to the UGB is utilized by the Mammoth Pass herd segment of the Round Valley Herd of mule deer. The route used by this herd segment heads westerly below Mammoth Rock south of the Urban Growth Boundary, passes through the Mammoth Lakes Basin, and then crosses over Mammoth Pass into the Middle Fork of the San Joaquin River drainage. Migrating deer from this herd segment may be impacted by increased traffic, which could result in an increase in road kills.

Impacts on deer populations are considered less than significant because implementation of the 2005 General Plan Update would not impact migration corridors, or substantially reduce populations, and fragmentation of habitat would be reduced by the fact that future development would remain within the UGB. Impacts associated with encroachment into bear habitat can be reduced to less than significant levels by the implementation measures mentioned above. In addition, Town facilities and new development would utilize animal-resistant trash receptacles as well as fences and other buffer zones to discourage the movement of wildlife into urbanized areas. The probability for an increase in



potential attacks by mountain lions is considered low based on the number of such recorded incidents in California and therefore, such impact is considered to be less than significant.

All projects are required to comply with Section 6.24 of the Municipal Code, which prohibits the feeding of wildlife. Moreover, future development projects would be reviewed so as to ensure that development would not interrupt wildlife or interfere with wildlife corridors. The 2007 General Plan EIR included implementation measures (as listed on page 4-87 of the 2007 General Plan EIR) that would ensure that impacts to biological resources are reduced to a less than significant level. Further, the 2007 General Plan EIR included Mitigation Measure 4.3-1, which require developers of residential properties to include a disclosure statement that Mammoth Lakes is an area of habitat for mountain lions which indicates a potential risk, particularly to children and small pets.

Overall, the 2007 General Plan EIR concluded that the implementation of implementation measures included in the 2005 General Plan, Mitigation Measure 4.3-1, applicable wildlife management practices, coupled with the limitation of development to areas within the UGB, would reduce impacts to the movement of any native resident or migratory fish or wildlife species, impacts to established native resident or migratory wildlife corridors, and impacts to the use of native wildlife nursery sites to less than significant levels.

The project site is situated within a highly developed area of the Town of Mammoth Lakes. The surrounding residential and commercial development has isolated the project site from other natural open space areas located to the north, south, east, and west of the project site. According to the Biological Resources Assessment, the montane meadow and native trees within the project site and throughout the Town of Mammoth Lakes are expected to support some local wildlife movement; however, any wildlife currently utilizing the project site and adjacent areas as a wildlife corridor are likely adapted to disturbance associated with urban environments. Project activities are not expected to impede wildlife movement through the area. The natural open space areas to the north, south, east, and west of the project site and Town of Mammoth Lakes would continue to provide opportunities for local wildlife movement and function as a corridor for highly mobile wildlife species.

Further, according to the Biological Resources Assessment, olive-sided flycatcher was observed on-site during the field survey. Olive-sided flycatcher is a long-distance migratory species and is only expected to occur within the project area from late spring until as early as August. No other native resident or migratory fish or wildlife species were identified on-site. As discussed under Response 3.4(a), potential project impacts to migratory birds would be minimized with compliance with the MBTA and the 2005 General Plan Policy I.1.B.d.4. As such, the project would not result in significant impacts to native resident or migratory fish or wildlife species.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.



e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

As discussed on page 4-89 of the 2007 General Plan EIR, the 2005 General Plan Update would not conflict with any adopted policy or ordinance regarding the protection of biological resources. Rather, it would supplement and strengthen existing Town policies and measures designed to protect those resources. The Town currently has several codes that apply to development projects that provide protection to natural resources within Town limits. Municipal Code Chapter 6.24 prohibits feeding of wildlife. In addition, Municipal Code Chapter 8.12 requires proper refuse disposal so as to eliminate the availability of refuse for wildlife. Finally, Municipal Code 17.16.050 requires the preservation of trees and other vegetation.

In addition to the municipal codes referenced above, the 2005 General Plan Update contains implementation measures to protect biological resources, and specifically provides for policies and implementation measures to protect native and large specimen trees. Implementation Measure I.2.A.a.5 provides for the adoption of standards to protect trees and promote the health of the forest, which includes the replanting of native tree species removed as a result of land clearing during project construction. This measure is consistent with Municipal Code 17.16.050, which requires preservation of trees and other vegetation. Various other policies and implementation measures contained in the Updated Plan that provide protection to biological resources include Implementation Measure I.1.B.f.1 to make every feasible effort to save large specimen trees and pursue aggressive replanting with native trees to retain the forested character of the Town. Implementation Measure I.2.A.a.3 allows new development to use clustering as feasible in order to retain and preserve existing trees and open space. Implementation Measure I.7.A.a.4 limits the use of turf to avoid or minimize impacts on native trees and encourages the use of native and compatible non-native plant species, especially drought resistant species, to the extent possible when meeting landscaping requirements. Therefore, the 2005 General Plan Update would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. As such, the 2007 General Plan EIR concluded that no impacts would occur in this regard (page 4-90 of the 2007 General Plan EIR).

The project would involve removal of trees, including white fir, lodgepole pine, and Jeffrey pine trees; refer to Appendix C. The proposed project would be required to obtain appropriate tree removal permit(s) and/or a tree removal and protection plan, and, as such, would be subject to all requirements set forth accordingly in accordance with Municipal Code Section 17.36.140, *Tree Removal and Protection*. In accordance with Municipal Code Section 17.36.140(I), *Mitigation for tree removal*, if required by the Director either in conjunction with a tree removal permit, construction-related tree removal, or as penalty for tree removal performed without a permit, replacement planting may occur in areas suitable for tree replacement with species identified in the Town of Mammoth Lakes' Recommended Plant List. The replacement ratio would be determined by the Director. If required, the minimum replacement tree size would be seven gallons. Replacement requirements may also be determined based on the valuation of the tree as determined by a Registered Professional Forester (RPF) or arborist.

As such, adherence to Municipal Code requirements and all applicable General Plan policies (i.e., Policies R.1.B, R.1.C, and R.2.B) would reduce project's potential impacts to on-site pine trees to less than significant levels.



Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?

As detailed on page 4-90 of the 2007 General Plan EIR, there are no adopted or on-going regionwide habitat conservation plans in place within the Planning Area. The Town is covered under other approved plans, including the Draft Owens Basin Wetland and Aquatic Species Recovery Plan and Management Guidelines (USDI 1998), the Sherwin Grade Deer Herd Management Plan (CDFG 1986), the Draft Recovery Plan for the Sierra Nevada Bighorn Sheep (*Ovis canadensis californiana*) (USFWS 2003), the Riparian Bird Conservation Plan for 14 Priority Riparian-Dependent Species (Riparian Habitat Joint Venture 2000), and the Greater Sage-Grouse Conservation Plan for the Bi-State Area of Nevada and Eastern California (Sage-Grouse Conservation Team 2004). The 2007 General Plan EIR concluded that the 2005 General Plan Update would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (page 4-92 of the 2007 General Plan EIR).

Similarly, the proposed project would not conflict any Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan with respect to migratory wildlife or corridors. Development of the proposed project would result in no impacts in this regard and would not result in any new specific effects or greater impacts than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

3.5 CULTURAL RESOURCES

This section corresponds with the 2007 General Plan EIR Section 4.14, *Cultural Resources*. Site-specific information is based primarily on *Cultural Resources Technical Memorandum for the Parcel Project, Town of Mammoth Lakes, Mono County, California* (2020 Cultural Resources Memo), prepared by Rincon Consultants, Inc., dated October 16, 2020; refer to Appendix D, Cultural Resources Assessment.

Would the project:

a) *Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?*

As discussed on page 4-366 of the 2007 General Plan EIR, implementation of the 2005 General Plan Update would allow for new development as well as redevelopment of sites within the UGB. There are no known historic resources within the UGB. However, new development or redevelopment could result in the demolition or alteration of physical characteristics of an unknown historical resource that has historical significance that justifies its inclusion in, or eligibility for inclusion in, the California Register of Historical Resource. Therefore, implementation of the 2005 General Plan Update could result in the discovery of historical resources and potential impacts to historic resources. The 2005 General Plan Update included policy and implementation measures (as detailed on page 4-366 of the 2007 General Plan EIR), as well as Mitigation Measures 4.14-1 through 4.14-3 to ensure the preservation of historic resources. As such, the 2007 General Plan EIR concluded that implementation of the policy and implementation measures as well as Mitigation Measures 4.14-1 through 4.14-3 would reduce impacts in this regard to less than significant levels.

According to the 2020 Cultural Resources Memo, no historical resources are located within the project site. As a result, the project would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 development of the proposed project would not result in any new specific effects or greater impacts than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?*

As discussed on page 4-368 of the 2007 General Plan EIR, implementation of the Updated Plan would allow for new development as well as redevelopment of sites within the UGB. New development or redevelopment could impact an archaeological site(s) during grading and excavation activities. Due to the primarily developed and disturbed condition of the lands within the UGB, where development would occur, the potential number and distribution of such sites or resources is anticipated to be limited. The Updated Plan proposes the adoption of the policy and implementation measures (page 4-369 of the 2007 General Plan EIR) to reduce potential impacts associated with cultural resources. Moreover, the 2007 General Plan EIR included Mitigation Measures 4.14-4 through 4.14-6 to reduce potential impacts associated with previously undiscovered archaeological resources. As such, the 2007 General Plan EIR concluded that implementation of the policy and implementation measures as well as Mitigation Measures 4.14-4 through 4.14-6 would reduce impacts in this regard to less than significant levels.

The 2020 Cultural Resources Memo identified 17 prehistoric archaeological sites and three isolated prehistoric artifacts within 0.5-mile of the project site. The project location was subject to a cultural



resource assessment in 2007 (2007 Cultural Assessment), during which a previously recorded prehistoric archaeological site CA-MNO-714 was found on-site and was evaluated for eligibility for listing in the National Register of Historic Places (NRHP).⁵ CA-MNO-714 is a lithic scatter with ten bedrock milling features previously evaluated in the 1980s. According to the 2007 Cultural Assessment, CA-MNO-714 has been previously excavated on several occasions between 1975 and 1986. Although not identical, eligible criteria for the California Register of Historic Resources (CRHR) are similar enough to those of the NRHP. As such, the 2007 Cultural Assessment concluded that the CA-MNO-714 site is not NRHP or CRHR-eligible and mitigation is not mandated. The 2020 Cultural Resources Memo confirmed these findings.

Due to the cultural resource sensitivity of the project site, site disturbance activities would be subject to the previously approved Mitigation Measures 4.14-4 through 4.14-6, which would reduce project impacts to previously undiscovered archeological resources, including other unknown resources associated with CA-MNO-714, if any. With implementation of the recommended Mitigation Measures, potential project impacts to archeological resources would be reduced to less than significant levels. As such, development of the proposed project would not result in any new specific effects or greater impacts than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents:

Previously certified environmental documents include mitigation measures to reduce potential impacts associated with implementation of the General Plan. Any modifications to the original measures are shown in ~~strike through~~ for deleted text and double underlined for new inserted text. These changes are considered minor and editorial in nature, and do not affect the conclusions of this Infill Environmental Checklist or represent “significant new information” as defined in CEQA Guidelines Section 15088.5.

4.14-4 A qualified archaeologist shall perform the following tasks prior to development activities ~~on any part of the Town:~~

- ~~Subsequent to a preliminary Town review, if evidence suggests the potential for prehistoric resources, a field survey for prehistoric resources within portions of the project area not previously surveyed for cultural resources shall be conducted.~~
- ~~Subsequent to a preliminary Town review, if evidence suggests the potential for sacred land resources, the Native American Heritage Commission for information regarding sacred lands shall be consulted.~~
- Conduct a WEAP training on archaeological sensitivity for all construction personnel prior to the commencement of any ground-disturbing activities. Archaeological sensitivity training should include a description of the types of cultural material that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find.

⁵ BonTerra Consulting, *Draft Cultural Resources Assessment Report for the Hidden Creek Crossing Project Town of Mammoth Lakes, Mono County, California*, October 17, 2007.



- Inventory all prehistoric resources using appropriate State record forms and submit two (2) copies of the completed forms to the Town.
- Evaluate the significance and integrity of all prehistoric resources within the project area, using criteria established in the CEQA Guidelines for important archaeological resources.
- If human remains are encountered on the project site, the Mono County Coroner's Office shall be contacted within 24 hours of the find, and all work should be halted until a clearance is given by that office and any other involved agencies. If the Coroner determines that the remains may be Native American, contact the Native American Heritage Commission for notification to the most likely descendants of the descendent and follow the required protocols specified in Public Resources Code Section 5097.98.
- All resources and data collected within the project area should be permanently curated at an appropriate repository within the Town or County. (2007 General Plan EIR Mitigation Measure 4.14-4)

4.14-5

All ground-disturbing construction work should be observed by archaeologist and Native American monitors. If cultural materials or archaeological remains are encountered during the course of grading or construction, the developer shall cease any ground disturbing activities near the find. A qualified archeologist will be retained to evaluate significance of the resources and recommend appropriate treatment measures. Treatment measures may include avoidance, preservation, removal, data recovery, protection, or other measures developed in consultation with the Town and the developer. With the assistance of the archaeologist, the Town shall:

- Consider establishing provisions to require incorporation of archaeological sites within new developments, using their special qualities as a theme or focal point.
- Educate the public about the area's archaeological heritage.
- Propose mitigation measures and recommend conditional of approval to eliminate adverse project effects on significant, important, and unique prehistoric resources, following appropriate CEQA guidelines.
- Prepare a technical resources management report, documenting the inventory, evaluation, and proposed mitigation of resources within the project area. Submit one copy of the completed report, with original illustrations, to the Town for permanent archiving. (2007 General Plan EIR Mitigation Measure 4.14-5)

4.14-6

If during grading and excavation an archaeological resource is found, construction shall be temporarily diverted, redirected or halted as appropriate. Any discovery of such resources shall be treated in accordance with federal, state, and local regulations, including those outlined in the CEQA Guidelines Section 15064.5 (e) and as appropriate, the Native American Historical, Cultural and Sacred Sites Act. For archaeological remains, conservation of a resource for which preservation in



place is not feasible, relocation and if that is not feasible, documentation shall be required. (2007 General Plan EIR Mitigation Measure 4.14-6)

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact With Previously Approved Mitigation Measures.

c) *Disturb any human remains, including those interred outside of formal cemeteries?*

As discussed on page 4-371 of the 2007 General Plan EIR, new development or redevelopment could result in the discovery of human remains during grading and excavation activities. However, due to the primarily developed and disturbed condition of the lands within the UGB where development would occur, the potential location of such sites or resources would be minimal. Nevertheless, 2005 General Plan Update included policy and implementation measures (page 4-372 of the 2007 General Plan EIR) to reduce potential impacts associated with cultural resources. Additionally, Mitigation Measure 4.14-7 have been included in the 2007 General Plan EIR to ensure impacts in this regard would be reduced to less than significant levels.

It is possible to encounter buried human remains during construction within the Town given the proven prehistoric and historic occupation of the region, the identification of multiple surface and subsurface archaeological resources within and in the immediate vicinity of the project area, and the favorable natural conditions that would have attracted prehistoric and historic inhabitants to the area. Accordingly, the project would be required to comply with the previously approved Mitigation Measure 4.14-7, which would address this potential impact through establishing standard procedures in accordance to State regulations. Following implementation of Mitigation Measure 4.14-7, impacts in this regard would be reduced to less than significant levels. As such, development of the proposed project would not result in any new specific effects or greater impacts than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents:

Previously certified environmental documents include mitigation measures to reduce potential impacts associated with implementation of the General Plan.

- 4.14-7 Should the existence of, or the probable likelihood, of Native American or other human remains be found during development of a site, the landowner shall contact the County Coroner and no further excavation or disturbance of the site or nearby area shall be permitted until the County Coroner determines that no investigation of the cause of death is required. If the remains are determined to be Native American, the Coroner shall, as required by Public Resources Code Section 5097.98, notify the Native American Heritage Commission, which shall contact the most likely descendants and those descendants shall have 24 hours to inspect and make a recommendation to the landowner as to the appropriate means for removal and nondestruction of the remains and artifacts found with the remains. If an agreement cannot be reached between the landowner and the descendants,



the Native American Heritage Commission shall mediate the disagreement, and if resolution is not reached, the landowner shall reinter the remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance. The applicant may develop a prospective agreement for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the Native American Heritage Commission. (2007 General Plan EIR Mitigation Measure 4.14-7)

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact With Previously Approved Mitigation Measures.

3.6 ENERGY

This section corresponds with 2007 General Plan EIR Section 6.0, *Other CEQA Considerations*, and 2016 Update EIR Section 6.0, *Other CEQA Considerations*.

Would the project:

- a) ***Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?***

This impact threshold was not required or specifically analyzed at the time when the 2007 General Plan EIR and 2016 Update EIR were prepared.

Nevertheless, Section 6.0, *Other CEQA Considerations*, of the 2007 General Plan EIR qualitatively analyzed the resources and energy consumption anticipated under the 2005 General Plan Update buildout, which includes the construction of a high density residential development on the project site (designated as HDR-1). As detailed on page 6-1 of the 2007 General Plan EIR, implementation of the 2005 General Plan Update would result in a commitment of limited, slowly renewable, and nonrenewable resources (i.e., lumber and other forest products, steel, metals, aggregated materials, water, petrochemical or petroleum-based materials, and fossil fuels for vehicles), as these resources would be used in construction projects. Additionally, the 2005 General Plan Update would involve the ongoing consumption of limited, nonrenewable, and slowly renewable resources such as natural gas and electricity, petroleum based fuels, fossil fuels, and water. Energy resources would be used in the retail spaces for heating and cooling of areas, transporting people and goods to, from, and within the spaces, heating and refrigeration for food storage and preparation, heating and cooling of water, and lighting. Title 24 of the California Administrative Code (currently the California Code of Regulations) would require conservation practices that would limit the amount of energy consumed by the project. Nevertheless, the use of such resources would continue to represent a long-term commitment of essentially nonrenewable resources. As such, the 2007 General Plan EIR concluded that the commitment of the limited, slowly renewable, and nonrenewable resources required for the construction and operation of the 2005 General Plan Update would limit the availability of these



resources for future generations or for other uses during the life of the program (page 6-2 of the 2007 General Plan EIR). However, continued use of such resources is consistent with regional and local growth and anticipated change in the area.

Section 6.3, *Energy*, of the 2016 Update EIR includes an update on the applicable standards and policies in regard to energy consumption within the Town. As detailed on page 6-5 of the 2016 Update EIR, CARB has adopted an Airborne Toxic Control Measure to limit heavy-duty diesel motor vehicle idling in order to reduce public exposure to diesel particulate matter and other toxic air contaminants. This measure prohibits diesel-fueled commercial vehicles greater than 10,000 pounds from idling for more than five minutes at any given time. CARB has also approved the Truck and Bus regulation (CARB Rules Division 3, Chapter 1, Section 2025, subsection [h]) to reduce NO_x, PM₁₀, and PM_{2.5} emissions from existing diesel vehicles operating in California. This regulation will be phased in, with full implementation for large and medium fleets by 2023 and for small fleets by 2028. In addition to limiting exhaust from idling trucks, CARB recently promulgated emission standards for off-road diesel construction equipment of greater than 25 horsepower. The regulation aims to reduce emissions by requiring the installation of diesel soot filters and encouraging the retirement, replacement, or repower of older, dirtier engines with newer emission-controlled models. Implementation began January 1, 2014, and the compliance schedule requires that best available control technology turnovers or retrofits be fully implemented by 2023 for large and medium equipment fleets and by 2028 for small fleets. The CARB In-Use Off-Road Diesel Vehicle Regulation requires construction equipment to meet the USEPA/CARB certified Tier 4 standards for engines by the same schedule.

As detailed on page 6-7 of the 2016 Update EIR, Executive Orders S-3-05 and B-30-15 are orders from the State's Executive Branch for the purpose of reducing Statewide GHG emissions. These Executive Orders establish the goals to reduce GHG emissions to 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. As such, it is expected that emissions trajectory and associated energy use would follow a declining trend, consistent with Statewide efforts to meet these future year targets. Further, Southern California Edison (SCE) has committed to meeting the requirement to procure at least 33 percent of its energy portfolio from renewable sources by 2020 through the procurement of energy from eligible renewable resources, to be implemented as fiscal constraints, renewable energy pricing, system integration limits, and transmission constraints permit. As of 2014, the most recent year for which data are available, SCE's renewable energy resources included geothermal, small hydro, wind, solar, and biomass, which accounted for 23.5 percent of its overall energy mix (page 6-8 of the 2016 Update EIR).

In addition to Title 24, the Building Standards Code, project within California would be required to comply with the California Green Building (CALGreen) Code. Further, projects within the Town would incorporate applicable General Plan goals and policies in a manner to achieve the reductions in energy usage, as well as encourage installing renewable energy sources, recycling, and waste diversion, above and beyond State regulatory requirements (page 6-6 of the 2007 General Plan EIR). Physical and operational project characteristics for which sufficient data are available to quantify the reductions from building energy and resource consumption have been included in the quantitative analysis below.

Electricity Consumption



As described on page 6-7 of the 2016 Update EIR, in 2013, SCE's total annual electric sales to customers was approximately 87.4 billion Kilowatt hours (kWh). However, according to SCE's 2019 *Annual Report*, total annual electric sales to customers within SCE jurisdiction has been steadily declining, with 87.2 billion kWh sold in 2017, 87.1 billion kWh sold in 2018, and 84.7 billion kWh sold in 2019. These annual sales are lower than the 2013 values, analyzed in the 2016 Update EIR, indicating a decreasing consumption trend while development and growth is occurring.

The proposed project would be required to comply with the 2019 Title 24 standards, which is 53 percent more energy efficient than the 2016 Title 24 standards for residential uses. Furthermore, the complete project buildout would consume approximately 3.437 million kWh, which would increase 2019 SCE annual sales by approximately 0.0041 percent; refer to [Appendix B](#). This is lower than the 2016 Update EIR analysis of 4.7 million kWh and 0.01 percent increase. In addition, SCE would be required to comply with the California Renewable Portfolio Standards (RPS) and Senate Bill (SB) 100, which requires that a certain percentage of procured energy is from renewable energy. SCE's compliance with the RPS and SB 100 would help reduce consumption of finite energy resources within the State. Thus, since the project would have a lower energy usage than what was analyzed in 2016 Update EIR, and the 2016 Update EIR concluded a less than significant impact, the project would be consistent with the 2016 Update EIR, and a less than significant impact would occur.

Propane Consumption

As previously discussed, the project would not consume natural gas as all of the Town uses propane to fuel furnaces, water heaters, and stoves, etc. Based off the CalEEMod modeling, the project would consume approximately 3,435,500 kBTU of propane gas per year; refer to [Appendix B](#). According to the methodology listed in Section 6.3 of the 2016 Update EIR, this would be equivalent to approximately 94,500-gallon propane tanks. While this would exceed the projections within the 2016 Update EIR, all propane consuming appliances would be required to comply with the 2019 Title 24 standards. Compliance with the 2019 Title 24 standards would ensure that propane consumption is not wasteful, inefficient, or unnecessary, as the 2019 Title 24 standards is more energy efficient than the previous 2016 Title 24 standards.

Mobile Fuel Consumption

According to the CalEEMod modeling results, the proposed project would generate approximately 8 million vehicle miles traveled (VMT) per year, which would have a total annual fuel consumption of approximately 281,286 gallons; refer to [Appendix B](#). The 2016 Update EIR concluded that the total buildout of the land uses accommodated through the 2016 Update would create a total VMT of 49.8 million miles per year, which would represent about 0.009 percent of the Statewide gasoline consumption and 0.02 percent of the Statewide diesel consumption.

As the proposed project would have a lower total VMT than what was previously analyzed in the 2016 Update EIR, and the 2016 Update EIR concluded a less than significant impact, the project would be consistent with the 2016 Update EIR and also have a less than significant impact in this regard.



Construction Fuel Consumption

As described in the 2016 Update EIR, it was assumed that the 2016 Update buildout would consume approximately 598,200 gallons of diesel fuel per year and that this would be a less than significant impact. Based off the CalEEMod modeling, the construction of the project would consume approximately 331,805 gallons of diesel fuel; refer to Appendix B. This diesel fuel consumption would only occur during construction and would cease once construction is done. Furthermore, the project would look would seek to hire construction workers from the local workforce, which would minimize commuting distances and overall VMT. Additionally, construction activities would be less intensive than what was modeled in the 2016 Update EIR as diesel engine technology keeps improving and older construction equipment with lower engine tiers are being phased out. Thus, as the project would have a one-time diesel fuel consumption that would be lower than the yearly modeled value in the 2016 Update EIR analysis, the project would have a less than significant impact in this regard.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

b) The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency and a less than significant impact would occur.

This CEQA Appendix G checklist item was not required or specifically analyzed at the time when the 2007 General Plan EIR or 2016 Update EIR were prepared.

Refer to Response 3.6(a), above, for a qualitative analysis on the resources and energy consumption anticipated under the 2005 General Plan Update buildout in the 2007 General Plan EIR.

The Town does not have a specific local plan for renewable energy or energy efficiency. However, the Town's General Plan Resource Management and Conservation Element includes energy conservation goals and policies for the Town. Table 4, General Plan Energy Conservation Consistency Analysis, discusses the project's consistency with these applicable energy conservation goals and policies found within the Resource Management and Conservation Element.

As described in Table 4, the proposed project would be consistent with applicable energy conservation goals from the Town's General Plan Resource Management and Conservation Element. Furthermore, the project would be an infill project with 100 percent of the units reserved for affordable housing. The project would also include bike lanes, sidewalks, half an acre of open space, and an on-site bus stop. All of these project design features would help lower the project's total VMT and as such, lower the project's fuel consumption. Thus, the project would have a less than significant impact in this regard.



Table 4
General Plan Energy Conservation Consistency Analysis

General Plan Goal	General Plan Policy	Project Consistency Analysis
R.6. Optimize efficient use of energy.	R.6.C. Encourage energy efficiency in new building and retrofit construction, as well as resource conservation and use of recycled materials	The proposed project would be built following the 2019 CALGreen and Title 24 building codes. This would include recycling 50 percent of construction waste, as well as using recycled green materials where feasible. In addition, the 2019 residential Title 24 standards is 53 percent more energy efficient than the existing 2016 standards. This energy reduction comes in the form of solar photovoltaic solar panels, energy efficient appliances, and high efficiency LED lighting. Thus, the project would not conflict with this goal and policy.
R.8. Increase use of renewable energy resources and encourage conservation of existing sources of energy.	R.8.D. Encourage use of renewable fuels such as biodiesel.	The proposed project and the Town would encourage construction contractors to use biodiesel fuel where feasible and would not conflict with this policy. Thus, the project would not conflict with this goal and policy.
	R.8.G. Encourage use of decentralized solar electric power production systems	The project would be consistent with the 2019 Title 24 standards, which requires residential development to include photovoltaic solar panels. As such, the project would be consistent with this policy.
Sources: Town of Mammoth Lakes, <i>General Plan Resource Management and Conservation Element</i> , updated 2019.		

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

3.7 GEOLOGY AND SOILS

This section corresponds with 2007 General Plan EIR Section 4.4, *Geology, Seismicity, Soils, and Mineral Resources*. Site-specific information is based primarily on the *Preliminary Geotechnical Investigation, Hidden Creek Crossing (Shady Rest), Mammoth Lakes, California* (Geotechnical Investigation), prepared by Sierra Geotechnical Services, Inc., dated June 2, 2004; refer to Appendix E, Geotechnical Investigation.



Would the project:

- a) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss injury, or death involving:*
- i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

According to the 2007 General Plan EIR, the Town is located within close proximity to the Hilton Creek Fault (approximately 10 miles east of the Town), Owens Valley Fault (approximately 48 miles south of the Town), and Chalfant Valley Fractures (approximately 36 miles east of the Town). As detailed on page 4-108 of the 2007 General Plan EIR, the 2005 General Plan Update proposed the adoption of several polices and implementation measures to reduce potential impacts associated with geologic hazards. The 2007 General Plan EIR concluded that impacts related to rupture of a known earthquake fault would be reduced to less than significant with compliance with existing regulations and previously approved implementation measures.

According to the Geotechnical Investigation, the project site is not located within any Earthquake Fault Zones or Alquist-Priolo Hazard Zones. As the project site is not located within an Alquist-Priolo Earthquake Fault Zone, risk of rupture is minimal and no impacts would occur in this regard. As such, the proposed project would not result in any new specific effects or greater impacts than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

- ii) *Strong seismic ground shaking?*

According to the Geotechnical Investigation, the project site has potential for moderate ground shaking (moment magnitude (Mw) of approximately 6.6) along the nearby Hartley Springs fault, located approximately 1.4 miles west of the project site. No known active, potentially active, or inactive faults transect the project site. The nearest known active regional fault is the Hartley Springs fault.

As discussed on page 4-107 of the 2007 General Plan EIR, due to the Town's close proximity to the Hilton Creek Fault, Owens Valley Fault, and Chalfant Fractures, a major earthquake occurring in the Planning Area may be expected to produce moderate to extreme groundshaking and lurching. As detailed on page 4-108 of the 2007 General Plan EIR, the 2005 General Plan Update proposed the adoption of several polices and implementation measures to reduce potential impacts associated with



geologic hazards. Development within the Town is required to comply with the California Building Code as well as Section 12.08.080 of the Town Municipal Code, which requires engineered plans and a soils report to be submitted with an application for a grading permit. Site development plans would be reviewed by the Town to determine conformance with specific recommended geotechnical procedures. Field inspection would be conducted by the Town during earthwork and construction operations. The observation of cuts, fills, backfills, foundation excavations, and the preparation of pavement subgrades shall take place during these phases of site development. As concluded on 4-110 of the 2007 General Plan EIR, with implementation of the previously approved implementation measures and compliance with existing regulations, potential impacts associated with the exposure of people or structures to seismic hazards, including rupture of a known earthquake fault, strong seismic ground shaking, and seismic related ground failure, including liquefaction, would be reduced to the extent possible and would be less than significant.

Development of the proposed project would be subject to the Town's existing Municipal Code and the seismic design requirements identified in the Town's Municipal Code and California Building Code, in addition to the recommendations outlined in the Geotechnical Investigation. Compliance with existing regulations and implementation of recommendations outlined in the Geotechnical Investigation would reduce project's impact to less than significant levels in this regard. As such, the proposed project would not result in any new specific effects or greater impacts than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

iii) Seismic-related ground failure, including liquefaction?

Liquefaction and seismically-induced settlement or ground failure is generally related to strong seismic shaking events where the groundwater occurs at shallow depth (generally within 50 feet of the ground surface) or where lands are underlain by loose, cohesionless deposits. Liquefaction typically results in the loss of shear strength of a soil, which occurs due to the increase of pore water pressure caused by the rearrangement of soil particles induced by shaking or vibration. During liquefaction, soil strata behave similarly to a heavy liquid.

Refer to Response 3.7(a)(ii) for a summary of the findings on seismic-related ground failure, including liquefaction, in the 2007 General Plan EIR.

According to the Geotechnical Investigation, the potential for liquefaction to occur on-site is considered low given the lack of a permanent water table and the medium dense to dense nature of bearing soils present on-site. Development of the proposed project would also be subject to the Town's Municipal Code which includes a review of liquefaction and landslide potential, the California Building Code's minimum standards for structural design and construction, and implementation of recommendations outlined in the Geotechnical Investigation. Thus, less than significant impacts



would occur and the proposed project would not result in any new specific effects or greater impacts than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

iv) Landslides?

According to the 2007 General Plan EIR and the Geotechnical Investigation, no landslide activity has been recorded within the Town or at the project site. Thus, less than significant impacts would occur in this regard. The proposed project would not result in any new specific effects or greater impacts than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

b) Result in substantial soil erosion or the loss of topsoil?

Construction of the proposed project would produce loose soils, which are subject to erosion if the surface area were to be disturbed or vegetation were to be removed. Grading and trenching for construction may expose soils to short-term wind and water erosion. According to the Geotechnical Investigation, erosion is possible on the pad and slopes if left unprotected during the snowmelt runoff season.

As discussed on page 4-107 of the 2007 General Plan EIR, implementation of the 2005 General Plan Update would result in construction on individual parcels in accordance with land use designations and densities. As noted on page 4-111 of the 2007 General Plan EIR, soils throughout the UGB are sensitive to disturbance from development and exhibit moderate to high erosion potential depending on the grade of the slope. Construction of individual development sites would therefore expose earth surfaces to wind and rain action. If slopes and exposed surfaces are not protected by vegetation or some other form of protection, uncemented soils could experience erosion during strong winds or heavy precipitation. In turn, erosion would generate potential impacts to nearby streams and watercourses or the storm drain system due to sedimentation.

As detailed on page 4-111 of the 2007 General Plan EIR, the 2005 General Plan Update proposed the adoption of several polices and implementation measures to reduce potential impacts associated with geologic hazards. As discussed on page 4-111 of the 2007 General Plan EIR, all development must comply with Municipal Code Sections 12.08.090, *Drainage and erosion design standards*, 12.08, *Land clearing*,



earthwork and drainage facilities, and 12.08.080, *Engineered grading permit requirements*. These Municipal Code sections serve to implement the implementation measures in the 2005 General Plan. The Town reviews the development standards in the Municipal Code to ensure that the Town's requirements include advances in construction techniques that serve to minimize soil erosion and slope instability. In addition, best management practices (BMPs), which would reduce and/or eliminate erosion potential, would be incorporated into future development projects. Implementation of BMPs would ensure that future development would not result in substantial soil erosion or the loss of topsoil. Therefore, the 2007 General Plan EIR concluded that erosion-related hazards would be less than significant (page 4-112 of the 2007 General Plan EIR).

The proposed project would also be subject to the Municipal Code requirements pertaining to the minimization of soil erosion during earthwork activities and Lahontan RWQCB's Water Quality Control Plan standards, in addition to recommendations outlined in the Geotechnical Investigation, such as planting and irrigation of cut and fill slopes and/or installation of erosion control and drainage devices. Upon compliance with all applicable standards and regulations, project's impacts pertaining to soil erosion and/or the loss of topsoil would be reduced to less than significant levels. As such, the proposed project would not result in any new specific effects or greater impacts than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

- c) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

Refer to Response 3.7(a)(iii), 3.7(a)(iv), and 3.7(d) for discussions on project's impacts related to liquefaction, landslide, and collapse (from expansive soils), respectively.

As noted under Response 3.7(b) above, soils in the UGB are sensitive to disturbance from development and exhibit moderate to high erosion potential depending on the grade of the slope (page 112 of the 2007 General Plan EIR). Consequently, depending on the location of a development site, future development could occur on collapsible/loose sandy soils, which could potentially affect the structural integrity of a building. Development within the Town is required to comply with the California Building Code as well as Section 12.08.080 of the Town's Municipal Code, which requires engineered plans and a soils report to be submitted with an application for a grading permit. Site development plans would be reviewed by the Town to determine conformance with specific recommended geotechnical procedures. Field inspection would be conducted by the Town during earthwork and construction operations. The observation of cuts, fills, backfills, foundation excavations, and the preparation of pavement subgrades shall take place during these phases of site development. Further, as detailed on page 4-112 of the 2007 General Plan EIR, the 2005 General Plan Update proposed the adoption of several policies and implementation measures to reduce potential



impacts associated with geologic hazards. As such, the 2007 General Plan EIR concluded that impacts associated with unstable soils, including lateral spreading and subsidence, would be less than significant with compliance with all applicable regulations and previously approved implementation measures.

Lateral Spreading

Lateral spreading is a phenomenon in which large blocks of intact, non-liquefied soil move down slope on a liquefied soil layer. Lateral spreading is often a regional event. For lateral spreading to occur, the liquefiable soil zone must be laterally continuous, unconstrained laterally, and free to move along sloping ground.

According to the Geotechnical Investigation, the potential to liquefaction on-site is considered low. Subsequently, lateral spreading is not anticipated. Nevertheless, the Geotechnical Investigation recommends the removal of approximately 3 to 4-feet of “unsuitable” topsoil and alluvial deposits from below and to approximately 5-feet beyond any building footprints to mitigate against differential settlement below the structures. With implementation of all applicable regulations as well as recommendations outlined in the Geotechnical Investigation, required pursuant to the Town’s Municipal Code requirements, would further reduce project’s impacts in this regard. As such, the proposed project would not result in any new specific effects or greater impacts than previously analyzed in the 2007 General Plan EIR.

Subsidence

According to the U.S. Geological Survey, land subsidence occurs when large amounts of groundwater have been withdrawn from certain types of rocks, such as fine-grained sediments. The rock compacts because the water is partly responsible for holding the ground up. When the water is withdrawn, the rocks fall in on itself. Events, other than the removal of groundwater, that can cause land subsidence include aquifer-system compaction, drainage of organic soils, underground mining, hydrocompaction, natural compaction, sinkholes, and thawing permafrost.

According to the Geotechnical Investigation, the generalized static groundwater level on-site is approximately 100-feet below the ground surface. Nevertheless, due to the depth to water level at the project site, the project is not anticipated to result in significant impacts pertaining to subsidence. As such, the project would not result in significantly greater impacts in this regard than previously analyzed in the 2007 General Plan.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

- d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*



Expansive soils are those that undergo volume changes as moisture content fluctuates, swelling substantially when wet or shrinking when dry. Soil expansion can damage structures by cracking foundations, causing settlement, and distorting structural elements.

Based on the 2007 General Plan EIR, no expansive soils have been mapped or encountered within the Town (page 4-113 of the 2007 General Plan EIR). Nevertheless, as detailed on page 4-114 of the 2007 General Plan EIR, the 2005 General Plan Update proposed the adoption of several policies and implementation measures to reduce potential impacts associated with geologic hazards. Overall, as no expansive soils is anticipated, less than significant impacts were identified in the 2007 General Plan EIR.

According to the Geotechnical Investigation, low expansive soils exist on-site. Thus, development of the proposed project would not result in any new specific effects or greater impacts than previously analyzed in the 2007 General Plan EIR. Impacts would be less than significant in this regard.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

- e) *Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?*

As discussed in Section 3.19, the MCWD provides sewer service to the Town.

As discussed on page 4-114 of the 2007 General Plan EIR, individual septic systems in the Mammoth Basin above an elevation of 7,650 feet and within the entire drainage area of the Town is prohibited. Therefore, septic tanks would not be used for wastewater disposal. Thus, no impacts related to appropriate soil structure for the development of septic systems were identified in the 2007 General Plan EIR.

No septic tanks or alternative wastewater systems would be constructed as part of the project. Therefore, no impacts are anticipated in this regard and the proposed project would not create greater impacts than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.



f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

This impact threshold was modified since the 2007 General Plan EIR was prepared and corresponds to the analysis under *Issue 4.14-3* of the 2007 General Plan EIR.

As discussed on page 4-371 of the 2007 General Plan EIR, there are no known unique paleontological resources or sites, and no known unique geologic features in the developable portions of the community. The soils within the UGB are glacial till and relatively recent volcanic materials; no paleontological resources would be expected. Nevertheless, as detailed on page 4-371 of the 2007 General Plan EIR, the 2005 General Plan Update proposed the adoption of Implementation Measure IV.2.B.a.1 to ensure the continued efforts in understanding and appreciation of the cultural, natural, and historical resources of the region, including that of paleontological resources. Overall, as there are no known unique paleontological resources or sites within the Town, the 2007 General Plan EIR concluded that implementation of the 2005 General Plan Update would result in less than significant an impact to paleontological resources.

According to the *Draft Cultural Resources Assessment Report For The Hidden Creek Crossing Project, Town Of Mammoth Lakes, Mono County, California* (2007 Cultural Resources Memo) prepared by BonTerra Consulting for the project site and dated October 17, 2007, no fossil localities have been previously recorded within the project area and no finds have been documented in proximity. Further, it is acknowledged that the Quaternary glacial deposits in the project area are unlikely to encounter significant fossil vertebrate remains. Based on the 2007 General Plan EIR (which considered development of the project site) and the 2007 Cultural Resources Memo, evidence suggests that the potential for encountering paleontological resources on-site is low. As such, the project impacts in this regard would be less than significant and would not result in any new significant effects or greater impacts than that analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

3.8 GREENHOUSE GAS EMISSIONS

At the time of the 2007 General Plan EIR preparation, the CEQA Guidelines did not expressly address global climate change. As such, this section and its associated CEQA Appendix G checklist items were not required or specifically analyzed at the time when the 2007 General Plan EIR was prepared. The Town has incorporated the GHG emissions threshold questions from the CEQA Appendix G Checklist into this Infill Environmental Checklist. The analysis below considers significance thresholds and addresses whether the project may have potentially significant impacts related to GHG



emissions. The 2016 Update EIR is used for reference in this section; this section corresponds with 2016 Update EIR Section 4.6, *Greenhouse Gas Emissions*.

Would the project:

- a) ***Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?***

According to the 2016 Update EIR, future developments within the Town would result in direct and indirect project-related greenhouse gas (GHG) emissions. Direct project-related GHG emissions would occur as a result of construction activities, area sources, and mobile sources. Indirect project-related GHG emissions would result from energy consumption, solid waste generation, and water demand. As the GBUAPCD has not adopted GHG significance thresholds, the 2016 Update EIR utilizes the Bay Area Air Quality Management District threshold (BAAQMD) threshold of 6.6 metric tons of carbon dioxide equivalent (MTCO_{2e}) per year per service population (SP) for GHG emissions. The 2016 Update EIR determined that the impacts concerning GHG emissions would be less than significant as the programmatic-level project-related emissions would be below the 6.6 MTCO_{2e}/year/SP threshold.

The BAAQMD has updated their GHG thresholds since the adoption of the 2016 Update EIR. The BAAQMD *California Environmental Quality Act Air Quality Guidelines* (BAAQMD CEQA Thresholds), adopted May 2017, includes the updated BAAQMD GHG threshold for service population for individual projects. According to the BAAQMD CEQA thresholds, a significant GHG impact would occur if a project exceeds the 4.6 MT CO_{2e}/year/SP threshold.

As described in Section 1.5, the proposed project would have a maximum buildout of 580 residential units, including parking, and open space areas. The 580 units would have a population of up to 2,013 individuals. Construction of the project would occur over six phases, starting in summer 2021 and ending in summer 2028. According to the Transportation Analysis, the project would create 3,184 daily trips during the weekdays and 3,541 daily trips during Saturdays and Sundays. Table 5, Project Greenhouse Gas Emissions, describes the project's direct (construction, area source, mobile source) and indirect (energy, solid waste, water demand) emissions.

As shown in Table 5, the project would generate GHG emissions of 2.16 MTCO_{2e}/year/SP, which would be below the BAAQMD threshold of 4.6 MTCO_{2e}/year/SP. Thus, similar to the 2016 Update EIR, the project would have a less than significant impact.



Infill Environmental Checklist
The Parcel

Table 5
Project Greenhouse Gas Emissions

Source	CO ₂	CH ₄		N ₂ O		Total Metric Tons of CO ₂ e
	Metric Tons/year ¹	Metric Tons/year ¹	Metric Tons of CO ₂ e ²	Metric Tons/year ¹	Metric Tons of CO ₂ e ²	
Direct Emissions						
• Construction (amortized over 30 years) ⁴	258.96	0.04	1.00	0.00	0.00	259.96
• Area Source ⁶	471.76	0.02	0.39	<0.01	2.54	474.69
• Mobile Source ⁴	2,796.69	0.09	2.24	0.00	0.00	2,798.94
Total Direct Emissions ^{3,5}	3,527.41	0.15	3.63	<0.01	2.54	3,533.59
Indirect Emissions						
• Energy	709.09	0.03	0.63	<0.01	2.40	712.11
• Solid Waste	13.54	0.80	20.01	0.00	0.00	33.55
• Water Demand	46.88	0.99	24.66	0.02	7.03	78.58
Total Indirect Emissions ³	769.51	1.82	45.30	0.02	9.43	824.24
Total Project-Related Emissions ³	4,357.83 MTCO ₂ e/year					
Project Service Population (SP)	2,013					
Project GHG Emissions per SP	2.16 MTCO ₂ e/year/SP					
BAAQMD Project SP Threshold	4.6 MTCO ₂ e/year/SP					
Exceed BAAQMD Threshold?	No					
Notes:						
1. Emissions calculated using California Emissions Estimator Model Version 2016.3.2 (CalEEMod) computer model.						
2. CO ₂ Equivalent values calculated using the EPA Website, <i>Greenhouse Gas Equivalencies Calculator</i> , http://www.epa.gov/cleanenergy/energy-resources/calculator.html , accessed November 2020.						
3. Totals may be slightly off due to rounding.						
4. Construction GHG emissions are typically amortized over the length of a project's duration (30 years). Consistent with this industry practice, the projects total construction emissions (7,798.89 MTCO ₂ e) have been amortized over 30 years.						
4. 100 percent of the project's unit would be affordable housing. Additionally, the project would be located near Main Street and include bike lanes and a bus stop, which would help lower the project's vehicle miles traveled (VMT) and lower mobile GHG emissions.						
5. Emission reductions applied in the CalEEMod model include regulatory requirements such as compliance with the 2019 Title 24 Building Standards Code, the 2019 CALGreen Code, AB 341, and SB 100. These mandatory regulatory requirements would include high efficiency lighting, low flow plumbing fixtures, solid waste diversion, and electricity from renewable energy sources.						
6. The Town does not use natural gas but would rely on propane gas instead. All units were modeled to include propane heating systems.						
Refer to Appendix B, <i>Air Quality, Energy, and Greenhouse Gas Data</i> , for detailed model input/output data.						

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The Town does not currently have an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. The 2016 Update EIR concluded that the 2016 Update would incorporate strategies and measures that would reduce GHG emissions by increasing energy-efficiency



beyond requirements, reducing indoor and outdoor water usage, and incorporating waste reduction measures.

The proposed project would also incorporate strategies and measures to reduce GHG emissions. Specifically, the proposed project would meet or exceed the residential energy conservation standards set forth in the California 2019 Title 24 Building Standards Code (2019 Title 24) and 2019 CALGreen Code. The 2019 Title 24 standards reduces residential energy consumption by approximately 53 percent compared to the previous 2016 Title 24 Code.⁶ Following compliance with the 2019 Title 24 Building Code and CALGreen Code, the project would include low-flow plumbing systems and water efficient irrigation systems to conserve water. Lastly, the project would comply with Assembly Bill 341, which requires that at least 75 percent of solid waste is recycled, composted, or reduced.

As discussed in Impact Section 3.8(a), the proposed project would not exceed the applicable BAAQMD threshold. Furthermore, the project is an infill project with 85 percent of the project's units being affordable housing units near a major transit stop and downtown area. This would help the State achieve the goals in Senate Bill (SB) 375 and SB 743 to reduce VMT. Additionally, the project goals would be in-line with the Town's draft Safety Element Update Resource Management and Conservation Policy R.11 to help reduce GHG emissions. In addition, as shown in Section 3.6, the project would implement the Town's General Plan goals and policies for energy conservation. As a result, the proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. Impacts would remain less than significant in this regard.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

3.9 HAZARDS AND HAZARDOUS MATERIALS

This section corresponds with 2007 General Plan EIR Section 4.5, *Public Safety and Hazards*. Site-specific information is based primarily on the *Phase I Environmental Site Assessment – Shady Rest Tract, Town of Mammoth Lakes, State of California* (Phase I ESA), prepared by Michael Baker International, dated January 2, 2018; refer to Appendix F, Phase I Environmental Site Assessment.

Would the project:

- a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

⁶ California Energy Commission, 2019 *Building Energy Efficiency Standards FAQ*, https://www.energy.ca.gov/sites/default/files/2020-03/Title_24_2019_Building_Standards_FAQ_ada.pdf, accessed by November 10, 2020.



As discussed on page 4-131 of the 2007 General Plan EIR, implementation of the 2005 General Plan Update would create the potential to increase the locations of use of hazardous materials and thus the transport of hazardous materials associated with such uses as well as the potential exposure of employees and the public to hazardous materials associated with such uses. All projects within the Planning Area would be required to comply with all federal, state and local regulations regarding the handling, transport and management of hazardous materials and waste. In addition, the 2005 General Plan Update included implementation measures to address the routine transport, use, or disposal of hazardous materials (page 4-131 of the 2007 General Plan EIR). With the federal, State, and local regulations and the implementation measures, the 2007 General Plan EIR determined that impacts regarding the routine transport, use, or disposal of hazardous materials would be reduced to less than significant levels.

The proposed project involves a residential development. Hazardous materials are not typically associated with residential uses; minor cleaning products, along with the occasional use of pesticides and herbicides for landscape maintenance, are generally the extent of hazardous materials that would be routinely utilized on-site. The types and quantities of hazardous materials utilized by residential development are not anticipated to result in significant hazards to the public or environment during operation of the project. Further, the project would be required to comply with the California Building Code, California Fire Code, as well as other Federal, State, and local regulations related to the protection of the public's health and safety. Thus, development of the proposed project would not result in any new specific effects or greater impacts than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

As discussed on page 4-133 of the 2007 General Plan EIR, new commercial and industrial development or the expansion of commercial and industrial uses would result in an increase in the use and transport of hazardous materials within the Town. The increased use and transport of hazardous materials in the Town increases the potential for accidental releases of hazardous materials. It is noted that accidental releases would most likely occur in the commercial and industrial areas and along transportation routes leading to and from these areas, as well as along the major access routes including U.S. Highway 395, SR 203, Meridian and Minaret Road (page 4-133 of the 2007 General Plan EIR).

All projects within the Planning Area would be required to comply with all federal, state and local regulations regarding the handling, transport and management of hazardous materials and waste. In addition, the Updated Plan includes implementation measures to address the routine transport, use, or disposal of hazardous materials (page 4-134 of the 2007 General Plan EIR). With the regulations

and the implementation measures, the 2007 General Plan EIR concluded that impacts associated with the use of hazardous materials would be less than significant (page 4-135 of the 2007 General Plan EIR).

According to the Phase I ESA, the project site is currently vacant and no regulatory properties are located within the boundaries of the project site. Additionally, no known corrective action, restoration, or remediations related to hazardous materials have occurred on the project site. Based on the Phase I ESA, historical or current uses of adjoining and adjacent properties are also not anticipated to negatively impact the soil, soil gas, and/or groundwater beneath the project site. Thus, project implementation is not anticipated to create a significant hazard related to accidental release of hazardous materials based on past and current uses of the project site and surrounding areas. However, during project construction, there is a possibility of accidental release of hazardous substances such as petroleum-based fuels or hydraulic fluid used for construction equipment. The level of risk associated with the accidental release of these hazardous substances is not considered significant due to the small volume and low concentration of hazardous materials utilized during construction. The construction contractor would be required to use standard construction controls and safety procedures that would avoid and minimize the potential for accidental release of such substances into the environment. Standard construction practices would be observed such that any materials released are appropriately contained and remediated as required by local, State, and Federal law. With implementation of all applicable regulations, impacts in this regard would be reduced to less than significant levels. Thus, implementation of the proposed project would not result in any new specific effects or greater impacts than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

c) ***Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?***

As detailed on page 4-133 of the 2007 General Plan EIR, Figure 4.5-1, School Parcels and Buffer Map (page 4-136) of the 2007 General Plan EIR identifies the parcels with the existing and planned schools, as well as a line 0.25 miles from the edge of those parcels. Although the project would allow for new and expanded development in the Planning Area including services or institutions that may involve the handling or emission of hazardous emissions within one-quarter mile of existing and proposed school facilities in the Town, no additional development could occur that is any different than the development that would occur under the previous General Plan.

As detailed on page 4-137 of the 2007 General Plan EIR, while the Updated Plan could result in the location of a use that emits or handles hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school, the Town will consult with the School District and any such proposed use would be required to undergo environmental analysis to ensure that the impacts would be less than significant. As per Section 17.24.100 "Environmental Standards" of the Municipal Code, the



use, storage and disposal of hazardous materials shall be subject to the approval and conditions of the Mammoth Lakes Fire Protection District and the Mono County Health Department. All fifty-five-gallon containers shall be labeled and sealed at all times and shall be stored on impervious surfaces approved by the public works director. Furthermore, no changes are being proposed to the hospital or other hazardous material producers by the 2005 General Plan Update and compliance with the applicable regulations and oversight by the appropriate agencies as well as the proposed implementation measures in the 2005 General Plan Update would reduce risks to school sites to a less than significant level (page 4-138 of the 2007 General Plan EIR).

The nearest school to the project site is Kids Corner, located approximately 530 feet north of the project site at 77 Forest Trail. Thus, the project is located within one-quarter mile of an existing or proposed school. However, as discussed in Responses 3.9(a) and 3.9(b) above, the proposed project would not result in significant impacts related to the routine transport, use, or disposal, or accidental release of hazardous materials. Thus, implementation of the proposed project would not result in any new specific effects or greater impacts than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

- d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

This impact threshold was not required or specifically analyzed at the time when the 2007 General Plan EIR was prepared.

According to the Phase I ESA, the project site is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Thus, no impacts would occur in this regard.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

With implementation of the implementation measures in the 2005 General Plan Update and compliance with the mitigation measures in the *Mammoth Yosemite Airport Supplement to Subsequent EIR, SCH 2000034005, March 2002* (SSEIR), compliance with federal regulations and the Airport Land Use Plan prepared by the Mono County Airport Land Use Commission (ALUC) for land uses in the vicinity of the Mammoth Yosemite Airport, impacts regarding safety for people working or residing in the area of the Mammoth Yosemite Airport would be less than significant (page 4-138 of the 2007 General Plan EIR).

The closest airport to the project site is the Mammoth Yosemite Airport, located approximately 6.2 miles east of the site at 1300 Airport Road. According to the *Mammoth Yosemite Airport - ALUC Airport Safety Zone Plan/Land Use Plan (Existing Runway)* map, the project site is not located within any airport safety zones established for the Mammoth Yosemite Airport.⁷ Based on distance to the closest airport, project implementation would not result in a safety hazard or excessive noise for people residing or working in the project area, or be located within an airport land use plan. No impacts would occur in this regard and development of the proposed project would not result in any new specific effects or greater impacts in this regard than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The Town maintains *The Town of Mammoth Lakes Emergency Operations Plan* (EOP), adopted in August 16, 2017 by Resolution No. 2017-71, which set forth the responsibilities, functions, and operations of the Town government and its interrelationship with other agencies and jurisdictions which provide services during an emergency. The EOP meets the State's Standardized Emergency Management Systems requirements, provides emergency response procedures such as identification of critical hazard areas, locations for meeting and staging in an emergency event, communications, and emergency evacuation.

As discussed on page 4-138 of the 2007 General Plan EIR, development under the 2005 General Plan Update would not impair implementation or physically interfere with the EOP, because no circulation changes are being proposed which conflict with the procedures set forth in the plan. The 2005 General Plan Update provides the implementation measures to ensure that proper and adequate emergency response planning is provided as future development occurs within the Town (page 140 of the 2007 General Plan EIR). With implementation of these implementation measures contained in the 2005 General Plan Update and compliance with EOP, development associated with

⁷ Town of Mammoth Lakes, *Mammoth Yosemite Airport, Mammoth Lakes, California, Airport Layout Plan, ALUC Airport Safety Zone Plan/Land Use Plan (Existing Runway)*, Sheet 13, <https://www.townofmammothlakes.ca.gov/442/Airport-Planning-Narratives>, July 2014.

implementation of the 2005 General Plan Update would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Thus, the 2007 General Plan EIR concluded that impacts in this regard would be less than significant (page 4-140 of the 2007 General Plan EIR).

Construction activities for the proposed project could result in temporary impacts to street traffic in the project vicinity. Partial or full lane closure might be required for local infrastructure improvements to support the project. Nevertheless, the project would be reviewed by the Town prior to construction activities, and the Town would ensure project compliance with all applicable local policies from the General Plan, including Goal S.4, Policy S.4.A, Policy M.1.4, and Policy M.1.4.1, to ensure that adequate emergency response capability within the Town is maintained. Specifically, General Plan Goal S.4 is to maintain adequate emergency response capabilities in the Town; Policy S.4.A is to aid emergency vehicle access; Mobility Element Update Policy M.1.4 emphasizes public safety in the planning and design of the transportation system; and Mobility Element Update Action M.1.4.1 is to encourage coordination with MLFPD and MLPD to plan for and ensure appropriate emergency access and response times. As such, project construction would not have a significant impact on emergency vehicle access in the project vicinity. Additionally, the project proposes an appropriate circulation network within the project site consistent with the Town's Municipal Code regulations pertaining to mobility; refer to Exhibit 4. As such, the proposed project would not conflict with the adopted EOP. Less than significant impacts would occur in this regard, and the proposed project would not result in any new specific effects or greater impacts than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

g) *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

As discussed on page 4-119 of the 2007 General Plan EIR, the Planning Area has been rated as having a very high fire potential. Additional development in the Planning Area in accordance with the 2005 General Plan Update would increase the number and variety of potential ignition sources for wildland fires including illegal or inappropriate burning, fires started by recreational vehicles, improper disposal of cigarettes, barbecues, and other sources. However, this impact is somewhat reduced by the fact that additional development is to be located in the UGB and most of the wildland areas are located outside the UGB (page 4-140 of the 2007 General Plan EIR). The 2005 General Plan Update includes various measures to address the risk of exposure from wildland fires. Assuming agencies with jurisdiction over surrounding areas susceptible to wildland fires (i.e., USFS, Inyo National Forest, etc) effectively manage fuel sources, the risk of exposure of fires would be reduced to a less than significant level. However, portions of the surrounding areas outside of the Town's jurisdiction are located within very high wildland fire hazard areas. Wildland fires could potentially spread to the Town if appropriate fire control planning and response measures are not undertaken by other agencies. Given that

implementation of measures to reduce the impact are not under the control of the Town, the potential impact is considered to be significant and unavoidable (page 4-143 of the 2007 General Plan EIR).

The project site is not located within a Very High Fire Hazard Severity Zone, as defined by the California Department of Forestry and Fire Protection (CAL FIRE).⁸ Further, the proposed project would be subject to compliance with the California Building Code, California Fire Code, as well as other Federal, States, and local regulations related to the fire protection. Additionally, according to the 2016 Update EIR, the ESRFSC prepared the Fire Safe Plan to help east side residents of Inyo and Mono Counties improve their defense against wildland fires. The ESRFSC collaborates with local volunteer fire departments and assists CAL FIRE in training fire prevention volunteers to perform residential fire hazard inspection. With implementation of applicable regulations, plans, and programs, project implementation would not expose people or structures to exacerbated risks to wildfire and the proposed project would not result in any new specific effects or greater impacts than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

3.10 HYDROLOGY AND WATER QUALITY

This section corresponds with 2007 General Plan EIR Section 4.6, *Hydrology and Water Quality*.

Would the project:

- a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?*

This impact threshold was modified since the 2007 General Plan EIR was prepared and corresponds to the analysis under *Issues 4.6-1* (page 4-161) and *4.6-5* (page 4-169) of the 2007 General Plan EIR.

As part of Section 402 of the Clean Water Act, the Environmental Protection Agency (EPA) has established regulations under the NPDES program to control direct storm water discharges. In California, the State Water Regional Control Board (SWRCB) administers the National Pollutant Discharge Elimination System (NPDES) permitting program and is responsible for developing NPDES permitting requirements. The NPDES program regulates industrial pollutant discharges, which include construction activities. The SWRCB works in coordination with the RWQCB to preserve, protect, enhance, and restore water quality. The project site is within the jurisdiction of the Lahontan RWQCB.

⁸ California Department of Forestry and Fire Resources, *Mammoth Lakes Fire Hazard Severity Zones in LRA*, <https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>, September 17, 2007.



As detailed on page 4-161 of the 2007 General Plan EIR, development in accordance with the 2005 General Plan Update would likely lead to an increase in the amount of impervious surfaces in the area. This increase would cause a decrease in the amount of water percolation into the ground and result in greater surface runoff quantities at higher velocities. During construction of the individual development sites, runoff from disturbed areas may contain silt and debris, resulting in short-term increases in the existing sediment load in the storm drain system. As a result, water quality could be impaired as well as the water-carrying capacity of the drainage channel, potentially aggravating current flood conditions (page 4-161 of the 2007 General Plan EIR). As discussed on page 4-161 of the 2007 General Plan EIR, the Lahontan RWQCB reports that surface runoff (which has increased the concentrations of nutrients, organic compounds, heavy metals, asphaltic concrete particles, and petroleum deposits) and storm water drainage have adversely affected the water quality within Mammoth Creek. In addition, the increased use of pesticides, herbicides, fertilizers and other chemicals associated with development and recreational areas may impair surface waters through stormwater discharges and runoff. All construction projects would be subject to compliance with federal, State and local water quality and waste discharge requirements, including the NPDES Program, as deemed appropriate. The 2005 General Plan Update also proposes the adoption of numerous implementation measures to reduce potential impacts regarding water quality and waste discharge (page 4-161 of the 2007 General Plan EIR). With these implementation measures and compliance with federal, State and local water quality and waste discharge requirements, water quality standards or waste discharge requirements would not be violated. As such, the 2007 General Plan EIR concluded that impacts with regard to water quality standards or waste discharge requirements would be less than significant (page 4-162 of the 2007 General Plan EIR). Moreover, the 2007 General Plan EIR concluded that development associated with the 2005 General Plan Update would not result in a substantial degradation of water quality due to compliance with all applicable federal, State and local regulations, as well as implementation of the applicable implementation measures (page 4-169 of the 2007 General Plan EIR).

The proposed project would construct a variety of affordable housing types with associated streets, community space/amenities, new bus stops, open spaces/parks, parking, and necessary utility infrastructure. Construction activities could result in short-term impacts to water quality due to the handling, storage, and disposal of construction materials, maintenance and operation of construction equipment, and earthmoving activities. These potential pollutants could damage downstream waterbodies. Under the NPDES permitting program, construction dischargers whose projects disturb one or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the SWRCB's General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ (General Construction Permit). The General Construction Permit requires the project Applicant to prepare and implement a storm water pollution prevention plan (SWPPP), which would specify best management practices (BMPs) to be used during construction of the project to minimize or avoid water pollution, thereby reducing potential short-term impacts to water quality. Construction activities within the Town, including the construction for the proposed project, would also be subject to local regulations, including Chapters 12.04, 12.08, and 15.08, and Section 17.08.020 of the Town's Municipal Code. Municipal Code Chapter 12.04, *Construction and Encroachments in the Public Right of Way*, establishes encroachment permit requirements that stabilize construction sites and reduce runoff velocities by preventing erosion and sedimentation. Municipal Code Chapter 12.08, *Land Clearing, Earthwork, and Drainage Facilities*, establishes

requirements for protection of drainage paths and installation of devices capturing stormwater runoff at select sites. Municipal Code Chapter 15.08, *Construction Site Regulations*, require construction sites to protect drainage paths and control erosion from areas cleared of vegetation during construction. Municipal Code Section 17.08.020, *Standards for All Development and Land Use, Grading and Clearing*, enforces erosion control and runoff quality requirements at construction sites in compliance with the Lahontan RWQCB requirements.

During project operation, residential development proposed under the project has the potential to increase the amount of impermeable surfaces compared to pre-project (existing) condition, as considered under the 2007 General Plan. The project would be required to comply with all applicable federal, State, and local water quality and waste discharge requirements, including the incorporation of BMPs in accordance with the NPDES Program. BMPs may include structural BMPs, which are facilities that help to prevent pollutants in storm water runoff from leaving a developed property, entering storm drains, and impacting local waterways. With implementation measures as outlined on page 4-161 of the 2007 General Plan EIR and compliance with federal, State and local requirements, water quality standards or waste discharge requirements would not be violated. As such, the proposed development would result in less than significant impacts during construction and operations, and would not result in any new specific effects or greater impacts than previously analyzed in the 2007 General Plan EIR 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

b) *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

This impact threshold was not required or specifically analyzed at the time when the 2007 General Plan EIR was prepared.

The proposed project is not currently used for groundwater extraction or groundwater recharge purposes. Although the project has the potential to increase the amount of impermeable surfaces compared to pre-project (existing) condition, mandatory compliance with all applicable federal, State, and local water quality and waste discharge requirements, including the incorporation of BMPs in accordance with the NPDES Program, would reduce impacts associated with impermeable surface to less than significant level; refer to Response 3.10(a). Further, the 2007 General Plan EIR was a programmatic level analysis for the Town and included all potential future developments anticipated under the Town's land use designations, as shown on the Town's Land Use Map (Figure 3-4 on page 3-10 of the 2007 General Plan EIR). As such, potential environmental impacts associated with the proposed high density residential workforce housing on the project site (per General Plan Land Use designation of HDR-1) have been considered in the 2007 General Plan EIR. Impacts to groundwater



supplies would be less than significant and would not be greater than that previously analyzed in the 2007 General Plan EIR 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would:*

i) *Result in substantial erosion or siltation on- or off-site?*

This impact threshold was modified since the 2016 Update EIR was prepared and corresponds to the analysis under *Issue 4.6-2* (page 4-163) of the 2007 General Plan EIR.

As discussed on page 163 of the 2007 General Plan EIR, development in accordance with the 2005 General Plan Update could lead to alterations of the existing drainage patterns, especially where drainage occurs on private property, or development occurs near natural drainage channels. All construction projects would be subject to compliance with applicable federal, State and local requirements including the NPDES Program, to reduce erosion and siltation. All development must comply with Municipal Code Sections 12.08.090, *Drainage and erosion design standards*, 12.08, *Land clearing, earthwork and drainage facilities*, and 12.08.080, *Engineered grading permit requirements*. These Municipal Code provisions serve to implement the relevant implementation measures (page 4-164 in the 2007 General Plan EIR). BMPs, which would reduce and/or eliminate erosion potential, would also be incorporated into development projects. The 2005 General Plan Update also contains a number of implementation measures designed to minimize erosion and siltation through drainage control from new development (page 4-164 of the 2007 General Plan EIR 2007 General Plan EIR). With these implementation measures and compliance with federal, State and local design and construction requirements, the 2007 General Plan EIR concluded that substantial erosion or siltation within or adjacent to the Planning Area would not occur (page 4-165 of the 2007 General Plan EIR).

The proposed project would construct a variety of affordable housing types with associated streets, community space/amenities, new bus stops, open spaces/parks, parking, and necessary utility infrastructure. Development of the project site would result in the potential for erosion/siltation, similar to that considered as part of the 2007 General Plan EIR. As disclosed in the 2007 General Plan EIR, the project would be required to develop an SWPPP with associated BMPs in accordance with NPDES requirements. Construction activities would also be subject to local regulations, including Municipal Code Chapters 12.04, 12.08, and 15.08, and Section 17.08.020, which would stabilize construction sites, reduce runoff velocities, protect drainage paths, require installation of stormwater-capturing devices, and control erosion. As the 2007 General Plan EIR was a programmatic level analysis for the Town and included all potential future developments anticipated under the Town's land use designations, potential environmental impacts associated with the proposed high density



residential workforce housing on the project site (per General Plan Land Use designation of HDR-1) have been considered in the 2007 General Plan EIR. As such, compliance with federal, State and local design and construction requirements would ensure the project would not result in significant impacts concerning substantially altering the existing drainage pattern of the site or project area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces. Overall, the proposed development would result in less than significant impacts to erosion/siltation, and would not result in any new specific effects or greater impacts than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

This impact threshold was modified since the 2007 General Plan EIR was prepared and corresponds to the analysis under *Issue 4.6-3* (page 4-165) of the 2007 General Plan EIR.

As discussed on page 4-165 of the 2007 General Plan EIR, flood-prone areas may enlarge or contract as developments both upstream and downstream occur. All future development within an identified flood hazard area would be subject to the design requirements and regulations set forth by the Town, Mono County and/or FEMA. All development must comply with Municipal Code Sections 12.08.090, 12.08, and 12.08.080. These Municipal Code provisions serve to implement the implementation measures in the 2005 General Plan. Additionally, the Mammoth Lakes Storm Drainage Master Plan (SDMP) identifies general drainage improvements throughout the Town that would remedy existing drainage problems and accommodate 2005 Master Plan buildout development. These improvements would serve to reduce the potential for flooding. The 2005 General Plan Update also contains a number of implementation measures designed to control the rate or amount of surface runoff to reduce the potential for flooding (page 4-165 of the 2007 General Plan EIR). The implementation measures in the 2005 General Plan Update and Municipal Code sections serve to maintain the existing drainage pattern of the Planning Area, including streams and river courses. With these implementation measures and compliance with federal, State and local design and construction requirements, the 2007 General Plan EIR concluded that surface runoff rates within the Planning Area would not be substantially increased (page 4-166 of the 2007 General Plan EIR).

As discussed under Response 3.10(c)(i) above, the proposed project would not involve greater impacts concerning substantially altering the existing drainage pattern of the site or project area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, compared to that analyzed in the 2007 General Plan EIR. During project construction, the proposed project would be required to develop an SWPPP with associated BMPs. Construction activities would also be subject to local regulations, including Municipal Code Chapters 12.04, 12.08, and 15.08, and Section 17.08.020, which would stabilize construction sites, reduce runoff velocities,



protect drainage paths, require installation of stormwater-capturing devices, and control erosion. As the 2007 General Plan EIR was a programmatic level analysis for the Town and included all potential future developments anticipated under the Town's land use designations, potential environmental impacts associated with the proposed high density residential workforce housing on the project site (per General Plan Land Use designation of HDR-1) have been considered in the 2007 General Plan EIR. Therefore, with implementation of existing NPDES regulations and associated BMPs, Municipal Code requirements, and construction of on-site stormwater retention system, impacts related to increase in runoff, including potential to result in flooding, would be less than significant. As such, the proposed development would not result in any new specific effects or greater impacts than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

As discussed on page 4-167 of the 2007 General Plan EIR, the SDMP provides hydraulic modeling of the drainage system and prioritizes the implementation of storm drainage facility improvements designed to accommodate development allowed in the previous General Plan. The general distribution and types of land uses would be similar under the 2005 General Plan Update with regard to stormwater runoff. All construction projects would be subject to compliance with all applicable federal, state and local water quality and waste discharge requirements, including the NPDES Program. In addition, the 2005 General Plan Update includes implementation measures created to minimize runoff water such that the capacity of existing or planned stormwater drainage systems would not be exceeded, nor would there be substantial additional sources of polluted runoff from new development (page 4-168 of the 2007 General Plan EIR). As such, the 2007 General Plan EIR concluded that the implementation of the 2005 General Plan Update would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, and impacts would be less than significant.

During project construction, the project would be required to develop an SWPPP with associated BMPs. Construction activities would also be subject to local regulations, including Municipal Code Chapters 12.04, 12.08, and 15.08, and Section 17.08.020, which would stabilize construction sites and reduce runoff velocities and volume. As discussed above, the 2007 General Plan EIR was a programmatic level analysis for the Town and included all potential future developments anticipated under the Town's land use designations, and potential environmental impacts associated with the proposed high density residential workforce housing on the project site (per General Plan Land Use designation of HDR-1) have already been considered in the 2007 General Plan EIR. As such, similar to the 2007 General Plan EIR, with implementation of existing NPDES regulations and associated BMPs, Municipal Code requirements, and construction of on-site stormwater retention system,



impacts related to increase in runoff would be less than significant. Overall, the proposed development would not result in any new specific effects or greater impacts than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

d) *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

This impact threshold was modified since the 2007 General Plan EIR was prepared and corresponds to the analysis under *Issues 4.6-6* (page 4-169), *4.6-7* (page 4-171), and *4.6-10* (page 4-175) of the 2007 General Plan EIR.

As discussed on page 4-169 of the 2007 General Plan EIR, the General Plan identifies several potential flood hazard areas in the Town. The Mammoth Creek Areas located in the southeast quadrant of the Town and Murphy Gulch east and north of the UGB are designated flood zones by the FEMA. Areas most prone to flooding would include the Corrals and portions of Old Mammoth located along the Creek alignment. Several stretches of Mammoth Creek, all located in the Old Mammoth area, are also subject to 500-year flooding. As detailed on page 4-170 of the 2007 General Plan EIR, the Town has established a conservation easement and building setbacks along Mammoth Creek for the purpose of resource and floodplain management. None of the future development areas shown on the 2005 General Plan Update would occur within the 100-year flood zones (page 4-170 of the 2007 General Plan EIR). It is noted that the implementation measures in the 2005 General Plan Update serve to reduce hazards to residential uses as a result of flooding (page 4-171 of the 2007 General Plan EIR). With the relevant implementation measures (page 4-170 of the 2007 General Plan EIR) included in the 2005 General Plan Update and compliance with all applicable federal, State and local design requirements, including FEMA design requirements, residential uses would be designed and located to meet the minimum flood hazard requirements (page 4-171 of the 2007 General Plan EIR). As such, the 2007 General Plan EIR concluded that impacts with regard to flooding as a result of the placement of housing within a designated flood hazard area would be less than significant.

According to the 2007 General Plan EIR, the Town is not located in an area that would be impacted by a seiche or tsunami (page 4-175 of the 2007 General Plan EIR). Further, any new development placed in a potential seiche inundation zone would undergo a site-specific analysis to ensure appropriate drainage is in place or would be constructed so that people or structures are not exposed to significant risk of loss, injury or death involving seiche. Thus, the 2007 General Plan EIR concluded impacts related to tsunami or seiche zones to be less than significant.

The proposed project is not located in the vicinity of a 100-year floodplain.⁹ Therefore, the project would not involve the placement of any habitable structures within a flood hazard boundary. The

⁹ Federal Emergency Management Agency, *National Flood Hazard Layer FIRMette*,



project site would not be located in an area that would be impacted by a tsunami nor located within the vicinity of a water body that would cause inundation of the project site by a seiche. As such, impacts related to flooding, tsunami, or seiche would be less than significant and would not result in any new specific effects or greater impacts than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

e) *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

This impact threshold was not required or specifically analyzed at the time when the 2007 General Plan EIR was prepared.

According to the Sustainable Groundwater Management Act (SGMA) Basin Prioritization Dashboard, the project site is not located within an area covered by an established groundwater sustainability plan.¹⁰ The *Water Quality Control Plan for the Lahontan Region, North and South Basins* (Basin Plan) includes policies and regulations for municipal wastewater, treatment, disposal, and reclamation. The Basin Plan also establishes specific erosion and sediment control guidelines for land developments within the Town. These standards are designed to provide developers with a uniform approach for the design and installation of adequate systems to control erosion and mitigate urban drainage impacts from the Town in an effort to prevent the degradation of waters of Mammoth Creek and Hot Creek. Under a MOU with the Lahontan RWQCB (MOU No. 6-91-926), the Town administers erosion control measures on a project by project basis to make sure that they are in place and operational.

Development of the proposed project would be required to comply with the water quality regulations detailed in the Basin Plan and would not conflict with or obstruct its implementation. Further, the proposed project would be required to comply with the Municipal Code and associated BMPs to minimize or avoid water pollution. Impacts would be less than significant in this.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

<https://msc.fema.gov/portal/search?AddressQuery=mammoth%20lakes#searchresultsanchor>, accessed October 23, 2020.

¹⁰ California Department of Water Resources, *SGMA Basin Prioritization Dashboard*, <https://gis.water.ca.gov/app/bp-dashboard/p2/>, accessed August 21, 2020.



3.11 LAND USE AND PLANNING

This section corresponds with 2007 General Plan EIR Section 4.7, *Land Use and Planning*.

Would the project:

a) *Physically divide an established community?*

This impact threshold was modified since the 2007 General Plan EIR was prepared and corresponds to the analysis under *Issue 4.7-1* (page 4-191) of the 2007 General Plan EIR.

As discussed on page 4-191 of the 2007 General Plan EIR, the project would result in additional development of the remaining undeveloped land or redevelopment of existing developed lands. Development would occur in accordance with the land use designations and intensities of development allowed in the 2005 General Plan. However, no policy or proposal in the plan divides the community or any neighborhood within the community (page 4-194 of the 2007 General Plan EIR). For example, no roadway, other public project, or proposed land use designation is being proposed as part of this project to divide an existing residential or commercial neighborhood. Further, the policies and implementation measures in the 2005 General Plan Update serve to create a community that is integrated and cohesive. With implementation of the land use plan, policies, and implementation measures included in the 2005 General Plan, no established area within the community would not be physically divided. As such, the 2007 General Plan EIR concluded that the impact regarding the physical division of a community or land use incompatibilities is less than significant (page 4-195 of the 2007 General Plan EIR).

The proposed project is an infill project for a vacant site, located within a developed area within the Town and is surrounded on all sides by developed uses. Further, the project's proposed on-site circulation network of neighborhood streets, a pair of transit stops, and trails and MUPs would facilitate multi-modal access throughout this area of the Town; refer to Exhibit 4. As such, the proposed project would not physically divide an established community but rather, improve accessibility in the project area. Overall, the project would result in less impacts in this regard and would not result in substantially greater impacts than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

b) *Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

This impact threshold was modified since the 2007 General Plan EIR was prepared and corresponds to the analysis under *Issue 4.7-2* (page 4-195) of the 2007 General Plan EIR.



As discussed on page 4-195 of the 2007 General Plan EIR, full buildout of the 2005 General Plan Update would alter the existing land use density and intensities within the Municipal Boundary. Specifically, The project anticipates an increase in the amount of residential development in the UGB. Approximately 1,294 acres would be designated residential under the 2005 General Plan Update (refer to Figure 2.1.3 of the 2007 General Plan EIR), resulting in an increase of approximately 20 acres of residential land over previous conditions (prior to adaptation of the 2005 General Plan). Moreover, the 2005 General Plan Update would allow for a total of 16,710 residential units, resulting in an increase of 6,839 residential units. As discussed on page 4-197 of the 2007 General Plan EIR, while this increase in intensity of development could increase impacts locally the circumstances and locations under which such density transfers may occur are unknown and it is speculative to analyze potential impacts at this time. If and when an application is submitted for a density transfer, environmental review would be necessary. Overall, the 2007 General Plan EIR concluded that the project is consistent with the plans and policies outlined in the Mono County General Plan for those lands adjacent to the Mammoth Lakes Municipal Boundary. The issues, opportunities and constraints identified in the Mono County General Plan have been identified in this EIR and are carried forward into the analysis.

The 2007 General Plan EIR was a programmatic level analysis for the Town and included all potential future developments anticipated under the Town's land use designations, as shown on the Town's Land Use Map (Figure 3-4 on page 3-10 of the 2007 General Plan EIR). As such, potential environmental impacts associated with the proposed high density residential workforce housing on the project site (per General Plan Land Use designation of HDR-1) have been considered in the 2007 General Plan EIR. It should be noted that the 2016 Update EIR also considered buildout of the General Plan land use map, with a density of 12 units per acre (or 300 units) designated for the project site and the option to allow up to double density if all the units are deed restricted for workforce housing.

The following is an analysis on the project's consistency with land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect.

Consistency With General Plan Land Use Designation

The project site is designated as HDR-1, which allows for development of residential multi-unit townhouses, condominiums, and apartments at a density of six to 12 units per acre (or a maximum of 300 units for the project site) and is intended for workforce housing. Per General Plan Policy L.2.D, a granting of twice the density for the HDR-1 is allowed (which would be 24 units per gross acre or a maximum of 600 units for the project site), as long as all units are deed restricted for workforce housing. The project proposes the development of approximately 400 to 580 deed-restricted affordable workforce housing units, which equate to 16 to 23 dwelling units per acre (gross). As such, the proposed project would be consistent with the development density for the HDR-1 General Plan designation.

The proposed Master Plan would serve as a district planning effort to aid in future planning for the project ("Shady Rest") site, consistent with General Plan Policy L.1.D and Action L.1.D. As stated in Section 1.5, the project would include up to 580 affordable workforce housing units. Most units are



reserved for incomes at or below 120 percent AMI. Up to 15 percent of the workforce housing units (or up to 87 units) would be reserved for households with income more than 120 percent AMI but below 200 percent AMI. All ownership units would be deed restricted to individuals and households working in the region. As such, the project would substantially increase housing supply available to the workforce (General Plan Goal L.2), and would ensure supplies of housing for employees and reduce automobile trips (General Plan Action L.3.E). The project would also include a mix of housing types and forms consistent with the Town's design and land use policies (General Plan Policy L.2.B), and provide activities, amenities, and services (i.e., daycare facility) to support long-term visitation (General Plan Policy L.5.F).

Consistency With Zoning

The project site is zoned RMF-1 with an Affordable Housing Overlay. The RMF-1 zone is intended as an area for the development of mixed residential uses (single-family dwellings, apartments, and other multiple family developments). Transient occupancy or rental and hotel and motel uses are not permitted in this zone. Group Living quarters uses are permitted only with a use permit. Bed and breakfast uses are permitted. Only those uses are permitted that are complementary to, and can exist in harmony with, such residential developments. The RMF-1 zone allows a maximum residential density of 12 units per acre (300 units at the project site) with the allowance of double density (allowing an additional 300 units at the project site) through the Affordable Housing Overlay. The Affordable Housing Overlay is intended to promote the development and provision of affordable housing within the community, and thereby implementing the policies of the Housing Element of the General Plan. In order to be granted the double density within the Affordable Housing Overlay, all units must be deed restricted for affordable households with incomes ranging from very low, other low and moderate income (Municipal Code Section 17.138.040, *Town Density Bonus*).

The proposed project would replace these regulations with the proposed Master Plan. Any areas where the Master Plan regulations are silent (as to a specific development standard found in the Municipal Code), the standards for the underlying zone district (RMF-1) would apply. The maximum allowable density as set forth in the Master Plan is up to 23 units per acre (or up to 580 units) deed restricted for workforce housing. In compliance with the Density Bonus approved for the site, a Workforce Housing Agreement would be required for each development area on-site prior to issuance of a Certificate of Occupancy that would include occupancy standards, and sale, resale, and rental restriction. As such, the proposed Master Plan would be consistent with the Town of Mammoth Lakes General Plan Policy L.2.D, and Municipal Code Chapter 17.140, *Affordable Housing Density Bonuses and Incentives—State Density Bonus Program*.

As currently zoned, the project site would only allow for residential development and would not permit other supportive uses for activities, amenities, and services. The proposed Master Plan would allow for development of a residential neighborhood deed restricted for affordable workforce housing, with allowance for supportive uses such as day care facilities, community gathering spaces, and other amenities such as parks and playgrounds. Additional uses (i.e., small-scale commercial uses, mobile businesses, and home occupations) would be permitted with Use Permit approval in order to accommodate potential changes in the needs of residents.



The proposed Master Plan would provide site specific regulations and guidelines relative to land use; architectural design standards including building mass and articulation, roofs, materials, colors and height); development site standards including density, lot coverage, setbacks, open space, and snow storage; parking requirements; signage; infrastructure including utilities, solid waste and stormwater; and circulation and mobility including sidewalks and pathways, the street network, and transit facilities. The Master Plan sets forth the specific development parameters for the project site while providing flexibility to accommodate unique development phasing needs and changes to the affordable housing development landscape over time.

Last, development of the proposed Master Plan would be required to comply with all Town Zoning regulations pertaining to the following:

- Grading and Clearing (Municipal Code Section 17.36.050);
- Required snow storage area (Municipal Code Section 17.36.110);
- Propane Tanks (Municipal Code Section 17.36.080);
- Dumpsters (Municipal Code Section 17.36.130);
- Fences and Walls (Municipal Code Section 17.36.040);
- Exterior Lighting (Municipal Code Section 17.36.030);
- Design Review (Municipal Code Chapter 17.88);
- Outdoor Storage and Work Areas (Municipal Code Section 17.52.240);
- Signs (Municipal Code Chapter 17.48);
- Parking (Municipal Code Chapter 17.44); and
- Landscaping (Municipal Code Chapter 17.40).

Overall, the Master Plan has been designed to provide for site-specific zoning requirements that better fit the Town's needs and vision for the project site. Upon approval of the proposed Master Plan, the project would not conflict with any Municipal Code provisions and impacts in this regard would be less than significant. In conclusion, the proposed project would be consistent with applicable land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect, and impacts would be similar to those identified in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

3.12 MINERAL RESOURCES

This section corresponds with 2007 General Plan EIR Section 4.4, *Geology, Soils, Mineral Resources and Geotechnical Hazards*.

Would the project:



a) ***Result in the loss of availability of a known mineral resource of value to the region and the residents of the State?***

This impact threshold was modified since the 2007 General Plan EIR was prepared and corresponds to the analysis under *Issue 4.4-6* (page 4-115) of the 2007 General Plan EIR.

As discussed on page 4-115 of the 2007 General Plan EIR, mineral development including clay, aggregate, do occur in the Planning Area. The activities associated with mineral development have the potential to impact the environment through hauling activities, transport emissions, noise and other means. Any projects associated with mineral development would be required to undergo environmental review and permitting. In addition, any party proposing mineral extraction that is subject to the Surface Mining and Reclamation Act (SMARA) would have to apply to the Town and pay the appropriate processing fees. The 2005 General Plan Update proposes the adoption of policy and implementation measures as outline on page 4-115 of the 2007 General Plan EIR to reduce potential impacts associated with mineral resources. As such, the 2007 General Plan EIR concluded that development associated with implementation of the 2005 General Plan Update within the UGB would not result in the loss of mineral resources.

No activities associated with mineral development are known to have occurred or are anticipated to occur within the project site. As such, less than significant impacts in this regard would occur as a result of the project, and the level of impact would not be greater than that previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

b) ***Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?***

Refer to Response 3.12(a). Impacts would not be greater than that previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.



3.13 NOISE

This section corresponds with 2007 General Plan EIR Section 4.8, *Noise*.

Would the project result in:

- a) *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

This impact threshold was modified since the 2007 General Plan EIR was prepared and corresponds to the analysis under *Issues 4.8-1* (page 4-212), *4.8-3* (page 4-213), and *4.8-4* (page 4-217) of the 2007 General Plan EIR.

Furthermore, this impact threshold was modified since the 2016 Update EIR was prepared and corresponds to the analyses that begin on pages 4.8-18, 4.8-21, and 4.8-27 of the 2016 Update EIR.

As concluded on pages 4-212 and 4-216 of the 2007 General Plan EIR, the 2005 General Plan Update would not expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, with oversight by the appropriate agencies and compliance with applicable regulations, including standards established by the HUD, the Guidelines for Noise and Land Use Compatibility established by the State of California Department of Health Services Environmental Health Division, as well as the Town's Noise Ordinance (Chapter 8.16 of the Municipal Code); refer to 2007 General Plan EIR Table 4.8-2, *Applicable State Laws and Regulations*, and Table 4.8-3, *Town Exterior Noise Ordinance Standards*.

The 2007 General Plan EIR concluded that the projected increase in traffic as a result of the 2005 General Plan Update anticipated buildout would result in an increase in the amount of ambient noise in the Town during the high traffic periods, which are the winter weekend days. The types of developments and activities anticipated under the 2005 General Plan Update are not expected to greatly increase traffic volumes at night and thus traffic related noise during nighttime periods are not expected to greatly increase. However, as shown in Table 4.8-8 (page 4-214) of the 2007 General Plan EIR, future traffic noise levels at some of the locations would exceed 60 dB Ldn at the 100-foot distance. Where noise-sensitive receptors (full-time occupancy residences) are located next to roads, there is a potential for noise impacts (depending on site-specific conditions) if noise levels exceed 60 dB Ldn. It is noted that interior noise levels should be satisfactory (45 dB Ldn or less) at all locations of the Town (page 4-214 of the 2007 General Plan EIR) as normal construction practices that satisfy building codes would reduce exterior noise levels by 20 to 35 dB. Nevertheless, as concluded on page 4-216 of the 2007 General Plan EIR, a significant and unavoidable impact would occur as a result of the 2005 General Plan Update because the noise generated by traffic from implementation of the 2005 General Plan Update would exceed current ambient levels by up to 6 dBA, which may be readily noticeable. Overall, although the existing regulations and the implementation measures as part of the 2005 General Plan Update would ensure that permanent increases in noise levels within the UGB would not exceed the threshold of 60 dB Ldn in outdoor activity areas or 45 dB Ldn within interior spaces of existing noise-sensitive uses, a significant unavoidable impact would occur due to the incremental increase in noise as a result from the projected increase in traffic.



Additionally, it is noted that construction activities associated with future development in accordance with the 2005 General Plan Update would be temporary in nature and would occur in accordance with the Town Noise Ordinance during the daytime hours and within prescribed noise limits (refer to Table 4.8.3 of the 2007 General Plan EIR). On a long-term basis, the concerns would pertain to an increase in the number and frequency of amplified sound music or other sounds from special events, an increase in the number and frequency of high-noise recreational vehicle use (such as snow jets, power boats, and motorized bikes), and other similar sources (page 4-217 of the 2007 General Plan EIR). The 2005 General Plan Update would provide for additional growth within the Town (including the construction of high density residential within the project site), which would result in an increase in outdoor activities (page 4-219 of the 2007 General Plan EIR). Nevertheless, all projects would be required to comply with existing regulations as well as policies in the 2005 General Plan Update and in the existing Noise Element. As such, the 2007 General Plan EIR concluded that compliance with applicable regulations and policies and implementation measures would result in a less than significant impact with regard to temporary or periodic increase in ambient noise levels.

The 2016 Update EIR concluded that construction activities associated with the implementation of the 2016 Update would result in less than significant noise impact with incorporation of Mitigation Measure MM AES-1, as well as compliance with the TSMP Mitigation Measures TSMM 4.J-1A through TSMM 4.J-CC. All construction activities would be required to adhere to maximum exterior noise levels pursuant to Municipal Code Section 8.16.090, *Prohibited Acts*. All mobile and stationary internal-combustion powered equipment and machinery are required to be equipped with suitable exhaust and air-intake silencers in proper working order under the Town's Noise Ordinance.

Construction Noise

Construction of the proposed project would occur in six phases, starting in summer 2021 and ending in summer 2028. Construction activities would include typical heavy-duty construction equipment. The nearest sensitive receptors to the project site are located approximately 20 feet away to the south, west, and north of the project site boundary. In addition, according to the proposed Master Plan, there would be an additional 30 feet setback required between the project boundary and nearest proposed building on-site. As such, the nearest sensitive receptors would be at least 50 feet away from the nearest building construction area, with most construction occurring at a distance greater than 50 feet.

According to the 2007 General Plan EIR, development of the proposed project site (Shady Rest Tract/HDR-1) would not create a construction noise impact, as construction activities associated with future development in accordance with the 2005 General Plan Update would be temporary in nature and would occur in accordance with the Town Noise Ordinance during the daytime hours and within prescribed noise limits (refer to Table 4.8.3 of the 2007 General Plan EIR). The 2007 General Plan EIR did not analyze specific construction equipment noise levels, but the 2016 Update EIR did. The proposed project would use similar construction equipment as was analyzed within the 2016 Update EIR.

Pursuant to Municipal Code Section 8.16.090, the maximum exterior noise levels allowed in single-family residential areas for mobile (e.g., excavator, backhoe, dozer, loader, etc.) and stationary



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equipment (e.g., generators, compressors, pumps, etc.) during 7:00 a.m. to 8:00 p.m. Monday through Saturday are 75 dBA and 60 dBA, respectively. In addition, the maximum exterior noise levels allowed in single-family residential areas for mobile and stationary equipment during 8:00 p.m. to 7:00 a.m. Monday through Saturday, and all day on Sundays and legal holidays, are 60 dBA and 50 dBA, respectively. According to the 2016 Update EIR, construction occurring within 200 feet from single family residential uses or within 100 feet of multi-family residential uses may exceed the thresholds. However, with implementation of the Mitigation Measures TSMM 4.J-1a through 4.J-CC and MM AES-1, temporary construction noise impacts to sensitive receptors would be less than significant. Thus, with the incorporation of Mitigation Measure MM AES-1 and TSMM 4.J-1A through 4.J-CC, the proposed project would have a less than significant construction impact.

Mobile Noise

Future development generated by the proposed project would result in some additional traffic on adjacent roadways, thereby potentially increasing vehicular noise in the vicinity of existing and proposed land uses. Table 6, Existing and Project Peak Hour Volumes, highlights the Existing and Existing with Project peak hour volumes, as discussed in *The Parcel Buildout Transportation Analysis*, prepared by LSC Transportation Consultants, Inc., dated December 3, 2020. According to the California Department of Transportation (Caltrans), a doubling of traffic (100 percent increase) on a roadway would result in a barely perceptible increase in traffic noise levels (3 dBA).¹¹ As shown in Table 6, peak hour trip volumes would not exceed the Caltrans threshold at any intersection except for the Center Street and Site Driveway intersection (50 peak hour trips to 159 peak hour trips).

Table 6
Existing and Project Peak Hour Volumes

Intersection	Total Existing Peak Hour Volumes	Project Peak Hour Trips	Total Existing with Project Peak Hour Volumes	% Peak Hour Trip Increase with Project	Doubling of Traffic?
Main Street and Center Street	1,800	99	1,899	6%	No
Lauren Mountain Road and Tavern Road	239	148	387	62%	No
Old Mammoth Road and Tavern Road	1,266	113	1,379	9%	No
Meridian Boulevard and Azimuth Drive	1,878	30	1,908	2%	No
Center Street and Site Driveway	50	109	159	218%	Yes
Notes: ADT = average daily trips 1. Represents ADT along the roadway segments.					
Source: LSC Transportation Consultants, Inc., <i>The Parcel Buildout Transportation Analysis</i> , December 3, 2020.					

Peak hour trips were modeled within the Federal Highway Administration (FHWA) RD-77-108 roadway model to calculate a community noise equivalent level (CNEL). Consistent with industry standards, the peak hour trips were multiplied by a factor of 10 to calculate the average daily trips (ADTs). Table 7, Traffic Noise Levels, shows the FHWA RD-77-108 roadway modeling; refer to

¹¹ California Department of Transportation, *Technical Noise Supplement to the Traffic Noise Analysis Protocol*, September 2013.



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Appendix G, Noise Data for model input and outputs. The nearest sensitive receptors along Center Street are multi-family residential uses. As seen in Table 7, while this intersection exceeds the Caltrans threshold and would increase noise levels by approximately 5 dBA, this intersection would increase the roadway noise at Center Street to 48 dBA, which is below the Noise Ordinance Chapter 8.16.70 threshold of 50 dBA for multi-family residential uses in a suburban area. Furthermore, this is below the 6 dBA increase analyzed within the 2007 General Plan EIR and would be below the 60 dBA threshold that was adopted in the 2007 General Plan EIR. Lastly, according to the 2016 Update EIR, long-term noise measurements within the Town range from 46 to 64 dBA (page 4.8-11 to 4.8-13), and the Future With Project noise level would be within the low range of the measured ambient noise level. Therefore, the project's peak hour trip volumes would not cause a significant noise impact at the nearby sensitive receptors.

Table 7
Traffic Noise Levels

Roadway	ADT ³	dBA @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			ADT ³	dBA @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			Exceed Municipal Code Threshold of 50 dBA? ²
			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour			60 CNEL Noise Contour	65 CNEL Noise Contour	70 CNEL Noise Contour	
Existing						Existing With Project					
Center Street and Site Driveway	500	43.0	-	-	-	1,590	48.0	-	-	-	No
Future						Future With Project					
Center Street and Site Driveway	500	43.0	-	-	-	1,590	48.0	-	-	-	No
Notes: ADT = average daily traffic; dBA = A-weighted decibels; CNEL = community noise equivalent level, - = centerline is within the roadway right of way.											
1. Traffic noise volume were modeled with the Federal Highway Administration (FHWA) RD-77-108 Noise Prediction Model.											
2. The suburban land uses near Center Street and the proposed Site Driveway are commercial and multi-family. According to Chapter 8.16 of the Town's Municipal Code, multi-family dwelling residential land uses have a threshold of 50 dBA for exterior land uses.											
3. ADT's were calculated by multiplying the peak hour volumes by 10, consistent with industry practice.											
Source: Noise modeling is based on traffic data within LSC Transportation Consultants, Inc., <i>The Parcel Buildout Transportation Analysis</i> , December 3, 2020.											
Refer to Appendix G, Noise Data for modeling inputs and results.											

Operational Noise

Stationary Mechanical Noise

The 2007 General Plan EIR analyzed stationary noise sources and concluded that a less than significant impact would occur with compliance of the standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Heating Ventilation and Air Conditioning (HVAC) units would be installed on the roof of the proposed buildings. Typically, mechanical equipment noise is 55 dBA at 50 feet from the source.¹² According to the California Department of Transportation (Caltrans), noise attenuates at a rate of 7.5 dBA for each doubling of distance over "soft" surfaces (e.g., absorptive surfaces such as soft dirt, grass, or scattered bushes and

¹² Elliott H. Berger, Rick Neitzel, and Cynthia A. Kladden, *Noise Navigator Sound Level Database with Over 1700 Measurement Values*, July 6, 2010.



trees.^{13 14} The nearest sensitive receptors to the project site are multi-family and single-family residences located approximately 20 feet to the south, west, and north of the proposed project site boundary. According to the proposed Master Plan, project would be required to have setback of at least 30 feet to the edge of the proposed building. Based off this, the closest proposed building located to a proposed sensitive receptor is approximately 60 feet (Building G-2). At this distance, HVAC noise levels would be approximately 52 dBA. It should be noted that this conservative analysis does not take into account the addition distance from the proposed building heights of at least 36 feet, which would further attenuate the HVAC noise levels. According to the proposed Master Plan, all exterior mechanical equipment shall be screened or incorporated into the design of buildings so as not to be visible from the street, completely shielding the HVAC units from the nearest sensitive receptor to the south. Complete shielding of the HVAC units would reduce noise levels by approximately 8 dBA.¹⁵ As such, HVAC noise levels would be approximately 44 dBA with an enclosure, which would not exceed the Town's 45 dBA CNEL exterior noise compatibility standard for single-family residences in a suburban area. Furthermore, according to the 2016 Update EIR, long-term noise measurements within the Town range from 46 to 64 dBA (page 4.8-11 to 4.8-13), which are higher than the projected HVAC noise levels of 44 dBA. Thus, impacts would be less than significant in this regard.

Parking Lot Noise

The proposed project would include approximately 660 parking spaces with a mixture of podium, tuck-under, and street parking. Estimates of the maximum noise levels associated with the parking lot activities attributed to the project are presented in Table 8, *Maximum Noise Levels Generated by Parking Lots*.

Table 8
Maximum Noise Levels Generated by Parking Lots

Noise Source	Maximum Noise Levels at 50 Feet from Source
Car door slamming	61 dBA Leq
Car starting	60 dBA Leq
Car idling	53 dBA Leq

Source: Kariel, H. G., *Noise in Rural Recreational Environments*, Canadian Acoustics 19(5), 3-10, 1991.

As shown in Table 8, parking lot activities can result in noise levels up to 61 dBA at a distance of 50 feet. It is noted that parking lot noise are instantaneous noise levels compared to noise standards in the CNEL scale, which are averaged over time. As a result, actual noise levels over time resulting from parking lot activities would be far lower than what is identified in Table 8. Podium Parking under the apartment buildings would have intermittent parking lot noise due to the movement of vehicles. However, noise levels generated by podium parking would be inaudible at off-site uses as the structure would be completely enclosed underground. Furthermore, the on-site parking spaces would

¹³ Assuming a noise attenuation rate of 7.5 dBA for each doubling of distance over "soft" surfaces (e.g., absorptive surfaces such as soft dirt, grass, or scattered bushes and trees. California Department of Transportation, *Technical Noise Supplement*, 2009.

¹⁴ Cyril M. Harris, *Noise Control in Buildings*, 1994.

¹⁵ Federal Highway Administration, *FHWA Roadway Construction Noise Model User's Guide*, January 2006.



be spread out over the project site and would not cause excessive parking lot noise. As such, the project would have a less than significant parking lot noise impact.

Crowd Noise

The project would include a park in the middle of the project site, near the proposed Tavern Road. This park area has the potential to be accessed by groups of people intermittently for various occasions (e.g., private parties, events, and other social gatherings, etc.). Noise generated by groups of people (i.e., crowds) is dependent on several factors including vocal effort, impulsiveness, and the random orientation of the crowd members. Crowd noise is estimated at 60 dBA at one meter (3.28 feet) away for raised normal speaking.¹⁶ This noise level would have a +5 dBA adjustment for the impulsiveness of the noise source, and a -3 dBA adjustment for the random orientation of the crowd members.¹⁷ Therefore, crowd noise would be approximately 62 dBA at one meter (3.28 feet) from the source (i.e., at the park).

As shown in Exhibit 3, the park would be in the center of the project site, approximately 300 feet from the nearest sensitive receptor. Based on the Inverse Square Law, crowd noise would be reduced to approximately 23 dBA at the closest sensitive receptor, to the north of the project site. Furthermore, an apartment building would be in-between the park and nearest sensitive receptor, further reducing noise levels by approximately 15 dBA. As such, outdoor activities associated with the park would produce a noise of level of approximately 8 dBA at the nearest sensitive receptor, which would not exceed the Town's 45 dBA CNEL exterior noise compatibility standard for single-family residences. As such, the proposed park would not generate noise levels that would exceed the Town's noise standards at the closest sensitive receptors. Therefore, impacts would be less than significant.

Applicable Mitigation Measures From Previously Certified Environmental Documents:
Previously certified environmental documents include mitigation measures to reduce potential impacts associated with implementation of the General Plan.

- | | |
|--------------|--|
| MM AES-1 | Construction equipment staging areas shall use appropriate screening (i.e., temporary fencing with opaque material) to buffer views of construction equipment and material from public and sensitive viewers (e.g., residents and motorists/bicyclists/pedestrians), when feasible. Staging locations shall be indicated on the project Building Permit and Grading Plans and shall be subject to review by the Town of Mammoth Lakes Community and Economic Development Director in accordance with the Municipal Code requirements. (2016 Update EIR Mitigation Measure AES-1) |
| TSMM 4.J-1.A | Engine idling from construction equipment such as bulldozers and haul trucks shall be limited, to the extent feasible. (2016 Update EIR Mitigation Measure TSMM 4.J-1.A) |

¹⁶ M.J. Hayne, et al, *Prediction of Crowd Noise*, Acoustics, November 2006.

¹⁷ Ibid.



- TSM 4.J-1.B The construction staging areas shall be located as far as feasible from sensitive receptors. (2016 Update EIR Mitigation Measure TSM 4.J-1.B)
- TSM 4.J-1.C All construction activities shall comply with the Town's Noise Ordinance. (2016 Update EIR Mitigation Measure TSM 4.J-1.C)

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact With Previously Approved Mitigation Measures.

b) *Generation of excessive groundborne vibration or groundborne noise levels?*

This impact threshold corresponds to the analysis under *Issue 4.8-2* (page 4-212) of the 2007 General Plan EIR.

As discussed previously as well as on page 4-212 of the 2007 General Plan EIR, it is noted that the 2005 General Plan Update is a long-range plan guiding future growth in the Town and does not contain project level details. Nevertheless, it is stated that any specific development projects would be required to comply with standards established in the local general plan or noise ordinance, or applicable standards of other agencies (page 4-213 of the 2007 General Plan EIR). Specifically, Municipal Code Section 8.16.090, *Prohibited Acts*, prohibits operating or permitting the operation of any device that creates a vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at 150 feet from the source if on a public space or public right-of-way. As such, the 2007 General Plan EIR concluded that oversight by the appropriate agencies and compliance with the applicable regulations would result in a less than significant impact with regard to groundborne vibration and noise.

Vibration Impacts

The 2007 General Plan EIR did not analyze specific construction equipment vibration levels. However, construction of the proposed project would require similar construction equipment to what was analyzed in the 2016 Update EIR. The 2016 Update EIR analyzed potential construction vibration impacts and concluded that construction equipment vibration levels that occurred at a distance greater than 43 feet would not cause a significant impact. As discussed above, the nearest sensitive receptors to the project site are located approximately 20 feet to the south, west, and north of the project site boundary. According to the proposed Master Plan, the project would require a 30-foot setback from the proposed on-site buildings and the project boundary. Thus, construction would occur at a distance of at least 50 feet to the nearest structure. It should also be noted that construction would occur throughout the project site and would not be concentrated in or confined to one specific area of the project site. As this distance is greater than the 43 feet analyzed in the 2016 Update EIR, and the 2016 Update EIR concluded that operational of large heavy construction equipment would not cause a vibration impact at a distance greater than 43 feet, the proposed project would not create a construction vibration impact. Thus, impacts would be less than significant.



Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

- c) *For a project located within the vicinity of a private airstrip an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

This impact threshold was modified since the 2007 General Plan EIR was prepared and corresponds to the analysis under *Issue 4.8-5* (page 4-219) of the 2007 General Plan EIR.

As discussed on page 4-219 of the 2007 General Plan EIR, the Mammoth Yosemite Airport is located approximately 7 miles from the Town with a relatively small size of CNEL 70 and 75 noise exposure areas. Implementation of the 2005 General Plan Update would comply with applicable regulatory requirements (e.g. Title 24 [Building] CCR T25-28), which would preclude locating sensitive receptors within the Mammoth Yosemite Airport's 65 CNEL contour and, as such, the 2005 General Plan Update would not result in the exposure of sensitive receptors in the UGB to excessive noise levels (page 4-219 of the 2007 General Plan EIR). Further, as discussed on page 4-212 of the 2007 General Plan EIR, residential uses and schools would not be exposed to excessive groundborne vibration or groundborne noise as these uses are required to be located outside of the Mammoth Yosemite Airport's 65 CNEL noise contour. As such, the 2007 General Plan EIR concluded that impacts in this regard would be less than significant.

The Mammoth Yosemite Airport is located approximately 6.2 miles east of the project site at 1300 Airport Road. According to the *Mammoth Yosemite Airport - ALUC Airport Safety Zone Plan/Land Use Plan (Existing Runway)* map, the project site is not located within any airport safety zones established for the Mammoth Yosemite Airport.¹⁸ Based on distance to the closest airport, project implementation would not result in excessive noise levels for people residing or working in the project area, or be located within an airport land use plan. No impacts would occur in this regard and development of the proposed project would not result in any new specific effects or greater impacts in this regard than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

¹⁸ Town of Mammoth Lakes, *Mammoth Yosemite Airport, Mammoth Lakes, California, Airport Layout Plan, ALUC Airport Safety Zone Plan/Land Use Plan (Existing Runway)*, Sheet 13, <https://www.townofmammothlakes.ca.gov/442/Airport-Planning-Narratives>, July 2014.



3.14 POPULATION AND HOUSING

This section corresponds with 2007 General Plan EIR Section 4.9, *Population, Housing, and Employment*.

Would the project:

- a) *Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

As discussed on page 432 of the 2007 General Plan EIR, the 2005 General Plan Update would neither induce nor foster, that is, cause, this growth to occur because a General Plan does not actually cause or induce growth, but is instead dependent on demand for recreational and related opportunities which has its principal origins in other parts of California and the West. As shown in Table 4.9-6, *Incremental Development for Buildout of the Proposed 2024 General Plan Compared with the Existing General Plan*, on page 4-234 of the 2007 General Plan EIR, the 2005 General Plan Update at buildout would result in a reduction of 686 residential units compared with the previous General Plan, with the majority of this reduction occurring in multi-unit transient housing (reduction of 680 units). Although the 2005 General Plan Update proposes a reduction of six non-transient residential units, the 2005 General Plan Update contains additional policies, such as limiting Shady Rest (the project site) to primarily workforce housing and permitting workforce housing, that would enhance opportunities for workforce housing increasing the availability of these units to residents through deed restrictions. Therefore, the reduction in residential units would not impact resident housing supply. The 2005 General Plan Update would result in a total population of approximately 60,700 people, which is slightly less than the projected population of 61,376 under the previous General Plan (page 4-233 of the 2007 General Plan EIR). Therefore, the 2005 General Plan Update would not indirectly provide for a substantial increase in population. Based on the above, the 2007 General Plan EIR concluded that while the 2005 General Plan Update would accommodate a relatively substantial increment of population growth, it would neither directly nor indirectly induce that growth or cause it to occur, and less than significant impact with regard to the inducement of a direct or indirect substantial population growth occur.

The proposed project is not anticipated to induce substantial unplanned population growth in the area, either directly or indirectly. Per the existing General Plan designation and zoning for the project site, buildout included development of approximately 25 acres of land with a density of 12 dwelling units per acre (up to 300 units) with an option to grant double density (up to 600 units). The project proposes 16 to 23 dwelling units per acre (gross) or 400 to 580 residential units and an increase in population of up to 2,013 persons¹⁹, which is consistent with the existing General Plan and Zoning buildout assumptions for the project site. However, it is acknowledged that the existing 1991 Shady Rest Master Plan only considers construction of 172 units at the site. Therefore, the proposed project (with anticipated development of up to 580 units) would result in a net development potential increase of up to 408 units and an increase of up to 1,416 persons at the project site when compared to anticipated buildout conditions of the 1991 Shady Rest Master Plan.

¹⁹ The population increase was calculated based on the average household size of 3.47 persons per household, which combines the household size for permanent population with the household size for visitor and seasonal populations; refer to Sections 4.9 of the 2016 Update EIR.



As discussed in Section 1.3.3, *Master Plan*, the Master Plan proposes to replace the 1991 Shady Rest Master Plan and increase maximum allowable density of the project site from 172 units to 580 units. Upon adaptation of the Master Plan, the specific development criteria would be amended to be consistent with the buildout assumptions of the General Plan designation and zoning for the site. As such, the 400 to 580 residential units and resulting population increase of 2,013 persons under the proposed project are consistent with the population and housing projections considered in the General Plan and Zoning Code.

Additionally, given the nature of the proposed use (i.e., affordable housing development), the proposed project is not anticipated to generate new jobs (that may result in potential employees relocating to the Town), but rather would provide affordable housing for the Town's workforce. Therefore, no indirect population growth as a result of jobs associated with the project is anticipated. As such, the project would not result in substantial increases in unplanned population growth in a local context. Overall, the project would result in less than significant impacts to unplanned population growth and would not result in substantially greater impacts than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

As discussed on page 4-236 of the 2007 General Plan EIR, a General Plan Update could result in the displacement of housing units if land designated for residential use were changed to a non-residential designation. However, the 2005 General Plan Update does not propose any changes of existing residential uses to non-residential uses. In fact, the 2005 General Plan Update proposes increased affordable housing opportunities within the IP zone through density bonuses and through the re-designation of a portion of land from HDR to HDR-1, which would prohibit transient residential units in the future preserving more land for resident housing. As such, the 2007 General Plan EIR concluded that the 2005 General Plan Update would result in a less than significant impact with regard to the displacement of substantial numbers of existing housing or residents.

No existing housing is present on-site. Thus, implementation of the proposed projects would not result in the displacement of existing housing. No impacts would result in this regard.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.



Level of Significance: No Impact.

3.15 PUBLIC SERVICES

This section corresponds with 2007 General Plan EIR Section 4.10, *Public Services*, and Section 4.12, *Recreation*, as well as the 2016 Update EIR Section 4.10, *Public Service*, and Section 6.2, *Significant Unavoidable Impacts*.

a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable serve ratios, response times or other performance objectives for any of the public services:*

i) *Fire Protection?*

The 2007 General Plan EIR determined that implementation of measures to ensure that service providers have opportunity during the development review process to provide comments (2007 General Plan Policy II.1.C.a.1), new development adequately mitigates its impact on fire protection (2007 General Plan Policy II.1.C.a.2), and any sites designated for public safety facilities are sited at locations that facilitate prompt response times (2007 General Plan Policy II.1.D.a.6). In addition, 2007 General Plan Policy II.4.A.e.4 assists in establishing and implementing appropriate funding sources to facilitate the expansion of the Main Street fire station, relocation of the training tower, construction of fire employee housing, and development of a third fire station. The imposition of the development impact fee (Code Section 15.16.082) also would serve to further ensure that potential impact to fire protection services is reduced. Last, the Town collects development impact fees (DIFs) to fund the required fire suppression facilities, vehicles, and equipment. New development is projected to pay over 58 percent of the cost of the required fire suppression facilities, vehicles, and equipment needed to service buildout of the 207 General Plan. The Mammoth Lakes Fire Protection District (MLFPD) provides fire protection and emergency response to the project site. As such, the MLFPD also collects a fixed percentage of the Town's property taxes to fund their development and operations. Therefore, the 2007 General Plan EIR concluded that with implementation of the General Plan policies and existing regulations, impacts in this regard would be less than significant.

The 2016 Update EIR determined that the 2016 Update would not result in the need for new or physically altered fire protection facilities in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection and emergency services. As discussed in the 2016 Update EIR, although demand for fire protection may increase with implementation of the 2016 Update as a result of development density and population increases, existing development standards (i.e., requirements for automatic sprinkler systems, alarms, smoke and carbon monoxide detectors and other fire suppression requirements), building code and fire code requirements, as well as the service impact analyses required on a project-by-project basis would ensure that growth in the Town would not exceed the carrying capacity of infrastructure or public services. In addition, future development in the Town would be subject to MLFPD's review as well as payment of DIFs, which would offset the impacts of increased demand for public services, which include fire services. As such, impacts associated with the 2016 Update were determined to be less than significant.



The proposed project would include the development of approximately 400 to 580 residential units, thus introducing additional residents to the project area. Similar to the 2007 General Plan EIR and 2016 Update EIR, the proposed project would be subject to existing development standards, building code and fire code requirements, payment of DIFs, and MLFPD's review. As such, impacts would be less than significant and the proposed project would not result in any significant impacts in this regard.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

b) Police Protection?

Police protection services in the Town are provided by the Mammoth Lakes Police Department (MLPD).

The 2007 General Plan EIR determined that permanent and transient population growth resulting from implementation of the 2007 General Plan would result in a greater volume of emergency calls to the police department and could potentially impact police protection and law enforcement services and facilities. As buildout of the 2007 General Plan occurs, MLPD services will increase as needed to respond to population growth. The 2007 General Plan implementation measures ensure that service providers have opportunity during the development review process to provide comments (2007 General Plan Policy II.1.C.a.1), new development adequately mitigates its impact on police protection (2007 General Plan Policy II.1.C.a.2), and any sites designated for public safety facilities are sited at locations that facilitate prompt response times (2007 General Plan Policy II.1.D.a.6). The imposition of the development impact fee (Municipal Code Section 15.16.082) also would serve to further ensure that potential impact to police protection services is reduced. The 2007 General Plan EIR concluded that the 2007 General Plan implementation measures, along with existing regulations regarding the payment of DIFs, would reduce impacts to police protection services to a less than significant level.

The 2016 Update EIR determined that the 2016 Update would not result in the need for new or physically altered police protection facilities in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection and emergency services. As discussed in the 2016 Update EIR, although demand for police protection may increase with implementation of the 2016 Update as a result of development density and population increases, existing development standards (i.e., setbacks, snow storage, lighting standards, site security requirements, and parking standards), crime deterrence brought by the increased pedestrian activity associated with developments, as well as service impact analysis required on a project-by-project basis would ensure that growth in the Town would not exceed the carrying capacity of infrastructure or public services. All future development in the Town would be subject to MLPD's review as well as payment of DIFs, which would offset the impacts of increased demand for public services, which include police protection services. Further, all future development in the Town would coordinate with the MLPD



to plan for and ensure appropriate emergency access and response times in accordance with the newly approved Action M1.4.1 as part of the 2016 Update. As such, impacts associated with the 2016 Update were determined to be less than significant.

The proposed project would include the development of approximately 400 to 580 residential units, thus introducing additional residents to the project area. Similar to the 2007 General Plan EIR and 2016 Update EIR, the proposed project would be subject to existing development standards, and MLPD's review. As such, impacts would be less than significant and the proposed project would not any significant impacts in this regard.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

c) Schools?

The 2007 General Plan EIR determined that development of the 2007 General Plan may strain existing school capacity and create demand for expanded services and facilities. Population growth proposed under the 2007 General Plan would generate additional students within the Mammoth Unified School District (MUSD) services area. The 2007 General Plan EIR determined that buildout of the 2007 General Plan would exceed the available capacity of the district. All development projects are required to comply with Senate Bill 50, which requires the payment of new school construction facility fee. The fee charged is the fee in the place at the time of issuance of a permit. The payment of these fees by a developer serves to mitigate all potential impacts on school facilities that may result from implementation of a project to levels that are less than significant (Government Code Section 65995). Furthermore, the 2007 General Plan includes several implementation measures to ensure the potential impacts to school facilities and services are reduced, including payment of appropriate development fees (2007 General Plan Policy II.1.A.b.5), and appropriate schools siting, design, and development (2007 General Plan Policies II.1.A.b.1, II.1.A.b.2, and II.1.A.b.3). Based on the information provided by MUSD and the 2007 General Plan implementing policies, the 2007 General Plan EIR determined that less than significant impacts on school facilities and services would result.

The 2016 Update EIR determined that implementation of the 2016 Update would not significantly impact MUSD school facilities or services with payment of the required development fees pursuant to California Education Code Section 17620 (a)(1) at the time of obtaining a building permit. In addition, the MUSD disclosed that the number of students enrolled in the school district has not changed substantially in approximately a decade. Additionally, payment of the required development fees is considered sufficient mitigation for all potential impacts from development projects on school facilities to a less than significant level pursuant to Government Code Section 65995. As such, the 2016 Update EIR concluded a less than significant impact would result in this regard.

The proposed project would include the development of approximately 400 to 580 residential units, thus introducing up to 108 net new residential units to the project site (or 54 new students based on



the MUSD projection estimate of 0.499 students per unit [2007 General Plan EIR page 4-249]). Similar to the 2007 General Plan and 2016 Update EIR, the proposed project would be subject to the require development fees pursuant to California Education Code Section 17620 (a)(1). Upon payment of school impact fees, impacts would be less than significant in this regard.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

d) Parks?

The 2007 General Plan EIR determined that an additional 22 acres of park development and acquisition would be needed at buildout of the 2007 General Plan in order to maintain performance objects. The 2007 General Plan EIR found that impacts in this regard would be significant and unavoidable given the uncertainty of future park acreage at the Town at the time of adoption. Notwithstanding, the 2007 General Plan EIR also determined that with implementation of appropriate parkland dedications or payment of in lieu fees through DIFs or Subdivision approvals, potential impacts to existing parks and recreational facilities and programs that would occur due to continued growth associated with the 2007 General Plan would be less than significant.

As detailed in the 2016 Update EIR, the 2016 Update could result in an increase in population in the commercially designated areas which could potentially increase the demand for existing neighborhood/regional parks and other recreational facilities, or require the expansion of an existing recreational facilities. The Town has adopted a level of service (LOS) standard of 5 acres of parks per 1,000 residents in accordance with the *Town of Mammoth Lakes, Parks and Recreation Master Plan (PRMP)*, adopted February 1, 2012. For regional park acreage, the LOS standard is 2.5 acres per 1,000 residents. As of the time the 2016 Update EIR was prepared, the LOS was 3.12 acres of developed local parkland per 1,000 residents and 5.13 acres undeveloped parkland per 1,000 residents. For regional parkland, the LOS was 1.46 acres of developed parkland per 1,000 residents and 3.96 acres of undeveloped parkland per 1,000 residents. This was below the Parks and Recreation Master Plan goals for LOS for developed parkland, but above the LOS standard for undeveloped parkland.

The 2016 Update EIR detailed the evaluation of future projects' impacts on open space, recreation and parks would utilize an impacts-based approach under the 2016 Update. An impacts-based approach is intended to ensure that growth in the Town would not exceed the carrying capacity of parks and recreational services, and that the potential for significant environmental impacts would be identified and mitigated if necessary; refer to page 4.10-34 of the 2016 Update EIR. Future development in the Town would be subject to applicable DIFs for parkland and recreation pursuant to Municipal Code Section 15.16.081.B. Future residents and visitors would be subject to the *Mammoth Lake Recreation, Trails and Parks Investment Initiative Ordinance (Measure R)*²⁰ as well as the *Mammoth Lakes*

²⁰ Measure R, or the "Mammoth Lakes Recreation, Trails and Parks Investment Initiative" Ordinance No. 08-01 was adopted by Town Council on February 20, 2008, and approved by the voters on June 3, 2008. The Ordinance imposed a Transactions and Use Tax in the amount of one-half percent for the purpose of funding Recreation, Trails and Parks.



Mobility, Recreation and Arts & Culture Utility Users Tax Ordinance (Measure U)²¹, both of which would help fund the parks and recreation facilities in the Town. Nevertheless, as the Town was behind on the goal of providing 5 acres of developed parkland per 1,000 residents, the 2016 Update EIR concluded that even with the proposed improvements to regional parks, new planned park and recreational facilities, access to other parks and recreational amenities, and funding associated with the DIF programs and Measures R and U, implementation of the 2016 Update would lead to significant and unavoidable impacts for parks and recreational services.

The project proposes 400 to 580 residential units and an increase in population of up to 2,013 persons. Based on these and the Town's buildout model assumptions, the proposed project could result in a net increase of up to 108 units and an increase of up to 375 persons at the project site, compared to the General Plan and 2016 Update buildout assumptions. As discussed in [Section 1.5](#), the project would provide approximately 3.1 acres of open spaces for recreational purposes. These spaces include an at least 0.5-acre central park that anchors the neighborhood, along with smaller pocket parks that serve as open space for the community. The open spaces are meant to provide public gathering spaces, which could be used for community performances, picnicking, celebrations (e.g., birthdays), outdoor kids play activities and yoga or exercise classes, horseshoes and cornhole, and other outdoor activities. The project would also construct informal open spaces such as bioswales, planting strips, and open spaces within and adjacent to development blocks intended to provide snow storage capacity during winter, and could be used for additional purposes when clear of snow, such as recreation and habitat for native flora and fauna. Since the proposed project would provide on-site parkland and would also comply with applicable regulations, including the aforementioned Measures R and U as well as applicable DIF programs, the project's impacts would be less than significant in this regard. It is acknowledged that the project constitutes an improvement over conditions contemplated in the 2016 Update because it would both pay the required DIF fees and also provide a minimum of an addition 0.5-acre of parks, among other open space/recreational uses. Nevertheless, the Town would continue to fall short of the 5 acres per 1,000 residents LOS and, therefore, the overall impact for the Town would be considered significant and unavoidable. While the impact is significant and unavoidable, the proposed project would not result in any new specific effects or more significant effects than disclosed and analyzed in the 2007 General Plan EIR or the 2016 Update EIR. As a result, no further review is required pursuant to 15183.3.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

Measure R is a special fund designated for use by the Town of Mammoth Lakes only for the planning, construction, operation, maintenance, programming and administration of all trails, parks and recreation facilities managed by the Town of Mammoth Lakes without supplanting existing parks and recreation facility maintenance funds.

²¹ Measure U, or the "Mammoth Lakes Mobility, Recreation and Arts & Culture Utility Users Tax Ordinance" was adopted by the Mammoth Lakes Town Council on March 17, 2010, and approved by the voters of the Town of Mammoth Lakes on June 8, 2010. Measure U is a special fund designated for use by the Town of Mammoth Lakes, and used only for the planning, construction, operation, maintenance, programming and administration of facilities and projects for Mobility, Recreation and Arts & Culture.



e) *Other public facilities?*

Library Services

The Town is served by the Mono County Library System. The 2007 General Plan EIR determined that the 2007 General Plan would result in an increase of population and a corresponding demand for library services. The 2007 General Plan includes implementing policies to encourage service providers (Mono County) to participate in the development review process (2007 General Plan Policy II.1.C.a.1). However, although the Town has control over certain aspects of the funding and construction of the library, the library is a County facility, ultimately controlled by the County. As such, the 2007 General Plan EIR determined that although the Town's implementing measures would reduce impacts in this regard to a less than significant level, the impacts to library services cannot be mitigated by the Town to a less than significant level.

Around the time of 2007 General Plan was adopted, Mono County opened a new library at 400 Sierra Park Road (December 2007). As such, the 2016 Update EIR determined that the existing Mammoth Lakes Library Branch adequately serves the Town and surrounding populations. Wait times for conference facilities and work stations are reasonable and there are rarely any scheduling conflicts. It is noted that expansion of the Mammoth Lakes Library Branch in 2007 resulted in the facility more than doubling in size from 7,000 square feet to 17,000 square feet and provided substantial increase in amenities such as two conference rooms, a shared classroom with the Cerro Coso Community College, art and craft area, and children's area. Furthermore, future development that would occur in the commercially designated areas would be required to pay the required library DIFs (pursuant to Section 15.16.081.B of the Municipal Code) and would also be subject to the 1.68 percent property tax allocation which supports funding of the Mono County Library System and its facilities. Thus, impacts were determined to be less than significant in this regard.

The proposed project would include the development of approximately 400 to 580 residential units, thus introducing up to 108 net new residential units at the project site, compared to the 2007 General Plan buildout assumptions. Similar to the 2016 Update, the proposed project would be subject to the library DIFs in accordance with Section 15.16.081.B of the Municipal Code. As such, impacts in this regard would be less than significant.

Hospital Services

The 2007 General Plan acknowledged that buildout of the 2007 General Plan would result in permanent and transient population increases in the Town and, as a result, would increase the demand for hospital and health services. The 2007 General Plan policies reduced impacts through siting of public safety facilities at locations that facilitate prompt response times and requiring resort visitor developments to provide on- and off-site amenities for their guests' benefit and enjoyment. These amenities could include on-site infirmary/medic assistance. Although these policies reduced impacts to hospital services to a less than significant level, the 2007 General Plan is a 20-year plan and the Southern Mono health Care District does not have funded improvements for the expansion of facilities over a 20-year timeframe. Since the Town does not have ultimate control over the provision of health care services, impacts to hospital and health services was determined to be significant and unavoidable. No feasible mitigation measures were identified.



It is acknowledged that in 2007, Mammoth Hospital opened its 38,000 square foot expansion that houses an Emergency Department, surgery center, fully digital Medical Imaging Department, and a three-bed Birthing Center.

As discussed above, in Section 4.14, *Population and Housing*, the proposed 400 to 580 residential units and resulting population increase of 2,013 persons under the proposed project are consistent with the population and housing projections considered in the General Plan and Zoning Code. As such, the proposed project would not result in substantially greater impacts than previously analyzed in the 2007 General Plan EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

3.16 RECREATION

This section corresponds with 2007 General Plan EIR Section 4.12, *Recreation*, and 2016 Update EIR Section 4.10, *Public Services*, and Section 6.2, *Significant Unavoidable Impacts*.

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

Refer to Response 3.15(d).

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

Refer to Response 3.15(d).

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

3.17 TRANSPORTATION

This section corresponds with 2007 General Plan EIR Section 4.13, *Transportation and Circulation*, as well as 2016 Update EIR Section 4.2, *Air Quality*, Section 4.11, *Transportation and Traffic*, and Section 6.0, *Other Mandatory CEQA Considerations*. Site-specific information is based primarily on *The Parcel Buildout Transportation Analysis* (Transportation Analysis), prepared by LSC Transportation Consultants, Inc., dated December 3, 2020; refer to Appendix H, Transportation Analysis.

Would the project:

- a) *Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

This impact threshold was modified since the 2007 General Plan EIR and 2016 Update EIR were prepared, and corresponds to the analysis under *Issue 4.13-7* (pages 4-345) of the 2007 General Plan EIR and page 4.11-27 of the 2016 Update EIR.

The 2007 General Plan EIR determined that with implementation of the General Plan policies and implementation measures would expand the existing trail, sidewalk, and bicycle network, which support the use of alternative modes of transportation (2007 General Plan EIR page 4-349). Additionally, public transit facilities and options would be expanded to reduce visitors and residents reliance of private automobiles. Implementation of the 2007 General Plan's policies and implementation measures would ensure that impacts and/or conflicts to adopted policies, plans, or programs supporting alternative transportation methods are reduced to a less than significant level.

The 2016 Update EIR determined that the 2016 Update would support and implement policies of adopted plans and programs related to pedestrian, bicycle, and public transit facilities. Specifically, the 2016 Update proposed new goals, policies, and actions to improve public transit, bicycle, and pedestrian facilities within the Town. With regard to pedestrian facilities, the 2016 General Plan Goal M.8 aims to support the Town's "feet first" objectives by providing a linked year-round pedestrian system that is safe and comprehensive, and the 2016 General Plan Goal M.9 aims to provide an attractive and accessible pedestrian environment throughout the Town. With regard to bicycle facilities, the 2016 General Plan Goal M.10 aims to support feet-first objectives by providing a linked, year-round recreational and commuter bicycle system that is safe and comprehensive. Specifically, General Plan Action M.10.1.6 would require major new commercial and residential development or redevelopment to provide covered and secure bicycle parking and shower and locker facilities, or to assist in funding bicycle improvements in nearby locations.

With regard to transit facilities, the proposed 2016 General Plan Goal M.12 aims to provide a year-round public transit system that is convenient and efficient, and increases transit ridership for all trip types, and the 2016 General Plan Goal M.13 aims to ensure the financial sustainability of transit. Specifically, General Plan Policy M.12.1 would expand and increase the reliability of transit service;

and General Plan Policy M.12.2 would ensure that all planning processes address transit facilities and services, including areas where transit service, access, and amenities can be improved, and consider land use pattern that support high transit ridership. According to the 2016 Update EIR, implementation of the 2016 Update would expand the transit system and increase overall transit use by approximately 0.4-percent, which would better sustain transit expansion and availability and would not exceed the capacity of the projected transit system. Additionally, the 2016 Update would be consistent with applicable multi-modal policies of the California General Plan Guidelines: Complete Streets and Circulation Element. Overall, the 2016 Update would implement the objectives of the General Plan by providing an enhanced pedestrian, bicycle, and transit network, and maintain and improve the safe and efficient movement of people, traffic and goods in a manner consistent with the “feet first” initiative. As such, the 2016 Update EIR concluded that the 2016 Update would not conflict with any adopted plans and policies and less than significant impacts would occur in this regard.

Pedestrian/Bicycle Facilities

Implementation of the proposed project would result in an increase in approximately 108 net residential units, which would increase the demand for pedestrian and bicycle facilities in the project area. With regards to pedestrian facilities, sidewalks are currently provided along the north and south sides of Main Street, east side of Laurel Mountain Road (portion north of Tavern Road), and the south side of Tavern Road (between Laurel Mountain Road and Old Mammoth Road). There are no sidewalks along Center Street, Tavern Road (portion west of Laurel Mountain Road), or Chaparral Road. It is noted that the 2016 Update identifies future pedestrian facilities along the full extent of Laurel Mountain Road, as well as on Tavern Road (portion west of Laurel Mountain Road); refer to 2016 Update EIR Figure 3-1, *Complete Streets*. A connection from the western boundary of the project site to Manzanita Road is also identified. With regards to bicycle facilities, Class I multipurpose bike/pedestrian trails are provided along both sides of Main Street (portion east of Laurel Mountain Road). Existing Class II bike lanes are provided along Main Street and along Tavern Road (portion east of Laurel Mountain Road). Per the Mobility Plan, Class II bike lanes are planned for Laurel Mountain Road and Old Mammoth Road.

According to the Transportation Analysis, the project site is located within a convenient bicycle/walk distance to many trip destinations, including the Vons plaza (0.6-mile), the Mammoth High School (0.6-mile), the Mammoth Elementary School (1 mile) and the United States Postal Service (0.2-mile), as well as many of the larger employers. As described above, there are existing bicycle and pedestrian facilities available for these trips, except for the roadways immediately adjacent to the site. As such, the project proposes new sidewalks and/or MUPs on Tavern Road between the project site and Laurel Mountain Road, and on Center Street between the project site and Main Street, in addition to sidewalks and/or MUPs proposed within the project site; refer to Exhibit 4. A connection (presumably available to both cyclists and pedestrians) between Manzanita Road and the project site is also proposed. Based on the Transportation Analysis, no improvements are warranted to the south of the project site along Chaparral Road due to the low level of usage. The proposed sidewalks and/or MUP improvements would create an attractive, accessible, and safe pedestrian and bicycle systems per General Plan Goals M.8, M.9, and M.10, which would support the Town’s “feet first” objectives. According to the Transportation Analysis, the proposed sidewalks and bike lanes along Tavern Road and Center Street would be sufficient to serve the cyclists and walkers along these streets. Once reaching Manzanita



Road, cyclists and walkers would disperse in various directions, also resulting in levels at any one location that do not warrant improvements. As such, the Transportation Analysis concludes that with construction of the proposed sidewalks/MUPs, bicycle and pedestrian conditions would be adequate to support the proposed project. Less than significant impacts to pedestrian and bicycle facilities would occur in this regard.

Transit Facilities

With regards to transit facilities, the Eastern Sierra Transit Authority provides transit services to the Town. All routes within the Town are free, and services vary by season. Specifically, the Purple Line provide local service on a year-round basis, with the closest stop to the project site located along Old Mammoth Road between Tavern Road and Main Street. Town Trolley provides services to the Town during summer, and the closest stops to the project site located along Main Street near the United States Postal Service, and near the Forest Trail intersection to the east. The Red Line provides transit service to the project site during winter, along Main Street, with the closet stops also located along Center Street near the Outlet Mall and Fun Shop. Overall, transit stops are available within a five-minute walk time from the project site.

According to the Transportation Analysis, considering the number of units, expected occupancy and variations in work schedules, an estimated maximum of 120 transit passengers would be generated by the proposed development in a peak hour during the peak seasons. The proposed project includes at least one bus stop pair, located on the west side of Center Street just north of Tavern Road, and on the north side of Tavern Road just east of Center Street. Buildout of the proposed project would generate additional transit ridership that would require an expansion of the existing transit service. As such, a condition of approval would be imposed on the project requiring the Town to amend the existing bus service for at least the winter season to accommodate the new bus stop proposed by the project. The specific routing and scheduling to this new bus stop would be evaluated as part of a comprehensive transit planning process in order to address how this amended service fits with other routes and community needs. The proposed bus stops and amended bus service would support the General Plan Policy M.12.1 and M.12.2 and help provide a convenient and efficient public transit system per General Plan Goal M.12.

Overall, the project proposes new sidewalks and/or MUPs, which would contribute to General Plan Goals M.9 and M.10, and a new bus stop, which would contribute to General Plan Goal M.12. As such, development of the proposed project would not result in any new specific effects or greater impacts in regard to transit, roadway, bicycle and pedestrian facilities than previously analyzed in the 2016 Update EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?



This impact threshold was modified since the 2007 General Plan EIR and 2016 Update EIR were prepared, and corresponds to the analysis under *Issue 4.2-1* (page 4-35) of the 2007 General Plan EIR and page 4.2-19 of the 2016 Update EIR.

The 2007 General Plan included consideration of vehicle miles travelled (VMT) in Appendix F, *Traffic Study*. As stated on page 4-35 of the 2007 General Plan EIR, implementation of the 2005 General Plan Update would result in 128,270 VMT. According to the 2016 Update EIR, the 2016 Update under the existing roadway network would potentially result in development that could exceed the daily VMT cap in the Great Basin Unified Air Pollution Control District's *Air Quality Management Plan* (AQMP) for the Town of Mammoth Lakes and potentially result in emissions of PM₁₀ that would cause an exceedance of the National Ambient Air Quality Standards (NAAQS). As such, the 2016 Update EIR adopted GPMM 4.2-1, which requires a VMT analysis for specific projects in those cases where the project would result in 500 daily vehicle trips for incorporation into the AQMP model; and GPMM 4.2-2, which may condition or restrict future development as necessary to manage Town-wide VMT at levels that ensure compliance with federal PM₁₀ NAAQS. Further, Municipal Code Chapter 8.30, *Town Particulate Emissions Regulations*, requires the Town to include a limit of 179,708 VMT in its review of proposed development projects. The 2016 Update EIR concluded that compliance with adopted GPMMs 4.2-1 and 4.2-2 as well as Municipal Code Chapter 8.30 would reduce impacts in regard to VMT to less than significant levels.

In September 2013, Senate Bill 743 became effective, which identifies VMT as the most appropriate CEQA transportation metric for CEQA purposes. The Governor's Office of Planning and Research published the *Technical Advisory on Evaluating Transportation Impacts in CEQA* (Technical Advisory), dated December 2018, to provide advice and recommendations, which agencies and other entities may use at their discretion. Pursuant to CEQA Guidelines Section 15064.3(b)(3), the Technical Advisory identifies screening thresholds that may be utilized by lead agencies to screen out VMT impacts using project size, maps, transit availability, and provision of affordable housing. The Town recently adopted VMT screening thresholds (December 2020), which are utilized to evaluate the project's potential VMT impacts.

Screening Criteria: Provision of Affordable Housing

Land use projects that add affordable housing to infill locations generally improve jobs-housing match, in turn shortening commutes and reducing VMT. Therefore, a project consisting of a high percentage of affordable housing may be a basis for the lead agency (i.e., the Town) to find a less than significant impact on VMT. Generally, a 100 percent affordable residential development (or the residential component of a mixed-use development) in infill locations is presumed to have less than significant VMT impacts absent substantial evidence to the contrary. Lead agencies may develop their own presumption for residential project (or the residential component of a mixed-use development) containing a particular amount of affordable housing based on local circumstances and evidence. These projects are screened out from completing a VMT analysis based on the provision of certain percentage of affordable housing units. Further, any affordable residential units provided by a project may factor the effect of the affordability on VMT into the assessment of VMT generated by those units.



The project proposes approximately 400 to 580 residential units, all (100 percent) of which would be deed restricted for affordable workforce housing. Based on the Town's screening criteria, the project would result in a less than significant VMT impact and is screened out from further VMT analysis. Further, it is acknowledged that based on the Town's VMT Calculator, current average trip lengths for multifamily (mid-rise) residential uses average 21.9 miles.²² The Town's VMT thresholds of significance for residential projects in the Town are a 15 percent reduction of the average trip length, which would be 18.6 miles. Given the project's 580 maximum dwelling units, the project would result in average trip lengths well below 10.0 miles (this is due to the project being an infill development project). As such, development of the proposed project would not result in significant impacts in this regard.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

c) *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

This impact threshold was modified since the 2007 General Plan EIR and the 2016 Update EIR were prepared, and corresponds to the analysis under *Issue 4.13-4* (page 4-338) of the 2007 General Plan EIR and page 4.11-26 of the 2016 Update EIR.

The 2007 General Plan EIR determined that while the 2007 General Plan policies and measures do not specifically address design features for roads, Policy II.1.C.a.2 requires that as part of the project review process, conditions of approval and implementation of the development Impact Fee schedule, that new development would adequately mitigate its potential impact on public safety, which includes hazards due to a design feature or incompatible uses. Emergency providers would review any modifications to roadways to ensure that emergency service would not be impacted. Implementation of the Town design review requirements, along with the 2007 General Plan policies and implementation measures, would reduce impacts regarding hazards due to a design feature or incompatible uses to a less than significant level.

As part of the 2016 Update, the 2016 Update EIR acknowledge that increased density would increase traffic volume thus increasing sensitivity to poor roadway design and increase vehicle/pedestrian conflicts. However, the 2016 Update would incorporate policies and specific features that are intended to reduce roadway hazard resulting from a design feature or incompatible use. Specifically, the 2016 Update included General Plan Policy M.1.5 to reduce conflicts between vehicles and pedestrians through improved access, design, and management, including driveways, frontage roads, and turn lanes; General Plan Policy M.3.1 to encourage street design and traffic calming techniques that enhance residential neighborhoods and streets, improve public safety, maintain small-town character, and enhance resort design objectives; and General Plan Policy M.3.2 to facilitate

²² Correspondence from Haislip Hayes, Town of Mammoth Lakes Public Works Director, on November 9, 2020.



implementation of traffic-calming techniques by encouraging development of public-private partnerships and pilot projects. Overall, the 2016 Update EIR concluded that implementation of the 2016 Update would address any new hazards associated with existing conditions and with potential growth, and impacts would be less than significant in this regard.

Development of the proposed project would result in an increase in density at the project site, which could result in a new specific affect as a result of increased hazards due to geometric design features or incompatible uses. As stated above, the project proposes sidewalks and/or MUPs within the project site and in the immediate vicinity, which would improve circulation in the area. According to the Transportation Analysis, two serious incidents, resulting in injury or fatality, occurred over a 10 year period (2009 through 2018) within the vicinity of the site. The Transportation Analysis concluded that the incidents do not indicate a substantial bicycle/pedestrian safety issue in the site vicinity. Further, it is acknowledged that the project proposes to sign a "Do Not Block" pavement box or other appropriate traffic control device or management tool at the intersection of Center Street and project frontage, which is also a condition of approval on the project. Based on the Transportation Analysis, this project feature incorporated as part of the proposed project would not result in significant safety affects pertaining to transportation design. Further, that the Transportation Analysis determined that proposed site access roadways would function adequately with one travel lane in each direction. Overall, the project's impacts in regard to hazards would be less than significant.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

d) *Result in inadequate emergency access?*

The 2007 General Plan EIR determined that with the various policies and measures regarding emergency access and the Town's EOP (2017), development associated with the 2007 General Plan would result in less than significant impacts with regard to emergency access (page 4-341 through 4-342 of the 2007 General Plan EIR).

According to the 2016 Update EIR, provisions within the General Plan and the 2016 Update (including the General Plan Goal S.4, Policy S.4.A, Policy M.1.4, and Action M1.4.1) would encourage coordination with MLFPD and MLPD to maintain emergency access for development, including roads and utility lines. Further, site plans for future development within the Town would be reviewed by the MLFPD for adequate emergency access. During operation, adherence to the Town's egress and ingress requirements for emergency access would ensure that site-specific emergency access would be adequate. In addition, the implementation of the 2016 Update would result in new roadway extensions and connections. These new roadway extensions and improved connectivity under the 2016 Update would not cause additional impediment and would, potentially, facilitate emergency access during operation. Therefore, the 2016 Update EIR concludes that with the implementation of General Plan and Mobility Element Update (part of the 2016 Update) policies, impacts with respect to emergency access would be less than significant.

As stated above, the project proposes a circulation network to facilitate movement through the project site. All parking accesses/drive aisles within the project site would be required to provide a 20 to 26 foot wide fire access lane, depending on building height. Subsequent Major Design Review Application for development may include a memorandum from a qualified traffic engineer to address adequate traffic calming and to confirm, revise, or create roadway speed limits based on trips generated, which would be subject to approval by the Town's Public Works Director. While temporary lane closures may be required during project construction, travel along surrounding roadways would remain open and would not interfere with emergency vehicle access in the site vicinity. In addition, the project would be required to comply with applicable MLFPD codes for emergency vehicle access. All appropriate fire and emergency access conditions would be incorporated into the design of the project and would be reviewed by the Town and MLFPD prior to the issuance of grading permit(s). As such, the project's impacts would be less than significant in this regard and would not be greater than that previously analyzed in the 2016 Update EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

3.18 TRIBAL CULTURAL RESOURCES

As of July 1, 2015, California Assembly Bill 52 (AB 52) was enacted and expanded CEQA by establishing a formal consultation process for California tribes within the CEQA process. The bill specifies that any project that may affect or cause a substantial adverse change in the significance of a tribal cultural resource would require a lead agency to "begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project." Section 21074 of AB 52 also defines a new category of resources under CEQA called tribal cultural resources. Tribal cultural resources are defined as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" and is either listed on or eligible for the California Register of Historical Resources or a local historic register, or if the lead agency chooses to treat the resource as a tribal cultural resource.

On February 19, 2016, the California Natural Resources Agency proposed to adopt and amend regulations as part of AB 52 implementing Title 14, Division 6, Chapter 3 of the California Code of Regulations, CEQA Guidelines, to include consideration of impacts to tribal cultural resources pursuant to Government Code Section 11346.6. On September 27, 2016, the California Office of Administrative Law approved the amendments to Appendix G of the CEQA Guidelines. As the 2016 Update EIR was prepared prior to adaptation of these amendments, consideration of impacts to tribal cultural resources pursuant to Government Code Section 11346.6 was not addressed within the 2016 Update EIR.

It is acknowledged that as part of the 2016 Update process, the Town commissioned a Sacred Lands File (SLF) search and Native American contact list request for the Town's Planning Area through the



California Native American Heritage Commission (NAHC) on June 23, 2015 and conducted follow-up consultation by letter with Native American groups and/or individuals identified by the NAHC as having affiliation with the project vicinity. Each Native American group and/or individual listed was sent a project notification letter and map and was asked to convey any knowledge regarding prehistoric or Native American resources (archaeological sites, sacred lands, or artifacts) located within the project or surrounding vicinity. The letter included information such as the project location and a brief description of the proposed project. Results of the SLF search and follow-up consultation would provide information as to the nature and location of additional prehistoric or Native American resources to be incorporated in the impact analysis whose records may not be available at the EIC.

Pursuant to NAHC suggested procedure and in compliance with Senate Bill 18, the Town sent follow up letters via certified mail on August 26, 2015 to the nine (9) Native American individuals and organizations identified by the NAHC as being affiliated with the vicinity of the Town's Planning Area to request any additional information or concerns they may have about Native American cultural resources that may be affected by the proposed project.

At the time of publication of the 2016 Update EIR, the Town received no responses from the Native American community.

This section corresponds with 2016 Update EIR Section 4.5, *Cultural Resources*.

- a) *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*
- i) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or*

As detailed in Section 3.5, *Cultural Resources*, no historic resources listed or eligible for listing in a State or local register of historic resources as defined in subdivision (k) of Section 5020.1 are located on the project site; refer to Appendix D. As such, no impacts related to historic tribal cultural resources defined in Public Resources Code Section 5020.1(k) would occur, and implementation of the proposed project would not result in any new specific effects or greater impacts than previously analyzed in the 2016 Update EIR.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

- ii) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

As stated above, the proposed project would not be subjected to the AB 52 consultation process. Implementation of the proposed project would not result in any new specific effects or greater impacts than previously analyzed in the 2016 Update EIR. The 2016 Update EIR included requests for Native American tribal consultations for the purposes of Senate Bill 18. At this time, the Town received no responses from these nine (9) Native American individuals and organizations identified by the NAHC as being affiliated with the vicinity of the Town's Planning Area. Notwithstanding, the 2007 General Plan EIR included Mitigation Measures 4.14-4 through 4.14-6 to reduce potential impacts associated with previously undiscovered archaeological resources, which were also applied to the 2016 Update EIR.

As discussed in Section 3.5, Cultural Resources, the 2020 Cultural Resources Memo identified 17 prehistoric archaeological sites and three isolated prehistoric artifacts within 0.5-mile of the project site. The project location was subject to a cultural resource assessment in 2007 (2007 Cultural Assessment), during which a previously recorded prehistoric archaeological site CA-MNO-714 was found on-site and was evaluated for eligibility for listing in the National Register of Historic Places (NRHP).²³ CA-MNO-714 is a lithic scatter with ten bedrock milling features previously evaluated in the 1980s. According to the 2007 Cultural Assessment, CA-MNO-714 has been previously excavated on several occasions between 1975 and 1986. Although not identical, eligible criteria for the California Register of Historic Resources (CRHR) are similar enough to those of the NRHP. As such, the 2007 Cultural Assessment concluded that the CA-MNO-714 site is not NRHP or CRHR-eligible and mitigation is not mandated. The 2020 Cultural Resources Memo confirmed these findings. Nonetheless, similar to those impacts disclosed in the 2007 General Plan EIR and 2016 Update EIR, there is a potential for grading in native soils to uncover unknown tribal cultural resources. The proposed site disturbance activities would be subject to the previously approved Mitigation Measures 4.14-4 through 4.14-6, which would reduce project impacts to previously undiscovered archeological resources, including other unknown resources associated with CA-MNO-714, if any. With implementation of the recommended Mitigation Measures, potential project impacts to unknown TCRs would be reduced to less than significant levels. As such, development of the proposed project would not result in new significant affects.

Applicable Mitigation Measures From Previously Certified Environmental Documents: Refer to Mitigation Measures 4.14-4, 1.14-5, and 4.14-6.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

²³ BonTerra Consulting, *Draft Cultural Resources Assessment Report for the Hidden Creek Crossing Project Town of Mammoth Lakes, Mono County, California*, October 17, 2007.



3.19 UTILITIES AND SERVICE SYSTEMS

This section corresponds with 2007 General Plan EIR Section 4.11, *Public Utilities*.

Would the project:

- a) *Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

This impact threshold was modified since the 2007 General Plan EIR was prepared and corresponds to the analysis from pages 4-287, 4-288, 4-291 through 4-294 of the 2007 General Plan EIR.

Water

Water supply and wastewater treatment for the Town are provided by the Mammoth Community Water District (MCWD). The 2007 General Plan EIR, pages 4-273 through 4-286, states that with the inclusion of future water supplies, demand reduction measures, and implementation of the water shortage contingency plan, the projected water demand from buildout of the 2007 General Plan would not exceed the water supply. However, due to the uncertainty of the timing of implementation of the measures, the EIR concludes that the 2007 General Plan would have a significant impact on water supply. Mitigation Measure 4.11-1, which would ensure the existence of water supply prior to development, would reduce the impact to a less than significant level.

Further, the General Plan buildout assumptions were updated in the 2016 Update EIR (refer to Table 2-4, *Buildout Analysis*). Although the 2016 Update would result in a more concentrated growth pattern in the Town's commercial district, the 2016 Update EIR concluded that the less than significant impacts to water facilities would occur with implementation of mitigation measures and policies from the General Plan, payment pursuant to applicable DIF programs, plan check of service line upgrades associated with site-specific developments, and compliance with the MCWD and Water Service Code (MCWD Water Code), which establishes regulations for the design, construction, alteration, use, and maintenance of public water mains, distribution systems, reservoirs, booster pump stations, pressure reducing stations, connections and services, and all system appurtenances (2016 Update EIR pages 4.12-17 and 4.12-18).

The proposed project would include the development of approximately 400 to 580 residential units, thus introducing approximately 108 net new units to the project site; refer to [Section 1.5](#). The project would increase the water utility demand incrementally, resulting in a new specific affect. As such, the project would be required to comply with Mitigation Measure 4.11-1, and would be subject to applicable DIF programs, plan check of service line upgrades associated with site-specific developments, and MCWD Water Code requirements for constructions of new or upgrade water facilities.

It is acknowledged that the MCWD updated the Urban Water Management Plan (*2015 Urban Water Management Plan* [2015 UWMP] dated January 2017), which the conclusions and recommendations



determine key aspects of long-term capital investment by the MCWD for water supply and treatment, and influence future land use planning and development levels within the Town, to the extent these are influenced by the practical and regulatory requirements linking water supply reliability and land use decisions. The 2015 UWMP's planning horizon is 20 years, through 2035 (which considers buildout of the Town's General Plan). This 20-year timeline was used as the approximate horizon for buildout of the Town. The 2015 UWMP has been prepared to comply with California Water Code, Section 10610 - 10657, the Urban Water Management Planning Act (UWMPA, or Act), and the Water Conservation Bill of 2009. Based on the conclusions of the 2015 UWMP (page 7-5), based on the historical record, MCWD has adequate water supply to meet community needs under the full range of water year types, including both the Severe One-year and Multiple-year droughts. During the intermediate planning horizons and through 2035 (Town buildout), the combined use of Mammoth Creek surface water, local groundwater, and recycled water results in a supply mix that can reliably meet the community needs under the full range of water year types (page 7-5).

Notwithstanding, the project proposes a net increase of up to 108 new units. Based on correspondence conducted between Town staff and the MCWD, the MCWD has confirmed that water supply is available to serve the proposed project; refer to Appendix I, Will Serve Letter. Further, per the existing General Plan policies, the following implementation measures from the 2005 General Plan Update would apply to the proposed project:

- I.7.A.a.2: The Town shall use drought tolerant landscaping and water efficient irrigation practices for all town maintained landscaped areas, new parks, and park improvements projects where feasible.
- I.7.A.a.3: The Town shall work collaboratively with Lahontan Regional Water Control Board, Mammoth Community Water District and other interested stakeholders to determine the feasibility of utilizing domestic gray water for landscape irrigation purposes. If it is determined that the use of domestic gray water for landscape irrigation does not pose a threat to the community and its environmental resources, the Town shall develop the criteria to allow and encourage its safe and efficient use for golf courses, parks, town maintained landscaped areas and any other appropriate use.
- I.7.A.a.4: New development will use native and compatible non-native plant species, especially drought resistant species, to the extent possible when fulfilling landscaping requirements. Use of turf shall be limited to avoid or minimize adverse impacts on native trees.
- II.1.C.a.2: As part of the project review process, conditions of approval and implementation of the Development Impact Fee schedule, the Town shall require that new development adequately mitigates its impact on: fire protection, public safety, workforce housing availability, road capacity, and pedestrian connectivity.

As such, the projects net increased demands of water infrastructure would remain less than significant with compliance with the existing Town policies and regulations.



Wastewater

Page 4-286 of the 2007 General Plan EIR states that with the projected wastewater flow demands for the project estimated to be an average of 2.6 mgd with peak daily flows of 4.3 and the design capacity of the wastewater treatment plant at 4.9 mgd, the MCWD's treatment process would continue to meet the effluent limitations and treatment policies set forth by the Lahontan Regional Water Quality Control Board. Further, the 2007 General Plan EIR, page 4-287, states that the population increase and structural development associated with the 2007 General Plan would increase the quantity of wastewater generated and associated requirements for collection, treatment, and disposal. The existing treatment facility has a capacity for 4.9 mgd. Revised wastewater collection values provided by MCWD based on the estimated peak population under the 2007 General Plan (60,700) are estimated to be 2.6 mgd (average) and 4.3 mgd (maximum). The estimated maximum quantity of wastewater requiring treatment would not exceed the capacity of the treatment facility. Therefore, the 2007 General Plan EIR concluded that the project would have a less than significant impact and no mitigation measures are necessary.

The 2016 Update EIR, considered updated buildout assumptions of the Town's 2016 General Plan land use assumptions, which included the project site for buildout considerations. As part of this analysis, the increase in population upon implementation of the 2016 Update would increase demand on sewer lines in Main Street and Old Mammoth Road, which has the potential to exceed the capacity of the existing lines serving the Town's commercial districts. Nevertheless, the 2016 Update EIR concluded that impacts to wastewater facilities would be minimized with implementation of State-mandated water reduction measures (which would reduce wastewater generation), efficiency standards, and compliance with the MCWD's Sanitary Sewer Code. Specifically, Sanitary Sewer Code Section 5.03.G and H require the Applicant of any new development to obtain a letter of sewer availability to ensure that a sewer permit is obtained prior to construction of any improvements. Further, the 2016 Update EIR includes Mitigation Measure MM WW-1, which requires project Applicant to upgrade lines specifically impacted by a project. As such, the 2016 Update EIR concluded that the less than significant impacts to waste facilities would occur with implementation of Mitigation Measure MM WW-1.

As discussed in [Section 1.7](#), the project proposes 16 to 23 dwelling units per acre (gross) (or 400 to 580 residential units) and an increase in population of up to 2,013 persons. Based on these and the Town's buildout model assumptions, the proposed project could result in a net increase of up to 108 units and an increase of up to 375 persons at the project site, compared to the General Plan and 2016 Update buildout assumptions. This increase would add to the demand placed on wastewater utilities, resulting in new specific affects. Based on correspondence conducted between Town staff and the MCWD, the MCWD has confirmed that sewer service is available to serve the proposed project; refer to [Appendix I](#). The project would be required to comply with State-mandated water reduction measures, efficiency standards, and the MCWD's Sanitary Sewer Code. Further, the project would be required to comply with the following existing Town policies/implementation measures from the 2007 Update EIR:

- II.1.C.a: Ensure that new development densities do not exceed the capacity of public service infrastructure and utility systems. Require new development to upgrade or fund facilities to meet increased demand or require reduced density or project



redesign for any project that would result in deterioration of service levels or cause available capacity to be exceeded if capacity expansion is infeasible.

- II.1.C.a.1: The Town shall ensure service providers are involved in development review process.

With compliance with all existing policies and regulations, including the Sanitary Sewer Code would ensure that the projects net increased demands of wastewater infrastructure would remain less than significant.

Stormwater

The 2007 General Plan EIR page 4-167 states that implementation of the Town's Storm Drain Master Plan (SDMP) would result in the construction of necessary storm drain infrastructure to support buildout of the General Plan. All future construction would be subject to compliance with all applicable Federal, State, and local water quality and waste discharge requirements, including the NPDES Program. In addition, the 2007 General Plan includes implementation measures created to minimize runoff water such that the capacity of existing or planned stormwater drainage systems would not be exceeded, nor would there be substantial additional sources of polluted runoff from new development. The 2007 General Plan EIR concluded that implementation of these measures in the 2007 General Plan would serve to prevent runoff water from exceeding the capacities of the existing and planned capacities of the stormwater drainage systems and prevent polluted runoff. With these measures and compliance with Federal, State, and local design and construction requirements, storm drainage capacities would be maintained and substantial additional sources of polluted runoff would not occur.

The proposed project would include the development of approximately 400 to 580 residential units, thus introducing additional residents to the project site. As development intensity is increased, a potential increase in impervious surfaces could result in increased demand for stormwater infrastructure. The project would be subject to Development Impact Fees for necessary drainage facilities (established by Municipal Code Section 15.16.082). With compliance with all existing standards and regulations, less than significant impacts would occur in this regard.

Electric Power, Natural Gas, and Telecommunications

Southern California Edison (SCE) provides electrical services to the Town. The Town is not serviced by a natural gas pipeline, instead, propane is commonly used in Mammoth Lakes to fuel furnaces, water heaters, and stoves, and AmeriGas and Eastern Sierra Propane both provide propane to the Town. Based on the findings made on page 4-291 through 4-294, there are sufficient energy and communication facilities to accommodate the projected growth that would occur under the 2007 General Plan. In addition, the Town has adopted by Resolution No. 04-77, Renewable Energy Policies, for the Town, which are supportive of energy conservation, renewable energy resources, and community education and outreach. These policies are mirrored in the 2007 General Plan. Therefore, the 2007 General Plan would not result in substantial adverse physical impacts associated with the provision of new or physically altered energy or communication facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable levels of service.



It is acknowledged that the 2016 Update EIR considered buildout of the 2016 General Plan Update. As detailed on the 2016 Update EIR page 6-6, the 2016 Update is estimated to have an electricity demand of approximately 4.7 million kilo-watt hours (kWh), representing a nominal amount (approximately 0.005 percent) of SCE network electric sales for 2013. The 2016 Update also estimated a natural gas demand of approximately 1.9 million kilo British thermal units (kBtu) per year, a demand that could be met with an additional 52 new propane tanks. Overall, the 2016 Update EIR concluded that the 2016 Update would not result in a substantial increase in demand for electricity or natural gas, and impacts in this regard would be less than significant.

Additionally, according to the 2007 General Plan EIR, SCE would be able to supply enough electricity to accommodate the needs of the region at anticipated buildout of the General Plan that was approved in 2007.

As stated previously, the proposed residential development was considered in the 2016 Update EIR. The proposed project would include the development of approximately 400 to 580 residential units, thus introducing additional residents to the project area, with a net increase of approximately 108 units, which would be a new specific affect. The project would be required to comply with the Renewable Energy Resources Program (Public Resources Code Sections 25740 through 25751), which consists of funding and regulations for the implementation of increase renewable energy use, and the California Public Utilities Code Division 1, Part 1 (Public Utilities Act), Chapter 2.3, Article 16, which outlines the procedures for attainment of 20 percent renewable energy through the California Renewables Portfolio Standard Program. With the anticipated transition to renewable energy, the demand for (currently nonrenewable) electricity and natural gas as a result of the proposed project is not anticipated result in the relocation or construction of new or expanded electric power or natural gas facilities. Further, the 108 net new units is not anticipated to require the construction or expansion of communication facilities such that a significant environmental effect would result. As such, no new significant affects would result with compliance with the Town's existing regulations.

Applicable Mitigation Measures From Previously Certified Environmental Documents: Previously certified environmental documents include mitigation measures to reduce potential impacts associated with implementation of the General Plan.

- 4.11-1 The Town shall not approve new development applications that would result in a water demand in excess of available supplies as determined by the MCWD. The Town shall work with MCWD to ensure that land use approvals are phased so that the development of necessary water supply sources is established prior to development approvals. (2007 General Plan EIR Mitigation Measure 4.11-1)

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact With Previously Adopted Mitigation Measures.

- b) *Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?*



This impact threshold was modified since the 2007 General Plan was prepared and corresponds to the analysis on pages 4-273 through 4-286 of the 2007 General Plan EIR.

As discussed on page 4-273 of the 2007 General Plan EIR, the MCWD prepared a Water Assessment for the project described in the previously circulated Draft Program EIR and an Amendment to the Water Assessment to assess the water demands of the project through the year 2020 as required by SB 610. The District adopted an updated UWMP in December 2005, which includes projects through 2025. According to the 2007 General Plan EIR, MCWD concluded that water supply may not be sufficient to serve the growth. While MCWD is pursuing various courses to reduce demand (i.e., water audits, education, retrofits, water main replacement program to replace leaking pipes, mandatory prohibitions, etc.) and increase supply (i.e., groundwater supplies from Mammoth Basin watershed or Dry Creek watershed, and recycled water from MCWD's wastewater collection and treatment system) for the region, the water supply remained uncertain. Specifically, as shown on Table 4.11-9 of the 2007 General Plan, the future water supply with supply reduction measures and future water supply development at buildout, a surplus of 182 acre-feet is anticipated in a single dry water year. Nevertheless, due to the uncertainty of the timing of implementation of the water reduction measure, the 2007 General Plan EIR included Mitigation Measure 4.11-1, which would require the Town to ensure the existence of water supply prior to development. The 2007 General Plan EIR subsequently concluded that with implementation of Mitigation Measure 4.11-1, impacts in this regard would be reduced to less than significant levels.

As indicated on the Further, as part of the 2016 Update EIR water supply for buildout of the updated General Plan in 2016 was considered. The 2016 Update EIR Table 4.12-6, *Water Supply by Source for Planning Scenarios at Town Buildout*, the MCWD has adequate water supply to meet community needs under the full range of water year types, including both the severe one year and sustained multi-year droughts under 2010 conditions. Table 4.12-7, *Projected Water Demand at 2030 Buildout - Land Use Element/Zoning Code Amendments* of the 2016 Update EIR indicated that the maximum water demand of the 2016 Update would not exceed the MCWD's maximum supply or entitlement. Accordingly, adequate supply from the MCWD is anticipated to provide for the proposed project. As such, the 2016 Update EIR concluded that the less than significant impacts to water facilities would occur with implementation of mitigation measures (Mitigation Measure 4.11-1) and policies from the General Plan, payment pursuant to applicable DIF programs, plan check of service line upgrades associated with site-specific developments, and compliance with the MCWD and Water Service Code (MCWD Water Code), which establishes regulations for the design, construction, alteration, use, and maintenance of public water mains, distribution systems, reservoirs, booster pump stations, pressure reducing stations, connections and services, and all system appurtenances. Specifically, Mitigation Measure 4.11-1 is modeled after the aforementioned Mitigation Measure 4.11-1 from the 2007 General Plan EIR, and would require the Town to ensure that land use approvals are phased so that development of necessary water supply is established prior to new development approvals.

As discussed in Section 3.19(a) Water above, 2015 UWMP (page 7-5) determined that the MCWD has adequate water supply to meet community needs under the full range of water year types, including both the Severe One-year and Multiple-year droughts. During the intermediate planning horizons and through 2035 (Town buildout), the combined use of Mammoth Creek surface water, local groundwater, and recycled water results in a supply mix that can reliably meet the community needs under the full range of water year types (page 7-5).



Notwithstanding, the project proposes a net increase of up to 108 new units. Based on correspondence conducted between Town staff and the MCWD, the MCWD has confirmed that water supply is available to serve the proposed project; refer to Appendix I. Further, per the existing General Plan policies I.7.A.a.2, I.7.A.a.3, I.7.A.a.4, and II.1.C.a.2, discussed above, would apply to the proposed project. As such, the projects net increased water demands on the MCWD's water supply would remain less than significant with compliance with the existing Town policies and regulations as well as the previously adopted Mitigation Measure 4.11-1.

Applicable Mitigation Measures From Previously Certified Environmental Documents: Refer to Mitigation Measure 4.11-1.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact With Previously Approved Mitigation Measures.

- c) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

As discussed on 2007 General Plan EIR page 4-288, the capacity of wastewater collection and transfer systems could be strained as a result of increased use related to permanent and transient population growth under the 2007 General Plan. However, estimates derived from the MCWD 2000 Urban Water Master Plan found that the maximum quantity of wastewater requiring treatment would not exceed the capacity of the treatment facility. The 2007 General Plan EIR goes on to state that the MCWD uses a wastewater model of the collection system to identify needed improvements on a project-by-project basis and as developers are conditioned to implement such improvements prior to obtaining necessary connections into the existing system. As such, with compliance with existing regulatory requirements, impacts were determined to be less than significant.

The project proposes a net increase of up to 108 new units. With compliance with all existing policies and regulations, including the Sanitary Sewer Code, would ensure that the projects net increased wastewater generation would not result in significant impacts to wastewater treatment compared to what was analyzed in the 2007 General Plan EIR. Impacts would be less than significant in this regard.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

- d) *Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*



This impact threshold was modified since the 2007 General Plan was prepared and corresponds to the analysis on page 4-289 through 4-291 of the 2007 General Plan EIR.

The 2007 General Plan EIR determined that with the existing capacity in the Benton Crossing Landfill as well as the option for disposal for five years at the Pumice Valley Landfill, there is adequate landfill capacity for the population that would occur as a result of buildout of the 2007 General Plan. In addition, the 2007 General Plan includes measures to reduce waste and increase recycling in the Town. Therefore, the 2007 General Plan would not result in the construction of a new landfill or expansion of existing facilities to accommodate the project's solid waste disposal needs. The 2007 General Plan EIR page 4-290 states that the Town would continue to operate the waste collection and recycling program in accordance with the IWMA. The Town is expanding its recycling capacity to achieve the State mandated 50 percent diversion rate. The 2007 General Plan included measures to ensure compliance with the applicable Federal, State, and local statutes and regulations related to solid waste:

- I.1.D.a.1: The Town shall support programs to recycle paper, cardboard, glass, metal, plastics, motor oil, and to compost or generate energy from tree prunings, brush, and other vegetation.
- I.1.D.a.2: The Town shall institute a program to achieve maximum recycling of waste products generated by the community to prolong the useful life of the landfill.
- I.1.D.a.3: The Town shall develop effective and efficient recycling programs for multi-family developments and businesses.
- I.1.D.a.4: The Town shall provide recycling programs and containers at town facilities, projects, and programs to the extent feasible.

With the Town's existing waste collection and recycling program and the policies identified above regarding waste reduction, the 2007 General Plan would comply with applicable Federal, State, and local statutes and regulations related to solid waste.

The 2016 Update EIR reconsidered buildout of the General Plan, including the 2016 land use buildout assumptions. As part of this analysis, the 2016 Update EIR determined that there is still adequate landfill capacity at the Benton Crossing Landfill to accommodate the solid waste generation and disposal needs for the 2016 Update. All future development in the Town would also be subject to compliance with the Town's Source Reduction and Recycling Element (SRRE) for solid waste reduction as well as Assembly Bills 939 and 341, which require measures to enhance recycling and source reduction efforts and expand opportunities for additional recycling services and recycling manufacturing facilities. As such, the 2016 Update EIR concluded that impacts in this regard would be less than significant.

The proposed project could result in a net increase of up to 108 units at the project site, compared to the buildout assumptions considered in the General Plan and 2016 Update. This new specific affect could increase the demand for waste collection services. The proposed project would also be required to comply with the SRRE (providing efficient recycling programs and recycling containers throughout



the community) and Assembly Bills 939 and 341. As such, compliance with the Town's existing policies and programs would ensure that these increased impacts are less than significant.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

e) *Comply with Federal, State, and local management and reduction statutes and regulations related to solid waste?*

This impact threshold was modified since the 2007 General Plan was prepared and corresponds to the analysis on page 4-290 through 4-291 of the 2007 General Plan EIR.

Refer to Response 3.19(e). The project would be required to comply with existing regulations, including the SRRE and Assembly Bills 939 and 341. As such, compliance with the Town's existing policies and programs would ensure that these increased impacts are less than significant.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact.

3.20 WILDFIRE

This section corresponds with 2007 General Plan EIR Section 4.5, *Public Safety and Hazards*.

If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a) *Substantially impair an adopted emergency response plan or emergency evacuation plan?*

This impact threshold was not included in the CEQA Guidelines at the time the 2007 General Plan EIR was prepared, but, nonetheless, was included in the environmental analysis in other topic areas. This discussion corresponds to the analysis on page 4-140 through 4-143 of the 2007 General Plan EIR.

The 2007 General Plan EIR found that the General Plan includes various measures to address the risk of exposure from wildland fires. Assuming agencies with jurisdiction over surrounding areas susceptible to wildland fires (i.e., USFS, Inyo National Forest, etc.) effectively manage fuel sources, the risk of exposure of fires would be reduced to a less than significant level. However, portions of



the surrounding areas outside of the Town's jurisdiction are located within very high wildland fire hazard areas. Wildland fires could potentially spread to the Town if appropriate fire control planning and response measures are not undertaken by other agencies. Given that implementation of measures to reduce the impact are not under the control of the Town, the potential impact is considered to be significant and unavoidable.

Although areas surrounding the Town's municipal boundaries (which were considered as part of the 2007 General Plan) are located in State responsibility areas and near a very high fire hazard zone, the project site is not specifically located within or adjacent to a State responsibility area or a Very High Fire Hazard Severity Zone.²⁴ The nearest Very High Fire Hazard Severity Zone in both a local response area and a State response area from the project site is located greater than one mile from the project site. As such, the proposed project would not result in a greater impact than previously analyzed in the 2007 General Plan EIR and no impacts would occur in this regard.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

- b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

Refer to Response 3.20(a). No impact would occur.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

- c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

Refer to Response 3.20(a). No impact would occur.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

²⁴ California Department of Forestry and Fire Resources, *Mammoth Lakes Fire Hazard Severity Zones in LRA*, September 17, 2007.



New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

- d) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

Refer to Response 3.20(a). As the project site is not specifically located within or adjacent to a local or State responsibility area zoned as a Very High Fire Hazard Severity Zone²⁵, no impact would occur in this regard.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: No Impact.

3.21 MANDATORY FINDINGS OF SIGNIFICANCE

Based on this Infill Environmental Checklist, the setting, design, impacts, and mitigation measures identified for the 2007 General Plan EIR would not be substantially changed for this project. New circumstances or new information, including any new or revised environmental laws, regulations, or policies have not modified the impacts of the proposed project compared to that analyzed in the 2007 General Plan EIR.

- a) *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

The project does not have the potential to degrade the environment, reduce the habitat of a fish or wildlife species, threaten plant or animal communities, reduce or restrict endangered plant or animal species, or eliminate important examples of major periods of California history or prehistory with 2007 General Plan EIR and 2016 Update EIR mitigation measures incorporated; refer to [Section 3.4](#), [Section 3.5, Cultural Resources](#), and [Section 3.7, Geology and Soils](#). As such, the proposed project would not result in impacts beyond those identified in the 2007 General Plan EIR in this regard.

Applicable Mitigation Measures From Previously Certified Environmental Documents: Refer to the mitigation measures identified above.

²⁵ Ibid.



Infill Environmental Checklist
The Parcel

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact With Previously Adopted Mitigation Measures.

- b) *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

Given the nature and scope of the proposed project, and in consideration of the mitigation measures included in the 2007 General Plan EIR and the 2016 Update EIR, the project would not involve impacts that are cumulatively considerable.

Applicable Mitigation Measures From Previously Certified Environmental Documents: Refer to the mitigation measures identified above.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact With Previously Adopted Mitigation Measures.

- c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

Construction-related activities are anticipated to have some relatively minor, temporary impacts which can be mitigated with implementation of measures included in the 2007 General Plan EIR or the 2016 Update EIR. Additionally, potential long-term (operational) impacts would similarly be reduced to less than significant levels through implementation of required 2016 Update EIR and the 2007 General Plan EIR mitigation measures. Thus, the proposed project would not involve environmental effects that could cause substantial adverse effects on human beings, either directly or indirectly.

Applicable Mitigation Measures From Previously Certified Environmental Documents: Refer to the mitigation measures identified above.

New Mitigation Measures: No New Mitigation Measures Are Required.

Level of Significance: Less Than Significant Impact With Previously Adopted Mitigation Measures.



4.0 REFERENCES

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Appendix A

Infill Environmental Checklist



Infill Environmental Checklist
The Parcel

The following Modified Initial Study Checklist is based on the California Environmental Quality Act (CEQA) Appendix N Infill Environmental Checklist Form. It is modified to evaluate the proposed project changes for which an environmental impact report has previously been completed to assist in the determination of the need for supplemental environmental documents, in this case, a Supplemental Negative Declaration, Mitigated Negative Declaration, or EIR document or if the project is exempt from CEQA. For purposes of this study, references to “the project” in the left-hand column questions refer to the proposed modifications (proposed project) as compared to the General Plan and 2016 Update evaluated in the 2007 General Plan EIR and 2016 Update EIR.

The first four columns to the right of the modified checklist questions identify whether the proposed project modifications would result in new impacts, and if so whether these impacts would be less than significant, less than significant with mitigation from the 2007 General Plan EIR and 2016 Update EIR incorporated, or potentially significant.

The fifth column asks whether the impacts associated with proposed project, if any, were sufficiently disclosed in the previous environmental documents.

Finally, the last column indicates whether or not a Supplemental Document is needed. A Supplemental Document would be needed if there were new significant unmitigated or substantially more severe impacts, which would result from the proposed project and which were not sufficiently disclosed in the previous environmental document or with implementation of regulations or Town policy.



Infill Environmental Checklist
The Parcel

INFILL ENVIRONMENTAL CHECKLIST						
	New Impacts of Proposed Project				Certified EIR	
	No Impact	Less Than Significant Impact	Less Than Significant With 2007/2016 Mitigation	Potentially Significant Impact	Impacts Disclosed?	Subsequent or Supplemental Documentation Required?
I. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:						
a) Have a substantial adverse effect on a scenic vista?		X			YES	NO
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X		YES	NO
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?		X			YES	NO
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?		X			YES	NO
II. AGRICULTURAL RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:						
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	X				YES	NO
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	X				YES	NO
c) Conflict with existing zoning for, or cause rezoning, of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?		X			YES	NO
d) Result in the loss of forest land or conversion of forest land to non-forest use?		X			YES	NO
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	X				YES	NO
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:						
a) Conflict with or obstruct implementation of the applicable air quality plan?		X				



Infill Environmental Checklist
The Parcel

INFILL ENVIRONMENTAL CHECKLIST						
	New Impacts of Proposed Project				Certified EIR	
	No Impact	Less Than Significant Impact	Less Than Significant With 2007/2016 Mitigation	Potentially Significant Impact	Impacts Disclosed?	Subsequent or Supplemental Documentation Required?
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?		X				
c) Expose sensitive receptors to substantial pollutant concentrations?		X				
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?		X				
IV. BIOLOGICAL RESOURCES. Would the project:						
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X			YES	NO
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?		X			YES	NO
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		X			YES	NO
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X			YES	NO
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X			YES	NO
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	X				YES	NO
V. CULTURAL RESOURCES. Would the project:						
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in Section 15064.5?	X				YES	NO
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?			X		YES	NO
c) Disturb any human remains, including those interred outside of dedicated cemeteries?			X		YES	NO



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VI. ENERGY. Would the project:						
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?		X			NO	NO
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?		X			NO	NO
VII. GEOLOGY AND SOILS. Would the project:						
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:						
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	X				YES	NO
ii) Strong seismic ground shaking?		X			YES	NO
iii) Seismic-related ground failure, including liquefaction?		X			YES	NO
iv) Landslides?		X			YES	NO
b) Result in substantial soil erosion or the loss of topsoil?		X			YES	NO
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?		X			YES	NO
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?		X			YES	NO
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	X				YES	NO
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X			YES	NO
VIII. GREENHOUSE GAS EMISSIONS. Would the project:						
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?		X			YES	NO



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b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?		X			YES	NO
IX. HAZARDS AND HAZARDOUS MATERIALS. Would the project:						
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		X			YES	NO
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X			YES	NO
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?		X			YES	NO
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	X				NO	NO
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	X				YES	NO
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?		X			YES	NO
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?		X			YES	NO
X. HYDROLOGY AND WATER QUALITY. Would the project:						
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?		X			YES	NO
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?		X			NO	NO
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:						
i) Result in substantial erosion or siltation on- or off-site?		X			YES	NO



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ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?		X			YES	NO
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?		X			YES	NO
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	X				YES	NO
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?		X			NO	NO
XI. LAND USE AND PLANNING. Would the project:						
a) Physically divide an established community?		X			YES	NO
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?		X			YES	NO
XII. MINERAL RESOURCES. Would the project:						
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?		X			YES	NO
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?		X			YES	NO
XIII. NOISE. Would the project result in:						
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X		YES	NO
b) Generation of excessive groundborne vibration or groundborne noise levels?		X			YES	NO
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	X				YES	NO
XIV. POPULATION AND HOUSING. Would the project:						
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for		X			YES	NO



and/or infrastructure development within the UGB to species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFG or the USFWS would be reduced to a less than significant level (page 4-81 of the 2007 General Plan EIR).

According to the Biological Resources Assessment, no special status plant species were observed on-site during the field survey conducted on May 29, 2020 as part of the Biological Resources Assessment. No special status plant species is expected to occur in the general vicinity of the project site, with the exception of subalpine fireweed (*Epilobium howellii*), which has a low potential to occur.

One special status wildlife species (olive-sided flycatcher [*Contopus cooperi*]) was observed on-site during the field survey and is identified by the California Department of Fish and Wildlife (CDFW) as a Species of Special Concern. Olive-sided flycatcher is a long-distance migratory species and is only expected to occur within the project area from late spring until August. In addition, although not observed during the field survey, yellow warbler (*Setophaga petechia*) was observed on-site in 2007. Based on the results of the field survey and a review of specific habitat preferences, occurrence records, known distributions, and elevation ranges, the Biological Resources Assessment determined that the project site has a high potential to support yellow warbler, which would be a new specific effect. All remaining special status wildlife species identified by the California Natural Diversity Database (CNDDB) are presumed to have a low potential to occur or are not expected to occur within the project site.

The project would be required to comply all uniformly applicable uniformly applicable development policies or standards would be applied to the project, including compliance with the Migratory Bird Treaty Act (MBTA), as well as the following 2005 General Plan Update policies:

- I.1.B.d.4: Future development projects with the potential to significantly impact animal or plant habitats shall assess site-specific resource values and potential impacts where the habitats of special status plant and animals species are known to exist and provide a method of protecting, monitoring, replacing, or otherwise mitigating the impacts of development in and around these sensitive habitats, as required by CDFG and Department of Fish and Game.

With mandatory compliance with the MBTA and the aforementioned uniformly applicable development policies or standards on the project, project's impact to special status wildlife species, including the olive-sided flycatcher and yellow warbler, would be reduced to less than significant levels. Consistent with the 2005 General Plan Policy I.1.B.d.4, a Biological Assessment was conducted consistent with standard policy I.1.B.d.4, which identifies methods of protecting, monitoring, and avoiding potential impacts to these nesting bird species. A Workers Environmental Awareness Program (WEAP) training would be developed and employed to all contractors and a pre-construction nesting bird clearance survey to be conducted if project-related activities are to be initiated during the nesting season. As stated in the 2007 General Plan EIR (page 4-80), compliance with General Plan Policy I.1.B.d.4 would reduce impacts in this regard to less than significant levels.

Applicable Mitigation Measures From Previously Certified Environmental Documents: No Previously Certified Mitigation Measures Are Applicable to This Topical Area.



Infill Environmental Checklist
The Parcel

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example, through extension of roads or other infrastructure)?						
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	X				YES	NO
XV. PUBLIC SERVICES.						
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:						
i) Fire protection?		X			YES	NO
ii) Police protection?		X			YES	NO
iii) Schools?		X			YES	NO
iv) Parks?		X			YES	NO
v) Other public facilities?		X			YES	NO
XVI. RECREATION						
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?		X			YES	NO
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?		X			YES	NO
XVII. TRANSPORTATION. Would the project:						
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?		X			YES	NO
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, Subdivision(b)?		X			YES	NO
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?		X			YES	NO
d) Result in inadequate emergency access?		X			YES	NO
XVIII. TRIBAL CULTURAL RESOURCES. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:						



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a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	X				YES	NO
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	X				YES	NO
XIX. UTILITIES AND SERVICE SYSTEMS. Would the project:						
a) Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X		YES	NO
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X		YES	NO
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?		X			YES	NO
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?		X			YES	NO
e) Comply with Federal, state, and local management and reduction statutes and regulations related to solid waste?		X			YES	NO
XX. WILDFIRE. If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project:						
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	X				NO	NO
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	X				NO	NO
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that	X				NO	NO



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	New Impacts of Proposed Project				Certified EIR	
	No Impact	Less Than Significant Impact	Less Than Significant With 2007/2016 Mitigation	Potentially Significant Impact	Impacts Disclosed?	Subsequent or Supplemental Documentation Required?
may result in temporary or ongoing impacts to the environment?						
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	X				NO	NO
XXI. MANDATORY FINDINGS OF SIGNIFICANCE.						
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X		YES	NO
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X		YES	NO
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X		YES	NO

Appendix B

Air Quality, Energy, and Greenhouse Gas Data

Appendix C

Biological Resources Assessment and Delineation Report

Appendix D

Cultural Resources Assessments

Appendix E

Geotechnical Investigation

Appendix F

Phase I Environmental Site Assessment



Appendix G Noise Data

Appendix H

Transportation Analysis

Appendix I

Will Serve Letter

Appendix J

Applicable Adopted Mitigation Measures

EXHIBIT "D"
Resolution No. 21-10
Case No. UPA 20-003 and DR 20-005
RESOLUTION NO. 16-68

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN MAMMOTH LAKES,
STATE OF CALIFORNIA**

- 1. CERTIFYING THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR GENERAL PLAN AMENDMENT 15-002 AND ZONING CODE AMENDMENT 15-002 (LAND USE ELEMENT/ZONING CODE AMENDMENT AND MOBILITY ELEMENT UPDATE);**
- 2. ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT;**
- 3. ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS;**
- 4. ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM;
AND**
- 5. APPROVING GENERAL PLAN AMENDMENT 15-002.**

WHEREAS, the Town Council directed staff to prepare an update to the General Plan and Zoning Code (Municipal Code Chapter 17) to change the way density is calculated in the Commercial Zones from a rooms/units limitation to a floor area ratio (FAR) limitation; and

WHEREAS, the Town Council directed staff to include the 2012 Draft Mobility Element in the environmental analysis for the project for the purpose of adoption concurrently with the Floor Area Ratio update; and

WHEREAS, the Town Council has previously adopted Resolution 09-22, adopting policies for the evaluation of projects related to people at one time (PAOT) and impact assessment which recommended a shift from PAOT-based project evaluation to impact-based evaluation and mitigation and to develop Project Impact Evaluation Criteria (PIEC) that allows simple, but precise, summary evaluation of the impacts that are important to the community; and

WHEREAS, the Town Council then adopted Resolution 09-34, adopting the Project Impact Evaluation Criteria Policy Recommendations which included direction to undertake work program items to further implement the Policy Recommendations; and

WHEREAS, the Town Council adopted Resolution 14-61 rescinding the Community Benefits and Incentive Zoning (CBIZ) policy; and

WHEREAS, the Town Council directed staff to update the General Plan and Zoning Code pursuant to Town Council Resolutions 09-22, 09-34, and 14-61; and

WHEREAS, on November 9, 2016, the Planning and Economic Development Commission conducted a duly noticed public hearing and determined General Plan Amendment 15-002, related to Floor Area Ratio (FAR), is consistent with the General Plan and with the applicable provision of the Town of Mammoth Lakes Municipal Code, Chapter 17.72, and, therefore, recommended approval of General Plan Amendment 15-002 to Town Council; and

WHEREAS, the Town Council of the Town of Mammoth Lakes has evaluated potential environmental effects of the proposed Land Use Element/Zoning Code Amendment and Mobility Element Update through the preparation and circulation of a Draft Environmental Impact Report and has considered all comments and responses included in the Final Environmental Impact Report and the associated Mitigation Monitoring and Reporting Program; and

WHEREAS, the Town provided a 45-day public review period for the Draft Environmental Impact Report (DEIR) as required under CEQA Guidelines section 15087(e) and 15105 from June 24, 2016 to August 8, 2016; and

WHEREAS, the Town Council has reviewed the Environmental Impact Report prepared for the project pursuant to the California Environmental Quality Act (CEQA) Guidelines and has found that the Final Environmental Impact Report reflects the Town's independent judgement and analysis, and

WHEREAS, the DEIR was prepared, processed and noticed in accordance with CEQA, the State CEQA Guidelines; and

WHEREAS, the DEIR identified that the Project has potentially significant effects with regards to air quality, public services (recreation), and traffic/transportation that will remain significant despite the implementation of all feasible mitigation measures and a Statement of Overriding Considerations is included for consideration by the Town Council; and

WHEREAS, the Town Council conducted a noticed public hearing on the proposed General Plan and Zoning Code amendments and the associated California Environmental Quality Act documents and actions on December 7, 2016, at which time all those desiring to be heard were heard; and

WHEREAS, the Town Council considered, without limitation:

1. The staff report to the Town Council with exhibits;
2. The General Plan, Municipal Code, and associated Land Use Maps;
3. The Draft and Final Environmental Impact Report;
4. Oral evidence submitted at the hearing; and
5. Written evidence submitted at the hearing.

NOW THEREFORE, BE IT RESOLVED that the Town Council, in its independent judgement, makes the findings set forth below in Section 2 and takes the actions set forth below in Section 3:

Section 1. Recitals. The above recitals are all true and correct.

Resolution No. 16-68
Page 3 of 26

Section 2. Findings. The Town Council HEREBY FINDS AND DETERMINES based on the information presented herewith:

- a. The change is consistent with the goals, objectives and policies of the General Plan, any applicable specific plan or adopted master plan of development because the Land Use Element and Mobility Element Update ("Project") will allow flexibility in density/intensity of development in the Commercial Land Use Designations while ensuring that impacts to the public are mitigated through the use of PIEC during project evaluations. Additionally, the Project will strengthen the Town's commitment to the "triple bottom line" which is the community's social, economic, and natural capital, and "feet-first" transportation strategies, which emphasizes and prioritizes non-motorized travel first, public transportation second, and vehicle last.
- b. The change is in the interest of or will further the public health, safety, comfort, convenience and welfare because the Project will maintain the existing Urban Growth Boundary (UGB), will provide more flexibility in regards to density calculations in the Commercial Land Use Designations, and will emphasize feet first and greater use of alternate transportation in the town which will reduce vehicle miles traveled (VMT).
- c. The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA) because the Town has prepared an Environmental Impact Report that analyzes impacts of the Project and includes mitigation measures to reduce a majority of the environmental impacts to a less than significant level. Environmental impacts that cannot be reduced to a less than significant level are described and findings are made in Exhibit 2 (CEQA Findings of Fact) and Exhibit 3 (Statement of Overriding Considerations).
- d. The proposed amendment does not result in a mandatory element of the General Plan being amended more than four times during any calendar year because this will be the first amendment of the General Plan for 2016 (Government Code Section 65358, Municipal Code Section 17.112.080).

Section 3. Actions. The Town Council hereby takes the following actions:

- a. Adopts the California Environmental Quality Act (CEQA) Findings of Fact in substantially the form attached hereto as Exhibit 1 and certifies the Environmental Impact Report (State Clearinghouse No. 2015052072) (as described in Exhibits 3 and 4 attached hereto); and
- b. Adopts the Statement of Overriding Considerations in substantially the form attached hereto as Exhibit 2.
- c. Adopts the Mitigation Monitoring and Reporting Plan in substantially the form attached hereto as Exhibit 3, and

Resolution No. 16-68
Page 4 of 26

- d. Adopt the required Municipal Code findings and approves General Plan Amendment 15-001 (Land Use Element and Mobility Element Update) attached hereto as Exhibits 5, 6, and 7.

Section 4. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at Town of Mammoth Lakes, Town Hall, 437 Old Mammoth Rd., Suite R, Mammoth Lakes, CA 93546. The custodian for these records is Town Clerk. This information is provided pursuant to Public Resources Code section 21081.6.

APPROVED AND ADOPTED THIS 7th day of December, 2016.


SHIELDS RICHARDSON, Mayor

ATTEST:

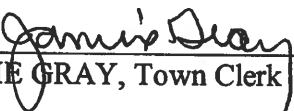

JAMIE GRAY, Town Clerk

EXHIBIT 1

FINDINGS OF FACT PURSUANT TO CEQA GUIDELINES SECTION 15091

SECTION 1: INTRODUCTION.

Findings for the Final Program Environmental Impact Report (EIR), State Clearinghouse Number 2015052072, are being made pursuant to State CEQA Guidelines §15091.

1.1 Statutory Requirements for Findings

The Final EIR consisting of the Draft and Final EIR is consistent with State CEQA Guidelines Section 15132 relative to the contents of the FEIR, including but not limited to a table of contents, summary, the project description, environmental setting, a discussion of the affected environment and environmental consequences, mitigation measures, unavoidable adverse impacts, impacts found not to be significant, cumulative impacts, project alternatives, Draft Mitigation and Monitoring plan, comments and recommendations received on the Draft EIR, and responses to the comments received on the Draft EIR.

Consistent with the requirements of CEQA and the Guidelines, the FEIR for the Town of Mammoth Lakes Land Use Element/Zoning Code Amendment and Mobility Element Update identifies environmental effects in proportion to their severity and probability of occurrence. The FEIR identifies certain potentially significant adverse environmental effects of the project. The FEIR also identifies mitigation measures, which will reduce or eliminate these potentially significant effects. The analysis contained in the FEIR also concludes that after the incorporation of mitigation measures the project would result in a significant and unavoidable impacts in the following areas:

- Air Quality
- Public Services (Recreation)
- Transportation and Traffic

CEQA Guidelines Section 15091 requires specific findings in conjunction with approval of a project that will create one or more significant environmental effects. Specifically:

15091. Findings

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

For the significant direct and cumulative effects identified in the FEIR, the findings are:

Air Quality: The Project includes mitigation measures that will reduce pollutants to comply with state and federal regulations. With the incorporation of the mitigation measures as well as the scope of the Project, development associated with the plan would not be expected to result in air pollution levels that exceed federal standards. However, despite the implementation of the Updated Mobility Element and multiple measures that will reduce town generated emissions, emissions from activities within the community would continue to result in exceedances of the state standard for PM-10. Transport of ozone from the central valley would continue to cause exceedances of the state one-hour standard for ozone. While mitigation is incorporated into the project that substantially lessens the impact and meets federal requirements, no feasible mitigation measures to reduce existing and future PM-10 levels to meet the state standard have been identified.

Public Services (Recreation): The proposed project would result in an increase in population for the town which would increase the demand for parks and recreational services. Existing and proposed park facilities including recent improvements to Whitmore Park, new planned park and recreational facilities, access to other parks and recreational amenities, and funding associated with the DIF program, and Measure R and U, implementation of the Project would satisfy some of the demand for parks and recreational services but would not meet the Level of Service (LOS) goal of 5 acres of parks per 1,000 residents. As the Town is currently below the Level of Service goal of 5 acres of parks per 1,000 residents for developed parkland, and as the Project would further increase demand for parks and recreational facilities and would exacerbate impacts to parks and recreational facilities, impacts to parks and recreation facilities are considered significant and unavoidable.

Transportation and Traffic: Implementation of the recommended mitigation measures would reduce potentially significant LOS impacts at all affected intersections under all Project scenarios. However, if traffic demands do not meet signal warrants such improvements would not be implemented. Because implementation of the mitigation measures are under the jurisdiction of another agency, the approval of which are uncertain, the potentially significant impacts at Main Street intersections would be considered significant and unavoidable.

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In making these findings, not all of the rationale and data contained in the FEIR have been repeated. The FEIR and other source documents referenced therein are incorporated herein by reference as if set forth in full in this document. Except to the extent they conflict with the findings and determination set forth in this document, the analysis and conclusions of the FEIR, including responses to comments and any supplemental responses provided by Town of Mammoth Lakes staff and consultants in connection with the proposed project, are hereby adopted as findings by the Town Council of the Town of Mammoth Lakes.

EXHIBIT 2

STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR has identified and discussed significant environmental effects, which will occur as a result of the proposed General Plan Land Use Element/Zoning Code Amendments and Mobility Element Update (Project). With implementation of the Mitigation Measures discussed in the EIR, these effects can be mitigated to levels considered less than significant except for significant, unavoidable impacts in the areas of air quality, recreation, and traffic.

CEQA Section 21081 provides that no public agency shall approve or carry out a project for which an EIR has been certified which identifies one of more significant effects on the environment that would occur if the project were carried out unless the agency makes specific findings with respect to those significant environmental effects. Where a public agency finds that economic, legal, social, technological, or other considerations makes infeasible the mitigation measures or alternatives identified in the EIR, and thereby leave significant unavoidable effects, the public agency must also find that "specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment."

In making this determination, the Lead Agency is guided by CEQA Guidelines Section 15093, which provides as follows:

- a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having considered the unavoidable adverse impacts of the Project, the Town Council hereby determines that all feasible mitigation measures have been adopted to reduce or avoid the potentially significant impacts identified in the EIR, and that no additional feasible mitigation is available to further reduce significant impacts. Further, the Town Council finds that economic,

social and other considerations of the Project outweigh the unavoidable adverse impacts described previously. In making this finding, the Town Council has balanced the benefits of the proposed Project against its unavoidable environmental impacts and has indicated its willingness to accept those risks.

The following statements are in support of the Town's action based on the EIR and/or other information in the record. The following benefits of the proposed Project outweigh its significant environmental impacts

1. The Land Use Element/Zoning Code Amendments maintain an Urban Growth Boundary (UGB) which ensures that development will be contained within a small urban footprint and development does not encroach into the National Forest lands outside of the UGB. The National Forest lands outside of the UGB are available for recreation by residents and visitors. These areas include amenities such as Mammoth Lakes Basin, Devils Postpile National Monument, Red's Meadow, Inyo National Forest, and the John Muir and Ansel Adams Wilderness Areas. In addition, the MMSA includes ski, snowmobile, hiking, sightseeing and biking opportunities at Mammoth Mountain, Tamarack Cross-Country Ski Center at Twin Lakes, Scenic Gondola Rides, and Snowmobile Adventures. New residents and visitors would be able to utilize the range of recreational areas and parkland that surround the Town.
2. The Land Use Element/Zoning Code Amendments ensure that the carrying capacity of the town is not exceeded by using Project Impact Evaluation Criteria (PIEC) which includes but is not limited to evaluations of air quality, including vehicle miles travelled (VMT); biological resources; cultural resources; geology and soils; hazards; hydrology; land use; noise; public services and utilities, including water demand; and transportation. Use of PIEC is intended to help ensure that growth in the Town would not exceed the carrying capacity of infrastructure or other constraints, such as VMT and water supply, and that the potential for significant environmental impacts will be identified and mitigated to the extent feasible.
3. The Land Use Element/Zoning Code Amendments will allow flexibility in density/intensity in the Commercial Land Use Designations while ensuring that impacts to the public are mitigated through the use of PIEC during project evaluations. The Mobility Element Update would result in a greater use of alternate transportation through the provision of trails, bicycle lanes, and an increase in transit. The increase in intensity coupled with implementation of the Mobility Element Update would emphasize feet first and greater use of alternate transportation in the Town thereby reducing vehicle miles travelled (VMT). Additionally, focusing density within the commercial areas of town will help to create a thriving destination resort community with residential neighborhoods oriented around a series of distinct, connected and vibrant mixed use districts which provide a range of shopping, dining, services, and employment opportunities.
4. The Project will strengthen the Town's commitment to the "triple bottom line", which is the community's social, economic, and natural capital, and "feet-first" transportation strategies,

which emphasizes and prioritizes non-motorized travel first, public transportation second, and vehicle last.

5. The Project creates policies that will significantly improve accessibility throughout the community while reducing dependence on the automobile. The Project would assist in meeting the Town's objective to create a Downtown area in which people park their vehicles once and walk throughout the area thereby reducing congestion and vehicle miles travelled. Reducing vehicle miles travelled reduces emissions of certain criteria pollutants, including CO and NOx, which would help to reduce the proposed Project's air quality impact.
6. The implementation of the Mobility Element Update would meet the objectives of the 2007 General Plan to achieve a progressive and integrated multi-modal transportation system, one that emphasizes "feet first, public transportation second, and car last." In addition, the Mobility Element Update would be consistent with the California Complete Streets Act (AB 1358). AB 1358 requires that municipalities craft a specific network of travel options through an adopted General Plan circulation element. Under AB 1358, the Circulation Element must reflect land use patterns that further support the effectiveness of a multimodal transportation network. The Mobility Element Update would expand upon the Town's adopted Mobility Element, focus on multi-modal transportation, and provide specificity as required under AB 1358. Thus, the adoption of the Mobility Plan Update would engender regional and state confidence with respect to funding. A more secure funding source would further ensure future roadway, pedestrian, and transit improvements. Finally, the Mobility Element Update would result in a complete street network including alternate modes of transportation such as pedestrian, bicycle, trails, and multi-use paths.
7. The combined Land Use Element/Zoning Code Amendments and the Mobility Element Update would implement California Senate Bill 375 (SB 375), which requires that land use and transportation planning be integrated to reduce VMT. Under SB 375, this is achieved through land use patterns that allow alternatives to the automobile, such as proximity of residential uses to jobs, services, and other destinations that accommodate walking and cycling. The Land Use Element/Zoning Code Amendments and the Mobility Element Update would also implement SB 743, which is intended to support residential/mixed-use densification for the purpose of inducing greater pedestrian and other multi-modal activity and, thus, reduce vehicle miles traveled. Given the benefits of the Land Use Element/Zoning Code Amendments and Mobility Element Update in supporting the "feet first" objectives of the General Plan and addressing State legislation to reduce VMT.

For the foregoing reasons, the Town Council approves the Project despite these potentially significant environmental effects, which can be considered "acceptable". (State CEQA Guidelines § 15093.)

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EXHIBIT 3

**FINAL ENVIRONMENTAL IMPACT REPORT (EIR) FOR LAND USE
ELEMENT/ZONING CODE AMENDMENT AND MOBILITY ELEMENT UPDATE,
INCLUDING THE MITIGATION MONITORING AND REPORTING PROGRAM
(SECTION 4.0 OF THE FINAL EIR)**

(SCH No. 2015052072)

DOCUMENT IS AVAILABLE ON THE TOWN WEBSITE HERE:

<http://www.townofmammothlakes.ca.gov/DocumentCenter/View/6338>

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EXHIBIT 4

**DRAFT ENVIRONMENTAL IMPACT REPORT FOR
LAND USE ELEMENT/ZONING CODE AMENDMENT AND MOBILITY ELEMENT
UPDATE**

(SCH No. 2015052072)

DOCUMENT IS AVAILABLE ON THE TOWN WEBSITE HERE:

VOLUME I: DRAFT EIR AND APPENDIX A:

<http://www.townofmammothlakes.ca.gov/DocumentCenter/View/6088>

VOLUME II: APPENDIX B THROUGH APPENDIX F:

<http://www.townofmammothlakes.ca.gov/DocumentCenter/View/6089>

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EXHIBIT 5 PROPOSED REVISIONS TO THE GENERAL PLAN¹

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L.1.A. Policy: ~~Limit total peak population of permanent and seasonal residents and visitors to 52,000 people.~~ Utilize Project Impact Evaluation Criteria (PIEC) to evaluate the relationship between growth, density, and population to ensure the balance of economic, social, and environmental factors so as to ensure that development does not exceed the carrying capacity of the Town.

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L.3.F. Policy: ~~Ensure appropriate community benefits are provided through district planning and development projects.~~

L.3.F.1. Action: ~~Study the experiences of other communities in finding fair and equitable standards and formulas for gaining community benefits.~~

L.3.F.2. Action: ~~Develop formula-based methods and standards for community benefits applicable to projects of a certain size.~~

L.3.F.3. Action: ~~Develop and maintain a list of uses, facilities, infrastructure, programs and services for use as community benefits.~~

L.3.F.4. Action: ~~Develop size, space and program characteristics and criteria for uses and facilities deemed as community benefits.~~

L.3.H. Policy: ~~Density may be clustered or transferred within clearly articulated district, master and; specific plans to enhance General Plan goals and policies. Development rights may also be transferred between districts when that transfer furthers protection of identified environmentally sensitive areas.~~

L.3.H.1. Action: ~~Prepare a transfer of development rights ordinance describing the methods and findings for approving such density transfers.~~

L.5.G. Policy: ~~In the C-1 and C-2 Designations, density may be increased to no more than twice the density for hotel, motel, and similar transient lodging projects that specifically enhance the tourism, community, and environmental objectives of the Town. This enhancement must be through the provision of amenities, services, and/or environmental benefits above and beyond those required to meet the incremental demands of the project. These amenities, services, and environmental benefits include, but are not limited to those listed under "Community Character" on page 24 of this General Plan. Any such increase shall further the Community Vision, shall be consistent with the discussion of "Build-out" on page 37 of this General Plan, shall be consistent with approved District Plans, and shall be subject to such rules, processes, and findings~~

¹ Strikethrough/underline is used to show the deleted and new text. The text shown in strikethrough is text to be deleted and the text shown in underline is new text.

as may be adopted by the Town Council in its sole discretion. The Town shall review and adjust, as needed, the General Plan's buildout calculations every five years. If construction of significant commercial/lodging/residential products has not occurred within the five year period, a summary of construction shall be prepared and included in the General Plan files but a detailed buildout analysis shall not be required.

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Commercial 1 (C-1) The C-1 designation allows medium-scale, commercial mixed uses. ~~The base density for residential is six (6) to a maximum of twelve (12) residential dwelling units per acre and a maximum of forty (40) hotel rooms per acre. The maximum floor area ratio is 2.0.~~ This designation is located along Main Street between the North Village district and Mono Street, and is intended to create a transition zone to the more intensive Commercial 2 and North Village designation. ~~A minimum floor area ratios and amount of commercial uses will be established in the Zoning Code.~~

Commercial 2 (C-2) This designation allows for the community's medium- and large-scale commercial uses. ~~The base density for residential is six (6) to a maximum of twelve (12) residential dwelling units per acre and a maximum of forty (40) hotel rooms per acre. The maximum floor area ratio is 2.0.~~ Intended uses include retail and office space for services as well as visitor lodging and residential uses. ~~A minimum floor area ratio and amount of commercial uses will be established in the Zoning Code.~~

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~~Determining a reasonable build-out forecast for the 20-year planning period of the General Plan is challenging. Although many different approaches can be used to make projections, any forecast must acknowledge that because of changing demographics, market and economic conditions, numbers will be constantly changing.~~

~~The build-out population for the General Plan was established by preparing a recreational trend forecast, a demographic and economic trend forecast and a land use capacity analysis. The recreation trend forecast looked at recreational visitor trends that support factors for growth using a ratio of visitation to project a future population. The demographic and economic trend forecast, based on the University of California at Santa Barbara (UCSB) Economic Forecast Project, did the same relative to economic and population trends. The land use capacity analysis assessed the number of units and population that could be developed through certain land use designations and development assumptions.~~

~~The assumptions of the three models support the projection that the total number of residents, visitors and workers on a winter weekend will grow to between 45,000 to 52,000 by the year 2025. Based on these analyses, the General Plan establishes a policy of a total peak population of residents, visitors and employees at 52,000 people. Ultimately, these land use designations could result in a build-out population over 52,000 but less than 60,000 if all land were built to capacity.~~

~~The following paragraphs describe how build-out will be limited to 52,000 people.~~

~~Maintaining build-out population will be achieved through implementation of the General Plan goals and policies. First: district planning will be conducted to establish project context, program and characteristics. Second: project-related impacts will be evaluated and mitigated to maintain acceptable Levels of Service and population policies through the California Environmental Quality Act (CEQA) or other analysis. Third: project-related market, economic and fiscal impacts will be evaluated as needed. Next, the functional and aesthetic qualities of site and architectural design will be evaluated through the discretionary review process. Because of superseding development regulations, site conditions, design review and market conditions, not all sites will be able to meet these standards at maximum density and overall density will be reduced.~~

~~Designation of a site for a certain use does not necessarily mean that the site will be developed with the designated use and density within the horizon of the General Plan. Similarly, sites that are not anticipated to be developed may actually be used. For the purposes of calculating land use capacity, the following assumptions are used:~~

- ~~• Population is described as People at One Time (PAOT) and includes residents and visitors. PAOT is used as a measurement because of the large visitor population in the town of Mammoth Lakes at any given time~~
- ~~• Peak population is described for approximately the seventh busiest winter day, which is the Town's typical winter Saturday~~
- ~~• Development on individual parcels will be controlled by lot coverage limits, building height restrictions, floor area ratio limits, and implementation of community benefit and performance standards and policies in the various master and specific plans~~
- ~~• The capacity of the ski area will remain constant over the next twenty years~~

- ~~• The number of people engaged in activities other than skiing will increase as the town matures from 25% to between 35% and 45%~~
- ~~• Permanent population will grow at a rate of between 1.4% and 2.4% per year~~
- ~~• Permanent resident units accommodate 2.4 people per unit on average and all other units accommodate 4 people per unit on an average winter Saturday (These household size and occupancy assumptions are based on past utilization and are simply used to calculate potential build-out. They do not constitute policy.)~~
- ~~• Most commercial development will take place in the Resort, North Village, and Commercial 1 and 2 designations. The total amount of commercial development at build-out is anticipated to be 1,265,000 square feet~~

~~Industrial development will be limited primarily to the "Industrial" designation; although, there will be a small amount in other designations. The total amount of industrial development at build-out is anticipated to be approximately 500,000 square feet~~

Build Out

The Land Use Element of the General Plan establishes the location and intensity of planned land uses. Buildout, as described in this General Plan, refers to the maximum number of potential residential units and maximum amount of commercial, industrial, and non-residential square footage within the Town's municipal boundary. The General Plan buildout provides a framework for the future growth of the Town of Mammoth Lakes. While the buildout projection identifies areas for potential growth and development, it is not expected that the full buildout will be reached in the 20-year horizon of the General Plan.

The buildout shapes how the town will look and feel and guides municipal infrastructure and facility needs. The buildout also informs the Town's Capital Improvement Plan (CIP) that delineates the location and improvements associated with each public facility. CIPs are prepared based on the buildout information and are updated over time to reflect changing community conditions. The Development Impact Fee program is based on the Capital Improvement Plan and the anticipated future infrastructure and facility needs. Development Impact Fees fund only physical improvements and the General Fund finances operations and maintenance. Additionally, buildout projections are used by other partner agencies like the Mammoth Community Water District to inform their future planning of infrastructure and facilities.

The General Plan buildout captures significant population fluctuations caused by the seasonality of the Town's economy. Planning for facilities and infrastructure requires an understanding of these population fluctuations, as demand for some services are created by the permanent population and other demands are created by peak populations, which include permanent and visitor populations. For example, planning for facilities such as libraries, schools, and parks is based on the buildout of the permanent population. Utility planning (for water, sewer, etc.) is based on service usage during peak periods. Air quality limitations (measured in part by Vehicle Miles Traveled (VMT)) are also based on usage on the Town's Design Day which is the 7th busiest winter Saturday.

In the past, the Town used People at One Time (PAOT) as the metric for calculating buildout. After the General Plan was approved in 2007 using PAOT to calculate buildout, the Town Council reviewed PAOT and in 2009 adopted Resolution No. 09-22 which approved a shift away from PAOT-based project evaluation to impact based evaluation and mitigation, reflecting and

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including the following: The impacts in the 2007 General Plan FEIR Alternative 3: Reduced Development Alternative corresponding to 52,000 PAOT should be used as benchmarks and standards in evaluating projects and planning documents to acceptable impact levels. Additionally, in June of 2009 the Town Council adopted Resolution No. 09-34 which further emphasized the shift away from PAOT and recommended that the General Plan policy setting the peak population at 52,000 be amended to reflect the shift from PAOT to PIEC. The current buildout calculation reflects this shift away from counting people. The buildout presented here is based on residential and lodging units and commercial square footage which is a common practice in California to calculate General Plan buildout.

Although many different approaches can be used to make buildout projections, any forecast must acknowledge that because of changing demographics, market and economic conditions, numbers will be constantly changing. As a part of the update process in 2016, Town staff worked to make the buildout calculation as clear as possible using objective assumptions, with the goal that the buildout will be easily replicated in the future. Information from the Department of Finance, the Town's Development Impact Fee Population Analysis (July 2015), and the Town's GIS system, has been used to prepare the buildout projection.

Land Use Designation/Proposed Maximum DU/AC and FAR	Total Land Area (acres) ¹		Existing		Existing Commercial and Industrial (sq ft) ²	Assumed Density and Intensity for Future Development ³	New Future Units ⁴	New Commercial and Industrial (sq ft) ⁵	Total Units at Buildout ⁶	Total Population at Buildout ⁶	Total Commercial and Industrial (sq ft) at Buildout ⁵
	Total Land Area (acres) ¹	Vacant Land Area (acres) ¹	Existing Units ⁷	Existing Commercial and Industrial (sq ft) ²							
RESIDENTIAL											
Low-Density Residential 1 (LDR-1) - 2 DU/AC	208	61	287	-	-	2 DU/AC	122	N/A	409	1,419	N/A
Low-Density Residential 2 (LDR-2) - 4 DU/AC	384	69	1,569	-	-	4 DU/AC	276	N/A	1,845	6,402	N/A
High-Density Residential 1 (HDR-1) - 6-12 DU/AC	112	36	692	-	-	12 DU/AC	604	N/A	1,296	4,497	N/A
High-Density Residential 2 (HDR-2) - 6-12 DU/AC, 36 rooms/AC	263	12	3,886	-	-	12 DU/AC	144	N/A	4,030	13,984	N/A
Resort (R) - 6-8 DU/AC, 12-16 rooms/AC ¹²	554	292	1,719	65,175	N/A	N/A	1,943	305,675	3,662	12,707	370,850
COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL PUBLIC											
Commercial 1 (C-1) - 0.75 - 2.0 FAR ¹⁴	32	2	226	24,984	2.0 FAR	2.0 FAR	180	1,857	406	1,409	26,841
Commercial 2 (C-2) - 0.75 - 2.0 FAR ¹⁴	90	8	559	1,021,994	2.0 FAR	2.0 FAR	659	339,520	1,218	4,226	1,361,514
Industrial (I) ^{9 10}	68	68	2	296,941	N/A	N/A	-	196,606	2	2	493,547
Institutional Public (IP) ¹¹	218	30	36	-	4 DU/AC	4 DU/AC	193	N/A	229	795	N/A
SPECIFIC PLAN											
Clearwater Specific Plan (CSP) - 80 rooms/AC ⁷	6	N/A	74	11,948	80 rooms/AC	80 rooms/AC	170	41,500	244	845	41,500
North Village Specific Plan (NVSP) ^{7 13}	57	29	599	131,033	1,359	1,359	1,359	3,967	1,958	6,794	135,000
OTHER											
Airport (A)	192	N/A	N/A	7,250	N/A	N/A	N/A	40,000	N/A	N/A	40,000
Open Space (OS)	317	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
National Forest (NF)	12,837	N/A	259	350,234	N/A	N/A	N/A	N/A	259	899	N/A
TOTAL	15,337	607	9,902	1,909,559	N/A	N/A	5,650	829,125	15,558	53,980	2,469,252

Footnotes:

1. Acres are given as adjusted gross acreages rounded to the nearest acre, which do not include right-of-ways.
2. Consistent with Zoning Code Section 17.32.110.C.7 a hotel room is considered one-half of a unit.
3. Includes all non-residential uses including post office, office uses, day care, retail, industrial, etc.
4. Residential density is expressed as dwelling units per acre and commercial intensity is expressed as floor area ratio (FAR), which is the amount of building square feet in relation to the size of the lot.
5. Includes 172 units within the HDR-1 land use designation achieved through a Town or State density bonus.
6. The total population number includes all residents/visitors in town with 100 percent occupancy. The vacancy rate fluctuates in town between a year-round vacancy rate of 72% to a seasonal vacancy rate of 10% (Tishler Bise DIF Report 2015). Assuming the seasonal vacancy rate the maximum population in town at buildout would be 48,582.
7. The total number of units and square footage of retail and nonretail uses for Specific Plans were taken directly from the approved land use plans associated with each Specific Plan document.
8. Estimates of population by residential designation are based on an average of 3.47 people per unit which is consistent with the 2007 General Plan.
9. The Industrial Zone includes two caretakers units that are limited to only one person per unit as the caretaker of the property.
10. Assumptions for buildout of the Industrial Land Use Designation are consistent with the 2007 General Plan.
11. The General Plan permits housing accessory to the college within the IP land use designation at a density of 4 units per acre. The Kern Community College District/Mammoth Lakes Foundation owns a total of 229 acres of land and has constructed 36 units of student housing.
12. Density is based on approved Master Plans.

13. Commercial density in the North Village Specific Plan is limited to 135,000 square feet. The NVSP also includes an allowance for up to 3,317 rooms of density which can be converted to commercial square footage at a rate of 1 room per 450 square feet of commercial area. It is likely that the commercial square footage in the Village will exceed 135,000 but the increase in commercial square footage would result in a decrease in rooms.

14. Vacant land within the C1 and C2 land use designations includes frontage road area of 2.6 acres total (0.9 acres within the C1 and 1.7 acres within the C2).

Appendix A: Action Table

~~L.3.F.1. Action: Study the experiences of other communities in finding fair and equitable standards and formulas for gaining community benefits.~~

~~L.3.F.2. Action: Develop formula-based methods and standards for community benefits applicable to projects of a certain size.~~

~~L.3.F.3. Action: Develop and maintain a list of uses, facilities, infrastructure, programs and services for use as community benefits.~~

~~L.3.F.4. Action: Develop size, space and program characteristics and criteria for uses and facilities deemed as community benefits.~~

~~L.3.H.1. Action: Prepare a transfer of development rights ordinance describing the methods and findings for approving such density transfers.~~

Appendix E: Useful Terms for Understanding the General Plan

- **Community Benefit**

~~A community benefit as used in this plan is a project component(s) that enhances the tourism, community, or environmental objectives of the Town through the provision of amenities, services, or environmental benefits above and beyond those required to meet the incremental demand of the project itself. These amenities, services, and environmental benefits include, but are not limited to those listed under Community Character on page 24 of this General Plan.~~

- Floor Area. The total horizontal enclosed area of all the floors below the roof and within the outer surface of the walls of a building or other enclosed structure unless otherwise stipulated.

The following is included in Floor Area: Floor area includes, but is not limited to, all habitable space (as defined in the California Building Standards Code) that is below the roof and within the outer surface of the main walls of principal or accessory buildings or the centerlines of party walls separating such buildings or portions thereof or within lines drawn parallel to and two feet within the roof line of any building without walls. In the case of a multi-story building that has covered or enclosed stairways, stairwells or elevator shafts, the horizontal area of such features shall be counted only once at the floor level of their greatest area of horizontal extent.

The following is excluded from Floor Area: Floor area does not include mechanical, electrical, and communication equipment rooms that do not exceed two percent of the building's gross floor area; bay windows or other architectural projections where the vertical distance between the lowest surface of the projection and the finished floor is 30 inches or greater; areas that qualify as usable open space; and areas used for off-street parking spaces or loading spaces, driveways, ramps between floors of a multi-level parking garage, and maneuvering aisles that are located below the finish grade of the property.

For Non-Residential Uses: For non-residential uses, gross floor area includes interior walkways or corridors, interior courtyards, and walkways, paseos, or corridors covered by a roof or skylight. Non-residential gross floor area does not include arcades, porticoes, and similar open areas that are located at or near street level and are

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accessible to the general public but are not designed or used as sales, display, storage, service, or production areas.

- Floor Area Ratio (FAR). The ratio of floor area of a building or buildings on a lot divided by the total lot area. Floor area located below finished grade, the ceiling of which does not extend more than five feet above finished grade, is excluded when calculating FAR.

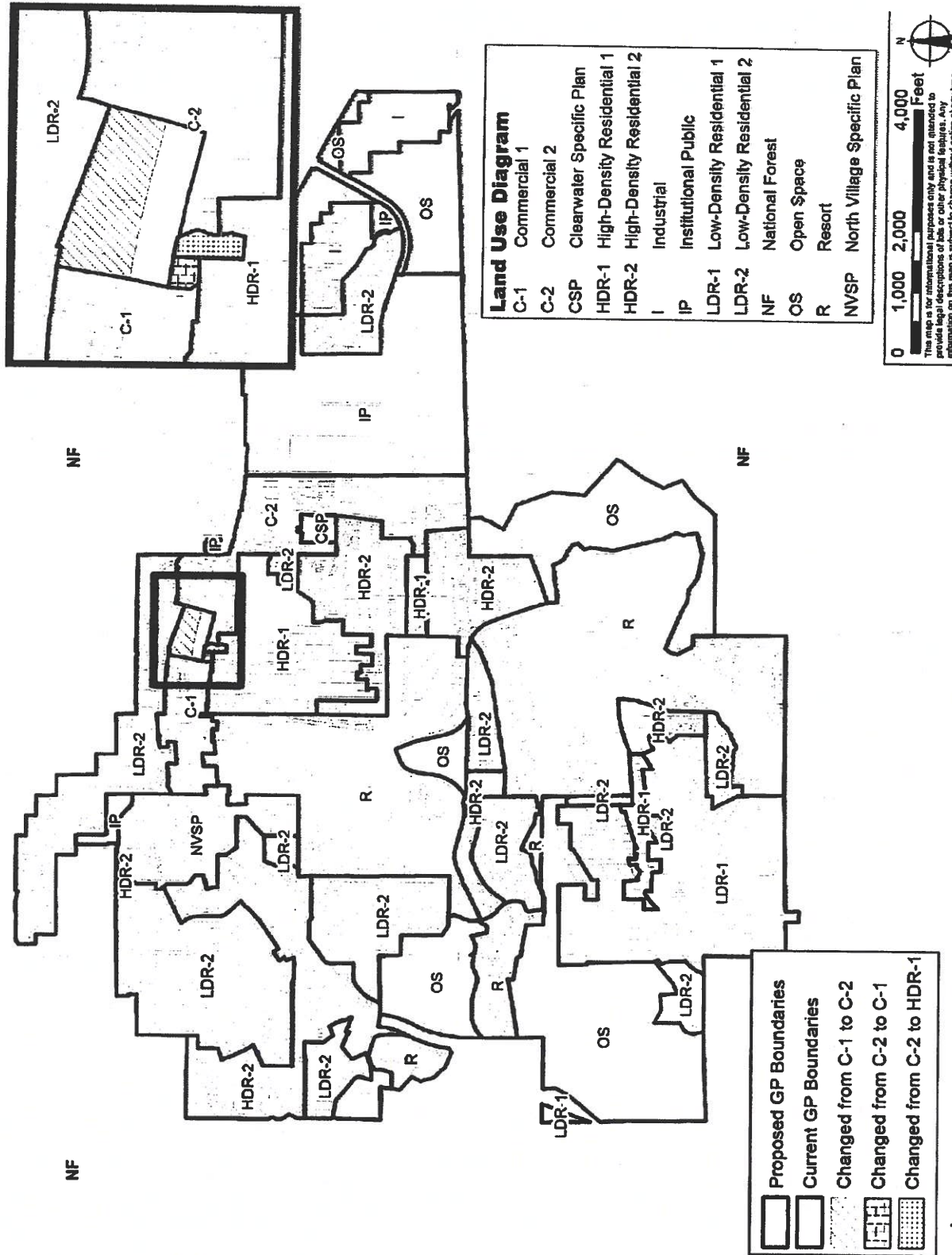
- People at One Time (PAOT)

~~Used in this General Plan as an estimate of the number of people — permanent residents, second homeowners, and visitors — residing (lodging) in the town on an average winter Saturday night.~~

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EXHIBIT 6

**PROPOSED REVISIONS TO THE GENERAL PLAN LAND USE DIAGRAM
(FIGURE 5 OF THE GENERAL PLAN)**



FIGURE

2-4

Proposed Revisions to the Land Use Diagram

Land Use Element/Zoning Code Amendment and Mobility Element Update
Source: Town of Mammoth Lakes, 2024.

EXHIBIT 7

DRAFT GENERAL PLAN MOBILITY ELEMENT

DOCUMENT IS AVAILABLE ON THE TOWN WEBSITE HERE:

<http://www.townofmammothlakes.ca.gov/DocumentCenter/View/5928>

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

I, JAMIE GRAY, Town Clerk of the Town of Mammoth Lakes, DO HEREBY CERTIFY under penalty of perjury that the foregoing is a true and correct copy of Resolution No. 16-68 adopted by the Town Council of the Town of Mammoth Lakes, California, at a meeting thereof held on the 7th day of December, 2016, by the following vote:

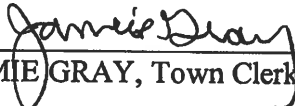
AYES: Councilmember Fernie, Hoff, and Mayor Pro Tem Wentworth

NOES: None

ABSENT: Councilmember Sauser and Mayor Richardson

ABSTAIN: None

DISQUALIFICATION: None



JAMIE GRAY, Town Clerk

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

I, JAMIE GRAY, Town Clerk of the Town of Mammoth Lakes, DO HEREBY CERTIFY under penalty of perjury that the foregoing is a true and correct copy of Resolution No. 21-10 adopted by the Town Council of the Town of Mammoth Lakes, California, at a meeting thereof held on the 3rd day of February 2021, by the following vote:

AYES: Councilmembers Stapp and Wentworth and Mayor Pro Tem Salcido

NOES: None

ABSENT: None

ABSTAIN: None

DISQUALIFICATION: Councilmember Rea and Mayor Sauser



JAMIE GRAY, Town Clerk